

2014000160  
SB

Information - Circuit Court  
Original Complaint - Court  
Warrant - Court

Bind over/Transfer - Circuit/Juvenile Court  
Complaint copy - Prosecutor  
Complaint copy - Defendant/Attorney

STATE OF MICHIGAN 15TH JUDICIAL DISTRICT 22ND JUDICIAL CIRCUIT	COMPLAINT FELONY	T.C.N. NO.: DISTRICT: CIRCUIT:
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District Court ORI: MI- MI810055J  
301 E. Huron Street, Ann Arbor, MI 734-794-6750

Circuit Court ORI: MI- MI810015J  
101 E. Huron Street Ann Arbor, MI, 48107

THE PEOPLE OF THE STATE OF MICHIGAN	Defendant's name and address V <b>TIMOTHY JAMES SUTTON</b> AKA: <b>3244 ALPINE DR ANN ARBOR, MI 48108</b>	Victim or complainant
		Complaining Witness <b>MARGIE PILLSBURY</b>

Co-defendant(s)

Date: On or about  
**12/06/2013**

City/Twp./Village <b>Ann Arbor City</b>	County in Michigan <b>WASHTENAW</b>	Defendant TCN	Defendant CTN <b>81-14000160-01</b>	Defendant SID	Defendant DOB <b>05/06/1981</b>
Police agency report no. <b>UMPS13-3875</b>	Charge <b>See below</b>	DLN Type: <b>Oper./Chauf</b>	Vehicle Type	Defendant DLN <b>S 350 793 367 346</b>	

**STATE OF MICHIGAN, COUNTY OF WASHTENAW**

The complaining witness says that on the date and at the location described: 1425 E ANN ST, the defendant, contrary to law,

**COUNT 1: LARCENY IN A BUILDING**

did commit the crime of larceny in a hospital by stealing a controlled substance(s); contrary to MCL 750.360. [750.360]  
FELONY: 4 Years and/or \$5,000.00

**COUNT 2: CONTROLLED SUBSTANCE - USE**

did use the controlled substance fentanyl and/or morphine; contrary to MCL. 333.7404(2)(b). [333.74042B]

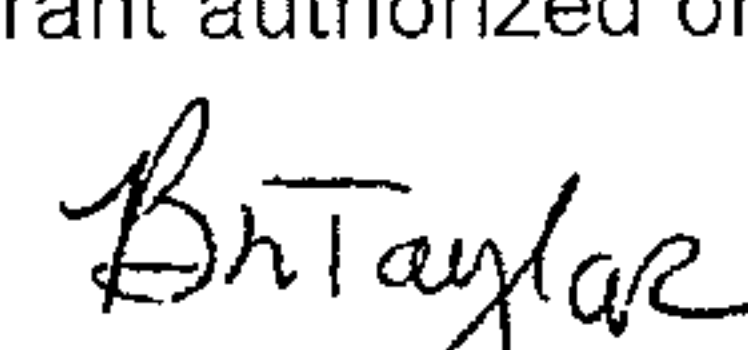
**HIV/HEPATITIS TESTING NOTICE**

Take notice that pursuant to MCL 333.5129, upon conviction, the court must order the defendant to be tested for hepatitis B infection, and for the presence of HIV or an antibody to HIV if the crime involved the intravenous use of controlled substance.  
MISDEMEANOR: 1 Year and/or \$1,000.00; Mandatory AIDS/hepatitis testing if intravenous use. The court shall impose license sanctions pursuant to MCL 333.7408a.

Upon conviction of a felony or an attempted felony court shall order law enforcement to collect DNA identification profiling samples.

**ON INFORMATION, BELIEF AND OTHER EVIDENCE**

The complaining witness asks that defendant be apprehended and dealt with according to law.

Warrant authorized on _____ by: _____ Date 01/16/2014  Brenda L. Taylor P59887
--

Complaining witness signature _____ Subscribed and sworn to before me on _____ Date _____ Judge/Magistrate/Clerk _____ Bar no. _____
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**OFFICER IN CHARGE: MARGIE PILLSBURY UMPS 13-3875**



**UNIVERSITY OF MICHIGAN POLICE DEPARTMENT**

1239 KIPKE DR.  
ANN ARBOR MI 48109  
734-763-3434



**Case Report**

**Administrative Details:**

CR No <b>1303875</b>	Subject <b>3595 - Illegal Use</b>
Report Date/Time <b>12/06/2013 14:13</b>	Occurrence Date/Time <b>From: 12/06/2013 12:00 To: 12/06/2013 12:55</b>
Location <b>1425 E ANN ST</b>	Call Source <b>Telephone</b>
Dispatched Offense <b>3595 - Drugs, Illegal Use of [35001]</b>	Verified Offense <b>3595 Drugs, Illegal Use of</b>
OIC <b>Pillsbury, Margie (UMPILLSBURYM-01285)</b>	OIC Contact Number
County <b>81 - Washtenaw</b>	City/Twp/Village <b>82 - Ann Arbor</b>
Division <b>Patrol</b>	

**Action Requested:**

- |  |                                      |
|--|--------------------------------------|
| <input type="checkbox"/> Arrest warrant    | <input type="checkbox"/> Review only |
| <input type="checkbox"/> Search warrant    | <input type="checkbox"/> Forfeiture  |
| <input type="checkbox"/> Juvenile petition | <input type="checkbox"/> Other       |



Offenses:		
<b>3595 - Drugs, Illegal Use of</b>		
IBR Code / IBR Group	Offense File Class	
<b>35A - Drug/narcotic Violations / A</b>	<b>35001 - VIOLATION OF CONTROLLED SUBSTANCE ACT</b>	
Crime Against	Location Type	Offense Completed
<b>SO</b>	<b>09 - Drug Store/Doctors Office/Hospital</b>	<b>Completed</b>
Domestic Violence	Hate/Bias	
<b>No</b>	<b>00 - None (No Bias)</b>	
Using		
<b>A-Alcohol: No C-Computer Equipment: No D-Drugs/Narcotics: Yes</b>		
Criminal Activity		
<b>P - Possessing/Concealing, U - Using/Consuming</b>		

