

**Statement of Marty Zeller, September 12, 2001, 6:45 p.m.**

**Officer Roy Henry: This interview is being recorded in room 127, at, next to the emergency room of the Thompson County Medical Center. The subject is one Martin J. Zeller. This interview is being conducted in connection with the investigation which the Marshall City Homicide Unit's Special Task Force is conducting into the apparent poisoning of Patrice Zeller, who was brought into the emergency room of the Thompson County Medical Center at 5:59 p.m., today with symptoms of cyanide poisoning. The victim's stomach has been pumped, she is on oxygen, and has been examined for evidence of the poison. She is in the process of being admitted into the hospital for further treatment and observation.**

**Mr. Zeller, I am tape-recording this interview – do I have your permission, your consent, to record this interview? You do not have to give consent. We do need your cooperation in order to investigate this apparent poisoning.**

**A. (Martin Zeller): Sure. I consent. Whatever you want. Anything I can do.**

**Q. (Officer Henry): We may decide to type up a transcript of this interview, show it to you for corrections, and have you sign it, OK?**

**A: Sure. Go ahead.**

**Q: I will probably ask you to write out a statement as well – let's see.**

**A: Sure.**

**Q: What apparently happened to your wife is quite serious. We really need some help here. So, if you don't understand a question, or what I am saying, just ask me to repeat or rephrase my question, OK?**

**A: Sure.**

**Q: If you want a drink, or get tired, let me know. I don't know how long this will last. Anytime you want to stop, just say so. We can take a break – get some coffee if you like.**

**A: I'm fine. Go ahead.**

**Q: OK, first, what is your name and address?**

**A: Martin J. Zeller, 131 N. Lombard, here in Marshall City.**

**Q: How long?**

**A:** Ah, seven years. We bought right after we got married.

**Q:** And, your relation to the patient, Patrice Zeller, who was admitted . . . make that, brought into, the emergency room of the, ah, Thompson County Medical Center at 5:59 p.m. today, September 12, 2001?

**A:** We are married. Husband and wife. Let me just ask, do you know if she is going to be OK?

**Q:** Well, that's not for me to say. You talk to the doctors?

**A:** They are giving me the runaround. They say, maybe this, and maybe that.

**Q:** Do you have information on how she got poisoned?

**A:** I'll make it short. She got poisoned by the Byrnes' aspirins. She took a couple of aspirin and immediately fell down in pain. They just pumped out her stomach. She is lucky to be alive.

**Q:** How do you know that's how she got sick, poisoned?

**A:** I saw her take the aspirin, then fall down.

**Q:** How do you know the aspirin came from Byrnes' Pharmacy?

**A:** I was with her when she bought the aspirin, Byrnes drugstore, Number One. The one over on Harlem. Today, just a little while ago. I was with her, maybe it was 5 o'clock. She opened the bottle and took some aspirin as soon as we got home. I was right there. I saw her buy the bottle of aspirin, and when we got home she opened the bottle, took out the aspirin, swallowed them with a glass of water, and immediately fell over. She was in agony, you know? I called 911. I told her to spit everything out. I gave her water. I don't know how much she swallowed, but she spit a lot of stuff out.

**Q:** Tell me what you saw.

**A:** I saw her take the pills then get sick.

**Q:** You saw her take the pills?

**A:** I saw her take the little bag, the paper bag from the store, with the aspirin in it, out of her purse almost as soon as we got home. She took the bottle out of the bag, opened the bottle, shook out a couple of aspirin, and put them in her mouth. She drank them down with some water. A glass of water. Then like, almost immediately, she kind of gave a cry, and fell to the floor. She

had her hands over her mouth. There was foam. I thought, oh, God, she's been poisoned. I thought she was another victim. She was moving around kind of shuddering and crying. Then she kind of vomited, like, gagged and spit up water and foam. I gave her some more water and told her to keep spitting out. I thought the poison was giving her a heart attack. I called 911. I did not know what else to do.

**Q:** Did you try any first aid or anything?

**A:** No. After she spit out, washed out her mouth, I held her hand. After I called 911. The paramedics were there right away, and they put her in the ambulance. They put an oxygen mask on her. I came here with them. They listened to her heart, and said it was pounding, but they did not think she was having a heart attack. They asked if she had eaten anything that could have made her sick. I said she had just taken some aspirin tablets. I said, we just bought some aspirin tablets at Byrnes Drugstore, and she had just taken a couple of aspirin, and she fell down. We got here right away, and started pumping her stomach. They made me come to the waiting room. They said maybe she was lucky. Some people never made it. They say she might make it, to wait and see.

**Q:** Well, with these poisonings this summer, the department has a multi-jurisdictional task force to investigate any tampering with medications. I'm on the task force. I really don't have much information on your wife, but I am sure this is very hard on you. We just want to find out who is doing all this—who is responsible. It has been very frustrating. Any help you can give us. So, let's go back. Where did you wife get this bottle of aspirin?

