

STATEMENT OF JAMIE BYRNES
September 15, 2001

Second Statement of Jamie Byrnes, September 15, 2001, 4:15 p.m. Made at the Marshall City Homicide Investigation Unit, before Office Robert Lopez (#6109)

Q (Officer Lopez): Thank you for coming in again. I am taping this, and I have your consent, OK?

A (Jamie Byrnes): Yes.

Q: First of all, I want to thank you for sending us that receipt from September 8. We've arrested Martin Zeller.

A: Well, I feel sorry for them, you know?

Q: I showed you some bottles this morning. I have them here in the evidence envelopes marked Envelope "A" and Envelope "F". Envelope "A" has three bottles in it. These were found on a table in the basement of the Zeller home, next to the darkroom. Envelope "F" has one bottle in it; this bottle was found, opened and empty, in the Zeller's garbage, behind the house near the alley. I asked if you could identify them. You told me

A: Yes. I said I was sure I knew where those bottles came from. I checked the code on the bottles, 50 tablet size ByrMart aspirin bottles, and determined that those bottles – all those bottles in both bags -- were from a batch which we ordered in July of this year, and which arrived in late July, and which we put on the store shelves of Byrne Pharmacy Number One on the first of August, this year. I ordered this batch – two gross – from our pharmaceutical supplier. These aspirin and other pain killers are sold under the house brand name, ByrMart. They are actually generic drugs, but are packaged under our special label. I was concerned about tampered drugs. You know, those cyanide killings and the several people who got sick from ingesting cyanide-tainted capsules, caplets, and tablets. We were fortunate not to be the source of any of those poisoned pills, and I made a decision that we would not carry any of those major brands until the killer was caught or until there had been a substantial period of time since any poisoning was reported. Off the record, I thought it was a good business move, too. Anyway, those bottles you showed me were on the shelf from August 1 until they were purchased. I checked our inventory in the basement last night, and we have about 70 bottles of the 50 tablet ByrMart 50 aspirin left. Your people confiscated forty bottles. So we sold about 170 bottles from August 1 until September 12, inclusive.

Q: Was that batch on any other shelf? In any other store?

A: This was a new batch, and none of this batch has been distributed to the other Byrne pharmacies as of today. The code on the label, see, "EC 01" shows it was manufactured on May 3, 2001. The other is the date we have to sell it by. We ordered this product by the gross. I recall I had just ordered a gross for the other store, and the bottles in that order have a different set of numbers, a different code. They were made a few days earlier than The manufacturer of these generics stamps that on our label when the house brand label is affixed to the bottle.

Q: How do you know it was manufactured on May 3?

A: The letters stand for numbers of the day and month. AA would be January 1; BB. February 2. MZE is December 31. So EC is May 3.

Q: Do you know whether this is the same bottle Zeller bought from you?

A: No. It could have been anyone who purchased one of those bottles after August 1, which is when we put that batch on the shelf for the first time. I ordered all other brands sent back to the distributors, because I did not want exposure to litigation. I went with my house brand only, and am going to – well, I was going to consider putting back some of the national brands in – well, maybe the beginning of October. Now I don't know what I am going to do. I had almost no customers yesterday.

Q: Would Martin Zeller have had access to those bottles?

A: Sure. He probably put them on the shelves – in fact I am quite certain he restocked them on the shelves a couple of times. In late July I had to get rid of all brands except out house brand; I also decided to move all the painkiller medications to some shelves right in front of the pharmacy window. Finally, I adjusted the camera that monitored that end of the store so that it would keep a record of anyone taking bottles off of those shelves – or, more importantly, putting bottles on those shelves.

Q: Oh? You have a record of everyone who took bottles off or put bottles on those shelves?

A: Well, that is the other thing I wanted to tell you today. That camera, which has never failed before, went off-line twice recently. The first time was on September 8, from about 7 p.m. on. I recall I came back to shut down the store at 10 p.m., and noticed that the tape recorder was turned off.

Q: How does that happen?

A: There are switches for each of the three cameras and each of the three tape recorders. The cameras shoot one photo every two seconds – I can go

faster or slower, but that is what we use. The cameras send a signal to the monitors in the pharmacy and to the tape machines in the basement. There is also a monitor attached to each taping machine – that way I can watch what is going on upstairs if I am in the basement, and I can watch things if I am at the cash register in the pharmacy room. The pharmacy has clear glass on two sides, so whoever is at the cash register can just look ahead and see the side exit door, or can look left and see the rest of the store. But the monitors cover most of the store too, so we have a pretty good security system.

Q: So the cameras went out on September 8 for a few hours. So?

A: That is when Marty Zeller came into the store and bought five bottles of ByrMart aspirin, 50 tablet size. Around seven p.m.

Q: You saying he turned off the machine?

A: Whoever turned off the machine – and only one switch was turned off, out of the six security switches and the six light switches and the burglar security system back there – might have known which switch controlled which recording device.

Q: Who goes back there?

A: Well, anybody – That door is not locked. I tried to keep it locked, but it was too much trouble because there is an ordinance that says if I serve food I have to provide a washroom for the public. I am taking the soda fountain out. It loses money. My father was sentimental about it. I am not. It takes up space, is a source of contamination. It loses money. I said that.

Q: So when Zeller goes in to buy several bottles of aspirin . . .

A: There is no record of his touching the bottles of painkillers.

Q: But he used a credit card.

A: Not his own. His wife's.

Q: That's interesting, but

A: I am not finished. The same videotaping machine was turned off again, on September 12, at 4:25 p.m. That was when the Zellers came in to buy the aspirin they claim she choked on.

Q: Couldn't someone else have turned off the camera?

A: At that time there were only four people in the store: me, Alec Brown, and the Zellers. I was in the basement at that time.

Q: You didn't hear or notice anything?

A: I was in the washroom. The lights on the stairs were on. I did not think to look at the videotape monitors – they are off to the side. So I just came up the steps, and when I came out of the stairwell, I saw Patrice Zeller coming in from the front of the store, toward the pharmacy window. I went around to the cash register, and I noticed she had disappeared for a couple of seconds. She came back and handed me a toothbrush, a package of toothpaste, and a bottle of ByrMart aspirin. I saw Marty by the side of the pharmacy window, and walking back to talk to Alec Brown. I noticed it was a couple of minutes past 4:30. Alec got off at 4:30 and had not left because Merve, the pharmacist, was late. Alec was over in the center of the counter next to the wall. There is a drawer there where the employees put their things, leave off keys, and I believe Alec was getting ready to leave. Alec and Marty were talking while I rang up the purchase.

Q: What is the significance of the camera being turned off?

A: Don't you see? Marty could turn off the tape machine, hand his wife the bottle which he had put cyanide in, and there would be no record of who put the bottle on or took the bottle off the shelf. Personally, I don't think those pills were ever on the shelf.

Q: Are you saying they were working together?

A: Sure. They want to sue me.

Q: Well, I will pass you theory along. Anyway, these bottles both come from your store, same batch, but you don't know who bought them?

A: I could not swear to who actually bought them. For all I know, Marty could have stolen these and I would not know the difference. He threatened me. He said he was going to get me. That was two weeks ago and look at what has happened.

Q: Thank you. Oh, one other thing: do you have an alias, or another name you might go by?

A: People call me "Slick." It's a nickname from high school.

Q: Do you care for the name?

A: It's just a name. I don't care one way or the other. Sort of adolescent, if you want my opinion.

Whereupon the interview concluded.

**Jamie Byrnes
16 September 2001**