

INTERVIEW OF PATRICE ZELLER, SEPTEMBER 13, 2001

Interview of Patrice Zeller conducted by Officer P. L. Sullivan, Marshall City Police, Star #7999, in Room 423 of the Thompson County Hospital, September 13, 2001, 10:30 a.m.

Officer Sullivan: I am going to tape record this, and we will type it later. I need your consent to do this, OK?

Patrice Zeller: Sure. Tape away. Whatever.

Q: You consent to having this conversation, this interview recorded?

A: Yes.

Q: OK. You seem to be doing pretty well today. Looking good.

A: Thank you. I feel better than last night.

Q: Just to get going here: what is your name and address?

A: Patrice Zeller. 131 N. Lombard. Marshall City.

Q: Have you lived there long?

A: Well, we've lived there for the last 7 years. It's almost half paid off, because we took a 15 year mortgage. It's the only asset we have, with Marty not having a job we could have some trouble. since we – Marty and I – got married. No children. Not yet. I work at the Spitfire Cafe. Cashier and headwaitress. I seat people and I work the cash register. It is a small place. World War II theme. You been there?

Q: No. I've driven by. Looks nice. How long have you worked there?

A: 5 years. I started as a waitress. A couple of years ago I took over as the head waitress. Of course there's only four of us on in any shift, so the title sounds more important than it is. I am sort of in charge of three others at most on any given shift. We have the full complement on Sunday mornings when we serve the Army special. It's the buffet with scrambled eggs, grits, toast, different fruits, different meats, juices, coffee. But we have to keep running because there is such a crowd. Some people order the waffles or pancakes from the kitchen, and some people like their eggs prepared special.

Q: You from Marshall?

A: Yeah. Lived here all my life. I went to Taft High School, class of 1991. I started taking courses at Thompson County Community College, but I had no interest in staying in school so I only did two years, got an Associate Degree in General Studies. I went to work at Simm's Appliances. I was a retail clerk. I met Marty in college in 1993. We got married almost 7 years ago. But I had to work evenings at Simms, and Marty was working days so we decided I should get a day job. That's when I went to work at the Spitfire Café. I also got a lot of free meals. Hey, I must be feeling better. I am talking so much.

Q: OK. Well, I want to interview you about the poisoned medicine.

A: That wasn't medicine, it was aspirin. I bought it at Byrnes yesterday. Marty was with me. He will tell you where we got it.

Q: Why did you buy aspirin yesterday?

A: I had a headache. I asked Marty for some. He took me over to the store because we were out of aspirin. I don't take any other painkillers. Just aspirin.

Q: Didn't he drive over by himself? You had a headache. Why did you have to go?

A: I don't know. Marty offered to get it for me, but I said maybe the air would do me some good, you know, get out of the house, because we were watching television all day, the day before and then all day yesterday. I guess everyone is watching, you know, the terrorists on the planes, and what about that fourth plane? So Marty said, OK, he would drive me over instead of my driving by myself. I wanted to get a couple of other things, and he said, come on get in the car, and we will go over and get you some aspirin.

Q: And you went?

A: He agreed the ride would do me good. Headache and all. So I went. I thought maybe I should get out of the house and away from the TV. The Café was closed because of the, all those people dying in New York. I think I got a headache from all the stress. We've been home for two days watching television.

Q: What time did you leave the house yesterday?

A: After four; I think maybe four fifteen.

Q: Where did you first go?

A: Actually we drove straight to Byrnes Drugstore, over on Harlem. It's closer than the #2 Store. That is where I bought the aspirin, a small bottle, and

a couple of other things, and I paid for them with cash. It's only a ten minute drive.

Q: You both go in the store?

A: Yes. I went in the side door. Marty went in with me, which I did not expect because he and Byrnes were – well, Marty had just lost his job there, and I think he was still pretty upset.

Q: Upset?

