

STATE OF NEW YORK :

S.S.

COUNTY OF NEW YORK :

Michael M. Baden, M.D., of full age, being duly sworn according to law, hereby deposes and says:

1. I am applying to the Acting State Medical Examiner to correct an error on the Certificate of Death of John P. Sheridan, Jr. who died on September 28, 2014.
2. The Certificate of Death – Amendment Record at Item 46 lists the manner of death as Suicide. A copy of the Certificate of Death – Amendment Record (the “Certificate of Death”) is attached as Exhibit A.
3. It is my opinion to a reasonable degree of medical certainty that the correct manner of death set forth in Item 46 of the Certificate of Death of should be changed to Undetermined. In addition, Item 44 of the Certificate of Death should be changed to delete the reference to “self-inflicted” injuries.
4. The competent and clear proof of the errors on the Certificate of Death is set forth below.

A. Qualifications

5. I am the former Chief Medical Examiner of the City of New York and former Co-Director of the New York State Police Medico-Legal Investigations Unit. I received a Bachelor of Science Degree from The City College of New York and a Doctor of Medicine Degree from New York University School of Medicine. I trained at Bellevue Hospital Medical Center where I was an intern, resident and Chief Resident in pathology. I have been a Medical Examiner for more than 50 years and have performed more than 20,000 autopsies. I have also

participated in thousands of medico-legal investigations. I am a Diplomate of the National Board of Medical Examiners (1960). I am also a Diplomate of the American Board of Pathology, certified in Anatomical Pathology (1965), Clinical Pathology (1966), and Forensic Pathology (1966). I have held professorial teaching appointments at Albert Einstein Medical School, Albany Medical College, New York University School of Medicine, New York Law School and John Jay College of Criminal Justice. I have been a consultant to the Federal Bureau of Investigation, the Veterans Administration, the Federal Bureau of Alcohol, Tobacco and Firearms, and the United States Department of Justice. I was also Chairman of the Forensic Pathology Panel of the United States Congress Select Committee on Assassinations that reinvestigated the deaths of President John F. Kennedy and Martin Luther King. A copy of my curriculum vitae is attached as Exhibit B.

B. Purpose and Summary

6. I was retained by the Estates of Joyce and John Sheridan, and the Sheridan children to perform an autopsy on John P. Sheridan, Jr. On October 4, 2014, at the North Regional Medical Examiner's Office in Newark, New Jersey, I performed a second autopsy on John P. Sheridan, Jr., in the presence of Assistant Medical Examiner Dr. Eddy J. Lilavois, who performed the first autopsy. I also performed an external examination of the remains of Joyce C. Sheridan on October 4, 2014. I have been asked to provide my opinion regarding John Sheridan's manner of death.

7. The opinions set forth below are to a reasonable degree of medical certainty based upon my education, training and experience investigating deaths as a forensic pathologist and medical examiner for more than 50 years. In reaching my opinions I reviewed and considered the following:

- The Autopsy Report of John P. Sheridan, Jr. performed by Assistant Medical Examiner Dr. Eddy J. Lilavois on September 29, 2015 as amended (the "Autopsy Report"). A copy of the Autopsy Report is attached as Exhibit C.
- The second autopsy of John P. Sheridan, Jr. that I performed on October 4, 2015.
- Autopsy photographs taken by the Northern Regional Medical Examiner's Office of the Autopsies of Joyce C. Sheridan and John P. Sheridan, Jr.
- Autopsy photographs taken during the second autopsy.
- Meetings and conversations with Assistant Medical Examiner Dr. Eddy J. Lilavois.
- Crime scene photographs taken by the Northern Regional Medical Examiner's Office.
- DNA Reports prepared by the New Jersey State Police Office of Forensic Science. Copies of the DNA Reports are attached as Exhibit D.

