



United States District Court

Pennsylvania v. King

By Ethan Amaker

UNITED STATES DISTRICT COURT

People of the Commonwealth of Pennsylvania
Prosecution

v.

Mallory King
Defendant

Summary of Facts Stipulated

On May 28, 2008, Izzy Spaulding, an art conservationist at the State Museum of Art, was admitted to the Hospital of the University of Pennsylvania for symptoms that included vomiting and delirium. By June 2, 2009, blood tests indicated that Spaulding was suffering from arsenic poisoning. Despite treatment, Spaulding passed away on June 11, 2009. Prior to being hospitalized, Spaulding had spent several months working with a paint containing the arsenic-laden pigment known as "Paris Green." Testing of samples from Spaulding's body indicated that the exposure had commenced several months before death. Testing also detected elevated levels of arsenic on various items of cookware within Spaulding's residence, as well as on several of Spaulding's personal effects.

Mallory King, Spaulding's spouse, has been charged with murder in the first degree in the poisoning death of Izzy Spaulding. King has pled not guilty.

Applicable State Law

State Penal Code

Sec. 1111. Murder

(a) Murder is the unlawful killing of a human being with malice aforethought. Every murder perpetrated by poison, lying in wait, or any other kind of willful, deliberate, malicious,

and premeditated killing; or committed in the perpetration of, or attempt to perpetrate, any arson, escape, murder, kidnapping, treason, espionage, sabotage, aggravated sexual abuse or sexual abuse, burglary, or robbery; or perpetrated from a premeditated design unlawfully and maliciously to effect the death of any human being other than him who is killed, is murder in the first degree.

Instructions to the Jury

In this case, the burden of proof lies entirely upon the state. The defense has no burden whatsoever. If the state fails to prove its case beyond a reasonable doubt, then you must deliver a verdict of not guilty. If any doubt is held, then it must be such as to have no bearing on the overall belief of guilt in order to choose a verdict of guilty.

Witness List

Prosecution

Dominique Hunter
Cameron King
Gerry Campbell

Defense

Mallory King
Sloane Bryant
Avery Carmichael

Note on the Witnesses

The order in which the prosecution and the defendant call their witnesses is up to each side's discretion. That is, witnesses may be called in any order that a team finds advantageous. Furthermore, the witnesses' names are all gender neutral and may be portrayed as either a male or a female.

Affidavit of Dominique Hunter
Witness for the Prosecution

My name is Dominique Hunter, and I'm an actor in Philadelphia, although I am currently moonlighting as a receptionist until an acceptable role comes along. I tried living out in L.A. for a while, but I wasn't a huge fan of the place. So many people head out there looking for their big break, even someone with my talents has difficulty getting noticed. I moved back to Philly in September of 2007 and a friend of mine helped me get an interview for a position at King Chemical Supply. I'll admit I didn't have a lot of experience in the administrative sector, but I must have really wowed Mallory King, the owner of the place, during my interview, because I got the job before I even left the building.

I was hired as Mallory's personal assistant, so I answered phones and did things like that. It really wasn't a difficult job, and I always had plenty of free time to try and get in touch with local directors. One day in November, Mallory asked me to attend a dinner meeting with a potential client. When we got to the restaurant, the client called to say he couldn't make it, so we ended up eating dinner alone. Sparks flew, and the next thing you know we were going out several nights a week. It probably seems unprofessional for an assistant to date his/her boss, but we managed to keep it classy.

At first I was a little uncomfortable, as I knew that Mallory was married, but Mallory assured me that the marriage would be ending soon. Later in April, Mallory told me that Mallory would be coming into some money soon and asked if I would be interested in moving to Florida. I was thrilled, so I said yes and ended up spending the whole day researching theater and film opportunities in the Sunshine State.

Mallory said we might move down there as early as July, so I was busy trying to settle my affairs in Philadelphia when Mallory's spouse passed away in June. Even though Mallory said they were getting a divorce, I figured it would still be a pretty difficult time. I went into Mallory's office to let Mallory know that I had cancelled all of the arrangements for the move down to Florida, but Mallory wasn't relieved at all; instead, Mallory got upset and demanded to know why I thought anything had changed. A few days later, Mallory told me that King Chemical Supply would be closing down and instructed me to sell

off our entire remaining inventory.