People:									
<b>SUTTON, TIMOTHY JAMES (S-SUSPECT) [UMWILLIAMSP (00551)]</b>									
Last Name		First Name		Middle Name		Suffix		Mr/Mrs/Ms	
<b>Sutton</b>		<b>Timothy</b>		<b>James</b>					
Aliases			Driver License#			DL State	DL Country	Personal ID#	
			<b>S350793367346</b>			<b>MI</b>	<b>USA</b>		
DOB (Age)	Sex	Race	Ethnicity	Birth City & State	Birth Country		Country of Citizenship		
<b>05/06/1981 (32)</b>	<b>M</b>	<b>WHITE</b>							
Eye Color		Hair Color		Hair Style		Hair Length		Facial Hair	
<b>Blue</b>		<b>Brown</b>							
Complexion	Build	Teeth		Height	Weight	Attire			
				<b>6' 0"</b>	<b>310</b>				
Street Address			Apt #	County	Country	Home Phone		Work Phone	
<b>3244 ALPINE DR</b>				<b>Washtenaw</b>	<b>USA</b>			<b>734.936.4280</b>	
City			State	Zip	Cell Phone		Email		
<b>Ann Arbor</b>			<b>MI</b>	<b>48108-1766</b>	<b>440.666.5742</b>				
Passport#	Passport Country of Issue	School		School City			Grade	Active Military Status	
								<b>No</b>	
Employer		Employer Address			Employer Phone	Occupation		Employer CSZ	
<b>UM Medical Center</b>		<b>1500 E Medical Center Drive</b>			<b>734.936.4280</b>	<b>Anesthesiology Resident</b>		<b>48109</b>	

WINSTEL, SARAH COURTNEY (W-WITNESS) [UMWILLIAMSP (00551)]									
PE:	W.Type:	Last Name		First Name		Middle Name		Suffix	Mr/Mrs/Ms
	<b>MS</b>	<b>Winstel</b>		<b>Sarah</b>		<b>Courtney</b>			
DOB (Age)	Sex	Race	Ethnicity	Birth City & State	Birth Country		Country of Citizenship		
<b>05/02/1973 (40)</b>	<b>F</b>	<b>WHITE</b>							
Street Address			Apt #	County	Country	Home Phone		Work Phone	
<b>44923 Weymouth Dr</b>					<b>USA</b>				
City			State	Zip	Cell Phone		Email		
<b>Canton</b>			<b>MI</b>	<b>48188</b>	<b>734.329.2558</b>				
<b>Phone/Email</b>									
Type					Description				
<b>PAGER-Pager #1</b>					<b>34160</b>				

MATHIS, MICHAEL ROBERT (O-OTHER) (MP-MEDICAL PERSONNEL) [UMBUEHLERJ (01349)]									
PE:	W.Type:	Last Name		First Name		Middle Name		Suffix	Mr/Mrs/Ms
		<b>Mathis</b>		<b>Michael</b>		<b>Robert</b>			
DOB (Age)	Sex	Race	Ethnicity	Birth City & State	Birth Country		Country of Citizenship		





<b>09/23/1983 (30)</b>	<b>M</b>	<b>WHITE</b>					
Street Address		Apt #	County	Country	Home Phone	Work Phone	
<b>311 N Ingalls St</b>							
City		State	Zip	Cell Phone	Email		
<b>Ann Arbor</b>		<b>MI</b>	<b>48104</b>	<b>6103349520</b>			

<b>TREMPER, KEVIN (O-OTHER) (MP-MEDICAL PERSONNEL) [UMBUEHLERJ (01349)]</b>								
PE:	W.Type:	Last Name		First Name		Middle Name	Suffix	Mr/Mrs/Ms Dr
		<b>Tremper</b>		<b>Kevin</b>				
DOB (Age)		Sex	Race	Ethnicity	Birth City & State	Birth Country	Country of Citizenship	
		<b>M</b>	<b>WHITE</b>					
Street Address		Apt #	County	Country	Home Phone	Work Phone		
<b>1500 E Medical Center Dr</b>								
City		State	Zip	Cell Phone	Email			
<b>Ann Arbor</b>		<b>MI</b>	<b>48109</b>	<b>7342553332</b>	<b>ktremper@umich.edu</b>			
<b>Phone/Email</b>								
Type				Description				
<b>BU-Business Phone #1</b>				<b>7349364235</b>				

<b>CLARK, COURTNEY BETH (O-OTHER) (MP-MEDICAL PERSONNEL) [UMBUEHLERJ (01349)]</b>								
PE:	W.Type:	Last Name		First Name		Middle Name	Suffix	Mr/Mrs/Ms
		<b>Clark</b>		<b>Courtney</b>		<b>Beth</b>		
DOB (Age)		Sex	Race	Ethnicity	Birth City & State	Birth Country	Country of Citizenship	
		<b>F</b>	<b>WHITE</b>					
Street Address		Apt #	County	Country	Home Phone	Work Phone		
<b>316 Washington St</b>								
City		State	Zip	Cell Phone	Email			
<b>Dundee</b>		<b>MI</b>	<b>48131</b>	<b>7347770976</b>				

<b>HABEGER, CARRIE DYANNE (O-OTHER) (MP-MEDICAL PERSONNEL) [UMBUEHLERJ (01349)]</b>								
PE:	W.Type:	Last Name		First Name		Middle Name	Suffix	Mr/Mrs/Ms
		<b>Habeger</b>		<b>Carrie</b>		<b>Dyanne</b>		
DOB (Age)		Sex	Race	Ethnicity	Birth City & State	Birth Country	Country of Citizenship	
		<b>F</b>	<b>WHITE</b>					
Street Address		Apt #	County	Country	Home Phone	Work Phone		
<b>3607 Helen Ave</b>								
City		State	Zip	Cell Phone	Email			
<b>Ypsilanti</b>		<b>MI</b>	<b>48197</b>	<b>7345469550</b>				