**A:** Off the shelf at Byrnes. Byrnes' Number One. The one at Harlem and Chica Street. I was there when she bought it. I always tell her not to buy the big brand name pills. I was concerned, you know, from reading the papers, that there was a chance someone had doctored those, but I figured, you know  
.....

**Q:** You told her to buy the Byrnes' aspirin?

**A:** Not in so many words. I told her not to buy the big name-brand aspirin. I probably mentioned the Byrnes' brand. I used to work there. Byrnes stopped selling name-brand pain-killers last month, the first week of August. Just the house brand. It's a generic with a Byrnes' label. Those cyanide poisonings. I knew the symptoms. I even clipped the article. I thought it would be safe. I thought the danger was in buying a name-brand.

**Q:** You saw her take the bottle of aspirin from the shelf at the store. Where was that?

**A:** Right next to the pharmacy window at the store. The back of the store. Pattie bought I think a toothbrush and toothpaste and the aspirin, which is why we went there today.

**Q:** You went there to get aspirin?

**A:** Yes. Pattie had a headache. She wanted aspirin. So we drove over to the store, Byrnes Number One pharmacy. That was later than, it was after 4 pm, actually a little later than that. We parked outside, went in, and she went back to get the aspirin, and she stopped on the way back to get a toothbrush, then she went and got the aspirin, and she paid at the cashier counter in back, at the pharmacy window, and "Slick" took her money and . . . .

**Q:** "Slick"?

**A:** Byrnes the younger. "Slick" is Jamie Byrnes.

**Q:** What does that mean?

**A:** If you are asking me, It means nobody should trust anyone named "Slick." I am a good example. I worked there until "Slick" comes in, and everything I was working for and promised, disappears. I was promised a promotion, training. "Slick" came in while Old Man Byrnes was dying, and started skimming money off the cash register. The place became a pigpen. The store is staying open on holidays. I comment and I am told to shut up.

**Q:** You commented about skimming? Skimming?

**A:** Yes. You know. When someone who has a cash business takes some of the cash out of the day's receipts and puts it in his pocket, and it never gets put in the books. They don't report it as income to the taxman, or maybe the partners, or the boss. Jamie Byrnes is now the sole owner of the Byrnes' drugstores, so the skimming means Jamie Byrnes doesn't pay income or sales taxes on that money. See, I saw Jamie come by and take money out of the cash register several times when Old Man Byrnes was sick and dying. It would be \$50 or \$100. I'd add up the receipts at the end of the day and tell Jamie we were short. I knew Jamie had taken the shortage - I personally saw it - like, on the 4th of July I personally saw Jamie take two \$100 bills out of the cash register and pocket them - about an hour before closing. We shouldn't even had been open. It's the Fourth, and what's really sick is that Slick's father had just died. When that register came up \$203 short, the first thing Jamie says is, "Two hundred and *three* dollars? Check it again." So I did, but it was still \$203.00. And Jamie says, "Someone is dipping into the register."

Then Jamie told me just to adjust the books. I figured this is "Slick's" deal, but I might have said something, and Jamie knew I knew.

**Q: Did you report this to anyone?**

**A: No. I told Pattie, that's it. I figure skimming is between Jamie and the tax collector. I figure Jamie is mad at the three dollars – because I knew Jamie took the \$200.00. After that, Jamie started making comments around the store about dishonest employees. I figured if there is ever a tax audit, Jamie is going to blame the employees, and maybe just me. Old Man Byrnes' body isn't cold yet, and Jamie's angry over \$3.00.**

**In June I see mouse droppings in the stock room. There's packaged candy and nuts and chips down there, and at that time there was a cooler and a freezer with drinks and ice cream. I told Jamie that there were vermin in the basement, and that we could get closed down. Jamie told me to sweep up and keep quiet, and I said I was concerned that the health inspectors could come in and close down the store until everything was cleaned up. They can close down a place that serves food, sometimes for several days, and in the long run it can really hurt a business. Who wants to shop, eat food, at a place that has vermin?**

**Q: What kind of vermin?**

**A: Mice. Cockroaches. Stuff an exterminator can get rid of in a night.**

**Q: Huh. Well . . . .**

**A: I personally saw the mice droppings. I kept telling, I kept reporting them to Jamie. I am the one going down to the basement all the time to take care of inventory, you know, go to the stock room, to replenish the shelves. And the washroom; People can go down there and see. Then I saw a couple of cockroaches, and I say so to Jamie, who pretends to be too busy. I did not mind the skimming, as long as I did not get blamed, but I hate the bugs and mice. The City could shut down the business. I could have lost work. I could have got sick. I would not shut up.**