- Forensic Serology Reports prepared by the State Police Office of Forensic Science. Copies of the Forensic Serology Reports are attached as Exhibit E.
- The Report of Dr. Henry C. Lee and Elaine M. Pagliaro, MS, JD, dated April 2, 2015. A copy of Dr. Lee's Report is attached as Exhibit F.
- Photographs taken by the Sheridan family of the Sheridan home.
- Meetings with representatives of the Somerset County Prosecutor's Office, including Prosecutor Geoffrey Soriano, Esq.
- The Report of the Somerset County Prosecutor's Office on the deaths of Joyce and John Sheridan dated March 27, 2015 (the "Prosecutor's Report"). A copy of the Prosecutor's Report is attached as Exhibit G.

C. Manner of Death

8. Manner of death is a classification of death required on all death certificates made on the basis of the cause of the death, findings at the scene of death, and the circumstances under which the death occurred. There are five accepted manners of death: natural; accident; homicide; suicide; and undetermined. The manner of death is listed as undetermined if the available information is not sufficient to classify the death as natural, accident, homicide or suicide.

9. It is my opinion to a reasonable degree of medical certainty that John Sheridan's manner of death is properly certified as Undetermined. The sharp force injuries incurred by Mr. Sheridan were inflicted by a weapon that has not been recovered. This suggests that the wounds were inflicted and the weapon was removed by a third person. Mr. Sheridan also suffered blunt force injuries to the chest and ribs that are consistent with his being struck with the fire poker recovered at the scene. In addition, Mr. Sheridan's right upper medial incisor was chipped. It is my opinion that all of these injuries are consistent with having been caused by a third person.
10. Based on my experience in medico-legal investigations, the fire in the Sheridans' bedroom is consistent with a fire set to destroy evidence of a homicide. That the matches and accelerant came from the house is not evidence that Mr. Sheridan set the fire. In my professional experience, fire is extremely unusual in cases of suicide. Further, suicides are not committed in a vacuum. The great majority of persons who take their own lives have histories of seeing physicians for depression, of speaking of suicide and of prior suicide attempts – none of these indicators are present in Mr. Sheridan's history.
11. The Prosecutor's Report misinterprets the autopsy findings and the available forensic evidence. It dismisses the stab wound to John Sheridan's neck and right jugular vein as "superficial." In fact, that stab wound was just as lethal as the homicidal stab wound to Joyce Sheridan's chest and aorta. The wound

is unusual in terms of its size, shape and direction, all of which are consistent with having been inflicted by a third person.

12. The available forensic evidence does not support the conclusions in the Prosecutor's Report. Finding Mr. Sheridan's DNA on his own household items such as kitchen knives, the gas can and Ms. Sheridan's hands cannot be considered evidence of his guilt. It is expected that his DNA would appear on household items recovered in his bedroom and in his bed. Spouses commonly have one another's DNA on them. That John Sheridan had no evidence of injuries or blood transfer resulting from a struggle with Joyce Sheridan further calls into question that he was her attacker.
13. There is no DNA evidence demonstrating that Mr. Sheridan committed this crime. Dr. Henry C. Lee, a leading forensic scientist and founder of the Henry C. Lee Institute of Forensic Science at the University of New Haven, has reviewed two DNA reports prepared by the New Jersey State Police Office of Forensic Science. Dr. Lee has concluded that swabs taken from the knife used to kill Joyce Sheridan contain DNA of an unknown male that is not consistent with the DNA profile of John Sheridan.
14. The Prosecutor's Report concludes that the crime scene was confined to the bedroom. Blood spatter outside the bedroom demonstrates that the crime scene was not confined to the bedroom. Blood spatter is evident on the wall of the second floor landing outside the bedroom. This blood spatter is separate from, and not consistent with, the bloodstains at the base of the wall. This blood spatter should have been collected and tested.