<b>BOWSER-HUTCHINS, PMAELA MARLENE (O-OTHER) (MP-MEDICAL PERSONNEL) [UMBUEHLERJ (01349)]</b>								
PE:	W.Type:	Last Name		First Name		Middle Name	Suffix	Mr/Mrs/Ms
		<b>Bowser-Hutchins</b>		<b>Pmaela</b>		<b>Marlene</b>		
DOB (Age)		Sex	Race	Ethnicity	Birth City & State	Birth Country	Country of Citizenship	
<b>11/05/1974 (39)</b>		<b>F</b>	<b>WHITE</b>					
Street Address		Apt #	County	Country	Home Phone	Work Phone		
<b>3420 Meadow Hill Cir</b>								
City		State	Zip	Cell Phone	Email			
<b>Holly</b>		<b>MI</b>	<b>48442</b>	<b>5172907021</b>				

<b>CLARK, GARY WILLIAM (O-OTHER) (I-PERSON INTERVIEW) [UMBUEHLERJ (01349)]</b>								
PE:	W.Type:	Last Name		First Name		Middle Name	Suffix	Mr/Mrs/Ms
		<b>Clark</b>		<b>Gary</b>		<b>William</b>		
DOB (Age)		Sex	Race	Ethnicity	Birth City & State	Birth Country	Country of Citizenship	
<b>02/02/1962 (51)</b>		<b>M</b>	<b>WHITE</b>					
Street Address		Apt #	County	Country	Home Phone	Work Phone		



<b>10994 Lookout</b>					
City	State	Zip	Cell Phone	Email	
<b>Pinckney</b>	<b>MI</b>	<b>48169</b>	<b>7342763577</b>		

<b>GOZDOR, MICHAEL (O-OTHER) (I-PERSON INTERVIEW) [UMWILLIAMSP (00551)]</b>						
PE:	W.Type:	Last Name	First Name	Middle Name	Suffix	Mr/Mrs/Ms Dr
		<b>Gozdor</b>	<b>Michael</b>			
DOB (Age)	Sex	Race	Ethnicity	Birth City & State	Birth Country	Country of Citizenship
<b>01/06/1965 (48)</b>	<b>M</b>	<b>WHITE</b>				
Street Address	Apt #	County	Country	Home Phone	Work Phone	
<b>555 RIDGE POINT DR</b>			<b>USA</b>			
City	State	Zip	Cell Phone	Email		
<b>Dundee</b>	<b>MI</b>	<b>48131-8630</b>	<b>734.755.2006</b>			
Employer	Employer Address		Employer Phone	Occupation	Employer CSZ	
<b>UM Health Center</b>	<b>1500 E Medical Center Dr</b>			<b>Pharmacist</b>	<b>48109</b>	

<b>Property:</b>			
<b>1916 - Unknown Type Drug 5410 [UMJOHNSONJ (00245)]</b>			
Property Class	IBR Type	UCR Type	
<b>10</b>	<b>10 - Drugs/Narcotics</b>	<b>K - Miscellaneous</b>	
Status		Count	Value
<b>C - Confiscated In Drug, Forgery/Counterfeiting, Or Gambling</b>		<b>1</b>	<b>0</b>
Description	Disposition	Evidence Tag	
<b>Assorted drugs</b>			
Recovered Date/Time	Location	Owner	
		<b>U,</b>	
<b>Drug Information</b>			
Drug Type	Drug Quantity	Drug Measure	
<b>99 - Unknown Type Drug</b>	<b>1</b>	<b>DU - Dose Units/Items</b>	

<b>Narrative:</b>	
<b>CR No: 1303875-001 Written By: UMWILLIAMSP (00551) Date: 12/07/2013 09:30 AM</b>	
<p><b>NATURE:</b> Violation of Controlled Substance Act</p> <p><b>LOCATION:</b> University of Michigan Cardiovascular Center (CVC) -- 4th floor restroom 4332T 1425 E Ann, Ann Arbor, MI 48109</p> <p><b>RESPONDING OFFICERS:</b> Paula Williams, Police Officer John Buehler, Police Officer Timothy Komarmy, Hospital Security Shaun Kerriganm, Hospital Security</p>	



## REPORT RECEIVED:

On 12/6/Hospital Security requesting Police respond to fourth floor of the CVC for a staff member that was suspected to have gone into cardiac arrest in a bathroom and had a syringe on the floor with him. I was dispatched and responded to the location. Upon my arrival to the subject, Timothy James Sutton, had been taken to another room where he was receiving medical treatment. The bathroom that Sutton was found in had already been cleaned by environmental services staff, Gary Clark and the other initial responding staff members were already back to their normal duties. I began to interview staff members.

## STATEMENT OF WITNESS / Sarah Courtney Winstel, white female, DOB: 5/2/1973--

Winstel stated the following--

--She has been a nurse for 19 years.

--At approximately 12:50pm, she was assisting her patient to the patient bathroom (room 4332T) before they were discharged.

--On the way to the bathroom, the patient's friend stated the someone had been in the bathroom for a long time.

--She could see that the light was on in the bathroom, so she knocked.

--There was no answer so she knocked again, louder.

--Her patient confirmed that someone had been in there for a while.

--One of the Techs, Doug, went to get Gary Clark from Environmental Services to unlock the door while she got her patient into the staff bathroom just across from the locked bathroom.

--She was waiting outside for her patient to come out when Doug and Gary keyed into the bathroom.

--Doug yelled for help and when she looked over she could see green scrubs on the floor.

--She went in to help and saw Dr. Sutton on the floor--it looked like he had been on the toilet and fell forward, laying face down.

--In his right hand was an antiseptic wipe (a chloraprep pad) and on the floor there was a syringe with the cap off of the "filter needle."

--She, Doug, Linda and Pam log rolled Sutton over.

--Sutton's face was blue and he had foam/froth coming from his mouth.

--She tried to wake him up by rubbing his chest, but he was unresponsive.