**So, to get rid of me, Jamie accuses me of stealing from the cash registers and "pilfering." I took a candy bar, which old man Byrnes always said was OK, and Jamie gets very starchy and takes the moral high ground and admonishes me about stealing, pilfering. Jamie says I might stop thinking of applying to become a Pharmacist Technician. Then a month ago, I get told that I am not to come in any more. I get a paycheck on the 31<sup>st</sup> of August, and a final check on the 16<sup>th</sup> of this month, and that is it. So I have a check for \$1350 coming in a couple of days, and I am out looking for a way to support myself. And forget becoming a Pharmacy Technician. We have a mortgage -- almost a thousand a month. A car loan. The credit card company, which we owe maybe \$15,000.**

**Q: Well, let's go back. Did you see anyone else handling the bottle of aspirin besides Patrice?**

**A: No. Just her and Jamie. Jamie was downstairs when we first got there, and I went to talk to one of my friends, Alec, who still works there. I see that Jamie came up from downstairs, walks by Pattie who is by the painkillers, and talks with her for a second. I think Jamie picked out the aspirin for her. The Jamie goes around behind the pharmacy window. I know Jamie had to put the bottle in the paper bag with the toothbrush and toothpaste, and the receipts.**

**Q: You worked at the pharmacy for the past few months. You know anything about these poisonings in July? Here in the city?**

**A: Sure. Everybody knows. We all talk about it a lot. We had to take all those name brand pills off the shelf and replace them. That was in July. People died from pills bought at those other stores. No poisoned pills were bought at Byrnes' stores. We had to take all those pills off the shelf and send them back to the distributors, the suppliers. We turned in all those name-brand pills. The ByrMart, the house brand, stayed on the shelf. Then I got Byrnes to move the painkiller shelves to right in front of the pharmacy cash register, where we could keep an eye on things. We also put a security camera back there and kept it only on those shelves all the time, you know, to catch anyone on camera if they were messing around with the bottles. The monitors are in the pharmacy room, and there is a taping machine going all day in the basement.**

**Q: That true today?**

**A: I don't work there any more. The tape will show anyone putting pills on the shelf, and anyone taking pills off the shelf. There's a videotape machine which takes a picture every second or so. We use at - the store uses it, for shoplifters you know, for security.**

**Q: This system was put in to detect someone tampering, putting tampered pills on the shelf?**

**A: No, the system was there originally to monitor for shoplifters. There's a sign that says that the store is watching for shoplifters, and shoplifters will be prosecuted. But one camera looks for people replacing bottles, you know, putting a bottle on the shelf.**

**Q: This could be helpful. We will check those tapes and see what they show.**

**A: Can we check on Pattie?**

**Q: Let me finish up. You are sure she got the aspirin at Byrnes?**

**A: I was with her when she bought them.**

**Q: You were right there?**

**A: When she picked them off the shelf, yep.**

**Q: You ever handle the aspirin?**

**A: No. She knew where the painkillers were, where those shelves were. She shops there all the time.**

**a: You handle the aspirin when you got home?**

**A: No.**

**Q: Did you pay for the aspirin?**

**A: No. Pattie paid. I was talking to Alec over at the side because Alec was getting ready to leave the store. I could see her paying at the back register, the register at the pharmacy.**

**Q: I don't understand.**

**A: There's two cash registers - one near the front entrance, the other back by the pharmacy - which is near the back entrance.**

**Q: Did you have access to the cash registers?**

**A: Today?**

**Q: Yes.**

**A: No. I did when I worked there. I was training to be a pharmacist technician so I would work behind the pharmacy counter when one of the registered pharmacists was there. I was learning about basic pharmacy -- how to mix powders, how to make tablets. But I wasn't getting the training I was supposed to get -- instead I was handling inventory, keeping the shelves in the store stocked. I would let Byrnes -- Mr. Byrnes, the Jamie -- know when to order supplied.**

**Q: You were training to be ...**

**A:** It makes no difference. Byrnes fired me. I used to check inventory carefully. Pattie might not have been hurt -- this might not have happened if I had been keeping an eye on things.

**Q:** How are you and Patrice getting along?

**A:** What kind of question is that?

**Q:** I am just going through a list of questions. It's not personal.

**A:** What a thing to ask, right now. She is my wife. We get along great. I am here going out of my mind worrying about Patrice, and you ask a question like that.

**Q:** You and she are getting along fine?

**A:** Right now I am scared out of mind I will lose her. I am scared out of my mind she will be disabled or in a stupor. I really want to end this conversation right now, and find out how she is doing.

**Q:** Well, OK. I think that's what we will do. Let's find out how she is doing.

Whereupon the interview ended.

I have read the above, and it is a true and accurate transcript of the interview held at the Thompson County Medical Center, September 12, 2001.

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**Martin J. Zeller**  
**September 13, 2001**