15. The forensic evidence is consistent with an individual wearing gloves, entering the house through an unlocked door to intentionally harm the Sheridans or to commit a burglary that went awry, murdered the Sheridans and set a fire to destroy evidence of the crimes. The evidence further suggests that the killer took the weapon used to stab John Sheridan in the neck when he left.
 16. Certifying John Sheridan's manner of death as Suicide is inconsistent with the results of both autopsies and the forensic evidence. It is my opinion that the conflicting evidence requires that John Sheridan's manner of death be certified as Undetermined.
- D. John Sheridan's Injuries**
17. John Sheridan suffered: (a) sharp force injuries consisting of three stab wounds and two incised wounds; (b) blunt force injuries; and, (c) thermal injuries.
 18. John Sheridan's fatal stab wound was not caused by any of the weapons recovered at the scene. Dr. Lilavois and I agree on this fact.
 19. A weapon in the shape of a stiletto-type knife caused John Sheridan's stab wounds. The blade of the weapon used to inflict these wounds is pointed, flat, approximately 1/2 inch in width and at least 2 inches in length. No such weapon was recovered at the scene.
 20. The initial autopsy of John Sheridan was performed by Dr. Lilavois on September 29, 2014. I performed a second autopsy on October 4th with Dr.

Lilavois present and I discussed his findings and all of the photos taken at the first autopsy with him.

21. John Sheridan's most significant injury is described in the Autopsy Report as Wound #3, a stab wound to the neck. This wound was located 59 inches above the right heel and 1 inch to the right of the anterior midline. It measured $\frac{3}{8}$ of an inch in width. The Autopsy Report does not state the depth of the wound. I measured it to be 2 inches in length. The path of the instrument causing this wound is oriented downward and slightly forward, and lacerated the right jugular vein.
22. The width and shape of Wound #3 proves that it could not have been caused by any of the knives recovered from the crime scene. Dr. Lilavois agrees with this conclusion.
23. Wound #3 is not "superficial" and cannot be dismissed as such.
24. Wound #2 is a stab wound to the left side of the neck of John Sheridan. It is located 64 inches above the heel and 4 inches below the external auditory canal. The wound is $\frac{1}{4}$ of an inch wide and approximately 1 and $\frac{1}{2}$ inches deep. A stab wound 1 and $\frac{1}{2}$ inches deep is not a "superficial" wound as stated in the Prosecutor's Report, nor is it a "hesitation wound." The wound could not have been inflicted by any of the knives recovered at the scene. Dr. Lilavois agrees with this conclusion.
25. Wound #4 is a stab wound approximately $\frac{1}{2}$ inch in width with a depth of approximately 2 inches. It is located on the right side of the chest and is oriented upward. It does not penetrate the chest cavity, but it does extend

into the muscles of the chest. A wound 2 inches deep that extends into muscle is not "superficial." Wound #4 could not have been caused by any of the knives recovered at the scene.

26. The second type of injury John Sheridan suffered was blunt trauma injuries. He suffered bruising of his chest and linear, non-displaced fractures to the 4th and 5th ribs on the left side and the 6th, 7th and 8th ribs on the right side. The rib fractures and the bruising are consistent with John Sheridan having been struck across the chest by the wrought-iron fire poker recovered from the Sheridans' bedroom, a room that does not contain a fireplace.¹
27. During my autopsy I noted John Sheridan suffered a blunt impact injury to one of his teeth, the right upper medial incisor, which was chipped laterally. The Autopsy Report, however, states "the teeth are natural and apparently in a good state of repair." John Sheridan's chipped tooth is more consistent with a blow from a fist as opposed to impact trauma from a falling armoire.
28. The third type of injury suffered by John Sheridan was thermal burns caused by the fire. The thermal injuries do not support the conclusion that he killed Joyce Sheridan, stabbed himself, and lit the fire in the master bedroom. That John Sheridan had black soot covering his face and soot in his nose, larynx, trachea and bronchial tree are not evidence that he lit the fire. It is evidence

¹ Although the fire poker does not appear on the evidence log, written communications between Mark Sheridan and Detective William Federico of the Somerset County Prosecutor's Office confirm that the fire poker was photographed by investigators on the day of the fire and was taken into evidence on October 31, 2014, when it was discovered by insurance investigators in the fire debris in the Sheridan's master suite.

that Mr. Sheridan was breathing after the fire started. It gives no indication as to whether he was conscious or unconscious while he was breathing.