--Someone said there was no pulse, so they started CPR.

--There was a vial of ephedrin that was on the floor as well--it looked unused.

--Sutton's bag of drugs was taken back to the Pharmacy.

--She kept her eye on the uncapped needle, and it was moved out of the way to protect medical staff working in the area.





--After everyone left the room, Gary Clark cleaned up the room.

STATEMENT OF PERSON INTERVIEW / Michael Gozdor, white male, DOB: 1/6/1965--

Gozdor stated the following--

--He is the Pharmacist.

--Residents are issue a Narcotic Kit at the beginning of their shift.

--Kevin Spencer returned the kit that was issued to Sutton.

--Spencer also had Sutton's black bag, but he did not take it from Spencer.

--All of the drugs were not able to be reconciled.

--At this time there 10mg of Morphine missing from the narcotic kit.

--Some of the medications (Fentanyl, Midazolam and Ephedrine) were transferred to Michael Mathias to work on a patient.

--Jennifer Stowitts documented the transfer.

--Sutton came to the Pharmacy before lunch, at approximately 11:15am complaining of a headache and stated that he suffers from migraines.

--He gave Sutton an employee pack of 1g Tylenol and 2 packs of 200mg Motrin for later.

STATEMENT OF OTHER PERSON / Jennifer Stowitts:

In a phone conversation with Dr. Norah Naughton, Stowitts stated she was not at work today and has no knowledge of events.

STATEMENT OF OTHER PERSON / Arnold Andreasen:

Andreasen stated that a medical procedure was complete and a portion of the Narcotic Kit assigned to Sutton has been returned by Michael Mathias. It contains some Fentanyl, Midazolam and Ephedrine.

STATEMENT OF WITNESS / Kevin Anthony Spencer, black male, DOB:1/25/1985:

Spencer stated the following--

--He started his shif at noon, but there was a lecture from 12pm to 1pm.

--Sutton may not have been in the lecture.

--After lecture, he is supposed to run breaks so he was at the computers to get his schedule together when the code was called.

--When he got to the bathroom, a male subject was on the floor laying on his back.

--CPR had already been started when he arrived.

--He did not recognize Sutton until later when someone said his name.

--He does not know Sutton well.

--There was an unknown syringe on the floor and another Ephedrine labelled "USED" with



Sutton's bag by the sink.

--He took the Ephedrine syringe and Sutton's narcotic bag to the Pharmacy and his personal bag to the Anesthesiology office.

--He left the unknown syringe on the floor.

--They sometimes carry used syringes in their pockets, which explains why the used syringe was on the floor.

#### LEIN INFORMATION:

Timothy James Sutton, white male, DOB: 5/6/1981, returns

--nil LEIN

--MI SOS valid driver's license

--valid Carry Concealed Pistol

#### INVESTIGATION / INFORMATION:

After interviewing related parties, I met with the Charge Nurse, Hannah Burkhardt, in the Trauma Burn Unit. Burkhardt stated that he had not arrived there yet and it may be another hour until Suttons is transferred from getting scans. Buehler and I returned to the Unit later to follow up with Burkhardt. Sutton had not yet been awake and was listed in serious condition. I also met with Kelli Booth Sutton (white female, DOB: 6/10/1978, 330.603.2302), Sutton's wife. She stated that Sutton had suffered recently with exhaustion and dehydration and had fainted recently at work. He was also taking weekly testosterone injections, but that seemed to be moving in a positive direction. I let her know that we had his cellphone, bag, necklace and keys.

#### EVIDENCE:

--20ml syringe with needle and chloraprep sponge [in a biohazard bag in a sharps tube]{syringe on floor of bathroom near subject; sponge in right hand}

--Plastic Patient bag containing:

----.9% Sodium Chloride 20ml {large opening of messenger bag}

----Diprivan 10mL Propofol 1% (qty: 4) {large opening of messenger bag}

----Cefazolin 1gm (qty:3) {big front pouch of messenger bag}

----Epinephrine 1mg {big front pouch of messenger bag}

----Lidocaine 10mg 1% {big front pouch of messenger bag}

----Naloxone HCL 4mg (qty:3) {big front pouch of messenger bag}

----Magnesium Sulfate 50% 2ml (qty:3) {big front pouch of messenger bag}

----Ketorolac Tromethamine 1ml (qty:3) {big front pouch of messenger bag}

----DiphenhydrAMINE 1ml (qty:9) {big front pouch of messenger bag}

----Pitressin 1ml {big front pouch of messenger bag}





----Ketorolac Tromethamine 1ml {big front pouch of messenger bag}  
----Levophed 4mg {big front pouch of messenger bag}  
----Ketorolac Tromethamine 30mg (qty:4) {big front pouch of messenger bag}  
----Hydralazine 1ml {big front pouch of messenger bag}  
----Precedex Dexmedetomidine 2ml (qty:2) {big front pouch of messenger bag}  
----Dexamethasone Sodium Phosphate 20mg {big front pouch of messenger bag}  
--UofM Hospitals Dept of Anesthesiology Controlled Substances Form (#510994) and Add On Log Sheet (2 pages)  
--Cardiac Narcotic Kit in a plastic baggie (labelled as such) #510994  
----Morphine 1mg/ml drawn in a syringe  
----Fentanyl 50mcg/ml drawn in a syringe  
----Ephedrine 5mg/ml drawn in a syringe  
----Ephedrine 50mg/ml vial  
----Midazolam 10mg/ml vial  
----Key on a retractable lanyard -- Comox DA211A#12  
--Medications returned from after patient procedure  
----Fentanyl 50mcg/ml drawn in a syringe (blue label; USED)  
----1mg/ml Midazolam drawn in a syringe (orange label; USED)  
----5mg/ml Ephedrine drawn in a syringe (purple label; USED)  
--Sharps Container (white/red)  
----contains 2 capped syringes, capped needles and scissors used when resuscitating Sutton  
--UM ID on a lanyard in a clear plastic  
--Apple iPad (grey w/ blue case on rear) -- UM Anesthesiology property  
--Pager (black) Unication Flex -- UM Hospital property

