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COUNTY COURT
STATE OF NEW YORK : WESTCHESTER COUNTY
THE PEOPLE OF THE STATE OF NEW YORK

-against-

INDICTMENT NO.
14-0450

LACEY SPEARS,

Defendant

COUNT 1

PL 125.25 04 AF2 MP

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this Indictment,
accuses the defendant of the crime of **MURDER IN THE SECOND DEGREE**, committed as
follows:

The defendant, in the County of Westchester and State of New York, on or about January
23, 2014, under circumstances evincing a depraved indifference to human life, and being
eighteen years old or more did recklessly engage in conduct which created a grave risk of
serious physical injury or death to another person less than eleven years old, and thereby
caused the death of such person.

COUNT 2

PL 125.20 01 BF1 MP

THE GRAND JURY OF THE COUNTY OF WESTCHESTER, by this Indictment, accuses the defendant of the crime of **MANSLAUGHTER IN THE FIRST DEGREE**, committed as follows:

The defendant, in the County of Westchester and State of New York, on or about January 23, 2014, with intent to cause serious physical injury to another person, did cause the death of such person or of a third person.

All contrary to the form of the statute in such case made and provided and against the peace and dignity of the People of the State of New York.

/s/ JANET DiFIORE

District Attorney of Westchester County

NOTICE TO DEFENDANT OF INTENTION TO OFFER
EVIDENCE PURSUANT TO SECTION 710.30 CPL

PEOPLE VS. LACEY SPEARS

Please take notice, that the District Attorney intends to offer at trial evidence of a statement made by the defendant **LACEY SPEARS** to a public servant which statement, if involuntarily made, would render the evidence thereof suppressible upon motion pursuant to Subdivision 3 of Section 710.20 CPL.

Oral statement made at approximately 4:10 p.m. on or about January 21, 2014, at Maria Fareri Children's Hospital, Valhalla, NY, to members of the Westchester County Police Department and Westchester County Assistant District Attorneys Christine Hatfield and Christine Cervasio.

In substance, the defendant stated that she lives at the "fellowship" community in Chestnut Ridge, New York and describes the community as an "intentional community".

Defendant stated she chose to live there so that her son, Garnett Paul-Thompson Spears could attend the elite Green Meadow Waldorf private school.

Defendant stated that at the Fellowship she cares for the elderly and that she receives free room and board and utilities.

Defendant stated she last gave her son holistic medications through his GI feeding tube last Sunday, January 12, 2014.

Defendant stated that on Saturday night, January 11, 2014, her son Garnett was suffering from fevers that ranged from 99 degrees to 104 degrees.

Defendant stated that Sunday night, January 12, 2014, Garnett had no fever.

Defendant stated on Monday, January 13, 2014, she took her son Garnett to the pediatrician, Doctor Kenneth Zatz and all was good.

Defendant stated that on Tuesday, January 14, 2014, she kept her son Garnett home and he took a three and a half hour nap. However, later that

evening around 9:00 p.m. Garnett awoke and had three seizures and was retching.

Defendant stated she took her son, Garnett, to Good Samaritan Hospital (January 14, 2014, at 23:37 hours) and while in the waiting room Garnett was complaining of a headache and he was "pooping (explosive) real bad all the way to the bathroom and "retching".

Defendant stated by the time the doctor sees him he is fine and they did a C.A.T. scan and lab work. Garnett is then discharged home at 04:07 a.m. on January 15, 2014.

Defendant stated Wednesday, January 15, 2014, Garnett was fine and she gave him elderberry syrup, chewable vitamin C and probiotics as she does every day.

Defendant stated on Thursday, January 16, 2014, she brought Garnett to the pediatrician (Dr. Zatz) and he was fine, urinalysis good but his urine glucose was high (1000) and he was peeing apple juice.

Defendant stated that on Friday, January 17, 2014, Garnett was irritable, asking for water all day, "I give him well water from the tap".

Defendant stated that around 12:30 – 1:00 p.m., while at home in Chestnut Ridge she heard a thump and found Garnett holding his head screaming in pain.

Defendant stated that Garnett's school teacher who is also a pediatric nurse, Carol Grieder, came by the house and at that time Garnett couldn't hold up his head for about 20 -30 minutes and Carol Grieder witnessed him sick.

