
People of New Michigan v. Thomas Osiski



Michigan High School Mock Trial Tournament 2012 Materials

Introduction

This Mock Trial case was developed for the 2012 Michigan High School Mock Trial Tournament.

For information about the MHSMTT or the audio recording that is referenced, contact the Michigan Center for Civic Education at info@miciviced.org.

This 2012 mock-trial case was initially drafted by the Hon. Thomas P. Franczyk, Judge, Erie County Court in Buffalo, NY, for use in the 2010 Buffalo Niagara Trial Competition held in Buffalo, NY. The case originally contained a civil case, *The Hartfeldt Insurance Co., Inc. v. Zak Nugent Siriusz*, and a criminal case, *The People v. Thomas Osiski*. The criminal case has been adapted for this competition, and the civil case has been removed.

We extend our sincere thanks to Judge Franczyk for granting us permission to adapt this case for use in our competition. And for those who are interested, Judge Franczyk also wrote the music that accompanies this case and played the part of the victim in the available audio recording.

Summary

Was it murder, suicide, or something else? Martin Louis Siriusz was found slumped over his piano listening to a playback of his latest (and as it turned out, his last) recording, entitled “Hanging at Death’s Door.” The people of the State of New Michigan have charged Thomas “Duke” Osiski, Siriusz’s former bandmate, with murder. The people allege that Osiski was furious over Siriusz’s eleventh-hour decision to cancel a reunion tour that would have provided Osiski with much-needed financial relief.

Osiski denies shooting his long-time friend, contending that he went to the recording studio in an attempt to persuade Siriusz to reconsider his decision, but when he entered the room, he found Siriusz slumped forward on the piano with the “Death’s Door” soundtrack still playing. Seeing a bottle of alcohol and an open bottle of pills on the piano, Osiski assumed that Siriusz had accidentally OD’d. Feeling no pulse, Osiski ran out of the studio and out to the back patio, where he saw Siriusz’s 23-year-old son standing naked in the shallow end of the pool cleaning off with a bar of soap.

Summary

People of New Michigan v. Thomas Osiski

The defendant, Thomas “Duke” Osiski, has been indicted by the Grand Jury of Rockford, New Michigan, on the charge of Second Degree Murder. He is accused of causing the death of his former band-mate, Martin Lewis Siriusz by shooting Siriusz in the head on May 31, 2009, in Siriusz’s in-home recording studio at 77 Rockaway Road in Rockford, New Michigan, just three weeks before they were scheduled to begin a twenty-city reunion tour for their band “Sir Osis.”

The People allege that Osiski, furious over Siriusz’s eleventh-hour decision to cancel the tour (thereby depriving Osiski of several-hundred-thousand dollars in much-needed income and setting the stage for significant breach-of-contract lawsuits with concert promoters), shot Siriusz above and just behind his right ear with his (Siriusz’s) own .9mm pistol while Siriusz was seated at his piano listening to a playback of his latest (and, as it turned out, his last) recording, entitled “Hanging at Death’s Door.”

The defendant denies shooting his long-time friend and former band-mate, contending that he went to the recording studio in an attempt to persuade Siriusz to reconsider his decision, but when he entered the room, he found Siriusz slumped forward on the piano with the “Death’s Door” soundtrack still playing. Seeing a bottle of alcohol and an open bottle of sleeping pills on the piano, Osiski assumed that Siriusz had accidentally OD’d as he had done a few times before when they were together as “Sir Osis” back in the 1980’s. With his right hand, Osiski grabbed Siriusz by the right shoulder and nudged him in an effort to wake him up. As he did so, he felt a strange wetness and noticed blood on his hand. He then took a closer look and observed a lot of blood above and behind Siriusz’s right ear and down his neck. He looked down and saw Siriusz’s .9mm pistol on the floor below his right hand, which was hanging down from his side. He then put his hand over Siriusz’s right wrist and tried to feel for a pulse. As he did, he cried, “Marty, what have you done to yourself?”

Feeling no pulse, Osiski ran out of the studio, through the kitchen, and out to the back patio, where he saw Siriusz’s son, Pat Nugent Siriusz, standing naked in the shallow end of the pool and rubbing a bar of soap up and down his arms and under his arm pits. Startled by Osiski’s sudden appearance, Pat said, “whoa, what are you doing here?” Osiski replied, “Your father, I think he shot himself!” Pat replied, “What are you talking about?” Osiski said, “He’s in the recording studio. He’s a bloody mess. I found his gun.”

Osiski then called 911 and the Rockford police arrived shortly thereafter. They immediately noticed blood on Osiski’s hand and were skeptical of his explanation.

They brought him to headquarters where they took statements from him and Pat Nugent Siriusz.

Later, homicide detective Tyler arrived at the scene and observed Siriusz's body still slumped over the piano. He took note of the bottle of booze and the pills and directed the Evidence officer to collect them as evidence along with the gun on the floor. He noticed blood on the gun and blood on Siriusz's right hand.

The gun, a .9mm pistol, had eight live rounds in the magazine. No spent cartridge casings were found. Ballistic analysis determined that the fatal bullet (which was removed at autopsy from behind Siriusz's left eye), came from that gun. Gun powder residue recovered from the wound site, the somewhat irregularly shaped entry wound, and the blood on the gun barrel suggested that the fatal shot was fired from a contact or near-contact (i.e., within inches) distance between the muzzle and the deceased's head.

Fingerprint analysis of the gun was not possible due to smudging of latent prints detected on the handle. DNA from three sources was found on the gun handle grips. Two of the sources included the deceased and the defendant; the third source of DNA was inconclusive. On Memorial Day, May 25, 2009, sometime after Siriusz had informed Osiski and Pat that he was canceling the tour before it started, Siriusz was drunk and waving his gun around the house (including pointing it at himself), whereupon Osiski grabbed it out of his hand, gave it to Pat and said "hide this thing before he blows somebody's head off." (Pat denies this, claiming that Osiski took the gun from his father and left with it. He further explained that he had grabbed the gun one time in the past when his father was acting crazy and threatening to end it all.)

Latent fingerprints lifted off the piano keys compared positively with both the deceased and Pat. Pat explained that he had been recording a song that he had written, "Chip off the Old Rocker" and that he had been doing some over-dubs and sound adjustments in the studio in the weeks before his father's death.

The autopsy report listed the cause of death as a gunshot wound to the head. The bullet entered just above and behind the right ear and traveled through the brain from back to front, right to left and slightly upward in trajectory, lodging just behind the left eye. The manner of death was listed as "homicide."

The autopsy further revealed that the deceased had lung cancer (from years of smoking unfiltered cigarettes) which had metastasized to his brain. Left untreated (and had Siriusz not been shot), his life expectancy would have been nine months to a year. Siriusz told no one of his diagnosis, which he learned from his doctor in April 2009. With radiation, he might have survived a couple of years. At the time of his death, he had a blood-alcohol content (BAC) of .17 (over twice the legal limit) and traces of Nitrazepam, a sedative, in his blood, the combination of which was potentially fatal.

The chorus to “Hanging at Death’s Door” which was still playing when Osiski entered the studio, goes:

Shadows fall while voices call me to the other side,
Should I stay or should I go and take that lonesome ride,
If you find me lying here, don’t pick me off the floor
Too much drinkin’s got me thinkin’: I’m hanging at death’s door.

In view of finding the deceased’s blood and the gun powder grains on Osiski’s hands, Osiski’s DNA on the gun, his strong motive to kill his former band mate, and his comments, “I’m finished. You’re just a dead-man walking,” when Siriusz told him that he was backing out of the tour, Osiski was indicted for murder. Pat Nugent Siriusz was granted immunity and testified before the Grand Jury.

After Siriusz’s death, the Hartfeldt Insurance Company refused to pay Pat (Siriusz’s sole beneficiary) the one-million dollar death benefit under his father’s life insurance policy. Shortly before Pat was going to file suit against Hartfeldt, Hartfeldt brought an action against Pat seeking a declaratory judgment that he is not entitled to collect under the policy. Hartfeldt cites the clause in the policy that excludes coverage for suicide. In the alternative, Hartfeldt contends that Pat Nugent Sirius killed his father and, therefore, should not be allowed to benefit from his crime. Pat denies killing his father and claims that Duke Osiski killed him.

N. Case Materials

INDICTMENT:

**In the Circuit Court for the
6th Circuit of New Michigan**

**The People of the State of New
Michigan**

Indictment # 86753-09

V.

Thomas D. Osiski, Defendant

The Grand Jury in and for the 6th Circuit of New Michigan hereby accuses the defendant, Thomas D. Osiski of the crime of Second Degree Murder (NMCL 750.317) in that:

the said Thomas D. Osiski, on or about May 31, 2009, in Rockford, New Michigan, intentionally caused the death of Martin Lewis Siriusz by shooting him in the head with a 9.mm handgun.

E.L. Harris Prosecutor-in-Chief
in and for the 6th Circuit of New Michigan

dated: June 30, 2009

WITNESS AND EXHIBIT LIST

The following witnesses must be called by the parties.*	
FOR THE PLAINTIFF	FOR THE DEFENSE
Detective Steven/Stephanie Tyler	Thomas “Duke” Osiski
Dr. Erin/Aaron Dre	Dr. Lee Vaughn Helm
Pat Nugent Siriusz	Alex Rose
The following exhibits may be used by teams in trial. They are pre-marked and are referred to by number as follows	
EXHIBIT NUMBER	EXHIBIT DESCRIPTION
Substantive Exhibits	
1	Autopsy of Martin Lewis Siriusz
2	Death Certificate of Martin Lewis Siriusz
3	CPS Laboratory Report
4	M.L. Siriusz Application for Life Insurance
5	M.L. Siriusz Life Insurance Policy with Provisions and Limitations
6	Last Will and Testament of M.L. Siriusz
7**	Audio Recording of “Death’s Door”**
Demonstrative Exhibits	
8	Overhead Photograph of Victim
9	Side Photograph of Victim
10	Photograph of Victim’s Right Leg and Gun
11	Close-Up Photograph of Gun
12	Overhead Photograph of Piano, Computer, and Alcohol Bottle
13	Medical Examiner’s Diagram

* Note that all witnesses are gender neutral with the exception of the Defendant, Thomas Osiski, who must be a male character. The Osiski character, however, may be played by a female witness where necessary. Also, where the text refers to “he,” “his,” or “son,” teams may substitute “she,” “her,” or “daughter” where appropriate.

**Note Stipulations 14, 15, and 16 below on pages 50-51 regarding the availability of the audio recording and the procedures for admitting it during trial.

Trial Stipulations:

1. The autopsy report of Ravi Shankar MD, the toxicology report of J. Garcia, the ME's addendum, and the death certificate are admissible.
2. Thomas Osiski's statement to the police, given on June 1, 2009, is not available. The parties have stipulated that the statement contained the same information that is available in his Grand Jury testimony.
3. The application for life insurance and the policy and provisions are admissible as business records upon a proper showing of relevance.
4. The last will and testament of Martin Lewis Siriusz is admissible upon a proper showing of relevance.
5. In mid-March 2009, Martin Lewis Siriusz began to experience severe headaches. A few weeks later, in April 2009, he saw his physician, Doctor Robert Seger, who took blood samples and sent him for X-rays of the lungs and a CT scan of the brain. On April 17, 2009, Dr. Seger informed Siriusz that he had advanced lung cancer that had spread to his brain. He recommended an aggressive course of radiation therapy and told him that he would have to cancel his upcoming tour. He opined that without treatment, Siriusz would have anywhere from nine months to one year to live. With treatment, he could extend his life two years or more.
6. Martin Lewis Siriusz performed a free, private "mini-concert" for Hanna Hartfeldt, the daughter of the CEO of Hartfeldt Insurance, on February 14, 2006, for her birthday.
7. In late April 2009, Siriusz obtained a second opinion from an oncologist, who confirmed Dr. Seger's diagnosis but recommended an holistic/homeopathic/herbal approach to treatment, which she had used successfully with other patients. Siriusz did not pursue either course of treatment, choosing instead to self-medicate with Jack Daniels and Nitrazepam.
8. Although described by friends and acquaintances as a depressive type personality, Martin Lewis Siriusz was never formally diagnosed or medically treated for clinical depression. From 1985 to 1989, he overdosed on alcohol and barbiturates three times and had been taken to the hospital for emergency treatment. In each instance, he publicly stated that the OD was accidental. He has had no hospitalizations since then.
9. The defendant filed for bankruptcy, which has stayed the foreclosure proceedings on his home. He continues to reside on Tawny Kitaen Lane. For his part, Pat Nugent Siriusz continues to reside at 77 Rockaway Road pending disposition of his late father's estate, which has been delayed due to litigation over Martin Siriusz's last will and testament.
10. The parties stipulate that on July 2, 2009, Pat Nugent Siriusz, presented a certified copy of the death certificate to the Hartfeldt Insurance Company and demanded payment under

the policy and Hartfeldt denied payment on August 5, 2009, citing the suicide exclusion. The next day, Siriusz retained counsel to file suit against Hartfeldt but was served with Hartfeldt's complaint.