PROPERTY ITEMS:

--Timbuk2 Messenger bag (black) containing food items (boiled egg DISCARDED), blue stethoscope, Ondansetron 8mg (qty:3), Peptobismol chewables, eyglasses, MedChoice Starter Kit (qty:2), 25 gauge needles (qty:3), keys, multitool misc cards  
--iPhone 5 (black in case)  
--Salomon gym shoes with grey socks  
--Swiss Army trifold wallet (black) containing MI Driver's License, CCW license, Bank of America Debit card, Paypal Mastercard and Health Hub Mastercard.  
--Goldlike chain with similar Crucifix

\*\*\*\*All Items were placed into evidence locker #34 on 12/6/2013. On 12/7/2013, Jesse Johnson came into release Sutton's personal property: messenger bag and contents, iPhone, gym shoes



and socks, wallet and necklace.

IMAGE LOG:

IMG\_2041: P. Williams Business Card w/ case Number  
IMG\_2042: Cardiac Narcotic Bag 1  
IMG\_2043: Cardiac Narcotic Bag 2  
IMG\_2044: Returns from patient procedure  
IMG\_2045: [DELETE-light exposure]  
IMG\_2046: Close up returns from patient procedure  
IMG\_2047: Patient bag containing miscellaneous medications  
IMG\_2048: Needles back (qty:3)  
IMG\_2049: Needles front (qty:3)  
IMG\_2050: UM Anesthesiology Narcotic form  
IMG\_2051: UM Anesthesiology Log Form  
IMG\_2052: Pager  
IMG\_2053: [DELETE-shadow]  
IMG\_2054: iPhone 5  
IMG\_2055: UM ID and iPad  
IMG\_2056: capped syringe and chloraprep  
IMG\_2057: Sharps Container  
IMG\_2058: open messenger bag  
IMG\_2059: Timbuk2 messenger bag

CASE STATUS:

Open

CR No: 1303875-002 Written By: UMBUEHLERJ (01349) Date: 12/07/2013 11:39 AM

**Report Received / Arrival:**

While on patrol I responded to the University of Michigan Cardiovascular Center (CVC) for the report of a staff member that was found unconscious in a bathroom. Upon my arrival I made contact with Hospital Security who advised, Gary Clark, a custodian for the hospital had found the subject in the bathroom.

**Statement of Gary Clark:**

Gary Clark stated he was asked to unlock a bathroom door by patient care technician, Dough Backman. Gary Clark stated Backman advised him a patient family member had attempted to use the bathroom, but the door was locked. Gary Clark stated he unlocked the door and when he opened it he saw a subject lying on the floor face down. Gary Clark stated





Backman checked to see if the subject had a pulse and he exited the bathroom to yell for help. Gary Clark stated after medical staff moved the subject to another room he cleaned the bathroom. Gary Clark stated he bagged all the items that were left in the room. Gary Clark stated Backman had gone home already, but pointed out a nurse that responded to the room with he called for help.

**Statement of Bowser-Hutchins:**

I made contact with Pamela Bowser-Hutchins in the CVC PACU (post anesthesia care unit). Bowser-Hutchins stated she heard Gary Clark yell that someone was down and that it was one of theirs. Bowser-Hutchins stated she ran over to the bathroom and when she entered she saw a subject lying face down. Bowser-Hutchins stated another nurse named Sarah responded to the bathroom as well. Bowser-Hutchins stated Backman advised that he though he felt a pulse. Bowser-Hutchins stated they "log rolled" the subject over. Bowser-Hutchins stated when they rolled the subject over she saw a syringe with a needle in his right hand. Bowser-Hutchins stated the subjects hand had been under his body near his right hip. Bowser-Hutchins stated it looked like a 20cc syringe and with a 25gauge needle. Bowser-Hutchins stated she believed it was a 25gauge needle because the plastic connector was orange. Bowser-Hutchins stated the syringes the hospital uses are color coded. Bowser-Hutchins stated the syringe had blood in the end of the syringe where the needle attaches. Bowser-Hutchins stated she also saw a "Chloraprep" syringe (sponge applicator) in the subject's right hand. Bowser-Hutchins advised you use Chloraprep to clean an injection sight. Bowser-Hutchins stated she picked up the syringe with needle and Chloraprep and placed in the corner of the room under an IV pole so they would not get lost.

Bowser-Hutchins stated after the subject was moved out of the bathroom she re-sheathed the syringe that was in the subject hand. Bowser-Hutchins stated she placed the syringe and Chloraprep in a bag. Bowser-Hutchins stated she turned the bag over to the nurse manager, Carrie Habeger.

**Statement of Habeger:**

I made contact with Carrie Habeger in the CVC PACU. Habeger stated she had received a bag containing a syringe with a needle and a Chloraprep from Bowser-Hutchins. Habeger stated she was advised by Bowser-Hutchins that the items in the bag were found on the subject who coded in the bathroom. Habeger stated the subject who was found in the bathroom was Timothy Sutton, an anesthesiology resident. Habeger stated she turned the bag with the syringe over to Dr. Kevin Tremper, the head of the Department of Anesthesiology.

**Statement of Courtney Clark:**

I made contact with Nurse Practitioner Courtney Clark in the CVC Cardiovascular Intensive Care Unit. Courtney Clark stated Dr. Tremper had turned a messenger bag that belonged to Sutton. Courtney Clark stated Dr. Tremper asked her to hold onto the bag until the





police arrived and then turn the bag over to them. Courtney Clark stated she sat with the bag until she turned it over to me. Courtney Clark stated some person items of Sutton's were added to the bag. Courtney Clark also gave me a bag containing Sutton's shoes and socks. Courtney Clark advised that Sutton had been transferred to the Trauma Burn Intensive Care Unit.