Defendant stated she then brought Garnett to Nyack Hospital and upon arrival (January 17, 2014 at 16:59 hours). Garnett was fine but asking for water.

Defendant stated that Garnett is an excessive water and milk drinker.

Defendant stated Nyack Hospital had consulted with Garnett's pediatrician, Dr. Zatz, and Dr. Zatz requested admission, labs and an EEG.

Defendant stated Howard Friedman (from Fellowship) stayed with her and Garnett Friday night, January 17, 2014.

Defendant stated Saturday, January 18, 2014, in the morning Garnett is fine, eating. Also, friend Nelli visited.

Defendant stated that Garnett woke up once Saturday evening complaining that his stomach hurt, so she gave him Isomil via his GI feeding tube that the hospital gave her.

Defendant stated that Sunday, January 19, 2014, Garnett woke up okay but he was not hungry and not feeling well.

Defendant stated on Sunday, January 19, 2014, at about 9 a.m. – 11 a.m. Garnett had diarrhea, gassy, retching, and was screaming and stoolled out all over himself.

Defendant stated she told nurse "Nora" and "Dr. Sanfora" (Nyack Hospital) of the above and Garnett is given Motrin and sleeps a while. However, when Garnett wakes he is shaking, begging for water, then drifts off back to sleep, and then awakes again and appears normal for 2 – 3 hours but then begins to complain again, diarrhea and retching starts coming on hard and his eyes were twitching and the nurse and doctor come in and Garnett seizes for about 40 minutes.

Defendant states while at Nyack Hospital Sunday afternoon that Garnett's oxygen started to drop, he was intubated and she waited two hours to be flown (stat-flight) to the Maria Fareri Children's Hospital in Westchester County.

Defendant stated that she arrived at Westchester's Maria Fareri Children's Hospital Sunday night.

Defendant stated that on Monday, January 20, 2014, Garnett began waking up and they (Maria Fareri's) removed his breathing tube.

Defendant stated Garnett wanted to go to Nelli's house.

Defendant stated that Monday evening, January 20, 2014, Garnett was sleeping comfortably and that she too fell asleep about 8:00 p.m.

Defendant stated that she awoke (later Monday night, January 20, 2014) to Garnett thrashing in his bed, lying sideways and tangled in tubes, then goes back to sleep. This occurs a couple of times during the overnight into Tuesday, January 21, 2014.

Defendant stated a chest x-ray was taken around 6:30 a.m. and Garnett was sleepy.

Defendant stated at about 07:00 a.m. a nurse examines him.

Defendant stated that Garnett did not drink overnight.

Defendant stated that the pediatric head doctor (Pinto) treated Garnett last night and this morning, referring to Monday night, January 20, 2014, and Tuesday morning January 21, 2014.

Defendant stated when Garnett was five days old he suffered from high fever and ear infection with fluid in the ears and projectile vomiting and had to get heel pricks for labs in an Alabama Hospital.

Defendant stated Garnett's weight was fluctuating up and down and was diagnosed with reflux but weeks later Garnett was still not gaining weight, all while living in Alabama.

Defendant stated at that time Garnett was being treated by Dr. Adrienne Alice Shuler in Decatur, Alabama.

Defendant stated that Garnett was treated in the Birmingham Alabama Children's Hospital for "high sodium levels again." "I have family there."

Defendant stated the next day he was fine but he stayed in the hospital in Birmingham for weeks.

Defendant stated that after the Birmingham Hospital stay Garnett was fine and she moved to Clearwater, Florida. Garnett was about two years of age when she moved to Florida.

Defendant stated while in Florida Garnett was in and out of the emergency room with M.R.S.A. (methicilin resistant staphylococcus aureus) in both ears and blood coming from his ears and nose, and Garnett was not thriving. Defendant emphasized not thriving.

Defendant stated at about 9 months of age Garnett, due to his failure to thrive had a (gastrostomy) GI feeding tube installed at an Alabama hospital.

Defendant stated Garnett had a bout with a minor staph infection in his ears while living in Clearwater, Florida, and was treated in Clearwater.

Defendant stated that while living in Clearwater, Florida she learned about whole foods and a holistic approach to treating her son Garnett.