11. In February 2009, Sir Osis signed a 20-concert reunion-tour contract for one million dollars. Harvey Productions, the tour company, held an option to extend the tour to 20 more dates based on the success of the first 20 dates.
12. All motions to dismiss the indictment and to suppress statements have been denied.
13. The physical evidence in the case (gun, pill bottle, pills, whiskey bottle, ballistic evidence, and swabs) are not available, and no team may comment on their absence from the trial.
14. One of the items of evidence collected from 77 Rockaway Road on May 31, 2009, was the tape of "Hanging at Death's Door." Detective Tyler put the tape in a jacket pocket and forgot to hand it over to the evidence detective at the scene. After concluding the interviews at the station, Detective Tyler delivered the tape to the CPS Lab Evidence depository. Unfortunately, the following day, the lab technician misread Detective Tyler's handwriting on the submittal form and misfiled the tape with another case file containing numerous tapes of recorded calls in an unrelated undercover narcotics investigation. Attempts to locate the tape, until recently, were unsuccessful. One month before trial, Detective Tyler personally went to the Lab and sorted through every tape in that other case file and, as luck would have it, found the missing tape. Surprisingly, there was more on the tape than expected. It included introductory remarks by Martin Lewis Siriusz, the song "Hanging at Death's Door" and an interrupting phone call picked up by Siriusz. A conversation ensues between Siriusz and the caller. During the conversation, Siriusz is startled by someone eavesdropping on him. Detective Tyler immediately instructed the lab technicians to test the tape for DNA and fingerprints but no such evidence could be identified. Detective Tyler also notified the prosecuting attorneys who, in turn, supplied a copy to the defense. Upon being played the tape by prosecutors before trial, Pat Nugent Siriusz confirmed that it is his father's voice on the recording. Based on his father's side of the conversation, he said it was obvious to him that his father was speaking to Thomas D. Osiski. When asked if he was present and eavesdropping on that conversation, he said no. When asked what he was doing on Saturday, May 30, 2009, Pat explained that after his father had told him earlier that night that he was leaving his house and instruments to the "Save the Music" foundation, he (Pat) left the house and went out drinking. He said he was so upset that he probably forgot to lock the door or close it properly. He said he returned home at around 4:30am and was so intoxicated that he went straight to bed where he remained until waking up around noon on Sunday. He said that his activities for the rest of the day were as previously stated. When asked why he didn't mention this before, he said he was never asked about what he did on Saturday night after speaking with his father about going back on tour without Duke Osiski. He repeated that he was not home when his father was recording and speaking on the phone. The prosecution was not able to discuss this

matter with the defendant because he is represented by counsel on this pending indictment.

15. A copy of the recording is available at <http://www.miciviced.org>.
16. A defense motion to preclude the tape was denied. The court has ruled that the tape is admissible at trial upon a proper showing of relevance and admissibility otherwise. **There is no issue as to authenticity or chain of custody.** If admitted, the tape may be played “constructively” for the jury. That is, in the interest of time, once admitted, the court will assume that the tape has been played in full for the jury. Tournament judges will listen to the tape before the trials begin.
17. Lee Vaughan Helm listened to the tape and determined that, in both content and tone, it reinforces the opinion that Martin Lewis Siriusz committed suicide.
18. The court has ruled after a pre-trial hearing that Detective Stephen Tyler, Dr. Erin Dre, and Dr. Lee Vaughn Helm will be permitted under FRE 702 to testify as experts and offer opinion testimony consistent with their prior testimony/reports.
19. Lee Vaughan Helm is being paid \$2,500.00 (flat rate) by the defendant, Thomas Osiski, in connection with his/her trial testimony in the criminal case. Helm is being paid \$2,500.00 (flat rate) by the plaintiff, Hartfeldt Insurance in connection with his/her trial testimony in the civil lawsuit against Pat Nugent Siriusz. Helm was initially retained by the Hartfeldt Insurance Company to review the file in connection with the civil suit. He spent eight (8) hours reviewing the file for Hartfeldt at a rate of \$450.00 per hour, which Hartfeldt has paid. Helm has spent an additional ninety (90) minutes reviewing the entire file at a rate of \$450.00 per hour in preparation for his/her testimony in the criminal trial. The defendant has paid this bill prior to trial.

Jury Instructions

Function of the Jury

You the jury are the sole and exclusive judges of the facts. No one, not counsel, not the court, may presume to tell you how the issues of fact should be decided.

The credibility, that is, the believability of each witness is itself an issue of fact solely and exclusively within the province of the jury.

With respect to witnesses you must determine to what extent you find their testimony credible and acceptable. With respect to any individual witness, you may accept in whole or in part such testimony you find credible and worth of belief, and reject in whole or in part such testimony you find unworthy of credit or belief.

In resolving each and every issue of fact, you must do so solely on the evidence in the case and that evidence alone. You may not consider or speculate on matters not in evidence or matters outside the case.

If, in your minds during your final deliberations you are satisfied from all the evidence that the People have borne the burden of proof and that the presumption of innocence has been overcome by evidence which convinces you of the defendant's guilt beyond a reasonable doubt, then you must of course, find the defendant guilty of the crime charged.

Presumption of Innocence

We now turn to the fundamental principles of our law that apply in all criminal trials—the presumption of innocence. The burden of proof, and the requirement of proof beyond a reasonable doubt.

Throughout these proceedings, the defendant is presumed to be innocent. As a result, you must find the defendant not guilty, unless, on the evidence presented at this trial, you conclude that the People have proven the defendant guilty beyond a reasonable doubt.

In determining whether the People have satisfied their burden of providing the defendant guilty beyond a reasonable doubt, you may consider all the evidence presented, whether by the People or by the defendant. In doing so, however, remember, even though the defendant introduced evidence, the burden of proof remains on the People.

Burden of Proof

The defendant is not required to prove that he is not guilty. In fact, the defendant is not required to prove or disprove anything. Rather, the People have the burden of proving the defendant guilty beyond a reasonable doubt. That means, before you can find the defendant guilty of the crime of murder in the second degree, the People must prove beyond a reasonable doubt every element of the crime including that the defendant is the person who committed that crime. The burden of proof never shifts from the People to the defendant. If the People fail to satisfy

their burden of proof you must find the defendant not guilty. If the People satisfy their burden of proof, you must find the defendant guilty of the crime of murder in the second degree.

Reasonable Doubt

What does our law mean when it requires proof of guilt beyond a reasonable doubt?

The law uses the term, proof beyond a reasonable doubt, to tell you how convincing the evidence of guilt must be to permit a verdict of guilty. The law recognizes that, in dealing with human affairs, there are very few things in this world that we know with absolute certainty. Therefore, the law does not require the People to prove a defendant guilty beyond all possible doubt. On the other hand, it is not sufficient to prove that the defendant is probably guilty. In a criminal case, the proof of guilt must be stronger than that. It must be beyond a reasonable doubt.

A reasonable doubt is an honest doubt of the defendant's guilt for which a reason exists based upon the nature and quality of the evidence. It is an actual doubt, not an imaginary doubt. It is a doubt that a reasonable person, acting in a matter of this importance, would be likely to entertain because of the evidence that was presented or because of the lack of convincing evidence.

Proof of guilt beyond a reasonable doubt is proof that leaves you so firmly convinced of the defendant's guilt that you have no reasonable doubt of the existence of any element of the crime or of the defendant's identity as the person who committed the crime.

In determining whether or not the People have proven the defendant's guilt beyond a reasonable doubt, you should be guided solely by a full and fair evaluation of the evidence. After carefully evaluating the evidence, each of you must decide whether or not that evidence convinces you beyond a reasonable doubt of the defendant's guilt.

Whatever your verdict may be, it must not rest upon baseless speculations. Nor may it be influenced in any way by bias, prejudice, sympathy, or a desire to bring an end to your deliberations or to avoid an unpleasant duty.

If you are not convinced beyond a reasonable doubt that the defendant is guilty of the crime of murder in the second degree, you must find the defendant not guilty of that crime. If you are convinced beyond a reasonable doubt that the defendant is guilty of a charged crime, you must find the defendant guilty of that crime.

Credibility of Witnesses

As judges of the facts, you alone determine the truthfulness and accuracy of the testimony of each witness. You must decide whether a witness told the truth and was accurate, or instead, testified falsely or was mistaken. You must also decide what importance to give to the testimony you accept as truthful and accurate. It is the quality of the testimony that is controlling, and not the number of witnesses who testify.

If you find that any witness has intentionally testified falsely as to any material fact you are free to disregard that witness's entire testimony. However, you may disregard so much of it as you find was untruthful, and accept so much of it as you find to have been truthful and accurate.

There is no particular formula for evaluating the truthfulness and accuracy of another person's statements or testimony. You bring to this process all of your varied experiences. In life, you frequently decide the truthfulness and accuracy of statements made to you by other people. The same factors used to make those decisions, should be used in this case when evaluating the testimony.

Some of the factors that you may wish to consider in evaluating the testimony of a witness are as follows.

Did the witness have an opportunity to see or hear the events about which he or she testified?
Did the witness have the ability to recall the events accurately?

Was the testimony of the witness plausible and likely to be true or was it implausible and not likely to be true?

Was the testimony of the witness consistent or inconsistent with other testimony in the case?

Did the manner in which the witness testified reflect upon the truthfulness of that witness's testimony?

Did the witness have a bias, hostility or some other attitude that affected the truthfulness of the witness's testimony?

Did the witness have a motive or reason to lie?

If the witness had a motive to lie, you may consider whether and to what extent, if any that motive affected the truthfulness of that witness's testimony.

You may consider whether a witness has any interest in the outcome of the case, or instead, whether the witness has no such interest.

The defendant chose to testify in his own behalf. He is a person who has an interest in the outcome of the case.

You are not required to reject the testimony of the defendant or any other interested witness nor are you required to accept the testimony of a witness who has no interest in the outcome of the case. You may, however, consider whether an interest in the outcome, or lack of such interest, affected the truthfulness of the witness's testimony.

You may consider whether any witness has any bias or prejudice for or against any other party in this case. In determining the credibility and weight to be given to the testimony of any witness, you may take into account any such bias or prejudice.

You may consider whether a witness made statements at this trial that are inconsistent with each other. You may also consider whether a witness made previous statements that are inconsistent with the witness's testimony at trial. You may also consider whether a witness testified to a fact in this trial but that on a prior occasion omitted to state that fact when it would have been reasonable and logical for the witness to have stated the fact if true.

If you find that a witness has made inconsistent statements or omissions you may consider whether and to what extent they affect the truthfulness or accuracy of that witness's testimony here in this trial. The contents of a prior inconsistent statement are not proof of the facts stated and are to be considered by you only to evaluate the truthfulness or accuracy of the witness's testimony at trial.

Exhibits

During the course of this trial, the judge has received and marked into evidence a number of exhibits. These exhibits, together with all of the testimony you have heard in this trial constitutes the evidence.

Stipulations

The parties have entered into a number of stipulations which the court or counsel have read to you. A stipulated fact is binding on the parties and you are required to accept a stipulated fact as true.

Expert Witness

You will recall that certain witness(es) testified concerning their qualifications as [an] expert(s) opinion concerning issues in this case. When a case involves a matter of science or art or requires special knowledge or skill not ordinarily possessed by the average person, an expert is permitted to state (his, her) opinion for the information of the court and jury. The opinion(s) stated by any expert who testified before you (was, were) based on particular facts, as the expert obtained knowledge of them and testified to them before you, or as the attorney(s) who questioned the expert asked the expert to assume. You may reject an expert's opinion if you find the facts to be different from those which formed the basis for the opinion. You may also reject the opinion if, after careful consideration of all the evidence in the case, expert and other, you disagree with the opinion. In other words, you are not required to accept an expert's opinion to the exclusion of the facts and circumstances disclosed by any other witness. It is given to assist you in reaching a proper conclusion; it is entitled to such weight as you find the expert's qualifications in the field warrant and must be considered by you, but it is not controlling upon your judgment.

The Charge

The People of the District of Rockford have accused the defendant of Murder in the Second Degree in violation of NMCL 750.317.

In order to find the defendant the defendant guilty of the charge of Murder in the Second Degree you must be satisfied that the People have proven each of the following elements beyond a reasonable doubt.

- 1) that on May 31, 2009, in this District the defendant intended to cause the death of Martin Lewis Siriusz and
- 2) that while harboring such intent, the defendant caused the death of Martin Lewis Siriusz by shooting him in the head with a .9 mm pistol.

A person acts intentionally with respect to a result or to conduct defining an offense when his conscious objective is to cause such result or to engage in such conduct. What a defendant intends is, of course, an operation of his mind. A jury, even if present at the time of the commission of the act cannot examine the invisible operation of the defendant's mind. Therefore, in order to determine what the defendant intended at the time of the commission of the crime, the law permits you to consider what the defendant said verbally either, before, during or even after the commission of the offense.

The law also permits you to consider the acts and conduct of the defendant before, during or after the commission of the crime. As jurors, you may therefore consider the nature and the manner of the defendant's acts and conduct.

You may also consider what motive, if any, there was for the act committed. Motive, however, is not an element of the crime charged. Therefore, the People are not required to prove a motive for the commission of the charged crime(s).

Nevertheless, evidence of a motive, or evidence of the lack of a motive, may be considered by the jury. For example, if you find from the evidence that the defendant had a motive to commit the crime charged, that is a circumstance you may wish to consider as tending to support a finding of guilt.

