

# MCPD Responses Indicate Fuddy Did Not Die

[HRS 841-3](#) mandates that the coroner of a county conduct a complete investigation if they are notified of a death within their jurisdiction that meets certain requirements. The relevant portion (emphasis mine):

*§841-3 Duties. As soon as any coroner or deputy coroner has notice of the death of any person within the coroner's or deputy coroner's jurisdiction as the result of violence, or as the result of any accident, or by suicide, or suddenly when in apparent health, or when unattended by a physician, or in prison, or in a suspicious or unusual manner, or within twenty-four hours after admission to a hospital or institution, the coroner or deputy coroner shall forthwith inquire into and make a complete investigation of the cause of the death.*

Note there are 3 conditions that have to be met, and if they are met then HRS 841-3 is in effect

- a) the coroner has notice of the death
- b) the death happened within the coroner's jurisdiction
- c) the circumstances of the death fit at least one of the descriptions listed in HRS 841-3

Let's take those in reverse order.

## c) circumstances of the death.

The official story regarding Fuddy is that she died of cardiac arrhythmia as she floated in her life jacket after the plane she was in experienced catastrophic engine failure and made a forced water landing close to the shore of Kalaupapa. She was holding hands with Keith Yamamoto and let go, drifting 200 yards away from everybody else by the time rescuers arrived. The first Coast Guard rescuer says Fuddy was the first of the 9 victims in the water that he came upon and when he found her unresponsive he passed her by because USCG protocols demanded it. The second Coast Guard rescue swimmer says when he found her she had no pulse.

The 3 underlined circumstances all apply: the result of an accident, suddenly when in apparent health, and when unattended by a physician.

## b) within the coroner's jurisdiction

This one has several components. First off, what is considered the time and place of death? According to [HRS HRS 327C-1](#), the time of death is the first point at which pulse and respiration are both absent, though it may take some time beyond that to know that the cessation of pulse and respiration is irreversible. The relevant portion (emphasis mine):

*§327C-1 Determination of death. (a) Except as provided in subsection (b), a person shall be considered dead if, in the announced opinion of a physician or osteopathic physician licensed under part 1 of chapter 453, physician or osteopathic physician excepted from licensure by section 453-2(b)(3), physician assistant licensed under*

*chapter 453, or registered nurse licensed under chapter 457, based on ordinary standards of current medical practice, the person has experienced irreversible cessation of spontaneous respiratory and circulatory functions. **Death will have occurred at the time when the irreversible cessation of the functions first coincided.***

According to the story, Loretta Fuddy's pulse was absent in the water off Kalaupapa. According to the official story, she had a heart attack because she was so afraid of the water. So that is her place of death.

Whose jurisdiction is the water off Kalaupapa?

Most of the island of Molokai is part of Maui County, but the Kalaupapa peninsula is its own county, Kalawao. To see who has jurisdiction in the water we have to look at Maui County's Charter and HRS 326-34, which establishes and defines Kalawao County - to see which county includes water. Kalawao County doesn't, per [HRS 326-34](#):

*§326-34 County of Kalawao; governance. (a) The county of Kalawao shall consist of that portion of the island of Molokai known as Kalaupapa, Kalawao, and Waikolu, and commonly known or designated as the Kalaupapa Settlement, and shall not be or form a portion of the county of Maui, but is constituted a county by itself.*

According to the [Maui County Charter](#), the waters adjacent to the islands comprising Maui County are also included in Maui County (emphasis mine):

*Section 1-2. Geographical Limits. The Islands of Maui, Molokai, Lana'i, and Kaho'olawe and all other islands lying within three nautical miles off the shores thereof **and the waters adjacent thereto**, except that portion of the Island of Moloka'i known as Kalaupapa, Kalawao and Waikolu, and commonly known and designated as the Kalaupapa Settlement, shall constitute the county.*

So a death in the water off the island of Molokai is a death within Maui County's jurisdiction.