Defendant stated that while in Clearwater, Florida she also learned of the Fellowship Community in Rockland County, New York, where she could work for the Fellowship and receive not only free room and board with utilities

but Garnett could attend the private Green Waldorf School located on the Fellowship grounds.

Defendant stated she enrolled Garnett in September, 2013, into the Green Waldorf School located in the Fellowship Community in Chestnut Ridge, New York.

Defendant throughout the interview used medical and hospital jargon, like "on the floor".

Dated: June 17, 2014

JANET DiFIORE
DISTRICT ATTORNEY
WESTCHESTER COUNTY
COURTHOUSE
111 Dr. Martin Luther King Jr. Blvd.
White Plains, NY 10601

NOTICE TO DEFENDANT OF INTENTION TO OFFER
EVIDENCE PURSUANT TO SECTION 710.30 CPL

PEOPLE VS. LACEY SPEARS

Please take notice, that the District Attorney intends to offer at trial evidence of a statement made by the defendant **LACEY SPEARS** to a public servant which statement, if involuntarily made, would render the evidence thereof suppressible upon motion pursuant to Subdivision 3 of Section 710.20 CPL.

Oral statement made at approximately 12:45 p.m. on or about January 22, 2014, at Maria Fareri Children's Hospital, Valhalla, NY, to a member of the Westchester County Police Department and Dr. Jennifer Canter of the Child Advocacy Center.

In substance, the defendant stated that Colette was the overnight nurse assigned to Garnett's room.

Defendant stated that on Monday evening around 4:40 p.m. on January 20, 2014, when Garnett was off the breathing tube he was sitting up in bed responsive talking to her and friend Nelli. Shortly thereafter, Nelli leaves and Annie and Kate come by to visit. Annie leaves at about 6:15 – 6:30 and Kate leaves at about 6:40 p.m.

Defendant stated after Annie and Kate leave Garnett goes to sleep.

Defendant stated that at about 8 – 9 p.m. (still Monday evening, January 20, 2014) Garnett begins to thrash in his bed and becomes tangled in his IV tubes and machine wires.

Defendant stated she contacted nurse Colette for the thrashing and a possible infiltrated IV line. Colette tells Ms. Spears that everything appears fine and that Garnett could be experiencing the intubation medicine wearing off and that could make him uncomfortable.

Defendant states that Garnett drifts off to sleep again.

Defendant states that while sleeping in a fold out bed next to Garnett she hears Garnett thrashing and states Garnett is all over the bed with his back arched and his head held back.

Defendant states that nurse Colette comes in again and states the medicine is probably still wearing off but defendant states Garnett's head is still back and is arching, either his medicine or sodium levels are too high.

Defendant stated that she insists he's still in pain and Garnett wakes a short time later holding his head crying.

Defendant states Colette comes in yet again and does a diaper change. Defendant states that Garnett was thrashing and when Colette asks Garnett if he is in pain he wouldn't answer, but when she asks Garnett he would answer her.

Defendant states that she asked Garnett if his head hurt and he responded yes in front of nurse Colette.

Defendant stated Garnett becomes sleepy again and shortly thereafter another episode of thrashing and back arching occurs.

Defendant stated Colette comes in two more times and does diaper changes that took an extended period of time due to the thrashing around.

Defendant stated at about 6:00 a.m. Garnett drifts off to sleep but does not look right to her. Garnett's color has changed (pale) and his back is arched and he is positioned long ways in the hospital bed.

Defendant stated that when the x-ray technician came in it was "awful to do."

Defendant stated Colette told the x-ray technician that doing an x-ray was gonna be difficult.

Defendant stated that after the x-ray Garnett never moves again.

Defendant stated that Colette was not around for the x-ray.

Defendant stated that a physician came in and did an examination on Garnett, including palpating his stomach and states he was doing well.

Defendant stated five minutes later the event occurs and Colette came in and began shaking Garnett stating, "Garnett, what are you doing," while shaking him.

Defendant stated after the episode Garnett's stomach appears distended.

Defendant stated that Garnett was given elderberry care, breast milk, and a new diet of blended fruits and veggies through his GI feeding tube.

Defendant stated she uses "a pinch of salt" for flavor when feeding Garnett the blended fruits and vegetables through his GI tube.