On the other hand, if the proof established that the defendant had no motive to commit the crime charged, that is a circumstance you may wish to consider as tending to establish that the defendant is not guilty of the crime charged.

Finally, premeditation is not a prerequisite in determining intent. Intent may be formed in seconds, actually in a brief instant before the commission of an act. However, it is necessary for the intent to be formed prior to or during the commission of the act or acts resulting in the commission of the crime.

If you find, considering all the credible evidence in this case, that the People have proven beyond a reasonable doubt that the defendant had the intent to cause the death of Martin Lewis Siriusz, then you must also determine if the People have proven the second element of the crime beyond a reasonable doubt; that is that the defendant did indeed cause Martin Lewis Siriusz' death by shooting him in the head with a .9 mm pistol.

If you find after reviewing all of the credible evidence, that the People have proven beyond a reasonable doubt that on or about May 31, 2009 the defendant intended to cause the death of Martin Lewis Siriusz, and that the defendant caused the death of Martin Lewis Siriusz by shooting him in the head with a .9 mm pistol, then you must find the defendant guilty of the crime of murder in the second degree.

On the other hand, if after reviewing all the evidence, you find that the People have failed to prove beyond a reasonable doubt either or both of the elements of the crime of second degree murder as I have charged you, then you must find the defendant not guilty of the crime of second degree murder.

When you retire, you should first select a foreperson.

1. Transcript of Interview of Pat Nugent Siriusz by Detective Vincent Fornier

2. (June 1, 2009 at 1:30am):

3.

4. Pat, my name is Detective Fornier of the Rockford Police Department, Homice Bureau. I'm
5. going to ask you a few questions about the death of your father, Martin Siriusz. First, let's get
6. some information about you.

7.

8. Q: What is your date of birth?

9. A: Uh, I'm a little nervous. It's April 8, 1986.

10.

11. Q: Where do you reside?

12. A: Since January of this year, I've been living at 77 Rockaway Lane in Rockford, but I don't
13. know how long that's going to last.

14.

15. Q: Why is that?

16. A: Well, I recently found out that my father changed his will to leave the house to the Save the
17. Music Foundation.

18.

19. Q: So your father discussed his will with you?

20. A: Not really, no. I just remember him saying was that he was worth a lot more dead than alive
21. and that I would be taken care of a million ways if the reaper ever showed up at his door.

22.

23. Q: So how do you know who's getting the house?

24. A: Well, I jokingly said, "so do I get the house and the instruments," and he said, "No, that's all
25. going to Save the Music."

26.

27. Q: Well, that had to be pretty upsetting?

28. A: I first thought to myself, "I'm your Own flesh and blood, and you want to give everything to
29. people you don't even know?" But I figured, he's gonna do what he's gonna do, so I let it go.

30.

31. Q: OK, we'll get back to that later; Who do you live with?

32. A: Just me and Marty.

33.

34. Q: Marty?

35. A: You know, my old man, I mean my father. We were really just getting to know each other, so
36. we were on a first-name basis.

37.

38. Q: And who is your mother?

39. A: My mother was Cindy Nugent.

40.

41. Q: So how do you know that Martin Lewis Siriusz was your father?

42. A: Well, when I was growing up in a trailer park in Lompoc, California, my mother always used
43. to tell me that Martin Siriusz was my father. She had all kinds of pictures of the band Sir Osis
44. including photos of her and the band taken backstage at one of their concerts. She told me she
45. was their biggest fan and that she and Marty "got together" after the show in the summer of 1985
46. and the result was me. She called me their "love child."

1. Q: Did he acknowledge that you were his child?
2. A: When I was growing up, he didn't even know who I was. It wasn't until 2008 after he had a
3. paternity test that he finally stepped up and acknowledged my existence.
- 4.
5. Q: So how did that come about?
6. A: It goes back to 2004 actually. I ran into Marty at a concert, and when I told him I was his kid,
7. he gave me his number. He didn't seem to believe me, so I just kind of wrote it off. But in
8. 2008, I was back in Royal Oak playing a gig, and I got busted after the show for felony
9. possession of cocaine. I got one phone call, so I dialed the number that Marty gave me when we
10. met in 2004. To my surprise, he answered the phone, and after I reminded him who I was, he
11. actually showed up and bailed me out the next morning.
- 12.
13. Q: Did he ever tell you why he bailed you out?
14. A: He said that he had felt bad about blowing me off, and this was his way of making it up, I
15. guess. Anyway, he said he really did remember my mom, and that for all he knew, I could be his
16. kid. As we drove to his house, he talked about how he's lost his wife and kids in a car crash in
17. 2003 and that he'd been lonely and depressed ever since.
- 18.
19. Q: So what happened after that?
20. A: It was unbelievable really. First, he hires a big-time lawyer to represent me who got my
21. charges reduced to an ACDC or something like that. Then, Marty invited me to stay with him at
22. his place, and shortly afterward, he volunteered to take a paternity test. Next thing you know,
23. he's calling me a "chip of the old rocker."
- 24.
25. Q: So you two had a good relationship after that?
26. A: Well, it was a little awkward at first but we gradually got to know each other. He and I
27. jammed a lot together, and before long, we were writing some stuff and starting to lay down
28. some tracks. I wrote and recorded a song, "Chip off the Old Rocker" in his studio and it was
29. starting to get airplay in January, 2009. Next thing you know, Marty and I started making
30. arrangements to go on tour together for the summer.
- 31.
32. Q: Let's talk about the what happened earlier last night with your father. How did you learn
33. about his death?
34. A: Well, around 9:30pm I was in the back yard pool cooling off when Duke Osiski came running
35. from the kitchen onto the back patio all nervous. I said "what are you doing here?" He really
36. had no reason to be there cuz my father had told him a week ago that the tour was off and Duke
37. had stormed off all angry. Given his persistence though, I was not surprised that he returned. In
38. fact, I half expected it.
- 39.
40. Q: Wait, I thought you said you were going on tour with your father?
41. A: It's kind of a long story, but when Duke caught wind of the tour in February, he told Marty
42. he was in serious financial trouble and would lose everything including his house if he didn't get
43. some serious money real soon. He then suggested that Sir Osis do another reunion tour and
44. Marty said, "been there, done that, not interested."

1. Q: But you just said that they were going on tour?
2. A: Yeah, it was pathetic, really. He starts blubbing and begging Marty “for old time’s sake,”
3. to help him out. He said, “we can bring the kid along to sing back up.”
- 4.
5. Q: I’m assuming you didn’t like that idea?
6. A: I told Marty that we should go ahead as planned. This would be his opportunity to connect
7. with a new generation rather than play the same old songs to the same old crowd. But Duke
8. wouldn’t let up, so I went along with it. And really, what choice did I have? My old band had
9. broken up, and it’s not like I had any other gigs lined up.
- 10.
11. Q: So what happened from there?
12. A: Sir Osiris booked a bunch of concerts for the summer and we started rehearsing. Marty and
13. Duke argued constantly about one thing or another from the set list to lighting, guitar riffs, you
14. name it. But from what Marty told me, that was their dynamic even when they were all the rage
15. in the mid 1980’s.
- 16.
17. Q: Now, you said that your father changed his mind about the tour?
18. A: Yeah, in the early part of May, we were in the recording studio practicing when Marty comes
19. in and says, “I can’t do this, it’s over.” Duke was stunned. He said, “What are you talking
20. about? The contracts are signed, the shows are booked, you can’t back out now!”
- 21.
22. Q: What did Marty say?
23. A: He said, “I just did.” At that point, Duke got all upset and said, “this is crazy man. If we
24. don’t do this tour, I’m done.” He pleaded with Marty but Marty wasn’t having any of it. That’s
25. when Duke said, “After all we’ve been through, I’m not gonna let you screw me like this.”
- 26.
27. Q: How did you feel about it?
28. A: I was surprised but I really didn’t care for Osiris. So while I was disappointed about the tour
29. being cancelled, I wasn’t offended to see him upset because Marty told me that he was a real
30. coattailer who tried to take credit for the band’s success and for songs he didn’t even write.
- 31.
32. Q: What do you mean?
33. A: In particular, “It’s So Schizo,” their signature song. Marty told me the only thing Duke ever
34. contributed to that song was the title, but Marty gave him a credit as co-writer. That was an on
35. going source of contention between them because Duke told everybody that he wrote the lyrics.
- 36.
37. Q: So what happened after the tour was cancelled?
38. A: Well, for the next few weeks after he cancelled the tour, Marty was in a deep funk.
39. Sometimes he didn’t get out of bed. And when he did, he’d just go into the recording studio with
40. a bottle of Jack and hole up in there for hours on end. I’d go in there and sometimes he’d be
41. playing his guitar or just listening to playbacks. Other times, he’d pass out from the whiskey. I
42. think he was also taking sleeping pills cuz he was a real insomniac. Anyway, Duke kept bugging
43. him to reconsider, and finally on Memorial Day, he comes over and literally begs Marty to do
44. him this one last favor for old time’s sake. Unfortunately, Marty was trashed from drinking all
45. day. He said to Duke, “you’re just a parasite. All the good stuff we ever did, I wrote. If you

1. wanna go on tour, do it yourself.” Then Duke said, “you and I both know it’s Sir Osis or
2. nothing.”
- 3.
4. Q: So what happened?
5. A: Well, Marty pulls out his .9 mm from under his robe and starts waving it around, pointing at
6. Duke, me, and then he put it up to his own head miming the word "pow" like Travis Bickle in the
7. end of Taxi Driver. At that point, Duke wrestled the gun away from him and said, “you’re outta
8. your mind. You’re a dead man walking.” At that point he stormed out of the house with the gun
9. and that was the last I saw him til he appeared out of nowhere on May 31st.
- 10.
11. Q: Did you ever have the gun in your possession?
12. A: On Memorial day, no, but I had handled it in past when Marty passed out with the gun in his
13. hand, which he always had with him. He told me that one time back in the eighties, a crazed fan
14. had gotten in to his hotel room after a concert and tried to stab him in the heart cuz Sir Osis
15. hadn’t played a song the guy wanted to hear. I remember him telling me “just because you’re
16. paranoid doesn’t mean they’re not trying to kill you.”
- 17.
18. Q: Ok, we got side-tracked a bit there. Tell me what you did during the day yesterday?
19. A: I got up around noon, had breakfast, or lunch I should say, then I went out to the Guitar
20. Factory to check out some instruments.
- 21.
22. Q: Did you see Marty before you left?
23. A: No, I assumed he was still in bed. He usually stayed up all night and crashed sometime in the
24. morning.
- 25.
26. Q: Had you had any run-ins with Marty lately?
27. A: Not really. Saturday night, I told him we should go on tour without Duke because he was
28. yesterday’s news, but Marty said he wasn’t interested in touring at all.
- 29.
30. Q: Were you ok with that?
31. A: I was a little upset because just a few months earlier, he and I were going to tour together and
32. then Duke butts in with his sob story. So then, it’s the Sir Osis and Son reunion tour, and I’m the
33. third wheel. And then it’s no tour at all. The whole thing was just frustrating.
- 34.
35. Q: What time did you get home that night?
36. A: After hitting a couple of bars with Alex, I returned about 4:30 a.m. and went straight to bed.
- 37.
38. Q: Before we go there, who is Alex?
39. A: Alex Rose, my old bandmate from TPT. We hang out from time to time.
- 40.
41. Q: What did you and Alex do that night?
42. A: You know, just hung out, had a few beers, and reminisced about old times.
- 43.
44. Q: How can I get a hold of Alex?
45. A: I’ll give you his number.