29. Further, the charring to John Sheridan's right hand and forearm made it impossible to determine whether John Sheridan suffered defensive wounds to his right hand.
30. In totality, John Sheridan's injuries are consistent with having been inflicted by a third party.

E. The Missing Weapon

31. John Sheridan was not stabbed by any of the weapons recovered from the Sheridan residence. On October 4, 2014, as I performed the autopsy, Dr. Lilavois advised me of the results of his autopsy. He identified to me each of the five sharp force wounds suffered by John Sheridan.
32. Dr. Lilavois advised me that it was his opinion at the conclusion of his autopsy that the stab wounds were not caused by the knives recovered from the master bedroom and shown to him to him by investigators. The Prosecutor's Report indicates that his Office did not learn that the knives recovered at the crime scene had not caused the stab wounds to John Sheridan until October 4, 2014, following my autopsy.² The Prosecutor's Statement is inconsistent with Dr. Lilavois's statements to me. Identifying the weapon(s) used to cause injury or death is an immediate concern in all

² Prosecutor Soriano himself advised both the family and the media that he was unaware that his office was not in possession of the weapon used to stab John Sheridan until he received a call from Mark Sheridan following my autopsy on October 4, 2015.

traumatic death autopsies and investigations and would routinely be done at the time of the initial autopsy.

33. On October 4, 2014, the Prosecutor's office retook possession of the Sheridan's home. The second search of the home and the surrounding property by the Prosecutor's Office failed to locate the weapon used to stab John Sheridan.
34. The Prosecutor's Report notes that a piece of metal that had melted during the fire and solidified was located in the Sheridan's bedroom. That piece of metal was submitted to the New Jersey State Police Office of Forensic Science for examination, which found it was made predominantly of zinc with small percentages of aluminum and copper. The mass weighed almost 5 ounces.
35. Dr. Lee has opined that both the weight and composition of this mass of metal make it inconsistent with a knife.
36. The piece of metal was subsequently tested for evidence of blood. No blood was found.
37. In suicidal deaths the weapons used are recovered at the death scene. This is not always true in homicidal deaths.
38. The knife used to stab John Sheridan was not recovered at the crime scene and the mass of metal that was recovered is not consistent with a knife. This is more consistent with a homicidal death than a suicidal death.

F. The DNA Evidence

39. The DNA evidence does not support the conclusion that John Sheridan killed Joyce Sheridan and then committed suicide. It suggests the involvement of a third party, an unknown male.
40. The Prosecutor's Report notes that a small amount of male DNA was recovered from the handle of the knife used to kill Joyce Sheridan and that "John Sheridan could not be excluded as a possible contributor." The knife used to kill Joyce Sheridan was tested twice by the New Jersey State Police Office of Forensic Science for DNA, once on October 10, 2014 and then again on October 29, 2014. The first test failed to identify any of John Sheridan's DNA. Subsequently, the New Jersey State Police Office of Forensic Science conducted a PCR Y-STR analysis specifically designed to identify male DNA.
41. Dr. Lee reviewed both of the DNA Reports from the New Jersey State Police Office of Forensic Science. Dr. Lee has concluded that male DNA found on the handle of the knife used to kill Joyce Sheridan is not consistent with the DNA of John Sheridan. This finding indicates the involvement of a third party, an unknown male.
42. Finding John Sheridan's DNA on household items and the person of his wife is to be expected, and is of little or no forensic value.

G. The Blood Evidence

43. The lack of blood transfer from the victim Joyce Sheridan to the alleged perpetrator John Sheridan also suggests that John Sheridan did not stab his wife.