A: You might ask Marty. He will tell you the whole story. In fact that's all we've talked about for the past two weeks. Well, Marty finally cooled down after a few days. Me, too. I think this terrorist tragedy in Washington and New York puts things into a perspective, you know?

Q: Well, who got the aspirin?

A: Me. I think Marty picked the bottle off the shelf and gave it to me. I was looking at the bottles of aspirin tablets, because all the bottles were Byrnes's aspirin, the house brand, and – well, Marty says that all aspirin is the same, and the house brand is less expensive. There were no brand names because the store decided to take all the national brand names off the shelves because we had those poisonings in July, you know, tampering with pills, and so it turned out all the store had was their house brand, ByrMart aspirin. Anyway. I am pretty sure he – yes, I am sure he took the bottle off the shelf and handed it to me. I know I did not take the bottle off the shelf. Then I waited by the pharmacy window – no, I went and got a toothbrush and toothpaste because no one was at the pharmacy window yet, and I went back and paid for it all at the pharmacy cash register because no one was at the front register, because I could see Marty was talking to the other clerk, Alec, over at the side. See, I got a little confused because the store had moved the aspirin supplies to a different shelf, right next to the pharmacy and cash register there by the back of the store. See, I usually do all the shopping. Anyway, the tape might show, if they still have the tape, might show if Marty or I – but I am sure Marty did. I have been through a lot. You know, I still have a headache from yesterday, I think Marty did not want Byrnes watching – well, what difference, because there are monitors in the basement, and Byrnes was watching Marty and me, and I was uncomfortable, a little nervous, but where else were we going to get aspirin. Every store was closed yesterday.

Q: Watching you?

A: Yes. Marty used to work at the store, and Byrnes fired him. Byrnes said Marty was pilfering. Pilfering. Marty took a candy bar and Byrnes used that as

an excuse. Anyway, Byrnes was keeping an eye on Marty and me. Nothing obvious, but I could tell.

Q: When did this firing happen?

A: Um, just before Labor Day, a couple of weeks ago. Labor Day was Monday, September 3. The day before my birthday, which is September 4. So Marty came home Friday, that was August 31. He told me he had been let go with two weeks' severance pay. He was fired.

Q: Let's go back for a minute. Tell me about the monitors.

A: I don't know much except that the store has monitors to spy, through the TV cameras, to see if anyone is shoplifting. There are tapes of the activities in the store, and monitors to watch – I think the monitors are in the pharmacy area and downstairs.

Q: Why was Marty fired from his job?

A: Byrnes, the owner, doesn't like Marty, because, I think Marty was complaining too much or something. Anyway, Byrnes said Marty was pilfering. That's the word Marty said Byrnes used. Pilfering. Marty admitted to taking a candy bar, because Old Man Byrnes, that's Mr. Charlie Byrnes, let the employees have a candy bar or a soft drink for nothing, but when Jamie came in and became boss, things changed. I used to buy a lot of things there, because of the discounts. There aren't any discounts any more. Also the store started staying open on holidays. Marty was doing a good job. The real reason was that Marty complained about not getting holidays off any more, and about bugs in the basement, and not getting a raise at the end of the year. September 1, Marty was there a year and was supposed to get a raise, but Byrnes said Marty could not get a raise. Marty was supposed to be in training to be a Pharmacy Technician, but Jamie told him not to bother with the application. I saw the applications forms. It's about a dozen pages. Anyway, Byrnes was keeping an eye on Marty and me. I could tell.

Q: Who handled the bottle of aspirin when you returned home?

A: Me. I had the things I bought in my bag.

Q: When did you swallow the aspirin?

A: Not too long after we got home. I had this headache. Marty gets so irritated when I keep getting these headaches, but I can't help it. They come. So, I put the bag down on the kitchen table. I went to the bathroom, got a glass of water and then came back to get the bottle. That's when I took the aspirin, and right away I knew something was wrong.

Q: Did you have to open the bottle?

A: Sure. How else

Q: You remember taking off a safety seal – any other tamper-proof seals?