**Information:**

I received a copy of Sutton's Controlled Substances Form from Officer Williams. The form shows the drug issued to Sutton, the drugs Sutton used on the patients he was caring for. On the right hand side of the form is written the drugs still in Sutton's narcotic bag. On bottom right hand corner of the form list the drugs Sutton signed over to Dr. Mike Mathias.

**Statement of Dr. Kevin Tremper:**

I made contact with Dr. Kevin Tremper in his office. Tremper stated he had received a bag containing a syringe from Habeger in the CVC PACU that was possibly used by Sutton. Tremper stated he returned to his office and met with Dr. Norah Naughton. Tremper stated someone had brought Sutton's personal bag that was in the bathroom with him to Dr. Naughton's office. Tremper stated Dr. Naughton and him looked in the bag. Tremper stated that there was some food and other things in the bag. Tremper stated the only thing that stood out to him was that there were several containers of Propofol. Tremper stated Propofol is not a narcotic and is used to sedate patients. Tremper advised it would be reasonable for Sutton to have Propofol in his bag to use as he saw patient through the day. Tremper stated morphine and fentanyl are drugs that are commonly abused.

Tremper stated that at the beginning of their shift, an anesthesia resident would check out a bag of narcotics from the pharmacy. Tremper stated the resident will document on a controlled substances form what drugs were used during their shift and turn in any unused drugs into the pharmacy. Tremper stated the pharmacy will reconcile the form to track the drugs that were used and what drugs were turned in. Tremper stated if there are any discrepancies the pharmacy will start a report and investigate. I asked Tremper if a resident would sign drugs over to another resident. Tremper stated when one resident relieves or takes over a patient the drugs being used for or will be used for can be signed over. Tremper stated this is documented on the Controlled Substances Form.

Tremper stated placed the bag containing the syringe into Sutton's bag. Tremper stated he turned Sutton's bag over to Courtney Clark in the CVC CICU. Tremper stated he asked Courtney Clark to hold onto the bag until she was able to turn the Police.

**Statement of Mathias:**

I made contact with Dr. Michael Mathis at his residence. Mathis stated he is the Chief Anesthesia Resident at U of M Hospital. I asked Mathis if Sutton had signed any drugs over to him today. Mathis stated he had relieved Sutton for a lunch break today. Mathis stated Sutton had turned three drugs over to him to while he took his lunch. Mathis stated when Sutton he



turned the drugs over to another resident Thomas Curran. Mathis stated is common practice to sign drugs over to another anesthesiologist who is taken over a case. I had Mathis reviewed the copy of Sutton's Controlled Substances Form. Mathis stated the drugs listed as signed over to him were the drugs he received from Sutton. Mathis stated there is one vial of morphine not accounted for. I asked Mathis why the number of fentanyl was crossed out and three was written in place of five. Mathis stated the pharmacist may have changed the number of vials given to Sutton.

I asked Mathis how well he knew Sutton and he stated he had seen him a few times outside of work. I asked Mathis if he had noticed any changes in behavior or work with Sutton recently. Mathis stated he knew that Sutton had called into work a few time recently. Mathis stated he had heard from some other residents (whose names he could not remember) that they had seen Sutton at working looking ill and that he was sweating through his clothes.

**Evidence:**

I secured the following items in my vehicle after receiving them from Courtney Clark; Sutton's black messenger bag, the bag containing the syringe and Chloraprep, patient bag containing Sutton's shoe and socks. I transported the items to 1239 Kipke Dr. where they were Officer Williams and I inventoried the items were collected. The items were then secured into evidence locker #34.

**Status:**

Open.

CR No: 1303875-003 Written By: UMJOHNSONJ (00245) Date: 12/09/2013 12:33 PM

Amended file class on Offense screen to 3595 to match narrative and Admin screen.

CR No: 1303875-004 Written By: UMPILLSBURYM (01285) Date: 12/23/2013 10:23 AM

**INFORMATION:**

On 12/16/13, I attempted to contact Dr. Timothy Sutton and left a message for him on his cell phone. On 12/20/13, Sutton's wife contacted our office and I spoke with her by phone. Mrs. Kelly Sutton wanted information about the case status. I asked her to have her husband give me a call.

**INFORMATION KELLY SUTTON:**

Kelly Sutton contacted me and stated that her husband would be contacting me in the near future to make a statement about what happened. Kelly Sutton emailed me a letter and attached a CV for her husband which I attached to the report at her request.

**INTERVIEW TIMOTHY SUTTON:**

On 12/30/13, Timothy Sutton left me a voicemail message requesting I contact him by phone at Domino Farms where he was in treatment. I contacted Sutton and spoke with him by phone at 734-484-8725 and he stated the following:

On 12/6/13, I was working at the UM Hospital doing my usual work. I went into a bathroom and injected myself with Fentanyl and then collapsed on the floor in Cardiac Arrest. I did not realize it at the time but I was sick with MRSA and Pneumonia. I was revived and recovered. I then checked myself into Domino Farms for a 3 month in patient treatment program.

Earlier in my career I injured my neck during a patients surgery, herniating C5 and C6. Since then I have had chronic pain.

I had been using drugs from my work drug bag for about a week before this happened. I believe I had injected myself twice with drugs from my work bag. If morphine was missing from my bag I probably injected myself with that also.

I do not have a prescription for morphine or fentanyl from my doctor and did not have permission from anyone at UM to use the drugs in my assigned bag which are intended for patients.

I have worked very hard to get where I am in my career and do not want to lose my career. I am willing to make amends for the harm I have done.

I am working with my supervisors at UM and they are allowing me this time to get treatment.

**WARRANT REQUEST:**

A warrant request was completed requesting VCSA- Use.