1. Q: So when you came home, did you close the front door?
2. A: I think so. But I was a little buzzed, so I may have forgot to lock it.
- 3.
4. Q: Did you see Marty when you returned?
5. A: No, but I saw the light on indicating the studio was occupied. I figured he was recording.
- 6.
7. Q: You said you were out for the day on Sunday; what time did you get home?
8. A: Around 9:00 p.m. I was tired and kind of sweaty from bouncing around all day, so I decided
9. to cool off in the pool. Then, at about 9:30 p.m. or so, I'm taking a dip when all of a sudden,
10. Duke Osiski barges into the pool area.
- 11.
12. Q: Were you bathing in the pool with soap?
13. A: Yeah. Soap and shampoo. What's the big deal? I do it all the time. Pool's got a filter, right?
14. Plus it was a nice night.
- 15.
16. Q: Ok, so what happened next?
17. A: That's when Duke showed, up, and he seemed surprised to see me and he was all panicky.
18. He said, "I think your father shot himself. He's in the studio." But then I notice he's got blood
19. on his hands, and I'm thinking, "he shot Marty." So, I grabbed my robe and went with him to
20. the studio and found my father slumped over the piano. I saw blood on his head and shirt. I
21. looked down and saw his .9 mm on the floor beside him—the same gun that Duke walked off
22. with a week earlier. That's when I put two and two together and thought to myself, "Duke
23. capped him cuz he cancelled the tour."
- 24.
25. Q: So what did you do?
26. A: I played it cool so Duke wouldn't think I suspected him. I told him to call 911 and he did.
27. And then you guys showed up.
- 28.
29. Q: Did you kill your father?
30. A: Absolutely not. He had just brought me into his life, I had a real father for the first time ever
31. and I was living better than I had ever lived before. Why would I kill him?
- 32.
33. Q: Do you think your father overdosed?
34. A: If he did, it wasn't intentional. He drank whiskey and popped sleeping pills like Pez but that
35. was so he could get some sleep not to off himself.
- 36.
37. Q: So you believe Duke Osiski shot your father?
38. A: He was the one who had the gun.
- 39.
40. Q: All right, we'll end here. Will you cooperate with further questioning if necessary?
41. A: Sure. Can I go back to the house now?
- 42.
43. Once the evidence unit is done, I don't see why not.
- 44.
45. End of Transcript

1. Grand Jury Testimony of Detective Stephen/Stephanie Tyler; June 20, 2009

- 2.
3. Questions by Assistant District Attorney (ADA) Peter N. Gordon:
- 4.
5. Q: Detective Tyler, by whom are you employed?
6. A: The Rockford Police Department
- 7.
8. Q: For how long have you been so employed?
9. A: Twenty years as a detective. I was a patrol officer for five years before that.
- 10.
11. Q: What is your current title?
12. A: Senior detective assigned to the Homicide Division – for the past 10 years.
- 13.
14. Q: How many crime scenes have you investigated in your career?
15. A: Thousands. Everything from street fatalities, both alcohol and non-alcohol related, to in-
16. home crimes of violence including assault, rape, robbery and murder.
- 17.
18. Q: How many homicides have you investigated?
19. A: Several hundred.
- 20.
21. Q: Directing your attention now to the evening of May 31, 2009, at around 9:45 p.m. Did you
22. have occasion to respond to a call of a shooting at 77 Rockaway Road here in Rockford?
23. A: Yes, I did. I received word from dispatch that there had been a shooting at the home of
24. Martin Lewis Siriusz, so I responded immediately.
- 25.
26. Q: Did you know who that was?
27. A: Who around here doesn't? Other than maybe Kid Rock and Eminem, Mr. Siriusz is one of
28. the most successful musicians to come out of Rockford and maintain a connection to this area.
- 29.
30. Q: I gather that in addition to being an experienced detective, you're a bit of a music buff?
31. A: You might say that. In particular, I've always been a big fan of Sir Osis even though they
32. hadn't done anything in quite some time.
- 33.
34. Q: Anyway, getting back to the night of May 31, 2009, what time did you arrive at the scene?
35. A: I'd say about 9:55 p.m. since I was coming from downtown.
- 36.
37. Q: What happened when you arrived?
38. A: Well, I got there at the same time that patrol arrived so I said I'd take the lead. I knocked on
39. the front door, which was ajar and said, "hello" and upon receiving no response, I drew my
40. sidearm and walked through the kitchen into the backyard by the pool.
- 41.
42. Q: What did you see when you got there?
43. A: Two people who appeared to be conversing with each other.

1. Q: Who were they?
2. A: Patrol separated them and I learned that they were Pat Nugent Siriusz, who said he was
3. Martin Lewis Siriusz's kid, and Thomas Duke Osiski, who I recognized on sight.
- 4.
5. Q: What did they say?
6. A: When I asked what happened, Osiski said, "I think Marty's shot himself," and Pat just stood
7. there. He didn't say anything at that point. He seemed pretty unfazed by the whole thing.
- 8.
9. Q: What did you observe about their appearance?
10. A: The kid was dressed only in a robe. I approached Osiski and noticed what appeared to be
11. blood on his right hand? When I asked him what was on his hand, he said "Oh, it's not what you
12. think."
- 13.
14. Q: Did you notice anything else about him?
15. A: Yes. He had a strong smell of alcohol on his breath. I thought he might be intoxicated.
- 16.
17. Q: Why do you say that?
18. A: His eyes were bloodshot and he was very nervous and fidgety.
- 19.
20. Q: What did you do then?
21. A: I asked him where Siriusz was and he said, "in his music studio." At that point, I had an
22. officer stay with Osiski and I proceeded to the studio at the other end of the house.
- 23.
24. Q: What did you observe when you got there?
25. A: First, that it was kind of dark. When I got acclimated, I saw Siriusz seated on a stool,
26. slumped over a piano with his head against some sheet music and his right arm hanging down
27. beside him next to some recording equipment. He appeared to be dead. As I came up close
28. behind him, I observed a lot of blood in his hair behind his right ear. It appeared to have flowed
29. down the right side of his neck, onto the upper right shoulder area of his shirt down his right
30. jawline onto the front of his shirt and a couple of drops fell onto the piano keys.
- 31.
32. Q: What else was he wearing?
33. A: He had a black cap, which was on backwards with the bill flipped up. There was a little bit of
34. blood on the right side above his right ear and a little blood in the right ear as well. I also noticed
35. that he had a small earpiece in his left ear but the right one was not connected to his right ear.
- 36.
37. Q: Did you observe anything else of interest to you?
38. A: Yes. I noticed that there was blood on the top of his right hand and between his ring finger
39. and pinkie. I also observed what appeared to be a smudged, bloody fingerprint on the outside of
40. his wrist. Also, below his hand, on the floor, was a black handgun.
- 41.
42. Q: What did you observe about the gun?
43. A: It had drops of blood on the barrel. There was also blood on the floor.

1. Q: Anything else about the immediate scene that caught your attention?
2. A: Yes. There was a partially empty and open bottle of Jack Daniels whiskey on top of the piano
3. and an open pill bottle with some loose pills on the piano ledge above the keyboard. I also
4. noticed some sheet music and what appeared to be handwritten lyrics in a notebook. The song
5. title was "Hanging at Death's Door" by M.L.Siriusz. His forehead was resting against the music.
- 6.
7. Q: Was there music playing?
8. A: Yes there was. I could hear a song playing through the loose earpiece, and I observed that the
9. computer and audio set-up were still on.
- 10.
11. Q: What did you do then?
12. A: I called in the evidence collection unit to photograph the scene inside and out to collect the
13. evidence. We also summoned the morgue to send someone to collect the body and take it to the
14. Medical Examiner's Office for an autopsy.
- 15.
16. Q: What did you do then?
17. A: We transported Thomas Osiski and Pat Nugent Siriusz to headquarters in separate cars to be
18. interviewed by me and my partner, Detective Fournier who met us there.
- 19.
20. Q: Who did you interview?
21. A: Mr. Osiski [at which time Detective Tyler read into evidence the contents of his interview
22. with Thomas Osiski].
- 23.
24. Q: What did you do after you interviewed him?
25. A: I conferred with Detective Fournier and compared notes, so to speak. We decided that we'd
26. await the results of the autopsy and ballistics analysis before charging anyone. So we let Osiski
27. and Siriusz leave when the interviews were over.
- 28.
29. Q: Before letting them go, did you obtain any evidence from them?
30. A: Oh yes. I swabbed Osiski's hands for blood samples and gun powder residue, but there was
31. nothing to swab from Siriusz since he had apparently been swimming when Osiski arrived on the
32. scene. I also took inked fingerprint impressions from both of them.
- 33.
34. Q: What part of the Mr. Osiski's hands did you swab?
35. A: The palm and the anterior and posterior sides and web between the thumb and the index
36. finger.
- 37.
38. Q: Did you attend the autopsy?
39. A: Not personally, no. But I reviewed the Dr. Shankar's report. [at which time Detective Tyler
40. Read Dr. Shankar's report into evidence]
- 41.
42. Q: Did you later come to learn that Mr. Siriusz had cancer?
43. A: Yes. Our office subpoenaed his medical records, and we learned that the deceased had cancer
44. of the lungs and brain. Toxicology tests confirmed that as well. Apparently, Mr. Siriusz was in
45. pretty rough shape as it was. As it turned out, his liver also had pretty serious damage from
46. alcohol abuse.

1. Q: Speaking of alcohol, you said you observed a bottle of Jack Daniel's at the scene?
2. A: Yes. It was right on top of the piano. It was one-third empty and uncapped. I also saw some
3. loose pills and a prescription bottle of Nitrazepam on the piano.
- 4.
5. Q: Why are there four pills in the overhead photo and only three in the side angle shot?
6. A: After the overhead shot was taken, the Evidence officer removed one of the pills to field test
7. it for controlled substance. It tested positive and was later determined by the CPS Lab to be
8. Nitrazepam.
- 9.
10. Q: But with the cancer diagnosis, the combination of the booze and pills, the song that was
11. playing, the tour cancellation, doesn't that all suggest suicide?
12. A: Well, I'm not a behavioral scientist but it seems that's for a jury to decide. All I can say is
13. that from what I know, the drugs and alcohol didn't kill him and we don't know for sure if they
14. would have. What killed him was a bullet fired at close range to the back of his head while he
15. was doing what he apparently loved to do which was writing and recording music. Over the
16. course of his career, as I understand, Martin Siriusz abused drugs and alcohol, suffered a severe
17. tragedy involving his family that didn't do him in, and he recently was reunited with his long lost
18. son. On the other hand, we came to learn through our investigation that Thomas Osiski was in a
19. deep financial hole and had the ticket out when their reunion concert was scheduled and then all
20. of a sudden, Siriusz pulls the rug out from under him when he cancels the tour. Then according
21. to the son, on Memorial Day, Osiski left with the gun that our ballistics tests show fired the fatal
22. shot. When you consider that he had the motive, means and opportunity, not to mention the
23. blood on his hands, it all seems to add up, doesn't it?
- 24.
25. By the Prosecutor: Members of the Jury, as your legal advisor, I caution you that any conclusion
26. whether this death was a suicide or homicide committed by a particular person is ultimately for
27. you to determine based on all the evidence.
- 28.
29. Q: What about Pat Nugent Siriusz, did you consider that he could have done it what with the fact
30. that he was the only one home with Siriusz before Osiski arrived, his taking a bath in the
31. backyard pool, the fact that Osiski called 911 not him, and his fingerprints on the piano.
32. A: I'm not unmindful of those facts, but all things considered, Osiski had the means, motive and
33. opportunity.
- 34.
35. Q: What investigation did you conduct on Pat Nugent Siriusz?
36. A: He's a bit of a mystery. It seems he was born to some groupie in California in the mid-1980's
37. who kept telling him that Siriusz was his father. According to Lompac police records, the mother
38. died of a drug overdose, the kid was taken in by a foster family, but he eventually ran away
39. because he was supposedly being abused by the stepfather. We've also come to learn that
40. shortly before Pat ran off, the stepfather, Leonard Skinnerd, I think his name was, died under
41. suspicious circumstances. It seems that he and Pat were on a camping trip and he stepped off the
42. trail and fell down into a ravine and broke his neck. I tracked down the retired detective who
43. investigated the case and he told me that Skinnerd was familiar with that trail but had a BAC of
44. .06. All they had to go on was Pat's account and they closed the case as an accident. He did say
45. though that he had a bad feeling about the kid because he seemed so unaffected by the death and

1. the father was an experienced outdoorsman. Anyway, as best we could tell, after running off, the
2. kid played in some bands and met Martin Siriusz at a concert in Royal Oak. Pat claimed to be
3. Siriusz's kid, but Siriusz laughed it off. A few years later though, Pat re-entered Siriusz' life and
4. Siriusz agreed to take a paternity test. As it turned out, he was the kid's father after all.
- 5.
6. Q: So what happened?
7. A: The kid moved in with his new-found father and, as I understand it, they were going to go out
8. on a kind of father-son tour until Thomas Osiski entered the picture and literally begged Siriusz
9. to do one more reunion tour to help him get out of his financial mess. When I interviewed Pat, it
10. was obvious that he was none too happy with Osiski and even less happy with that Siriusz
11. decided to do a reunion tour, thereby making him kind of a third wheel. Then, as it turns out, he
12. cancelled the tour altogether.
- 13.
14. Q: What about Pat's financial situation?
15. A: He told me that his father had told him that he would be very well taken care of. He said
16. something about a million-dollar life insurance policy.
- 17.
18. Q: What about Siriusz's will?
19. A: He was less clear about that but he did make reference to the "f'ing Save the Music
20. foundation" which I didn't quite understand. Those are his words, not mine.
- 21.
22. Q: Did you ask him what he meant?
23. A: No. I was satisfied that after a troubled life with no father and then an abusive one, the kid
24. had finally found his real father and was now living the life of a rich rock star. He also knew that
25. he'd be well taken care of when his father passed away which, I understand, was not too far off
26. anyway.
- 27.
28. Q: Did Pat know this?
29. A: Apparently nobody did until after Siriusz died. So anyway, compared to Osiski, I didn't see
30. Pat as having a particularly strong motive to off his own father.
- 31.
32. By the Prosecution. Okay. Thank you Detective Tyler. That's all the questions I have.
- 33.
34. End of Testimony.