A: No. This is a low cost house brand, so they don't have all the fancy seals.

Q: But this bottle had a seal on it?

A: Well, it – those bottles don't have outside seals, just an inside seal. I remember now, thinking then that the seal came off fairly easily. Usually the seal is glued on – like bonded on – pretty tight and is hard to get off. Sometimes you have to puncture it with a knife or something, but this peeled off pretty easily. I think maybe they should have the plastic seal all around the outside of the cap, plus the seal on the mouth. If it was in a box, the box would have been sealed. Somebody got into that bottle pretty easy, easily, and I am lucky to be alive. Byrnes probably cut back on safety to save a few pennies. I think maybe we should talk to a lawyer.

Q: Where was Marty at this time?

A: Oh, he was close by. He came in with me and was looking through the afternoon mail, and all of a sudden I got real sick. I fell down. I couldn't breath. I had like foam in my mouth. Marty gave me water. He told me to spit everything out. He kept telling me to rinse. Then he remembered to call 911. Thank heavens. I might have died, for sure.

Q: Did he handle the bottle in the house before you took the aspirin?

A: I don't think so. The bottle was in the bag on the kitchen table. I left it alone for a minute, so I suppose he could have taken it out of the bag and, I don't think you are going in the right direction here. He could not have poisoned the pills, you know, taken the lid off, poisoned the pills, glued the seal back on again, and replaced the bottle in the bag. I was only gone a minute.

Q: OK. Well, let's go over this again. You took the aspirin out of the bottle. This was the same bottle you purchased at the Byrnes pharmacy. You had to peel away the tamper-proof seal in order to take the first aspirin out, and you did that just before you put the tablet in your mouth – the same tablet you just got out of the bottle?

A: Yes. That's 100% correct.

Q: You -- did you check the seal when you first bought the aspirin?

A: No. Why should I? The first time I opened the bottle was when I got home.

Q: Well, there have been a lot of poisonings here in the city. Do you have any idea – did you take anything else with the aspirin?

A: No, just water from the tap. In fact, Marty had a glass of water. I saw him fill a glass from the tap and drink it, just moments before I filled my cup.

Q: OK. Do you know of anyone who could have put poison on the tablets?

A: I assume it was whoever is putting cyanide in aspirin. I am not the first.

Q: Why do you say that?

A: This is what is going around -- aspirin tablets with poison. People here in Marshall City dying from cyanide poisoning. Just because six weeks pass by -- well, I suppose I should have been more careful -- but it was six weeks ago – and those were national brand aspirin. Marty tells me not to buy national brand, which is why we bought the Byrnes house brand.

Q: Marty tells you....

A: Yeah. He told me, get the Byrnes brand. Those poisoned pills were all big name brands. Better safe than sorry.

Q: When did he tell you that?

A: He used to say it all the time. July. August. I think he handed me the bottle and said that. I was really distracted by my headache. I wanted to get back to bed.

Q: Nobody had a grudge against you or your husband?

A: Byrnes, maybe.

Q: The owner of the store, the person who rang up the purchase?

A: Oh, yeah. Marty and Byrnes had a fight, and Byrnes fired Marty.

Q: OK. Let's go over that again.

A: Just a couple of weeks ago. Well, it really started after Mr. Byrnes the father died. Marty was working there for a year, more, and was supposed to be in training to be a pharmacist technician, because old man Byrnes hired Marty and promised. So Marty was working there and learning about the pharmacy business, you know, starting as a stock manager checking out inventory and ordering supplies, and cleaning up; then he got to handle sales, you know, be the cashier, handle cash and credit card sales, then he was learning about prescriptions, like how to call the doctors to confirm a prescription or clarify the handwriting. You have to be a registered pharmacist the fill the prescriptions, but a lot of the related stuff can be done by a technician who is not a registered pharmacist. You'd have to ask Marty. Anyway, the whole thing fell through when old man Byrnes died in July, which was when "Slick" Byrnes took over both the –

Q: "Slick"?