44. The Prosecutor's Report indicates that there is "blood outside of the master bedroom on the staircase and the wall that abuts the staircase." According to the Prosecutor's Report, "[a]side from that blood and blood in the master bedroom, there was no blood in any other area of the home." The Prosecutor's Report concludes that this blood "was observed to be deposited on top of the soot and on swipe marks in the soot, and, thus, the blood transfer in these areas were caused by the extrication of John Sheridan and Joyce Sheridan from the residence by the firefighters."
45. There is evidence of other blood outside the master bedroom. There is evidence of directional blood spatter on the wall immediately outside of the Sheridan's master bedroom. That blood spatter is not consistent with the blood swipe marks described in the Prosecutor's Report. This blood spatter was not collected and was not tested. It should have been tested as part of the forensic investigation. In my experience, it is not uncommon for cuts to occur on the hands of perpetrators during stabbing homicides which is why all blood spatter areas should have been tested.
46. The Serology Report indicates that only a single sample of blood from the floor of the bedroom was collected and tested. The blood spatters documented in crime scene photographs on the walls, furniture, doorjamb near where Joyce Sheridan's body was recovered and the floor of the hall to the master dressing room (which provides access to an unlocked exit) were not collected or tested. They should have been collected and tested as part of the forensic investigation.

H. John Sheridan's Behavior Is Not Consistent With Suicide


47. In my experience, suicide does not occur in vacuum. Typically it occurs in individuals who have a history of depression, who have spoken of suicide or have attempted suicide multiple times. John Sheridan exhibited none of these indicators. The Prosecutor's Report states that 180 interviews were conducted in none of which were any of these suicidal indicators described.
48. The setting of a fire rarely occurs when someone commits suicide; it is not unusual following a homicide in order to destroy evidence.
49. The circumstances surrounding John Sheridan's death are more consistent with homicide than suicide.

I. Conclusion

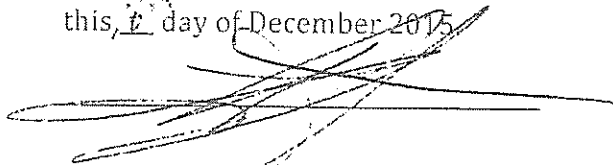
50. John Sheridan's cumulative injuries are more consistent with homicide than self-infliction. They are consistent with having been inflicted by a third party. The weapon used to stab John Sheridan was not recovered and indicates that it was removed by a third-party. The fact that the weapon was not recovered at the death scene is more consistent with a homicidal death than a suicidal death. The DNA evidence does not support the conclusion that John Sheridan killed Joyce Sheridan and committed suicide. In the opinion of Dr. Lee, the DNA evidence shows the presence of an unknown third-party, a male. The blood evidence does not support the conclusion that John Sheridan stabbed Joyce Sheridan. In addition, blood spatters found outside of the master bedroom should have been collected and tested. Finally, John Sheridan exhibited none of the indicators of suicide and the circumstances

surrounding his death including the fire are more consistent with homicide than suicide.

51. It is my opinion to a reasonable degree of medical certainty that John Sheridan's manner of death is properly certified as Undetermined.
52. The Certificate of Death should be amended at Item 44 to remove the reference to "self-inflicted injuries" and Item 46 should be changed to indicate the manner of death as Undetermined.


Michael M. Baden, M.D.

Sworn to and subscribed before me
this, 2 day of December 2015



LARRY P. SCHIFFER
NOTARY PUBLIC, State of New York
No. 30-471060B
Qualified in Nassau County
Certificate Filed in New York County
Commission Expires Oct 31, 2018



Date of Report: April 02, 2015

Date of Request: March 31, 2015

Request by: Dr. Michael Baden
Attorney Mark Sheridan

Town of Incident: Somerset , New Jersey

Agency No.: 1409-0675

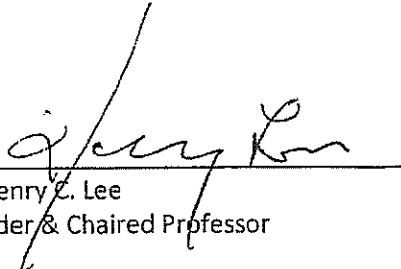
Items submitted: Set of laboratory reports and case documents

Results:

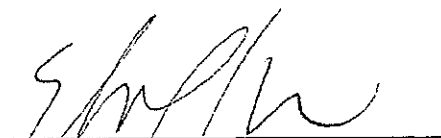
At the request of Dr. Michael Baden and the estate of John and Joyce Sheridan through Attorney Mark Sheridan, the Henry Lee Institute of Forensic Science at the University of New Haven, received several documents for review related to the deaths of John and Joyce Sheridan on January 28, 2015. After review of these materials the following were determined.