I sold off our supply of arsenic to Mackenzie ChemCo, one of our rival chemical suppliers, but a few days after the sale they called to tell me that the delivery had been light by about 100g. I didn't think it was a big deal, but when I told them that they only got angrier, so I went to Mallory. When I told Mallory that Mackenzie ChemCo was claiming that our shipment was about 100g less than what we had listed on our inventory sheet (s)he just stayed quiet, so I suggested that maybe someone within the company had taken it. That must not have been the right thing to say, because right away (s)he got up, snatched the inventory sheet from my hand, ripped it up, and screamed, "You had better not tell anyone about this, or else!" After that, (s)he didn't mention anything about Florida, and once the company closed down I stopped hearing from him/her entirely. I wasn't quite sure what I thought about everything that had happened, but I decided to tell the police what I knew anyway just to be on the safe side.

Dominique Hunter

Subscribed and sworn to me on this, the 4th day of November, 2009

Denise Black, Notary Public

Affidavit of Cameron King
Witness for the Prosecution

My name is Cameron King, and I live in Philadelphia where I am currently employed as a Certified Public Accountant. I run a pretty small business here, catering to local businesses and, occasionally, individuals. My sibling, Mallory, was actually one of my clients up until the death of Mallory's spouse, Izzy. Mallory and I were always pretty close; we'd pretty much tell each other everything. That's why I still don't believe Mallory could have had anything to do with Izzy's death.

Mallory's chemical supply business was doing pretty well until the beginning of 2008. Here in Philadelphia, we got hit by the recession pretty early and pretty hard. Many of Mallory's clients either scaled back their orders or stopped them completely. To make things worse, the School District of Philadelphia was forced to make some sever budget cuts forcing many schools to cut back spending on science labs. By the end of 2008, Mallory's business was losing tens of thousands of dollars a month. Fortunately, Mallory had some money saved up, but it was only enough to keep the business afloat for a couple of months.

The business wasn't Mallory's only problem; Mallory also had troubles at home. Mallory came to me in January to tell me that Mallory's marriage was in trouble. Mallory and Izzy were arguing all the time and it looked like a divorce might be on the horizon. Mallory said that would be awful because between the settlement, the lawyers and the failing business, nothing would be left in the bank. I was very concerned to hear all of this, so I told Mallory that Mallory could stay over at my house any time.

The next month, Mallory's demeanor changed completely. Mallory seemed very upbeat and talked about how things were looking up. Mallory told me this after coming in to my office to have some forms notarized for a life insurance policy for Izzy. I remember telling Mallory that I was glad to hear that things seemed to be getting better, but I also told him/her that I couldn't notarize the forms unless Izzy was present, otherwise I could get into a lot of trouble. Mallory got a little bit upset, and yelled, "I can't even rely on my own family to help me out." Afterwards, Mallory calmed down and said the forms could be taken care of somewhere else. I didn't hear from him/her un-

til the day after his/her spouse died. I figured he was going to call to ask me to help with funeral arrangements, but all he wanted to talk about were liquidation proceedings and real estate costs in Florida. I guess we all have our own different ways of grieving.

Cameron King

Subscribed and sworn to me on this, the 1st day of November, 2009

Sherry Ivens, Notary Public

Affidavit of Gerry Cambell
Witness for the Prosecution

My name is Gerry Campbell, and I live in Philadelphia. I'm currently a forensic scientist working with the Philadelphia Police Department. I received my Bachelor's in Forensic and Toxicological Chemistry at West Chester University and my Masters in Criminalistic Sciences at Drexel University. Since then, I've worked at the Philadelphia Crime Lab. People always ask me how many cases I've solved, and they don't seem to like it when I say none. The show *CSI* gives people the wrong idea; real forensic investigators don't piece together the whole puzzle, that's left up to the detectives. We just try to answer the basic questions that make it easier for the detectives to close their cases.

In July of 2009, Detective Lisa Miller of the Philadelphia Police Department approached me about a case she was working on. She told me that she was working on a possible poisoning case and that she needed to have tests run on hair and fingernail samples from the victim, Izzy Spaulding, in addition to articles from the victim's home and workplace.

Our office requested Mallory King's permission to exhume Izzy, but Mallory didn't consent, so we had to get a court order. By mid-August, we had one and were able to go ahead with the exhumation. I took hair, fingernail, and liver samples from Izzy's body. Gas chromatography-mass spectrometry testing—the gold standard for the field of forensics—of the hair and fingernails revealed a prolonged pattern of exposure beginning some three to six months before death. Liver samples indicated that high levels of arsenic were present in the body at the time of death. While the liver results could indicate lingering contamination from a very high level of exposure, they are also consistent with continued exposure to arsenic up to the time of death.