A: Oops. Well, that's Jamie's nickname. People call Jamie "Slick." Jamie managed Byrnes Pharmacy Number Two, and the old man owned them all but he only managed Pharmacy Number One. So when Charlie the father Byrnes got sick, Jamie comes in and takes over Number One. When the father dies, and Jamie now owns all three stores. So when Marty asks about the pharmacy technician training, Jamie pretends not to know. But Marty also saw that Jamie was skimming cash from the cash registers at night, you know, pocketing cash without putting it down on the books, so to avoid taxes. Marty did not say anything at first, but was afraid someone might blame him. Jamie now says Marty is lying for making up such a thing. But this is when Jamie fires Marty. Old Man Byrnes used to let Marty have a snack on the house, free, you know, as a gesture. Marty wanted to pay, but Mr. Byrnes would not take the money, and told Marty that a candy bar every once in a while was one of the "perks" of working there, like the 20% discount on purchases – you know, getting 20% off on all merchandise and 10% off on food and medicine. Anyway, when Jamie came in, the discounts ended; and Marty started talking about forming a union. Marty also wanted to continue with his training to be a technician, and Jamie ignored that. Now Jamie fires Marty. Marty was very, very angry and hurt. Jamie claimed Marty was pilfering. I never heard the word before, and I looked it up. I was standing there when it happened. I overheard. Marty told Jamie that Jamie was the one stealing, and that set Jamie off.

Q: What did Marty say?

A: Oh, Marty said it was not fair. Marty said that Byrnes – the father – always treated him fairly, and having a candy bar was no big deal, but "Slick" said a lot of stuff was missing from inventory and the cash register always seemed to be a few dollars short. Marty really got mad and said, "You're the one skimming the money out." Jamie said that was a lie, and Marty was just a clerk so none of it was his business anyway. Marty told him off.

Q: What did Marty say?

A: Marty said, "You will regret this. I am going to get you for this."

Q: Where was this?

A: In the drugstore, they were behind the counter at the pharmacy section. Everyone was looking. You could hear it even at the other end of the store.

Q: Then what happened?

A: Marty left. He walked out of the place. I followed him out to the car. We drove home in silence. He did not mean it, of course, he was just angry. He was fired the next day. He had two weeks' pay coming. He has to go back and get his money.

Q: Let's go back. Why did you have to buy aspirin yesterday?

A: Because I had a headache.

Q: And you were out of aspirin and painkillers in your home?

A: No. We were out. I only take aspirin.

Q: Any cyanide in your home?

A: No. Oh. Well, I think there was a bottle in the darkroom downstairs. We might have thrown it out.

Q: Darkroom?

A: When we were first married, we used to do photograph – we did our own prints and enlargements, but we sort of stopped three or four years ago. We have a darkroom, but we haven't used any of that stuff for years. There used to be a bottle of chemical cyanide down there, for the photographic prints.

Q: Would it be OK with you if I took a look in your house?

A: Sure.

Q: Would you do me a favor, and sign a consent form?

A: Sure.

Q: Your address is 131 N. Lombard – single family home? Here in Marshall City?

A: Sure. Let Marty know.

Q: Marty is pretty busy taking care of you right now. I'd rather not bother him.

A: Sure. You can find those aspirin tablets. They were on the kitchen table.

Q: I'd like to go downstairs and check out the dark room.

A: Sure. It's in the laundry room. It's a bit messy right now; I hope you don't mind.

Q: Right. Just making a record. Mrs. Patrice Zeller is signing a consent form to allow me to search the premises at 131 N. Lombard, Marshall City, and seize anything that might help us with this case. Right?

A: Absolutely.

Q: I am going to turn off the recording machine now.

Whereupon the conversation was no longer recorded.

This transcript prepared by Janice Murray, stenographer, this 14th day of September, 2001.

I have read the above transcript, and it appears to be true and accurate in all respects.

Patrice Zeller. _____

date: September 14, 2001