**STATUS:**

Pending

CR No: 1303875-005 Written By: UMPILLSBURYM (01285) ATTACHMENT ONLY REPORT - No Narrative





**Attachments:**

<b>File Name</b>	<b>File Type</b>	<b>Comments</b>	<b>Date</b>	<b>By</b>	<b>Role</b>
<b>Attachments Included In This Report:</b>					
Academic CV of Tim Sutton.pdf	pdf	Academic CV of Tim Sutton	12/30/2013 12:52 PM	PILLSBURY, MARGIE	INVESTIGATOR
Letter re Tim Sutton.pdf	pdf	Letter re Tim Sutton	12/30/2013 12:53 PM	PILLSBURY, MARGIE	INVESTIGATOR

# Timothy James Sutton

209 Middleway Rd.  
Apt. 2A  
Baltimore, MD 21220  
Phone: (440) 666-5742  
E-mail: [tsutton@email.com](mailto:tsutton@email.com)

## Education

- 2006 - 2010      **M.D.**  
*Johns Hopkins University School of Medicine*
- 2003 – 2004      **M.A. Bioethics**  
*Case Western Reserve University*
- 1999 – 2003      **B.S. Biology w/ Highest Honors**  
*Rochester Institute of Technology*

## Research Experience

- 1/07 – Present      **“Reflections On Pain.”** Development and evaluation of a curriculum for Patient Physician and Society course. Using art, literature, and personal narrative to explore the dimensions of pain and its impact on patient and provider. Primary - Dr. Beth Murinson.  
*Johns Hopkins University School of Medicine, Baltimore, MD*
- 1/07 – 3/08      **“Health Spending in OECD Countries: obtaining value per dollar.”** Cost and utilization in U.S., Australian, and German hospitals. Primary - Dr. Gerard Anderson.  
*Johns Hopkins University School of Public Health, Baltimore, MD*
- 8/03 – 6/04      **“The Egalitarian Health Care Project: A Critical Look at Norman Daniels’ Project and a Recommendation for Improvement.”**  
*Case Western Reserve University Department of Bioethics, Cleveland, OH*

## Professional Experience

- 11/07 – Present      Active member of Ethics committee and consult service.  
**Clinical Ethicist**      *Johns Hopkins Bayview Medical Center, Baltimore, MD*
- 12/06 – 8/08      Coordinated medical student staffing and visits to the clinic and provided supervised health care  
**Student Liaison**      *Baltimore Rescue Mission’s Free Clinic, Baltimore, MD*
- 6/04 – 9/04      Worked on several national bioethics education initiatives and was an active member of the ethics consultation service and ethics committee.  
**Ethics Intern**      *National Center for Ethics in Health Care, VA Medical Center, Manhattan, NY*
- 2000 – 2002      Certified EMT-D, worked on the college campus and greater Monroe County, NY.  
**Medic**      *Rochester Institute of Technology Ambulance Corps, Rochester, NY*



## **Abstracts and Invited**

- 9/19/08           **“Cultivating Empathy: Results of a New Humanities-based Curriculum in Pain.”**  
*Sutton TJ, Murinson BB.*  
Abstract accepted and poster presented at The Art and Science of Education Symposium. Baltimore, Maryland.
- 8/20/08           **“Cultivating Empathy: Results of a New Humanities-based Curriculum in Pain.”**  
*Sutton TJ, Murinson BB.*  
Abstract accepted and poster presented at the International Association for the Study of Pain’s 10<sup>th</sup> World Congress. Glasgow, Scotland.
- 4/3/08             **“An Unusual Case of Hypoxia.”**  
*Mohammed F, Sutton T, Pinelis E, Obah E.*  
Case report written and presented at Internal Medicine Grand Rounds. Greater Baltimore Medical Center, Baltimore, MD. Submitted for publication.
- 7/28/04           **“Clinical Use of Placebo: An Ethics Analysis: A National Ethics Teleconference.”**  
*Sutton T, Berkowitz K.*  
Written and presented at the National Center for Ethics in Health Care, VA New York Harbor Medical Center, Manhattan, NY.

## **Honors**

- 2003               Outstanding Undergraduate Scholar – Rochester Institute of Technology  
2003               Golden Key International Honor Society  
2003               Phi Kappa Phi International Honor Society  
1999 – 2003       Dean’s List – Rochester Institute of Technology  
1999 – 2003       Honors’ List – Rochester Institute of Technology  
1999 – 2003       Presidential Scholarship

## **Other Achievements**

Featured in **“Pain Management Leads the Way in Fostering Emotional Competence.”** Written by Amy Rothman Schonfeld for *Academic Physician & Scientist*, April 2009. Available at:  
[http://www.acphysci.com/aps/resources/PDFs/APS\\_0409\\_Spotlight.pdf](http://www.acphysci.com/aps/resources/PDFs/APS_0409_Spotlight.pdf)

## **Training and Continuing Education**

- 9/19/08           The Art and Science of Education Symposium. Baltimore, Maryland.  
6/08               Betty Ford Center Summer Institute for Medical Students, Rancho Mirage, CA  
3/08               Basic Life Support Certification - American Heart Association  
8/02               Advanced Cardiac Life Support Certification - American Heart Association  
5/02               Clinical Technical Assistant Training - University Hospitals - Cleveland, OH  
5/00               Emergency Medical Technician Certification - Rochester, NY

## **Professional Affiliations**

1/08 – Present      International Association for the Study of Pain – Trainee Member  
11/07 – Present     Johns Hopkins Bayview Ethics Committee – Member  
1/07 - Present      American College of Physicians – Student Member  
1/07 - Present      MedChi – Maryland State Medical Society – Student Member

## **Other Work Experiences**

5/05 – 8/06        **IT Director, Brass Tacks Inc.,** Cleveland, OH  
Maintained, troubleshoot and performed data recovery on a PC and Mac network.

8/98 – 5/05        **Owner, Refresh Computing,** Cleveland, OH  
Computer company specializing in the design and construction of custom computer systems and small business networks.

8/04 – 6/05        **Math Teacher, Euclid Central Middle School,** Euclid, OH  
After school program teaching math skills to at-risk middle school children.

8/01 – 6/03        **Tutor, Sutherland High School,** Rochester, NY  
In-school tutor for special needs students in math and science.

December 26<sup>th</sup>, 2013

Dear Ms. Pillsbury,

I am sending this note along with Tim Sutton's educational CV to be testament to what a good, dedicated person Tim is. He has worked hard and always wanted to be a doctor to help people.