Linda Jordan asked the Hawaii Department of Health Director, Linda Rosen, directly - as to whether Loretta Fuddy's death was under the jurisdiction of Kalawao County (which is governed by the HDOH). She was told that it was under Maui County's jurisdiction, which is why Maui County did the autopsy. So Kalawao County has acknowledged that the death was not in their jurisdiction but WAS in Maui County's jurisdiction.

a) the coroner has notice of the death

Among the records I received was a sheet filled out by EMS personnel, saying that Dr. Harle had pronounced Fuddy dead. That sheet was in the report of Deputy Coroner Jamie Winfrey - so she was obviously notified of a death, and was also notified that the death was unattended by a doctor, which means the conditions for HRS 841-3 to be in effect were met:

STATE OF HAWAII, COUNTY OF MAUI  
EMERGENCY MEDICAL SERVICES

DEATH PRONOUNCEMENT INFORMATION

Name of Deceased: LORETTA J FUDDY

Deceased Date of Birth: 9-12-48 (if known)

EMS Unit Name: Medic 8 EMS Unit#: 39

ARF Number: 055317

EMS Personnel W. M. Scharfen & Steven Lucas

The patient was pronounced by Dr. Lindsey Hurle

This physician is the Deceased's Primary Private Physician.

This physician is under contract by the County of Maui to make Death Determinations.

The physician's license number is 16639

The deceased was pronounced on 12-11-13 at 1858  
(Date) (Time)

The death was  ATTENDED  UNATTENDED

NOTES:

[Redacted area]

So if the official story is the way things really happened, HRS 841-3 would be in effect. Loretta Fuddy died in the water, which is Maui County jurisdiction. Her death was unattended, and the coroner was notified of the unattended death.

That's why it floored me when I asked Chief Faamu for copies of the sworn witness statements required in [HRS 841-2](#) and was told that they were not required **because HRS 841-3 was not statutorily in effect!**

As to:

“3. Copies of records of the coroner or deputy coroner's attempts to contact these witnesses in order to get their sworn statements, given that the presence of all those people at the time of death (and up to the declaration of death) was known in Detective Winfrey's report (p. 23 of what I received) and in news reports;”

*MPD Response:*

*HRS §841-3 does not statutorily apply, and thus no sworn statements were taken. Statements were taken from the available witness upon being brought to shore and were included in MPD's Outside Assistance report 13-055314, which was provided to you.*

If HRS 841-3 did not statutorily apply, then something about the official story is not correct. Either her heart did not stop while she was in the water, or she is not dead, or both. As long as her heart stopped in the water and that condition ended up being irreversible (she died), HRS 841-3 applied. The only way it would NOT apply is if there was NO DEATH within Maui County's jurisdiction.

And if there was no death within their jurisdiction, then how did Maui County justify ordering an autopsy? They used HRS 841-14, which authorizes the coroner to do an autopsy of "the remains of the human body **appearing** to have come to death under any of the circumstances set forth in Section 841-3".



MAUI COUNTY POLICE DEPARTMENT

REQUEST FOR AUTOPSY

TO: Dr. Lindsey HARLE, Coroner's Physician

District of Molokai, County of Maui, Hawaii

Pursuant to Section 841-14 of the Hawaii Revised Statutes, notice is hereby give the above-named Coroner's physician that an autopsy shall be performed on the body of Loretta FUDDY, age     , sex F, race Caucasian, who was pronounced dead on December 11, 2013 at 1858 A.M./P.M. by Dr. HARLE.

Autopsy shall be performed as soon as possible to determine, if possible, the exact cause of death. A complete report of the findings of such autopsy shall be made available to the Chief of Police, County of Maui, Hawaii, within a week's time.

