

THE MICHAEL TRIAL: DAY 6

Doctor: Michael suffered

Death followed 10 minutes of struggle, panic

BY BRANDY BRUBAKER *The Dominion Post*

James Michael would've suffered for more than 10 minutes — struggling to breathe — before he slipped into unconsciousness after being injected with Rocuronium, an anesthesiologist said Monday.

Dr. Robert Johnstone, a WVU anesthesiologist, explained the effects of the paralyzing drug before the jury Monday, in the sixth day of testimony in Michelle Michael's first-degree murder and arson trial.

Michelle Michael, 35, is accused of poisoning James, her husband, with Rocuronium on Nov. 29, 2005, and setting their Killarney Drive house on fire.

Johnstone said that, under proper usage, Rocuronium is never administered to a patient who isn't sedated or unconscious, and is also never used without artificial ventilation.

As the drug sets in, a nonsedated person would realize he was losing the use of his muscles and likely would panic, Johnstone said. Without a ventilator, a person under the influence of Rocuronium soon wouldn't be able to breathe.

Johnstone gave a rundown of how Rocuronium — which only takes about one second to inject into the muscles — would affect a nonsedated, nonventilated person.

About one minute after injection, the person would begin to feel weakness in his major muscles.

Three minutes later, he wouldn't be able to stand.

Four minutes after that — only eight minutes from the time of injection — the person wouldn't be able to breathe due to the paralysis of respiratory muscles or the tongue.

The person then would struggle to breathe unsuccessfully — while still fully conscious, alert and able to see and hear — for another two to three minutes before the oxygen depleted from the blood.

In another two or three minutes, the person would slip into unconsciousness and eventually become brain-dead.

Five more minutes would pass, and then the person would be dead.

The chilling description of the last few minutes of James Michael's life seemed to devastate his mother, Ruth. Her head collapsed into her hands on her lap.

She sobbed. Family members, many also crying, put their arms around her in support.

Michelle Michael's face showed no visible emotion.

Johnstone said Rocuronium is very similar to a drug used for lethal injections of death row inmates.

Inmates, however, would be sedated before the drug was administered, Johnstone said. The doctor said some groups have complained that this means of euthanization is cruel because sometimes the inmate isn't properly sedated first.

In his cross-examination, Michael's attorney, Tom Dyer, said Rocuronium is available for purchase online.

After Johnstone's testimony, the state rested its case.

Dyer called several witnesses of his own Monday, including the wife of the man Michelle Michael had an affair with.

Kelly Teets is still married to her husband, Bobby, despite his unfaithfulness.

She said she and her husband became friends with the Michaels through youth football.

She described the families' relationship as close and called Michelle Michael a good mother.

At this point, Teets began to cry. Michael, herself, appeared moved. She bit her lip and closed her eyes for long seconds. She grabbed a tissue, unfolded it slowly and wiped her nose.

The day of the fire, Teets said, Michael was hysterical.

"She kept saying 'He can't be dead. He can't be dead,'" Teets told the jury.

Assistant Prosecuting Attorney Perri DeChristopher asked Teets if she ever saw Michael cry while mourning the loss of her husband.

Teets said no. Teets did say, however, that Michael didn't want to eat, didn't want to try on clothes friends brought over for her and seemed depressed.

Teets said she didn't learn of the affair between her friend and her husband until her husband confessed it to police. She and Michael have talked since.

DeChristopher asked Teets about the Saturday before the fire.

That morning, Bobby Teets and Michael had sex while their daughters slept, Bobby Teets testified last week.

"Did you have lunch" with Michael that day, DeChristopher asked Kelly Teets. "Yes," Teets responded.

"And that would be hours after she had sex with your husband?" DeChristopher continued. "Yes," Teets answered. "So it would be fair to say you are not a good judge of the sincerity of Michelle Michael?"

DeChristopher asked. "Yes," Teets admitted. "After all this, you realized James Michael, who was your friend, was gone and Michelle Michael wasn't really your friend at all?" DeChristopher continued. "Yes," Teets answered.

Michelle's friend

Dyer also called Michael's lifelong best friend, Renee DelViscio, to the stand. DelViscio said Michael — then Shelley Goots, Shelley is her nickname — was a cheerleader in high school and at WVU, excelled in school and had loving parents.

DelViscio, who's lived in Philadelphia since 1995, said she and her husband visited with the Michaels several times a year — either at their Pennsylvania home or in Morgantown. She said the blended family — both had children from previous marriages — worked for the Michaels.

She said that around September 2005, Michael confided to her that she was having some intimacy problems with her husband, James — he wanted it, she didn't.

Michael told her it wasn't anything specific about James — she loved him — but she was stressed raising four children.

DelViscio said Michael didn't tell her about her November affair with Bobby Teets.

The day after the fire, the DelViscios rushed to Morgantown.

DelViscio said Michael didn't cry, but that didn't surprise her since — during their 30-year friendship — she'd only seen her cry a couple of times.

Test drive timed

In other testimony Monday, retired State Police Trooper Charlie Bramble discussed his work as a defense-hired private investigator.

Bramble made six test runs of the trip from Ruby Memorial Hospital to the Michael's Killarney Drive home — the trip prosecutors said she took the day of the fire.

Dyer played a video of one of those runs in court. It was made Nov. 29, 2006 — one year to the day after the fire.

Bramble started out at 8:11 a.m. in Ruby Memorial's lobby. At 8:14 a.m., he had walked across the parking lot and gotten into his car. At 8:16 a.m., he reached the intersection of Elmer Prince Drive and Van Voorhis Road.

At 8:17 a.m., he made a left onto Christy Street. At 8:18 a.m., he made a right onto Windsor and then a quick left onto Burroughs. At 8:19 a.m., he turned onto Eastern, then onto Killarney and into the Michaels' driveway.

He sat in the driveway for 35 seconds and took the same route back. At 8:25 a.m., he arrived at the pedestrian crossing in Ruby Memorial's parking lot — about 20 seconds after Michelle Michael was taped there on video surveillance cameras the morning of the fire.

He parked and walked back to the lobby, completing his trip in 17 minutes and 53 seconds.

Prosecutors said Michael had about 17 minutes of unaccounted time the morning of the fire, time they say she used to drive to her house and set it on fire — with her husband's already dead body inside.

Dyer said these runs show Michael would've only had about 30 seconds at her house before she returned to the hospital. She claims she drove to her house that morning to retrieve some paperwork, pulled in the driveway and realized the paperwork already was in her car. Satisfied, she pulled out of her driveway and left, never going inside her house.

On the video, Bramble appeared to walk very slowly in Ruby Memorial's parking lot. On his trip, he encountered pedestrians and some difficulty merging onto Elmer Prince Drive. He also had to stop at some stoplights and didn't appear to exceed the speed limit.

Bramble will re-take the stand this morning. Michael, herself, could testify as early as today.