1. **Grand Jury Testimony of Dr. Erin/Aaron Dre; June 20, 2009.**
- 2.
3. Questions by Assistant District Attorney (ADA) Peter N. Gordon:
- 4.
5. Q: Dr. Dre, by whom are you employed?
6. A: The Rockford Police Department.
- 7.
8. Q: For how long have you been so employed?
9. A: Twenty five years.
- 10.
11. Q: What is your current title?
12. A: I'm the Chief Forensic Analyst for the Rockford CPS Laboratory
- 13.
14. Q: And what exactly does the Chief Forensic Analyst do?
15. A: I analyze the evidence collected from crime scenes and autopsies to assist the police
16. department with its investigations.
- 17.
18. Q: How many cases have you worked on in your career?
19. A: Thousands—too many to count, really.
- 20.
21. Q: How many homicides have you investigated?
22. A: Hundreds.
- 23.
24. Q: Do you have any specialized training?
25. A: Yes. I've attended numerous seminars and classes sponsored by the FBI, Secret Service,
26. DEA, State Police Agencies and local departments on crime scene investigation, homicide
27. investigation, evidence collection, firearms identification, ballistics analysis, blood spatter
28. analysis, drug detection, those kinds of things.
- 29.
30. Q: Do you have any teaching experience?
31. A: I teach crime scene preservation and analysis to detectives across the country ,and I teach a
32. course specifically on homicide scene investigation and blood spatter analysis for police and
33. prosecutors every year at the Police and Prosecutors Symposium in Houston, Texas.
- 34.
35. Q: Have you testified as an expert in court on these topics over the years?
36. A: Yes, over 50 times in Federal and State courts.
- 37.
38. Q: Directing your attention now to morning of June 1, 2009, did you have occasion to work on
39. the case surrounding the death of Martin Lewis Siriusz?
40. A: Yes, I did. When I came to work that morning, I went to the Rockford County Medical
41. Examiner's office where Dr. Ravi Shankar, the Associate Medical Examiner, performed the
42. autopsy.
- 43.
44. Q: What did you observe?
45. A: Well, the first thing we looked at was the back of the deceased's head as the body lay face
46. down. Dr. Shankar noted the copious amount of clotted blood in the hair above and behind the

1. right ear. Based on the significant accumulation of blood and flow down the neck, face and shirt,
2. Dr. Shankar concluded that the heart was still pumping when the shot was fired.
- 3.
4. Q: What did he do then?
5. A: He passed through the hair and identified a small, somewhat irregular but circular hole toward
6. the back of the head above and behind the deceased's right ear.
- 7.
8. Q: Was the area swabbed?
9. A: Yes, he stuck a Q-tip in and around the entry hole swabbing it for blood and gun powder
10. residue for ballistics.
- 11.
12. Q: Did you observe the interior of the skull?
13. A: Yes. Dr. Shankar traced the path of the bullet from the right rear portion of the skull above
14. and behind the right ear to its resting point behind the left eye.
- 15.
16. Q: Was anything removed from the brain?
17. A: Yes. The doctor removed a deformed lead bullet fragment that was later to be compared to
18. test bullets fired from the gun found at the scene.
- 19.
20. Q: What happened next?
21. A: After removing the brain for further examination and analysis, Dr. Shankar opened up the
22. abdomen and examined and removed various organs including the heart, lungs and liver. When
23. he examined the lungs, he said, "heavy smoker."
- 24.
25. Q: Was a toxicology test every performed?
26. A: Yes, I received the results a few days later.
- 27.
28. Q: What did the toxicology reports reveal?
29. A: That Mr. Siriusz' BAC was .17 and he had concentrations of Nitrazepam in his system.
30. According to Dr. Shankar, that combination could be fatal in that alcohol is a depressant and
31. Nitrazepam is designed to make you sleep. So, you go into a deep sleep and if you throw up, you
32. can't wake up to expel the vomit and it can fill your throat and lungs. Consequently, you can
33. drown in your own vomit, kind of like Jimi Hendrix or Jim Morrison, God rest their souls.
- 34.
35. Q: Did Dr. Shankar detect or point out the presence of any vomit in Mr. Siriusz' throat or lungs?
36. A: No.
- 37.
38. Q: Now, you said that you took gunpowder samples for ballistics, why were those samples
39. important?
40. A: To help us determine whether the gun shot was fired from close range. I know from ballistics
41. training and experience that the closer the muzzle of the gun is to the target, the higher
42. concentration of gunpowder grains there will be at or around the entry site. The greater the
43. distance, the more diffuse the grain pattern will be.
- 44.
45. Q: What about blood flow from the wound, can that affect the presence of any powder grains?
46. A: Sure. As blood flows out from the wound it can transport the grains away from the entry site.

1. Q: Speaking of the gun. What kind is it?
2. A: It was a .9 mm semi-automatic pistol.
- 3.
4. Q: What does that mean?
5. A: It means that it fires a projectile or cartridge that is transported from the magazine contained in
6. the handgrip when the slide is pulled back and the hammer is cocked and the trigger is pulled.
- 7.
8. Q: What happens at that point?
9. A: The trigger causes the hammer to strike the firing pin at the back of the cartridge, there is an
10. explosion which propels the bullet along with gasses through the barrel and the cartridge casing is
11. ejected from the ejection port on the right side of the barrel. Subsequent pulls of the trigger
12. would result in the same thing until all the rounds are expended from the magazine.
- 13.
14. Q: Is there a recoil when the gun is fired?
15. A: Absolutely. The explosion of the gasses as the hammer strikes the firing pin causes the gun to
16. recoil or jerk backward as the bullet is propelled through the barrel and the shell casings are
17. ejected from the gun.
- 18.
19. Q: And did you test the shell casings for anything?
20. A: Strangely enough, no. I was told that no shell casings were found at the scene.
- 21.
22. Q: Oh. So you tested the blood that was found on the gun and the deceased's right hand?
23. A: Yes, I did.
- 24.
25. Q: Dr. Dre, can you tell us what blow back is?
26. A: Yes. If a bullet strikes an object such as someone's head at close range, say from contact to a
27. few inches away, the gasses and force of impact can cause what's inside, in this case, blood, skull
28. fragments and brain tissue and sometimes hair to literally blow back such that you can see fine
29. particles of these materials on the muzzle or barrel of the gun and, in cases of self-inflicted
30. wounds, on the shooter's hands.
- 31.
32. Q: Did you see that here?
33. A: Let me put it this way, I saw blood on the barrel but it didn't appear to be indicative of blow
34. back. Similarly, the blood on Siriusz' hand appeared to be drops from above rather than from
35. high speed, high volume blow back on impact. I also noticed that some of the blood had been
36. smudged as if from contact by someone else.
- 37.
38. Q: Any idea how that could have occurred?
39. A: Well, Thomas Osiski said that he grabbed Mr. Siriusz's wrist to check his pulse.
- 40.
41. Q: Detective Tyler told us that Mr. Osiski's hands were swabbed for blood and gun powder
42. residue. What did the lab find?
43. A: That the deceased's blood was on the defendant's hand, and there were gunpowder grains on
44. his hand as well. But I can't say for sure whether that was from firing the gun himself or from
45. having grabbed the deceased's wrist, in which case it could have been transferred.

1. Q: Were there gun powder grains on the deceased's hand?
2. A: Gunpowder grains were detected in the swabbings of the deceased's right wrist area but I
3. can't say for sure whether they were from firing the gun himself or from having been transferred
4. from Mr. Osiski's hand. Given the location, I would say it's probably the latter scenario.
- 5.
6. Q: Why do you say that?
7. A: Because if he'd fired the gun himself, you'd expect to find gunpowder grains on the top of his
8. hand, and we didn't find any.
- 9.
10. Q: What about the possibility that Osiski put the gun in Siriusz' hand, held it up to his head,
11. pulled the trigger, lowered his arm and then put down the gun?
12. A: That's a plausible possibility but it would probably require that Siriusz was unconscious or in
13. a deep sleep. Otherwise, he would probably resist.
- 14.
15. Q: So, did you form an opinion within a reasonable degree of certainty as to whether this was a
16. self-inflicted wound?
17. A: Yes.
- 18.
19. Q: What is that opinion?
20. A: That it was most likely not self-inflicted.
- 21.
22. Q: What do you base that on?
23. A: First, the location of the entry wound above and behind the right ear. Although it's not
24. entirely unheard of, in virtually all the head shot suicides I've investigated or read about, the fatal
25. wound was delivered directly to the temple, the forehead or upward in the mouth. The further
26. you go back on the head, the less control you have over the gun. Especially when you consider
27. the recoil factor. Plus, the presence of only a few powder grains in the deceased's hair around the
28. wound site tells me that the fatal shot could well have been fired from several inches away.
29. Again, if you're trying to kill yourself, the farther away the muzzle is from the target, the lesser
30. become your chances of success or, I should say, the lesser the chances of accomplishing your
31. objective.
- 32.
33. Q: Could this have been a contact shot?
34. A: I can't rule that out entirely because of the shape of the wound and the fact that the blood flow
35. could've displaced the powder grains.
- 36.
37. Q: Did anyone swab the blood on the deceased's neck or shirt for powder grains?
38. A: Yes, and some grains were found but not a high concentration, which suggests that the muzzle
39. was some distance from the head when the shot was fired.
- 40.
41. Q: How far?
42. A: Within one to six inches maybe.
- 43.
44. By the Prosecution. Okay. Thank you Dr. That's all the questions I have.
- 45.
46. End of Testimony.

1. **Grand Jury Testimony of Thomas D. Osiski, June 25, 2009**

2.

3. By the prosecutor, Les Paul, ADA:

4.

5. Q: First of all, Mr. Osiski, do you acknowledge under oath before this grand jury and in the presence of your attorney, Christine McVie, that you waive immunity?

7. A: Yes.

8.

9. Q: What is your date of birth?

10. A: September 15, 1957.

11.

12. Q: Are you currently under the influence of drugs or alcohol?

13. A: Uh, no.

14.

15. Q: Turning now to the death of Martin Lewis Siriusz, do you wish to make a statement before I ask you some questions?

17. A: Yes. I know that Marty and I had our differences over the years but I want you to know that I did not kill him. He was like a brother to me. For seven years, we had the best times of our lives in one of the most popular and successful bands of the 1980's, and although we went our separate ways after that, we did get together for a couple of reunion tours in 1997 and again 2003. We were also set to do it again this summer.

22.

23. Q: Do you think Marty killed himself?

24. A: I don't know. I mean, Marty's been a dark person as long as I've known him. I mean, he was always preoccupied with death and dying. Then when his wife and kids were killed in that horrible car wreck on Route 66 back in 2003, that really put him over the edge. But he didn't kill himself over it. Then again, this May, I have to say that he was more down and depressed than I'd ever seen him before. One day, we're doing a reunion concert tour and next day, it's all over. So it's definitely possible. But you should be looking at that long-lost kid of his.

30.

31. Q: How do you mean?

32. A: Well I gave Pat the gun the week before and said to hide it, so he was the only one who knew where it was. Plus, when I ran out the back of the house to call 911, there's Pat, naked in the pool washing off with a bar of soap. I mean, who the hell does that? It's not like that house didn't have bathrooms all over the place. On top of that, this kid comes out of nowhere a few months ago, moves in, and next thing you know he's going on tour with Sir Osis. I remember him trying to convince Marty to cut me out of it all together, but he's just some garage band punk. Besides, who's going to pay good money to see half of Sir Osis and kid? Anyway, Marty agreed with me, and the kid got real angry like I'm horning in on his action.

40.

41. Q: What did you know about him?

42. A: Not a lot. I do remember the night before we did our 2004 reunion concert, Marty said some pissant punk rocker tried to say he was Marty's kid. I said, "yeah, and I'm Elvis' nephew." We both had a laugh, but I remember talking to Marty in the Fall in 2008 and he told me that he took a paternity test and he was the kid's father after all. Next thing you know the kid's moving in

1. and acting like rock and roll royalty or something. As far as I can tell, the kid is a little gold
2. digger who didn't give a rat's ass about anything but Marty's money.
- 3.
4. Q: Turning back to Marty, hadn't he told you in May that he wasn't going to do the reunion tour?
5. A: Yes, but you have to understand how Marty operated. Back in 1997 and 2002, he did the
6. same thing. He's in, he's out, but the bottom line was that he always gave in because we both
7. knew that the money was too good to pass up, even if it meant we were playing hits we'd written
8. 20 years ago. So, I had every expectation that Marty would get back on the band wagon with a
9. little more persuasion, which is why I went to his house on the night of May 31, 2009.
- 10.
11. Q: Speaking of money, how much did you stand to gain from the reunion tour?
12. A: The band's take for the summers tour was a million. My cut was half of that. But when you
13. figure in taxes, it was substantially less than a half million.
- 14.
15. Q: Wasn't there talk of an extended tour for another million?
16. A: Yes but that was an if-come. If the summer tour didn't fare well, that would have been it.
17. You can never be sure of anything in this business; too many forces beyond your control.
- 18.
19. Q: What is your financial situation?
20. A: I'm kind of strapped.
- 21.
22. Q: Kind of strapped? Haven't you been served with a foreclosure notice on your home?
23. A: Yes but my attorney is working on a settlement agreement with the bank. I just needed to
24. make it until we got paid for the tour. Now, I'll probably have to file for bankruptcy.
- 25.
26. Q: So this tour was essential to you keeping your house?
27. A: Unless something gets worked out with the bank. The remaining mortgage balance is
28. \$225,000.00, but I am about three months behind in monthly payments. But the bank has
29. accelerated the debt. If it was just a matter of bringing the payments current, that would be one
30. thing, but they want me to pay all kinds of penalties.
- 31.
32. Q: Aren't you also maxed out on your credit cards?
33. A: My lawyers are working on that too. I owe about \$150,000 between two cards.
- 34.
35. Q: Where is your income coming from?
36. A: Well, I do a weekly gig at the Hard Rock for about a grand a night; I occasionally produce
37. music for other bands, which brings in about fifty grand a year; I get writer's residuals for "It's
38. so Schizo;" and I got a nice check for a hundred grand when "Wild and Willing" was covered by
39. Fifty Cent.
- 40.
41. Q: So why then are you in this financial situation?
42. A: It's not easy living the rock star's life, especially when your big money days are behind you.
43. Plus I have to pay child support to two different women I met once in my life back in the 1990's.
- 44.
45. Q: Speaking of your relationships with women, you've had some serious problems, right?
46. A: If you're referring to my record, my ex-girlfriend and I have had our share of domestics.