Defendant stated she learned the mixtures from a friend in Florida.

Defendant stated she may have given Garnett medicine through his GI feeding tube such as antibiotics.

Defendant stated she only gives herbal remedies by mouth not GI feeding tube.

Defendant stated Sunday, Monday and Tuesday, Garnett was given herbals.

Defendant stated Saturday night, January 18, 2014, Nyack Hospital gave Garnett Similac Isomil (soy version) through his GI feeding tube.

Defendant stated that Garnett would once in a while play with the syringe used for the GI feedings and it's possible he could of put something in the GI feeding tube.

Defendant stated over Christmas she went to Clearwater, Florida to visit her grandmother with Garnett and that she was away Saturday to Saturday – December 21, 2013 through December 28, 2013.

Defendant stated that while in Florida she did not take Garnett to any hospitals.

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Oral statement made at approximately 8:10 p.m. on or about January 22, 2014, at Maria Fareri Children's Hospital, Valhalla, NY, to a member of the Westchester County Police Department and members of the Town of Ramapo Police Department.

In substance, the defendant appeared to be distraught demanding to know why this happened to her child, why he was brain dead. Ms. Spears was visibly distraught but showed no signs of tears. She was crying out loud for several minutes with her head and face buried in her folded arms on the table in front of her. When Detective Carfi asked her a question she "popped her head up" and answered in a smooth clear voice lacking any hint of distress.

Defendant stated that her son Garnett suffered from Chron's and Celiac disease and that Garnett had numerous ear surgeries.

Defendant stated that Garnett had many medical problems and was limited as to what he could eat because he had an under developed esophagus and it was only 25% normal size it should be.

Defendant stated she would feed Garnett clear broth's and breast milk.

Defendant stated that Garnett's father was killed in a car accident.

Defendant stated she was prescribed natural medicines by Dr. Karnow from the Fellowship Community.

Defendant stated that Saturday and Sunday, January 11, 2014 and January 12, 2014, Garnett had a fever of 102°.

Defendant stated she took Garnett to her pediatrician, Dr. Zatz, on January 13, 2014 in Nyack.

Defendant stated on Tuesday, January 14, 2014, she took Garnett to Good Samaritan Hospital late at night because he was having convulsions or seizures and diarrhea. Defendant described that "Garnett had explosive diarrhea in the waiting room"

Defendant stated that by the time she saw a doctor at Good Samaritan Hospital, Garnett's symptoms had stopped and that he was examined and then Good Samaritan Hospital sent her home.

Defendant stated she then followed up with Dr. Zatz on Thursday, January 16, 2014.

Defendant stated that Garnett stopped breathing when he was about ten weeks of age and that at nine months of age he had the GI tube put in.

Defendant stated that one time when Garnett was young his sodium levels were 200 and the doctors could not explain why.

Defendant stated that Garnett had stomach surgery to stop projectile vomiting when he was an infant.

Defendant stated she moved to Chestnut Ridge to the Fellowship Community in 2012 because she wanted a better life in New York for her and Garnett.

Defendant stated she started a natural and organic lifestyle and diet.

When asked if she used salt in her preparation of foods for Garnett, Defendant stated that she used very little salt and stated that she only would use Himalayan salt.

Defendant stated she had been taking Garnett to a gastroenterologist in Middletown, New York to monitor his GI tube.

Defendant stated that last Friday, January 17, 2014, Garnett was complaining of a headache and she observed him retching in pain.

Defendant stated she borrowed a car from the Fellowship to bring Garnett to Nyack Emergency Room.

Defendant stated Garnett was fine when they arrived at Nyack Friday afternoon.

Defendant stated Garnett was asking for water.

Defendant stated Garnett was admitted to Nyack to monitor him for seizure activity.

Defendant stated Garnett was fine on Saturday, January 18, 2014, but that on Sunday, January 19, 2014, Garnett was not feeling well, not eating well in the morning and had diarrhea and was complaining of headaches again.

Defendant stated the hospital doctor was a Dr. Sunku.

Defendant stated Garnett drank a few pitchers of water and that he had seizures at least twice.

Defendant stated after the second seizure Garnett was transferred to Westchester Medical Center by helicopter.

Defendant stated that she was advised that Garnett's sodium level was 40 points higher than normal.