Gary YABUTA  
Chief of Police, ex-officio  
Coroner, County of Maui

<u>OUTSIDE ASSISTANCE</u>	<u>12/11/13</u>	<u>1537 Hours.</u>
(Type of Incident)	(Date & Time Reported)	
By <u>Jamie WINFREY</u>	<u>12/11/13</u>	<u>2104 Hours.</u>
Deputy Coroner	(Date & Time)	

.....  
Section 841-14. HRS. AUTOPSIES AND FURTHER INVESTIGATION. If, in the opinion of the Coroner, or of the Coroner's physician, or of the prosecuting attorney, or of the Chief of Police (in the City & County of Honolulu), an autopsy of the remains of the human body appearing to have come to death under any of the circumstances set forth in Section 841-3 (see below) is necessary in the interest of the public safety or welfare, he shall perform, or cause to have performed, such an autopsy. If, in the opinion of the coroner's physician, a further or additional investigation as to the cause of death is necessary, he may conduct the same or have the same made, and the expense thereof shall be paid by the county concerned and for this purpose, the coroner's physician shall have the duties and powers conferred upon the coroner or deputy coroner by Section 841-4 to 941-8.

SECTION 841-3. HRS. DUTIES. As soon as any coroner or deputy coroner has notice of the death of any person within his jurisdiction as the result of violence, or as the result of any accident, or by suicide, or suddenly when in apparent health, or when unattended by a physician, or in prison, or in a suspicious or unusual manner, or within twenty-four hours after admission to a hospital or institution, he shall forth-with inquire into and make a complete investigation of such death

Any person who becomes aware of the death of any person under any of the circumstances set forth above shall immediately notify the coroner of the known facts concerning the time, place, manner, and circumstances of the death.

An autopsy could be done even if HRS 841-3 was not in effect, as long as it APPEARED that there was a human body that came to death where HRS 841-3 applied. If HRS 841-14 was in effect but not 841-3, the body that was thought to have come to death under the circumstances of 841-3 had to turn out to NOT be dead under those circumstances. So in Fuddy's case it had to be a doctor-attended death, not the result of an accident, AND not a sudden death when she appeared to be in good health. Or she had to not be dead at all.

In other words, if the plane landing was an accident as claimed, then the only reason for HRS 841-3 to not be in effect is if she isn't dead. If, as claimed, her doctor wasn't there watching her die, then the only way for 841-3 to not be in effect is if she isn't dead. If it was a sudden death when she had appeared to be in good health as claimed, then the only way for HRS 841-3 to not be in effect is if she isn't dead.

All the Maui Police Dept records scream out that there was no death within Maui County jurisdiction, because on nearly every page it is noted that this is an OUTSIDE ASSISTANCE CASE. It is NOT a case where Maui County has jurisdiction - as they would have if there had been a death. They are assisting somebody else who had jurisdiction. There were 2 potential "victims" to the state-statute investigation being done with the outside assistance of the Maui Police Department: Makani Kai Air (property damage), and Loretta Fuddy (personal injury).

In the final conclusion to that investigation, Loretta Fuddy was listed as the sole personal victim - not Kawasaki who suffered a concussion, or Marilyn Briley who was hospitalized for injuries, and not Ferdinand Puentes who was tested for spinal injury.

The conclusion was that she had suffered no injury. Which seems very strange, indeed, if the stress of a forced water landing actually killed her.

It DOESN'T seem so strange if she only APPEARED to have died, which would explain not only Chief Faamu's claim that HRS 841-3 was not in effect, but would also explain the discrepancies that keep popping up all over the place - including the FAA's FOIA response which indicates that there was no engine failure and that no person on that plane died within 30 days of the water landing.

It seems, then, that both the Maui Police Department and the FAA are confirming that Fuddy did not die, even though they possess records claiming that she did.