1. Q: In fact, you're currently on probation for violating an order of protection are you not?
2. A: I pled to Misdemeanor Contempt, but yes, I am.
- 3.
4. Q: And you had a Harassment before that?
5. A: That was ACDC'D. It wasn't like I was just beating her up or something. These were
6. domestic arguments that got out of hand, that's all.
- 7.
8. Q: And you were convicted of DWI in 2002?
9. A: CheektaVegas. Everybody knows that's a tough town for drunk drivers.
- 10.
11. Q: And what about the Larceny conviction in 2000?
12. A: That was a big misunderstanding. I was relying on my accountant to properly report my
13. income. I got audited and it turned out that my income was under-reported by about ten
14. thousand. I paid restitution and that was the end of it.
- 15.
16. Q: Let's talk about your relationship with Martin Lewis Siriusz. How did you two meet?
17. A: I was in high school, Marty was a few years older and he played in a local rock band called
18. Siriusz. I used to watch them play whenever and wherever I could. I played bass guitar and as
19. luck would have it, the Siriusz bass player got hepatitis, and I auditioned and got the job. I knew
20. all their stuff already so it was an easy fit. Anyway, we were playing all over the area and
21. eventually we started getting jobs all over the country. Bars and clubs mostly, but eventually we
22. were playing larger venues. Marty wrote all of the band's material at first, but his material
23. tended to be dark and heavy. So, we worked on some upbeat material and changed the band's
24. name to "Sir Osis." After that, it was the full-on Rock Star life with sex, drugs ,rock and roll,
25. months on the road, wild nights in hotels, adoring crowds, groupies, you name it. We also knew
26. the darker side of it, loneliness, depression, long hang-overs, crazy, irrational fans. I remember
27. one night after a show, we're in our hotel room, there's a knock on the door and the guy says
28. "room service." Marty opens the door and the guy bursts in and stabs him in the chest. We
29. came to find out he was pissed that we didn't play a song he wanted to hear. Anyway, I came to
30. realize how fleeting and mercurial it all was, so I wrote "It's so Schizo." The chorus goes: One
31. day you're sittin' on top of the world, everybody loves you, crazy boys, pretty girls. Next day
32. you wake up wondering where it all went, you're all alone and you can't pay the rent. One day
33. high, next day low, ask me why, baby, I don't know. Ain't no two ways about it, Get up, stand
34. up and shout it, baby "IT'S SO SCHIZO!" I remember at every encore, when we got to the last
35. line, the whole crowd, thousands and thousands of screaming kids would sing in one voice, "It's
36. so schizo." You had to be there to feel it. It was surreal.
- 37.
38. Q: Are you saying you wrote that song? I thought that you only came up with the title?
39. A: Not true. I wrote it but gave Marty co-writing credit because he tweaked some of the lyrics
40. and after all, we were a band.
- 41.
42. Q: Let's talk now about the reunion tour of 2009, How did that come about?
43. A: I had heard on the radio that Marty and Pat were making plans to go on tour, so I dropped by
44. to ask Marty if we could do a tour on the strength of "Wild and Willing." At first, he didn't
45. seem that interested, but I told him that I had spoken to Harvy Productions and they could line up
46. a twenty city east coast tour that could bring us a million. He said "sounds like a plan."

1. Q: How did Pat react?
2. A: Not at all happy. I remember Pat saying, “why do you want to go back in time when you and
3. I have an opportunity to do something new together?” Marty said, “there’s time for that. We’ll
4. bring you along and you sing back up.” The kid was pissed.
- 5.
6. Q: What happened after that?
7. A: We arranged the deal through Harvy Productions and it was full steam ahead with rehearsals.
- 8.
9. Q: What did you observe about Marty’s behavior?
10. A: Temperamental as always, but he was fine at first. I did notice that he was boozing and
11. taking pills, but that’s how it always had been with him. We had three or four scares back in the
12. day when he’d OD’d, but that was an occupational hazard.
- 13.
14. Q: What about Marty’s drinking?
15. A: That was a constant. He always had a bottle of Jack. Honestly, I don’t know how he
16. survived as long as he did. Back in the day we took just about everything. But I had to stop
17. altogether after my liver transplant in 1999. These days, for Marty, it was mostly Jack and
18. sleeping pills. He said he couldn’t sleep.
- 19.
20. Q: Weren’t you doing drugs during rehearsals?
21. A: A couple times. Old habits die hard when you’re back in the old groove.
- 22.
23. Q: What did you observe about Pat’s behavior toward Marty?
24. A: Sullen, disrespectful. I mean, Marty had taken Pat into his home, embraced him, was taking
25. him on tour with one of the greatest rock bands of all time, and he acts like some pissant punk. I
26. think Pat resented me and was angry with Marty. It’s a generational thing, I imagine.
- 27.
28. Q: Speaking of changing his mind, what about Marty’s pronouncement that the tour was off?
29. A: All of a sudden, in May, Marty says he doesn’t think he can do the tour. I said “what are you
30. talking about, you can’t back out now, that’s a million down the drain and another million where
31. that came from.” I asked him why, and he really didn’t give an answer. So I figured he was just
32. being his usual difficult self and that, eventually, he would change his mind just like he did back
33. in 1997 and 2002 when we did the Eighties Hair Band reunion tours that Clairol sponsored. But
34. this time, I will say that he looked like he’d seen a ghost. He was much more reserved and
35. withdrawn than ever before. It was like he knew something. I mean, this guy had always been
36. Dr. Darkness, but there was something even darker about him this time.
- 37.
38. Q: What happened on Memorial Day?
39. A: That was the last time I saw my old band mate alive, and it wasn’t pretty. I went over to
40. remind Marty that we only had a month before the tour started, but there was no talking to him
41. cuz he was so wasted. Plus, he was waving that fool gun around, which scared the hell out of
42. me. I tried to talk some sense into him, but it was pointless. He fell back on the couch and I
43. managed to grab the gun out of his hand. I gave it to Pat, which, in hindsight, was a big mistake
44. and said, “hide this thing somewhere he won’t find it when he wakes up?”
- 45.
46. Q: Pat says you left with the gun?

1. A: I'm not surprised. But I hate guns. They scare me. No, he had the gun, not me.
- 2.
3. Q: Wait a second, weren't you convicted of weapons possession back in 1995?
4. A: If I may, a bunch of us, we're in a car that was pulled over by the police. They found some
5. drugs under the driver's seat and a loaded pistol. I was a backseat passenger, and it wasn't my
6. car. We all pled to misdemeanors, and I got a fine. That's another reason I hate guns.
- 7.
8. Q: Didn't you tell Marty that he was a dead man walking?
9. A: Yes, but I meant he was killing himself with the booze and pills, not that I was gonna kill him
- 10.
11. Q: Turning now to May 31st, what time did you arrive?
12. A: 9:30 or so; I knocked on the door and noticed it was ajar. I walked in, said "hello," but there
13. was no response. I figured Marty might be in the studio, so I went that way.
- 14.
15. Q: What happened when you went in?
16. A: I saw Marty slumped over the piano, and I figured he had passed out or something. I knew
17. he'd been drinking a lot, and I saw the sleeping pills and the bottle of Jack Daniels' on the piano.
18. His right arm was dangling by his side. He had an ear plug in one ear, and I could hear the low
19. sound of music playing. So I touched his shoulder and said, "wake up Sleeping Beauty." I can't
20. tell you how many times I'd done this in the past in our playing days, so this was deja vu all over
21. again. But this time I noticed he was limp. I then felt and saw the blood and said "Marty, what
22. have you done?" Instinctively, I grabbed his right wrist to feel for a pulse, but there wasn't any.
23. I then looked down and saw his gun on the floor. I looked up toward the piano and read the
24. lyrics to Hanging at Death's Door and thought, "Omigod, he's offed himself." But then I
25. wondered how he got the gun back or if he'd gotten it back at all. At that point I ran out the back
26. and stumbled upon Pat washing off in the pool. That's when I thought, "the kid killed his father
27. and tried to make it look like a suicide."
- 28.
29. Q: How did you know it was his gun?
30. A: Cuz he always carried it, and I took it away from him on Memorial Day.
- 31.
32. Q: What happened then?
33. A: We went to the studio, and I watched Pat as he saw his father's lifeless body. No reaction. It
34. was like he knew what he'd find. I then called 911 and the police came. They took us
35. downtown for questioning and I got the distinct impression they thought I did it. I admit, I had
36. Marty's blood on my hands, but I explained that I had touched his shoulder and grabbed his wrist
37. to take his pulse.
- 38.
39. Q: Had you been drinking that night?
40. A: No.
- 41.
42. Q: Would you say you were on good terms with Marty at the time of his death?
43. A: Yes. Well, Memorial Day wasn't good, but he was wasted. Although he'd pulled out of the
44. tour, that was deja vu. I knew I'd get him back. Like I said, we were like brothers. We were Sir
45. Osis, for God's sake. We toured together, wrote music together. We loved each other.

1. Q: Speaking of writing music, I'm now showing you Marty's last will and testament and I'm
2. directing your attention to paragraph 3. Would you read that please?
3. A: "I hereby give, devise and bequeath my share of any/all royalties to be earned from the song
4. "It's so Schizo" to my former bandmate" . . . (whereupon the witness reads the remainder to
5. himself in a barely audible voice and then states) You're kidding right? He wants me to say that
6. he wrote the music and lyrics? Not a chance. He must have been wasted when he wrote that.
7. He and I both know that I wrote that song and gave him co-writing credit. If I had known that
8. he'd do this, I would not have given him any credit at all. I guess it just shows that you never
9. really know people do you? It's like the song says "It's so Schizo."
- 10.
11. By the prosecutor: I suppose so. That's all I have.
- 12.
13. End of examination.

CRIMINAL HISTORY REPORT

Name: Thomas D. Osiski
DOB: 9/15/57
Alias: Duke
SS#: 156 51 9516
Address: 13 Tawny Kitaen Lane
Rokford, New Michigan

Arrest: 5/15/08

Charges: Assault 3d degree (A Misdemeanor)
Harassment (Violation)
Criminal Contempt 1st degree (E Felony)

Disposition: Criminal Contempt 2nd degree (A Misdemeanor)
Harassment (Violation)
By guilty plea in Rockford City Court, July 9, 2008

Sentence: September 1, 2008
Three Years Probation
No Contact Order of Protection

Arrest: 12/24/07

Charges: Harassment (Violation)

Disposition: Adjournment in Contemplation of Dismissal (ACD)
in Rockford City Court, February 9, 2008
No Contact Order of Protection

Arrest: 4/1/03

Charges: Driving While Intoxicated (Misdemeanor)
Unsafe Lane Change (Violation)

Disposition: Guilty as Charged after Non-Jury Trial in
Cheektowaga Town Court 8/5/03

Sentence: \$1000.00 Fine
Conditional Discharge
Six Month License Revocation

Arrest: 6/7/2001

Charges: Grand Larceny 4th degree (E Felony)
Offering a False Instrument for Filing (E Felony)
First Degree

Disposition: 4/01/2002 - Petit Larceny (A Misdemeanor) by Guilty Plea
in County Court Pursuant to Superior Court Information

Sentence: 4/30/2002 - Conditional Discharge upon payment of full restitution
to the New Michigan State Department of Taxation.

Arrest: 10/7/94:

Charges: Criminal Possession of a Controlled Substance 5' degree (Felony)
Criminal Possession of a Weapon 3 degree (Felony)

Disposition: 1/5/95 - Criminal Possession of a Controlled Substance 7' degree (Misdemeanor)
Criminal Possession of a Weapon 4th degree (Misdemeanor)

Sentence: \$1,000.00 fine.

1. Transcript of Interview of Alex Rose by Detective Vincent Fornier

2. (June 2, 2009 at 4:00pm):

3.

4. Alex, my name is Detective Fornier of the Rockford Police Department, Homicide Bureau. I'm
5. going to ask you a few questions about Pat Nugent Siriusz. First, let's get some information
6. about you.

7.

8. Q: What is your name?

9. A: Alex Rose—hey, you still haven't told me what this is all about.

10.

11. Q: Pat's father was found dead last night, and we're trying to figure out what happened, that's all

12. A: No way! Marty's dead? You don't think Pat had anything to do with it, do you?

13.

14. Q: Is there any reason you can think of that I should?

15. A: Na. Pat's a good kid. And Marty was the best thing to happy to him in a long time. Pat
16. wouldn't do anything to hurt his meal ticket.

17.