1. *Review of the New Jersey State Police DNA Laboratory report dated 10/10/2014.*
Results of PCR STR analysis of 16 evidentiary samples and two blood reference samples (# 6, John and #16, Joyce Sheridan) were presented in this report. STR results for 15 loci and amelogenin were presented.
 - a. Comparison of the DNA profiles for 15 STR loci obtained from blood reference samples from John and Joyce Sheridan to the evidence samples tested revealed the presence of an allele at D16S539 that originated from *neither* John *nor* Joyce Sheridan in the specimens numbered #1-2 (Knife), #3 (Swab-bedroom floor), #7 (Swab-armoire in bedroom), #5-1 (underwear), #14 (fingernail sample - left finger clippings(V)), #15 (fingernail sample-right finger clipping (V)), #17 (Left finger scrapings (V)), and #18 (Right finger scrapings (V)).
 - b. Y-STR results were shown for 16 loci tested on both the blood reference from John Sheridan and specimens # 14, #15, #17 and #18. Comparison of these results indicates that the Y - chromosome profile obtained from these samples matched the Y- Chromosome profile of John Sheridan. Thus, the DNA in these samples could have originated from John Sheridan or any or his paternal male relatives.
2. *Review of the New Jersey State Police DNA Laboratory report dated 10/29/2014.*
Results of PCR Y-STR analysis of six (6) areas of a knife, specimens #1-1 through #1-6, were reported.

- a. The majority of the 16 Y-chromosome loci tested produced no results with these specimens from the knife.
 - b. Specimen #1-3 gave conclusive results at two Y- chromosome loci. The alleles demonstrated at these two locations were also present in the Y-STR profile obtained from specimen #6 (John Sheridan).
 - c. Specimen #1-6 gave results at two Y-chromosome loci. One allele detected at locus DYS389I was not present in the Y-STR profile obtained from the blood reference sample of John Sheridan. This allele is not consistent with coming from John Sheridan or his paternal male relatives.
3. *Review of New Jersey State Police Trace Evidence Laboratory report dated 10/10/2014.* Results of analysis conducted on samples from items #20 ("piece of metal"), #22 ("metal TV piece"), #23 ("knife") and #24 ("knife") were reported. Techniques used included both microscopical and instrumental analysis.
- a. Item #20 was reported as containing a melted zinc-aluminum alloy. Item #22 consisted of a piece of aluminum metal. The knives in items #23 and #24 each were composed of a chromium-iron alloy.
 - b. The metallic composition of #20 is not consistent with the knives tested.
 - c. Zinc-aluminum alloy typically may be found in various cast metal applications and is not consistent with use in a knife blade.
4. *Review of the Somerset County Prosecutor's Office news release "Results of Sheridan Investigation Released."* Various facts and findings were summarized in this document.
- a. The summary of the investigation included the findings of both Dr. Michael Baden and the Assistant Medical Examiner of New Jersey; both concluded that the knives recovered from the incident scene master bedroom were inconsistent with causing the stab wounds of John Sheridan.
 - b. A piece of metal "embedded in the hardwood floor" near the body of John Sheridan was found to be 2" x 6.5" and submitted to analysis, as described in paragraph 3. According to the release, this metal weighed approximately 132.5 grams, which is 0.292 pounds.
 - c. These findings of a mass of over ¼ pound and the fact that the metal was a predominantly zinc alloy are inconsistent with the metal having been a typical kitchen knife or similar household knife.



Dr. Henry C. Lee
Founder & Chaired Professor



Elaine M. Pagliaro, MS, JD
Assistant Executive Director