I tested the paint with which the victim had been working, and discovered that it did indeed contain copper (II) acetoarsenite, a highly toxic arsenic-containing compound. While this certainly could have been the source of exposure, I was rather confused by my testing of the protective clothing Izzy used when handling the paint. The interior surfaces of the clothing, which would have been in contact with the victim, did contain elevated levels of arsenic, but they were nowhere near

the levels of arsenic found within the victim's body. Although the discrepancy could have been the result of the prolonged accumulation, given the time frame it seems more likely that some additional source of exposure was involved.

Finally we tested items at the victim's home. Most items did not contain elevated levels of arsenic, but there were some notable exceptions. Various items of cookware contained above average levels. A thermos used to carry soup and a water bottle labeled with the victim's name also had high levels of arsenic. While it is impossible to identify the source of the arsenic found within the victim's home, such a pattern is consistent with a secondary source of infection for the victim.

Gerry Campbell

Subscribed and sworn to me on this, the 20th day of November, 2009

Kiki Winters, Notary Public

Affidavit of Mallory King

Witness for the Defense

My name is Mallory King, and I currently reside in West Palm Beach, Florida. I used to own my own business back in Philadelphia, but when Izzy Spaulding, my spouse, passed away I decided it would be best to get a fresh start. I moved down there with my new love interest, Francis Marino. I know that it seems pretty soon to move on, but I really think Izzy would have wanted me to be happy.

Izzy and I were high school sweethearts and after college we both moved back to Philadelphia, where we were married in 1995. Two years later I opened up my own business, King Chemical Supply. Basically, we provided industrial chemicals to local businesses, although much of our business was actually with area high schools that needed chemicals for science labs. We even handle products that are a bit more dangerous such as mercury, arsenic, and halogen gases. Izzy restored artwork at the State Museum of Art.

We had a really great relationship, although I'll be the first to admit that in the past few years we had our share of ups and downs. When my business ran into some financial problems, things only became worse between us. Towards the end of 2008, I ended up becoming romantically involved with my assistant, Dominique Hunter. It wasn't a very serious thing, and by April I had called the relationship off. Dominique was pretty nasty about that, and yelled how I'd be sorry for what I did. I probably should have fired Dominique on the spot for making threats like that, but I figured Dominique would get over it pretty soon. Admittedly, I was also worried about a wrongful termination lawsuit.

A couple of weeks later, around the middle of May, Izzy started feeling ill. It started off with mild headaches, but within a week Izzy started throwing up and had these terrible stomach pains. Izzy hated going to the doctor, but eventually I convinced Izzy to go. At first, Izzy's general practitioner ran some blood tests and put Izzy on some medications to relieve Izzy's symptoms, but Izzy was still sick. When Izzy woke up in the middle of the night delirious, I took Izzy straight to the hospital. There they ran more tests and notified me that Izzy was suffering from arsenic poisoning. Earlier Izzy had told me that he/she had been working with some paints that contained ar-

senic, but said that he/she had taken extreme precautions, and so he/she didn't mention it to the doctors. By the time they brought in Avery Carmichael, a toxicologist, Izzy was almost gone. Izzy passed away on June, 11. Although I wish I had more time to say goodbye, I guess it was for the best, because Izzy had been through so much pain those past few weeks. Nobody deserves that.

A few weeks later I met Francis Marino. Francis really helped me get through the grieving process and by September I realized that Francis was someone I would be willing to spend the rest of my life with. I used the money from Izzy's life insurance policy to start a new life in West Palm Beach with Francis. It felt like the best way to honor Izzy's memory since that's where we planned to move after retirement.

Mallory King

Subscribed and sworn to me on this, the 18th day of September, 2009

Joanne Collins, Notary Public

Affidavit of Sloane Bryant
Witness for the Defense

My name is Sloane Bryant, and I currently work at the Pennsylvania State Museum of Art right here in Philadelphia. With the exception of university and a brief period after grad school, I've lived here in Philadelphia all of my life. I completed my Bachelor's in Art History at University of Delaware and my Master's in Art History at New York University, where I also received an Advanced Certificate in Conservation. After that I completed a two-year fellowship in art restoration at the Metropolitan Museum of Art in New York City. I loved New York, but I really wanted to come back home so I passed up a position at the Metropolitan Museum of Art for a position in the Art Restoration Department at the State Museum of Art.