18. Q: Why do you put it that way?

19. A: Come on. Marty was loaded, and Pat grew up in a trailer park. Ever since Marty took that
20. paternity test, Pat's been living like a real rock star.

21.

22. Q: How long have you known Pat?

23. A: Since we were about 13—well, since I was 13. Pat is a couple years younger than I am.

24.

25. Q: When did you two first meet?

26. A: We were friends in junior high; we started a band together.

27.

28. Q: You said that Pat grew up in a trailer park; what do you know about Pat's family life before
29. Marty?

30. A: Well, first, it's a stretch to call it a "family life." When Pat was about 9 years old, he was
31. placed through Family Court with a foster family. It was a Disaster. The mother, Elsie Skinnerd,
32. was a born again religious nut. There were three other kids, the twins Ronnie and Lonnie, and a
33. girl, Jewel, each one more screwed up than the next. And then the husband, Leonard, he was a
34. nightmare.

35.

36. Q: How so?

37. A: Let's see, alcoholic, physically abusive to his wife and his own children . . . and he did stuff to
38. Pat that messed that kid up for life.

39.

40. Q: Such as?

41. A: Let's just say, there were things that I'd rather not get into.

42.

43. Q: Alright, I think I get it. Well, how did Pat deal with it?

44. A: He avoided the family as much as he could—he told me that's why he spent so much time
45. retreating into music. But he had a good singing voice, and when we met, we started writing
46. music and formed a garage band. Then in high school, we started getting some jobs at dances
47. and parties and things like that.

1. Q: Do you know how long Pat lived with the Skinnerd family?
2. A: In 2002, when I was 19, after Leonard passed away, we all took off in a van and started
3. playing clubs all over California. We got Pat a fake ID that said he was 19, too.
- 4.
5. Q: Do you know how did Leonard Skinnerd died?
6. A: Yeah, actually, it was an accident. He had taken Pat on a camping trip in some state park for
7. his sixteenth birthday. Pat told me that he didn't want to go, but Leonard insisted. Anyway,
8. apparently they were walking along a steep trail above a gorge. Leonard was drunk and fell off a
9. ledge down about a hundred feet onto the rocks below. That was all she wrote. Anyway, Mrs.
10. Skinnerd and her kids blamed Pat, and he felt that he was no longer welcome, not that they ever
11. made him feel welcome to begin with. So as soon as he had a chance, he packed up and left with
12. us. But he was probably going to leave anyway.
- 13.
14. Q: So what did you all do for the next few years?
15. A: We lived mostly on the road as we toured the country playing the club circuit. When we
16. weren't on tour, Pat would crash at one of our places, but mostly we stayed in motels and trailer
17. parks along the way. Eventually, we got good enough that we started playing bigger gigs and
18. venues. In late 2003, a song that Pat wrote, "Bad Daddy," started getting good national airplay so
19. we toured off that into 2004. That's when he met Martin Siriusz in Royal Oak.
- 20.
21. Q: Yeah, can you tell me a little more about that meeting?
22. A: Sure. That summer, TPT, that's short for Trailer Park Trash, was playing a gig at the Royal
23. Oak Music Theatre. After the show, one of our roadies told Pat, "there's somebody who wants to
24. talk to you." We walked out to the hall, and there is Marty Siriusz. He started complimenting
25. Pat on his vocals and invited us to a Sir Osis reunion show the following night. Then Pat goes
26. and says, "I got it from you." Marty asked what he was talking about, and Pat says, "my mother
27. told me that you're my old man."
- 28.
29. Q: How did Marty react?
30. A: He laughed and said, "oh yeah, who's your mother?" Pat said, "Cindy Nugent from Lompoc,
31. the Wild and Willing tour in the summer of 1985." Marty looked a little stunned and then he
32. said, "if I had a dollar for ever star struck groupie I got it on with that summer alone, I wouldn't
33. have to be doing reunion concerts." Pat was not happy.
- 34.
35. Q: How so?
36. A: Pat starts telling him that his mother was his biggest fan back in the day and that he had no
37. cause to be trashing her memory like that. He's always protecting her like that. When Pat told
38. him that she had passed away from cervical cancer in 1995, he shut right up. Needless to say, we
39. didn't go to the Sir Osis concert the next night.
- 40.
41. Q: Have you spent any time with Pat and Marty?
42. A: Yeah. I'd hang out at Marty's place while they rehearsed for the upcoming tour. Man, those
43. were some interesting rehearsals.

1. Q: What do you mean?
2. A: Marty's mood was kind of like a roller coaster. He'd go from manic to down and depressed.
3. But Duke told us that's how he was back in the old days. You just had to tread lightly and go
4. with the flow cuz you didn't know which Marty you were going to get. Plus, the drinking and the
5. drugs.
- 6.
7. Q: So you saw Marty drinking a lot?
8. A: He always had a bottle of Jack within arm's reach. It was hard to distinguish drunk from
9. sober because he was drinking all the time.
- 10.
11. Q: And what about drugs?
12. A: Everyone at the rehearsals did some, but Marty complained a lot about being unable to sleep.
13. I believe he had a prescription for sleeping pills, which I don't think did much good because Pat
14. would always tell me about seeing the light on in the recording studio at all hours.
- 15.
16. Q: Ok, let's talk about Saturday night. Pat told me that you two were hanging out at the bar?
17. A: Yeah. It was sometime late Saturday evening and Pat calls me up all pissed off and mumbling
18. something about the "Save the Music" foundation and tells me to head downtown. We hooked
19. up at our usual hangout, had a few beers, and talked until the bar closed.
- 20.
21. Q: What did you two talk about?
22. A: Apparently Pat and Marty had an argument about the tour. In early May, Marty had cancelled
23. the tour, and Pat was pretty upset by it. But I do know that Pat hoped that it would be an
24. opportunity to tour with Marty and leave Duke behind. Marty wasn't changing his mind, though.
- 25.
26. Q: What do you mean?
27. A: Well, the reason Pat was so upset was that Marty had told Pat that he left all of his instruments
28. and the house to the "Save the Music" foundation. I told Pat not to worry about it because life
29. was easy at Marty's house. If Pat just stayed in Marty's life, maybe Marty would eventually
30. change his mind and change his will.
- 31.
32. Q: So Marty had a will?
33. A: Honestly, I'm not sure, but it sure seemed like it. I mean, how else would you leave stuff to a
34. charity? But a will wouldn't have mattered anyway. Pat was going to collect a million dollars on
35. an insurance policy if anything ever happened to Marty?
- 36.
37. Q: How do you know that?
38. A: Pat told me about it a few weeks ago. I thought that was really generous of Marty,
39. considering he only knew Pat for a few months.
- 40.
41. Q: So what time did you guys head home that night?
42. A: We left the bar around 2:00. I went home; I'm not sure what Pat did.
- 43.
44. Q: Ok, while I've got you here, let me ask you a few questions about Thomas Osiski.
45. A: Duke? Man, that guy is a piece of work.

1. Q: How well do you know him?
2. A: Not all that well, but from what I do know, I'm happy to keep my distance.
- 3.
4. Q: Why is that?
5. A: According to Pat, Duke has spent his whole career riding on Marty's coattails. You could tell
6. from being around him that he was all about the money.
- 7.
8. Q: What do you mean?
9. A: Well, he and Marty were supposedly life-long friends, right? But as soon as Marty cancelled
10. the tour, Duke was all over him. He was flipping out, like it was the end of the world or
11. something. He never even asked Marty why he cancelled. It was all about Duke.
- 12.
13. Q: Were you at Marty's place on memorial day?
14. A: I think I know what you're talking about—the thing with the gun, right?
- 15.
16. Q: Yeah, did you see what happened?
17. A: No, I got there a little later and Pat told me about it. Apparently Duke and Marty got in some
18. big argument and Marty pulled out his gun. Gotta say, I'm glad I missed it, but I didn't miss it by
19. much.
- 20.
21. Q: What do you mean?
22. A: Duke was walking out of the house as I was heading in.
- 23.
24. Q: Did you see him carrying anything with him?
25. A: No, but Pat told me he took the gun. He must have put it in his pocket or something.
- 26.
27. Q: Do you think Mr. Osiski could have killed Marty?
28. A: Na. He's a self-centered egomaniac, but I don't think he has it in him to kill anyone; he's not
29. the type.
- 30.
31. Q: What do you mean, "not the type."
32. A: He's all show. I've been in the music business for over a decade now. Some guys have an
33. edge, some guys don't. Duke can talk the talk, but if it came down to it, he would never be able
34. to pull the trigger. If Marty is dead, he probably did it to himself.
- 35.
36. Q: What makes you say that?
37. A: I'm not saying he killed himself or anything—although it's not out of the realm of possibility.
38. But with all the pills and whisky . . . man, I've seen some guys drink a lot over the years, but
39. Marty takes the cake.
- 40.
41. Q: Alright, I think we're all set for now. If I have any other questions, can I follow up with you?
42. A: Sure, always happy to help.
- 43.
44. End of Transcript

Lee Vaughan Helm, PhD.
Licensed Psychologist
1400 Abbey Road
Rockford, New Michigan

1. July 25, 2010

2.

3. Dear Counsel:

4.

5. This is to acknowledge retainer by the Hartfeldt Insurance Company Inc. at a rate of
6. \$450.00 an hour to review the file pertaining to the death of Martin Lewis Siriusz and to offer an
7. expert opinion on the cause of death. At your request, I have reviewed the application for
8. insurance, the insurance policy and provisions, the last will and testament of Martin Lewis
9. Siriusz, the autopsy report, the toxicology report, the CPS Lab Firearms, Ballistic, DNA, and
10. Fingerprint Analysis Reports, photographs of the deceased, the grand jury testimony of Pat
11. Nugent Siriusz and Thomas D. Osiski and of Detective Stephen Tyler, and the death certificate.

12.

13. It is my understanding from reviewing the aforementioned materials that the insured,
14. Martin Lewis Siriusz was found by his former band mate, Thomas D. Osiski with an apparent
15. gunshot wound to the head, which was subsequently determined at autopsy to be the point of
16. entry. Notably, there was an open bottle of alcohol and an open prescription bottle for
17. Nitrazepam (which will be discussed presently), along with some loose pills on the piano. The
18. toxicology report confirmed the presence of alcohol (BAC .17%) and traces of Nitrazepam,
19. which in combination, were deemed by the ME to be potentially fatal. Also present on the piano
20. were the lyrics to a recently penned song, entitled "Hanging at Death's Door," the music to
21. which, I understand, was playing back at the time of the insured's demise. The lyrics, which I
22. will also address presently, are also notable and significant. I understand that both Pat Nugent
23. Siriusz and Thomas D. Osiski have denied shooting Martin Lewis Siriusz. The purpose of my
24. review, as per your request, is to determine whether there are sufficient grounds to deny paying
25. out the benefits under the life insurance policy as being excluded under the suicide provision.
26. For the reasons set forth below, it is my opinion that there are solid grounds upon which to deny
27. coverage.

28.

29. Although Hartfeldt is well familiar with my credentials based upon the 50 or so cases that
30. I have reviewed for them and concluded that the manner of death was suicidal (in five others, my
31. conclusion was "inconclusive") over the past 20 years, let me give you a brief overview. I
32. obtained my PhD in Abnormal Psychology in 1982 from the University of New Michigan, and I
33. am Board Certified in my field. I am an adjunct professor of Psychology at UNM where I teach
34. Clinical Psychology to graduate students. I have written and published a number of articles in the
35. American Journal of Psychology on Death and Dying with an emphasis on suicide. I'm currently
36. working on a book entitled, "I Wasn't Kidding When I Said Life Sucks," which is designed to
37. help people identify the signs of suicidal tendencies and ideations in their loved ones before it's
38. too late. It should be on the market in late 2010, early 2011.

39.

40. I have also consulted with law enforcement agencies across the country to help them
41. determine whether suspicious deaths were suicidal or homicidal. As you may know, I have not

1. worked with the Rockford PD since 1999 when my opinion on a high-profile homicide
2. investigation involving a prominent public official led to a no-bill of indictment against the chief
3. suspect, after which the suspect admitted poisoning the deceased and then committed suicide.
4.

5. I also have an active practice where I treat patients for all kinds of psychological maladies
6. including, depression, alcohol and drug abuse, PTSD, ADD, ADHD, OCD, anxiety disorder and
7. general neuroses. My focus is on depression as it relates to identifying the signs and symptoms
8. of potential suicide.
9.

10. In this regard, depression is a clinical condition that involves, at least in part, an
11. imbalance in the amount and activity of brain chemicals (known as serotonin). This can be
12. triggered by any number of factors, including a person's genetics (i.e., predisposition toward
13. depression); disappointments and failures in life from the seemingly minor to the traumatic, for
14. example the break up of a relationship; denial of a promotion; loss of employment; tragedy; death
15. of a loved one; bad news regarding one's health, for example diagnosis of major or life
16. threatening illness; being rejected by one's peers or colleagues; or major life or career changes.
17. The triggering events can be as varied as the individuals who experience them. Symptoms of
18. depression include ennui, lethargy, malaise, loss of appetite, aches and pains, withdrawal and
19. isolation, anger, despair, and some cases involve reckless and/or self destructive behavior
20. including alcohol and drug use, which can increase the depression and suicidal inclination (this is
21. especially so with younger people who can become even more depressed after taking
22. antidepressants). When combined with alcohol, antidepressants can be fatal.
23.

