

STIPULATIONS IN *PEOPLE v. MARTIN ZELLER*

The parties stipulate as follows:

- (1) If Officer Patrick Sullivan were called to testify, he would state that, pursuant to the written consent given by Patrice Zeller on September 13, 2001, he searched the premises of the home of Martin and Patrice Zeller, a two-story single family dwelling located in Marshall City at 131 North Lombard, and the surrounding area. Officer Patrick Sullivan would further testify that in the course of that search he discovered (1) that the kitchen had been thoroughly cleaned, (2) that there were three unopened bottles of ByrMart aspirin tablets, 50 count, sitting in plain view on top of the table in the laundry room in the basement, (3) that there was a blue bottle marked “Potassium Ferrocyanide” in plain view on a shelf in the photographic dark room located near the aforementioned table in the basement, (4) that there were two clippings of newspaper articles from the Marshall City News, dated July 31, 2001, Page 1, headlined “More Deaths!” and the Marshall City News, same date, Page 3, headlined “Cyanide-Actions to take if exposed:Call 911”; and (4) that there was an opened, empty ByrMart aspirin tablet, 50 count, bottle in the garbage in the outside rear of the premises.
- (2) Officer Patrick Sullivan would further testify (1) that he took photographs of the three bottles which were recovered in the basement, (2) that he placed the three bottles in a clear plastic evidence envelope and inventoried it as “Evidence Envelope A”; (2) that after placing his initials on the label [bearing the words “Potassium Ferrocyanide”] of the blue bottle seized in the said darkroom, he placed the blue bottle in a clear plastic evidence envelope, inventoried it as “Evidence Envelope B”, and delivered it to the Thompson County Evidence Testing Center to be tested; (3) that he placed the two newspapers articles in clear plastic bags and inventoried them as “Evidence Envelope C” and “Evidence Envelope D”; and (4) that after placing his initials on the label of the bottle found in the garbage, he placed said empty bottle in a clear plastic evidence envelope and inventoried it as “Evidence Envelope F”, and delivered it to the Thompson County Evidence Testing Center to be tested for possible traces of poison, and
- (3) Officer Patrick Sullivan would further testify that he prepared a sketch of the floor plans of the first floor and basement of said home at 131 N. Lombard, which is a true and accurate representation of the first floor and basement premises at that address.

- (4) The parties stipulate that the substance recovered from the blue bottle recovered from the darkroom area at 131 N. Lombard, by Officer Patrick Sullivan was tested and found to contain cyanide in the form of potassium ferrocyanide.**
- (5) The parties stipulate that the aspirin bottle found in the garbage behind 131 N. Lombard, by Officer Patrick Sullivan, contained traces of cyanide in the form of potassium ferrocyanide.**
- (6) The parties stipulate that a swab of Patrice Zeller's mouth taken at the hospital on September 12, 2001, at 6:15 p.m., was tested and found to contain traces of cyanide in the form of potassium ferrocyanide.**
- (7) The parties stipulate that the September 8, 2001, credit card receipt contained in Evidence Envelope G is true and accurate and contains the signature of Martin Zeller.**
- (8) The parties stipulate that the transcript of the recording of the 911 telephone call is accurate, that Martin Zeller made this telephone call, and that this transcript is admissible in evidence and may be shown but not read to the jury.**
- (9) The parties stipulate that the print-out of Alex Brown's criminal history is true and correct, and the convictions listed therein may be used in lieu of certified copies of conviction, if otherwise admissible.**