Tim just completed his 3<sup>rd</sup> year of residency.

He has been a wonderful son, husband and doctor. My husband has made the world a better place and has helped many people so far in his brief medical career with his knowledge, dedication and compassion.

I hope that all of this will be taken into consideration along with the fact that he is getting help to get on the right path again. After spending a week in the ICU at which time they discovered he had acute pneumonia with only 1/3 of one lung functioning complicated with MRSA in his lungs, he entered a recovery program.

Please attach this note and his CV to your report. Good people fall, but if they pick themselves up and get help, they deserve a second chance to make the world a better place. He has so much good yet to do.

Sincerely,

Kelli Sutton  
(wife)



## EVIDENCE LIST

**Incident No.:** 1303875

**Agency:** University of Michigan Police Department

ITEM	NEEDED	IN-FILE	COMMENTS
Audio/Video Tape and Transcripts	( )	( )	
Autopsy Report	( )	( )	
BAC/Blood/Semen	( )	( )	
Ballistics/Bullets	( )	( )	
Chain of Evidence List	( )	( )	
Clothing/Shoes	( )	( )	
Confession (written, audio, video)	( )	( )	
Controlled Substance (Tox Report)	( )	( )	
Criminal History	( )	( )	
CSC Kit	( )	( )	
Diagram Map	( )	( )	
Finger/Foot Prints	( )	( )	
Hair/Fiber	( )	( )	
Hospital/Medical Records	( )	( )	
Photographs/Slides	( )	( )	
Weapons	( )	( )	
Witness Statements	( )	( )	
CERTIFIED RECORDS	( )	( )	
SOS	( )	( )	
Convictions	( )	( )	
	( )	( )	
	( )	( )	
	( )	( )	
	( )	( )	
	( )	( )	
OTHER PHYSICAL EVIDENCE	( )	( )	
1916 - Unknown Type Drug 5410			
VICTIM PROPERTY			
	( )	( )	
	( )	( )	
	( )	( )	

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Officer In Charge                      Date                      Phone No.

The Prosecuting Attorney's Office certifies that (\*) property belonging to the crime victim must be retained by the Law Enforcement Agency for trial purposes in lieu of photograph or other means of memorialization pursuant to 1985 PA 87

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Assistant Prosecutor                      Date

STATE OF MICHIGAN  
IN THE 22ND JUDICIAL DISTRICT COURT FOR THE COUNTY OF WASHTENAW

PEOPLE OF THE STATE OF MICHIGAN  
Plaintiff,

14F5-5065 FY

Case No. UMPS 13-3875  
Hon

TIMOTHY JAMES SUTTON  
Defendant

Brian L Mackie (P25745)  
Prosecuting Attorney  
200 N Main Street  
Suite 300  
Ann Arbor, MI 48104-1413  
(734) 222-6620

David A Shand (P53051)  
Shand Law, PLLC  
Attorney for Defendant  
213 East Michigan Avenue  
Saline Michigan 48176  
(734) 516-0954

APPEARANCE

IO Clerk of the Court

The undersigned hereby appears for the above-named Defendant Defendant stands mute, requests a combined arraignment and pretrial, pre-exam, or pre-hearing conference, and requests copies of the police report all documents filed in the case, any video/audio tapes and any and all other pertinent or relevant documents Such copies are requested before the next judicial hearing or proceeding



David A Shand (P53051)  
Attorney for Defendant

TO State of Michigan, Washtenaw County Prosecutor's Office

The undersigned hereby appears for the above-named Defendant Defendant stands mute, requests a pretrial, pre-exam, or pre-hearing conference and requests copies of the police report all documents filed in the case any video/audio tapes and any and all other pertinent or relevant documents Such copies are requested before the next judicial hearing or proceeding



David A Shand (P53051)  
Attorney for Defendant

Dated February 26 2014

### FAX COVER SHEET

TO	Brian Mackie
COMPANY	Washtenaw County Prosecutor
FAX NUMBER	17342226610
FROM	David Shand
DATE	2014-02-26 19:45:37 GMT
RE	UMPS 13-3875

### COVER MESSAGE

Please find on the following page an Appearance  
on behalf of Defendant, Timothy James Sutton

Please feel free to contact me for any questions  
or concerns

Thank you,

David A. Shand

(734) 516-0954

Hard copy to follow via US Mail



PS.

14F5-5005-FY

STATE OF MICHIGAN  
IN THE 22ND JUDICIAL DISTRICT COURT FOR THE COUNTY OF WASHTENAW

PEOPLE OF THE STATE OF MICHIGAN  
Plaintiff,

Case No. UMPS 13-3875  
Hon

v

TIMOTHY JAMES SUTTON  
Defendant

Brian L Mackie (P25745)  
Prosecuting Attorney  
200 N Main Street  
Suite 300  
Ann Arbor, MI 48104-1413  
(734) 222-6620

David A Shand (P53051)  
Shand Law, PLLC  
Attorney for Defendant  
213 East Michigan Avenue  
Saline, Michigan 48176  
(734) 516-0954

APPEARANCE

6. 2014

TO Clerk of the Court

PROSECUTING ATTORNEY


The undersigned hereby appears for the above-named Defendant Defendant stands mute, requests a combined arraignment and pretrial, pre-exam, or pre-hearing conference, and requests copies of the police report, all documents filed in the case, any video/audio tapes, and any and all other pertinent or relevant documents Such copies are requested before the next judicial hearing or proceeding



David A Shand (P53051)  
Attorney for Defendant

TO State of Michigan, Washtenaw County Prosecutor's Office

The undersigned hereby appears for the above-named Defendant Defendant stands mute, requests a pretrial, pre-exam, or pre-hearing conference, and requests copies of the police report, all documents filed in the case, any video/audio tapes and any and all other pertinent or relevant documents Such copies are requested before the next judicial hearing or proceeding



David A Shand (P53051)  
Attorney for Defendant

Dated February 26 2014