How could that be? [HRS 28-101](#) gives the HI Attorney General the authority to take ANY ACTION to protect a potential government witness in an investigation that involves great public interest:

**§28-101 Witness security and protection.** (a) *The attorney general shall establish a statewide witness program through which the attorney general may fund or provide for the security and protection of a government witness or a potential government witness in an official proceeding or investigation where the attorney general determines that an offense such as those described in section 710-1071 (intimidating a witness), 710-1072 (tampering with a witness), or 710-1072.2 (retaliating against a witness) is likely to be committed or which involves great public interest. The attorney general may also fund or provide for the security and protection of the immediate family of, or a person otherwise closely associated with, such witness or potential witness if the family or person may also be endangered. In determining whether the funds or security and protection are to be provided, the attorney general shall give greatest priority to official proceedings or investigations involving pending or potential organized crime, racketeering activity, promoting prostitution, or career criminal prosecutions.*

(b) *In connection with the security and protection of a witness, a potential witness, or an immediate family member or close associate of a witness or potential witness, the attorney general may fund or take any action the attorney general determines to be necessary to protect such person from bodily injury, or to assure the person's health, safety, and welfare, for as long as, in the judgment of the attorney general, such danger exists.*

The Attorney General could tell the Maui Police Department to generate fake records to make it appear that Loretta Fuddy was dead, if he believed she was in

danger from either those "violent right-wing birthers who had just named Fuddy as a defendant in a criminal complaint" OR the Obama regime which knows that Fuddy could tell who did what crimes to cover Obama's documentation problem.

If such an order was given, it would explain why an attorney for Maui County admitted that they don't believe anybody has any records showing by what means Dr. Harle communicated the pronouncement of death (OR conducted an autopsy) from the island of Maui while the body was on the island of Molokai. No phone call, text, email, fax, or CAD transmission. And he said there were also no records that would prove that she was there on Molokai at either time - so no recording of the autopsy as is the custom, security camera footage, etc

It would also explain why there is an autopsy report (not written like a forensic pathologist would write it) claiming a 7am autopsy when no flight could have gotten Dr. Harle to the Molokai Morgue by then, and when the billing for the Fuddy autopsy expenses did not include Dr. Harle's travel expenses from Maui to Molokai even though there is a specific place for such expenses to be listed for reimbursement. It's hard to conduct a real autopsy when you're on a different island than the body. But it's easy to fabricate a vague autopsy report on a body you never even saw, if the AG says you must.

In addition, it would explain why Detective Winfrey claimed to view the body and collect the clothes even though she did not know that Fuddy's body should have had socks, shoes, and bracelets on. If there had been a body to observe, Winfrey would have known about the socks, shoes, and bracelets. She apparently claimed to see a body because the AG told her to say it, but if she had actually seen Fuddy's body she would have known about the socks, shoes, and bracelets.

But most of all, it would explain why the event/case - which was assigned a case number when the death was pronounced - was closed at the precise moment it was - when it was known that HRS 841-3 was not in effect. Jamie Winfrey had the death investigation closed at 7:36pm. Eleven minutes after she looked under the blanket at the morgue. A little less than an hour later, Richard Manaois ordered the event/case to be changed to an Outside Assistance case, so the event was reopened and the event type changed to Outside Assistance.



## Incident/Investigation Report

Agency: MPD

Case Number: 13-055314

Date: 4/10/2014 12:34:27

### Supplement Information

Supplement Date 03/06/2014 16:17:32	Supplement Type ADDITIONAL INFORMATION	Supplement Officer (2342) WINFREY, JAMIE A
Contact Name	Supervising Officer (2342) WINFREY, JAMIE A	
Location Comment: @OPEN OCEAN AREA OFF KALAUPAPA AIRPORT		

### Victims

Seq. #	Type	Injuries	Residency Status	Ethnicity		
2	INDIVIDUAL	None	Resident	Non-Hispanic		
Name (Last, First, M) FUDDY, LORETTA JEAN			Race C	Sex F	DOB	Age 65
Address					Home Phone	
Employer Name/Address			Occupation		Business Phone	
Victim of Crimes 1		Driver's License	SSN		Cellular Phone	