As a specialist in interventive conservation, I do everything from cleaning artwork to actually making repairs. I generally focus on works from the mid to late 19th century, which can make repairs very difficult, as the pigments originally used may be unavailable. In these cases, we either have to try and find existing sources for the pigments or come up with acceptable substitutes. We ended up having such a problem in February of 2009. One of our museum's biggest contributors had donated an Impressionist seascape by Wilson, one of our state's most famous painters.

Unfortunately for us, the painting was severely damaged and featured large quantities of a pigment called Paris Green, also known as Emerald Green. The pigment fell out of use in the 1960s, as it contained high levels of arsenic. Ordinarily we would have worked with a substitute, but it just so happened that we came across a large quantity of Paris Green in storage. Personally, I was a little hesitant to work with such a toxic substance, but after talking with Izzy Spaulding, one of my colleagues who would be working with me on the restoration, I was assured that with the appropriate safeguards we could work with Paris Green without any adverse effects.

At first, everything seemed to be going well, but three months into the restoration, I started to feel pretty sick. When I found out from my supervisor that Izzy had been hospitalized for arsenic poisoning, I went straight to the hospital. They told me that I had been exposed to very high levels of arsenic and that if I were to continue to work with the paint the

results could be fatal. I was hospitalized for a couple of weeks, and as soon as I got out I threw out the paint. By then Izzy had already passed away. I just wish I had listened to my gut instinct and insisted on using a substitute pigment.

Sloane Bryant

Subscribed and sworn to me on this, the 12th day of October, 2009

Pepper Jones, Notary Public

Affidavit of Avery Carmichael

Witness for the Defense

My name is Avery Carmichael, and I currently reside in Philadelphia, where I practice as a medical toxicologist at the Hospital of the University of Pennsylvania. I received my Bachelor's in biology from Penn State University in 1990, and I graduated from the University of Pennsylvania School of Medicine in 1994. Afterwards, I completed a three-year residency in Internal Medicine at Temple University Hospital, followed by a two-year fellowship in medical toxicology at the University of Pittsburgh. Since becoming board certified in 1999, I've been the chief of the Department of Medical Toxicology here at the Hospital of the University of Pennsylvania.

On June 2, Dr. Alan Freedman, a friend of mine from medical school, contacted me with regards to a patient who had come in. The patient, Izzy Spaulding, had been ill for the past few weeks, but recently had become delirious. A CAT scan revealed internal hemorrhaging and taken into consideration with the other symptoms led him to believe that the patient had been exposed to a poisonous substance. I told Dr. Freedman that I suspected arsenic poisoning, so I told him to send hair, blood, and urine samples from the patient to my lab for analysis which is the first step for any patient believed to be exposed to a toxin.

While the tests indicated that Izzy had been exposed to arsenic, analysis of the results proved somewhat inconclusive. Analysis of the hair samples indicated that Izzy had been exposed to arsenic for a period of roughly three to four months. This made sense, given that Izzy had begun working with arsenic-containing materials in February. Unfortunately, while the hair analysis can be used to establish a rough timeline of exposure it cannot be used to determine its severity. That's where I turn to the blood and urine analysis. This was what proved to be the most confounding. Given that Izzy had been hospitalized for several days and presumably had been kept away from the source of exposure, one would expect to see low levels of arsenic present within the blood and urine. Instead we found 600 mg of arsenic within a 24-hour urine specimen, well above the normal 100 mg/24hr. The blood tests yielded similar results. It was most likely residual contamination from some earlier, although there's no way to be 100% certain of that.

As soon as I received the test results, Dr. Freedman requested that I assist with the treatment. I placed Izzy on succimer, also known as dimercaptosuccinic acid, which is a chelating agent commonly used to treat lead, mercury, or arsenic poisoning. It works by binding to the heavy metal ions, rendering them inert, and allowing them to be easily excreted from the body. This is the most effective therapy available, but despite the treatment, Izzy's condition only seemed to get worse with each passing day. Izzy's organs were severely damaged by prolonged exposure to arsenic. Izzy couldn't even keep down the soup that Mallory would bring to the hospital twice a day. On June, 11 she passed away. It's a shame there wasn't more that we could do.

Avery Carmichael

Subscribed and sworn to me on this, the 5th day of November, 2009

Terry Sisters, Notary Public