24. After reviewing this case file, it is evident that Martin Lewis Siriusz had all the earmarks
25. of a suicide waiting to happen. First of all, his life from the 1980's until his death in May 2009
26. was a roller-coaster ride of fame, fortune, drug and alcohol abuse, tragedy (death of wife and
27. children), major transition from wild popularity in the band Sir Osis in the mid 1980's to relative
28. anonymity (except perhaps locally), in the last two decades, a tumultuous on-again/off again
29. relationship with his band mate, Thomas D. Osiski, and the recent entry into his life of Pat
30. Nugent Siriusz, which while a seemingly positive development on the surface, had the potential
31. to instill intense feelings of guilt over not acknowledging and taking responsibility during Pat's
32. formative years. Plus, I understand that he and Pat had a strong disagreement over the father's
33. decision to tour with Osiski as Sir Osis instead of just touring with Pat as originally planned.
34. Then, of course, came the devastating news of the terminal-cancer diagnosis. Instead of taking
35. aggressive steps to fight it either through traditional or even alternative means, he did nothing
36. except to withdraw from reality in a dark purple haze of drug and alcohol abuse. As noted above,
37. the combination of alcohol and a sedative like Nitrazepam not only interferes with restful sleep
38. but can amplify depression. Then one must consider the manic, paranoid, and reckless behavior
39. of pointing a loaded gun at his child, his former band mate, and at himself. Those are the actions
40. of someone crying out, "I don't care about anyone or anything anymore." He was also well
41. aware that death was imminent as evidenced by the taking out of a life insurance policy and the
42. writing of a will. In his will, one can see his lingering hostility toward his former band mate,
43. which he obviously took to his grave.

1. The most telling factor, however, is the insured's final words, i.e. the title and lyrics to
2. "Hanging at Death's Door," which, in my opinion, is tantamount to a suicide note:

3.
4. "Shadows fall while voices call me to the other side." The shadows and voices
5. relate to the cancer that is descending upon him and calling him to the hereafter.

6.
7. "Should I stay or should I go and take that lonesome ride?" Here, he's pondering
8. whether to end it all.

9.
10. "If you find me lying here, don't pick me off the floor." He appears to have made
11. up his mind.

12.
13. "Too much drinking's got me thinking (self explanatory) I could be hanging at
14. death's door (the place he's decided to go).

15.
16. Based on my experience and evaluation of all the relevant factors in this case, it is my
17. conclusion within a reasonable certainty that although never diagnosed as such, Martin Lewis
18. Siriusz was clinically depressed and suicidal, a condition that was exacerbated by years of drug
19. and alcohol abuse. It is also my opinion that his death on May 31, 2009, was in all reasonable
20. likelihood, a suicide.

21.
22. To date, I have spent eight hours reviewing this case. If needed to testify, my flat rate will
23. be \$2,500.00 per day. Please provide at least one month's advanced notice so that I may adjust
24. my schedule accordingly.

Thank you,

Lee Vaughan Helm
PhD Licensed Psychologist

ROCKFORD NEW MICHIGAN MEDICAL EXAMINER'S OFFICE

AUTOPSY REPORT

DATE: June 1, 2009

TIME: 10:45 am

EXAMINER: Ravi Shankar, MD

WITNESS: Dr. Erin Dre, Chief Forensic Analyst, Rockford CPS Laboratory

DECEASED: Martin L. Siriusz

DOB: 7/10/53

HEIGHT: 5.7

WEIGHT: 147 lbs

OBSERVATIONS: The deceased presents with an apparent gunshot entry wound to the right rear quadrant of the head just above and behind the right ear. A significant accumulation of blood is observed in the hair around and below the wound site. There is evidence of blood flow from the wound sight down the neck onto the right jaw line and onto the right forearm, wrist, hand and ring finger. Based on the amount and pattern of blood flow, it is evident that the victim was alive (i.e. the heart was pumping blood), at the time the fatal shot was delivered.

The wound was examined and swabbed for the presence of gun powder residue. Several small gun powder grains were observed and removed and turned over to Dr. Dre. Small bone fragments were also observed at the wound site. The entry wound itself is small and generally circular in shape but with some abrasion and jagged tearing around the periphery on the right side.

After removing the back of the skull with a circular saw, the brain is observed and examined in detail. There is significant hemorrhaging at the wound site. Upon further examination, a small deformed lead bullet fragment is found lodged just behind the left eye. The path of the projectile is from back to front, right to left and slightly upward. The fragment is removed and handed over to Dr. Dre.

Inspection of the brain also reveals several small tumors in the occipital, temporal and parietal regions. They will be analyzed to determine whether they are cancerous. Examination of the lungs shows significant damage to the cilia and alveoli indicative of emphysema and lung cancer. The liver also reveals some damage indicative of cirrhosis consistent with alcohol abuse. I will await the results of toxicology reports to confirm these presumptive diagnoses.

CAUSE OF DEATH: Gunshot wound (GWS) to the brain.

MANNER OF DEATH: Homicide.

TOXICOLOGY REPORT: June 16, 2009

FINDINGS: 1) Alcohol BAC .17%
2) Nitrazepam - trace amounts
3) Cancer of lungs and brain
4) Cirrhosis of liver

J. Garcia
Chief Toxicologist
Rockford, New MI Medical Center

MEDICAL EXAMINER'S ADDENDUM: June 18, 2009

The combination of alcohol and Nitrazepam could possibly have been fatal but for the intervening GSW to the brain. Alcohol is a depressant which can induce deep sleep. In combination with Nitrazepam (a sedative), it can cause vomiting which can accumulate in the lungs (which in this case, were already compromised) and cause death by drowning if the victim is not awake and alert enough to dispel it by aspiration. There is no evidence of vomit in the throat or lungs.

It cannot be determined whether the victim was awake, asleep or unconscious at the time the fatal shot was delivered. A review of

ROCKFORD, NEW MICHIGAN

CENTRAL POLICE SERVICES (CPS) LABORATORY REPORT

FIREARMS AND
BALLISTICS:

The submitted firearm is a .9 mm semiautomatic pistol.

The magazine contains eight live .9 mm rounds.

The firearm was tested with submitted ammunition and found to be operable

Microscopic examination of the deformed bullet fragment removed from the deceased, Martin Lewis Siriusz (per Det. S. Tyler), revealed lands and Grooves that are consistent with those found on test bullets fired from the submitted firearm.

Microscopic examination of the grains removed from the deceased's wound site, neck and shirt collar area (per Det. S. Tyler) confirmed that they are gun-powder residue. Gun powder grains were detected on the deceased's right wrist area.

Gun powder grains were also detected in the swabbings of the right hand of Thomas Osiski.

FINGERPRINT
ANALYSIS:

Forensic examination of the firearm reveals smudged fingerprints and possibly palm prints on the gun grip and barrel. Due to extensive smudging, however, there are insufficient whorls, loops and ridges for any meaningful comparison and conclusion. Six latent fingerprints were lifted by Det. Tyler from the piano keys in the recording studio at 77 Rockaway Road. They were compared with known fingerprints of Martin Lewis Siriusz (MLS) obtained at autopsy by Detective Tyler. Three of the latent prints compared positively with the right thumb, index and right fingers of MLS. Two of the latent prints lifted from the keys compared positively with the known fingerprints (right thumb and ring finger) of Pat Nugent Siriusz (PNS) obtained by Detective Tyler on June 1, 2009, at Police Headquarters. These prints were lifted from the same two keys from which MLS's prints were lifted (i.e. the sixth and eighth keys from the blood droppings). A sixth latent print, lifted from the eighth key from the blood droppings was too smudged for meaningful comparison.

APPLICATION FOR LIFE INSURANCE POLICY

- | | |
|---|---|
| 1. Applicant's name: | Martin Lewis Siriusz |
| 2. Address | 77 Rockaway Road
Rockford, New Michigan |
| 3. Amount of Coverage Sought: | \$1,000,000.00 |
| 4. Beneficiary | Pat Nugent Siriusz |
| 5. Applicant's Date of Birth: | July 10, 1953 |
| 6. Place of Birth: | Rockford, New Michigan |
| 7. Sex: | Male |
| 8. Has applicant ever engaged in aviation activity other than as commercial passenger? | No |
| 9. Occupation | Musician |
| 10. Hours worked per week: | 80 hrs when writing/recording
24/7 when on tour. |
| 11. Is this policy intended to replace any other policy currently in force? | No |
| 12. Are you now ill or taking any medication prescribed by a doctor? | Yes. Nitrazepam. |
| 13. Are you contemplating any medical attention or surgical procedure? | No |
| 14. Have you ever had heart or circulatory disease, high blood pressure, ulcers, tumors, cancer, diabetes, tuberculosis, blood or sugar in urine, other physical illness, disease, or injury? | Broken arm from fall from stage in 1988 |

- | | |
|--|--|
| 15. Have you ever been diagnosed or treated by a medical professional for a mental disease or nervous disorder? | No, but I suffer from insomnia. |
| 16. In the past five years, have you been confined to any hospital, sanitarium, or clinic for other than routine examinations? | No |
| 17. When was your last medical examination (physician's name)? | 2007 (Marvin Gaye, M.D.) |
| 18. Purpose of examination? | Routine Checkup; Insomnia |
| 19. Result of examination? | Clean Bill of Health. Nitrazepam prescribed for sleep. |
| 20. Current state of health? | Good |

I declare that to the best of my knowledge and belief, I am eligible for the policy applied for and the statements I have made are true and correct. I understand that the Hartfeldt Insurance Company will rely on statements made by me in this application and may request additional information and medical examination. I authorize disclosure of the medical information about me from any physician or medical professional, hospital, or medical facility.

I understand that any knowing false statements made by me can result in rejection of this application by the Hartfeldt Insurance Company, or if discovered after this application is granted, in denial of payment under the policy.

I further understand that any knowing false statement made by me could constitute a fraudulent insurance and that could result in criminal prosecution.

/s/MLS
Martin Lewis Siriusz

Sworn to on this 5th day of January, 2009

s/Mary Wells
Notary Public

INSURANCE POLICY

- 1: Insurance Provider: The Hartfeldt Insurance Company
- 2: Insured/Owner: Martin Lewis Siriusz
- 3: Policy Number: 1234-5-6789-10-11-12
- 4: Policy Date: January 28, 2009
- 5: Beneficiary: Pat Nugent Siriusz
- 6: Premium Due Dates: The Policy Date and the 28th
day of January every year thereafter
- 7: Premium Payment Period: Annually

INSURANCE PROVISIONS

DEATH BENEFIT: The Hartfeldt Insurance Company will pay the insurance proceeds to the beneficiary promptly after receiving proof that the insured died while the policy was in effect. The amount of the proceeds is one million dollars payable to the beneficiary if the insured is 55 years of age or younger at the time of death. If the insured is over 55 years old at the time of death, payment will be made according to the following schedule:

Age 56:	\$920,000.00
Age 57:	\$850,000.00
Age 58:	\$780,000.00
Age 59:	\$720,000.00
Age 60:	\$670,000.00
Age 61:	\$620,000.00
Age 62:	\$570,000.00
Age 63:	\$520,000.00
Age 64:	\$480,000.00
Age 65:	\$440,000.00

The policy will terminate when the insured attains the age of 66. It will terminate sooner if the insured fails to pay any premium within 30 days after any premium becomes due.

Suicide Limitation: If the insured commits suicide within one year of the policy date, the only amount payable will be a return of the premium paid for the policy.

Homicide Limitation: If the insured's death is due to an act of homicide committed by the beneficiary, no benefit will be paid under this policy.

LAST WILL AND TESTAMENT OF MARTIN LEWIS SIRIUSZ

I, Martin Lewis Siriusz, being of sound mind and memory, do hereby make, publish and declare this to be my Last Will and Testament in the manner hereinafter following:

1. I direct that all my legal debts and funeral expenses be paid by my executor, Don Kirshner, as soon as practicable.
2. I hereby give, devise and bequeath the residue of my estate both real and personal and wherever situated to the Save the Music Foundation of Michigan (hereinafter Save the Music) for use in a manner consistent with Save the Music's stated mission of providing musical education, facilities, instruments, and equipment to underprivileged students pursuing an education or career in the field of music.
3. I hereby give devise and bequeath my share of any/all royalties to be earned from the song, "It's So Schizo" to my former band mate, Thomas "Duke" Osiski, if and only if he publicly acknowledges in writing and under oath that I, Martin Lewis Siriusz, wrote all of the music and lyrics to "It's so Schizo," the biggest-selling hit of Sir Osis. If Thomas "Duke" Osiski does not so acknowledge within six months of my demise, my royalties will be bequeathed to Save the Music. Any/all other royalties to be earned from all of my other songs are hereby bequeathed to Save the Music.
4. I hereby bequeath nothing via this will to my son, Pat Nugent Siriusz, since he has been amply provided for in a policy of life insurance in which he is the named beneficiary.
5. I hereby revoke any/all will(s), codicil(s), at any time heretofore made.

In witness hereof, I have hereunto subscribed my name this 2nd day of May, 2009.

/s MLS
Martin Lewis Siriusz

witnessed by:

/s AEL
Anne E. Lennox

/s MCG
Maye C. Gray