Defendant stated that when Garnett was 10 weeks old he had stopped breathing and that Garnett had a sodium level of 200 and the doctors in Alabama could not explain why.

Defendant stated on Monday, January 20, 2014, Garnett appeared to be getting better and had his breathing tube that had been inserted in Nyack Hospital had been removed.

Defendant stated Garnett was alert talking to her and her friend Nelli, and other visitors from the Fellowship that had come to see her.

Defendant stated around 9:00 p.m. on Monday night, January 20, 2014, Garnett began thrashing around in his bed complaining of headaches throughout the night.

Defendant repeatedly stated that she told the nurse Colette what was going on.

Defendant stated that early on Tuesday morning after the medical staff had checked Garnett, and after he had a chest x-ray the alarms activated in the room and he stopped breathing.

Dated: June 17, 2014

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Oral statement made at approximately 7:35 p.m. on or about January 23, 2014, at Maria Fareri Children's Hospital, Valhalla, NY, to a members of the Town of Ramapo Police Department and the Westchester County Police Department.

In substance, Detective Budnick advised that he wanted to explain to the Spears Family why this investigation was occurring. Detective Budnick explained that whenever a child dies of this age an investigation is conducted to include hospital procedures, past medical history, and past and present family situations.

Detective Budnick did state that it was possible that the cause of death to Garnett might never be determined. When this statement was made Lacey Spears smiled and appeared to be relieved somewhat. Defendant stated that if Garnett was given the wrong medication by her it was not her fault because the medications were prescribed. Defendant stated that if she mixed something that killed Garnett it was not her fault, the medications were prescribed and that she did not murder him.

Dated: June 17, 2014

JANET DiFIORE
DISTRICT ATTORNEY
WESTCHESTER COUNTY
COURTHOUSE
111 Dr. Martin Luther King Jr. Blvd.
White Plains, NY 10601

DISTRICT ATTORNEY'S DEMAND FOR DISCOVERY AND INSPECTION

PLEASE TAKE NOTICE, that pursuant to the provisions of Article 240 of the Criminal Procedure Law, the District Attorney hereby demands that the defendant disclose and make available for inspection, photographing, copying or testing any and all written reports and documents, or portions thereof, concerning all physical and mental examinations, and scientific tests, experiments and comparisons, made by or at the request or direction of the defendant, if the said defendant intends to introduce such reports or documents at trial, or if the said defendant has filed or will file a notice of intent to proffer psychiatric evidence and such reports or documents relate thereto, or if such reports or documents were made by a person, other than the defendant, whom the defendant intends to call as a witness at trial.

IT IS FURTHER DEMANDED, that the defendant disclose and make available for inspection, photographing, copying or testing any and all photographs, drawings, tapes, or other electronic recordings which the defendant intends to introduce at trial.

IT IS FURTHER DEMANDED, that compliance with the requests for discovery and inspection contained in this "DEMAND FOR DISCOVERY AND INSPECTION" take place within fifteen (15) days of the arraignment herein, at a place to be mutually agreed upon by the District Attorney and counsel for the defendant.


DISTRICT ATTORNEY'S DEMAND FOR BILL OF PARTICULARS

PLEASE TAKE NOTICE, that if the defendant herein intends to offer, for any purpose whatsoever, testimony which may tend to establish presence elsewhere than at the scene of the crime at the time of its commission, you are hereby required within eight (8) days after the service of this demand upon you, to server upon me, the undersigned, District Attorney of the County of Westchester, and file a Bill of Particulars which shall set forth in detail the place or places where the defendant claims to have been, together with the names, residential addresses and place of employment and addresses thereof of the witnesses upon whom defendant intends to rely to establish defendant's presence elsewhere than at the scene of the crime at the time of its commission,

Unless you serve and file such Bill of Particulars, in the event that such testimony is sought to be interposed by you upon the trial for any purpose whatever, or in the event that a witness not mentioned in such Bill of Particulars is called by you to give such testimony, a motion will be made to exclude the testimony of such witness.

The District Attorney will furnish you with the name and address of any alibi-rebuttal witness(es) intended to be called by the People to testify.

Very truly yours,

A handwritten signature in cursive script, reading "Janet DiFiore", written in dark ink.

JANET DiFIORE
District Attorney