

File No.: 145300
Ref. No.: A-309160
Gatti, Arturo

CORONER'S REPORT

PROBABLE CAUSE OF DEATH

Mechanical asphyxia by neck constriction

CAUSES

- Identification: Arturo Gatti was positively identified by comparing his fingerprints with those from the RCMP fingerprint card.
- External and internal examination:

Initial autopsy, conducted on July 11, 2009, at the Antônio Persivo Cunha Forensic Institute in Brazil:

Tests conducted during this autopsy, whose key points are contained in this report, revealed the following¹: cyanosis of the face, upper third of the thorax and the hands ... in addition to cyanosis of the hands in the form of gloves, hypostases (note by the undersigned: post-mortem lividity) in the lower abdomen and feet, in the shape of boots ... protrusion of the tongue, bilateral conjunctival hemorrhage, a single, oblique and continuous mark running from bottom to top and front to back, beginning at the anterior part of the neck and continuing bilaterally over the right and left retroauricular regions, accompanied by a lateral abrasion; in the supraclavicular region, there were also multiple petechiae. There was presence of an irregular-shaped wound in the left parietal region, surrounded by an ecchymotic halo measuring 20 mm at its widest point. The pathologist also noted elongated purplish bruises on the back and median third of the right forearm, the latter bruise accompanied by an abrasion.

An examination of the skull revealed small subgaleal hematomas in the left parieto-occipital region, topographically related to the injury described above. There was no skull fracture, but the examination revealed edema, vascular congestion and diffuse petechiae in the brain tissue. A hemorrhage of the neck's lateral muscles was observed, without involvement of the regional vessels, nerves and muscles. The tracheal wall presented with hemorrhage, and blood was present in its lumen. The lung examination revealed the presence of multiple subpleural petechiae, intense vascular congestion and areas of lung tissue hemorrhage. The heart showed subepicardial petechiae. The other organs also showed intense congestion.

The pathologist opined that the mark on the victim's neck had the characteristics of a neck constriction caused by hanging."

¹ Quoted passages are a translation or translation summary of the main elements of the documents obtained from Brazilian authorities by the undersigned.

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Second autopsy, conducted on August 1, 2009, at the *Laboratoire de sciences judiciaires et de médecine légale* in Montreal:

The pathologists who conducted this autopsy indicated that the body had been subjected to an initial autopsy, and that the second autopsy was limited by artifacts induced by the initial autopsy and subsequent embalming process.

Only part of the brain was found in the body, and the cerebellum was missing. This made it impossible to evaluate possible cerebellar lesions and check for subdural hematoma. Part of the heart, stomach and pancreas were absent, making it impossible to examine these organs and obtain gastric content samples.

Pathologists noted lesions consistent with compression of the neck structures and blunt traumatic injury. A furrow was visible on the neck of the deceased – on the anterior aspect and on each side – under the jaw at the front and crossed by the midline incision for embalming. It was oriented more vertically towards the rear, passing under the ears. The furrow was better defined on the left, less so on the right, and absent on the back of the head.

Pathologists found no blood infiltration of the neck's superficial and deep soft tissues. There was presence of a fracture at the left end of the hyoid bone, without blood infiltration; the left side of the hyoid bone was shorter than the right side, which was intact. There was a fracture of the left greater horn of the thyroid cartilage without evidence of blood infiltration, but no fracture of the right greater horn and thyroid cartilage lamina. There was no fracture of the cricoid cartilage, which had been opened on the anterior aspect during the initial autopsy.

Pathologists noted the presence of multiple lesions on Mr. Gatti's body:

- A 1.5 cm laceration on the left occipital region of the scalp, with blood infiltration about 5 cm into the scalp.
- Two contusions on the left shoulder, measuring 3.5 cm by 3 cm and 5 cm by 7 cm, accompanied by a detachment of subcutaneous soft tissues with blood infiltration measuring 13 cm by 8 cm in these tissues. Blood infiltration measuring 9 cm by 5 cm was present in the superficial and deep soft tissues of the posterior left shoulder and another, measuring 7 cm by 2 cm, was present between the dorsal spinal column and right shoulder blade, at about the third and fourth level of the dorsal vertebrae;
- Several other bruises on the upper limbs and lower left limb; only the lower right limb showed no traumatic injury.

According to the pathologists, all lesions found on Mr. Gatti's body were the result of blunt force which the victim may have suffered during an altercation he apparently had in the hours preceding his death, terminal convulsions during hanging or – less likely – the fall of the body. These lesions were of limited significance, probably insufficient to have resulted in an altered

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state of consciousness or an inability to defend oneself, and were not in any way contributory to the death.

There was no fracture of the skull and facial bones, and the remaining part of the brain (890 g) showed no bleeding or bruising.

There was blood in the trachea and bronchi, but the examination of the lungs was normal, as it was for the heart (340 g remaining), liver, spleen and kidneys. There were no fractures (ribs, spine, pelvis and limbs) and the pathologists found no significant pre-existing anatomical lesion when examining the other internal organs.

They found no clear evidence of foul play in the cause of death. They concluded that the death was caused by asphyxia following compression of the neck's vital structures, and that the overall findings pointed primarily to hanging as the compression method of the neck's structures.

Neuropathology tests conducted on Mr. Gatti's remaining brain, at the request of the undersigned, did not reveal any anatomical abnormality or significant trauma.

- Relevant history: none.

OTHER REPORTS

Toxicology tests conducted in Brazil did not reveal the presence of any "toxic metallic or organic substance."

Moreover, "due to technical conditions, the test used to measure the amount of alcohol in the victim's body could not be conducted in this laboratory." It doesn't appear that this test was conducted in another institution; Brazilian authorities did not send any blood alcohol content results to the undersigned.

Biological samples were collected during the autopsy, conducted at the *Laboratoire de sciences judiciaires et de médecine légale* in Montreal, and the toxicology tests revealed the following:

Substances	Blood	Femoral blood	Eye fluid	Urine
Ethanol	146 mg %	130 mg %	88 mg %	192 mg %
Methanol ²	106 mg %	127 mg %	279 mg %	134 mg %
Acetaminophen	Presence	-----	-----	Presence
Diphenhydramine	Presence	-----	-----	Presence
Carisoprodol ³	Presence	Presence	Presence	Presence
Diclofenac	Presence	Not detected	Not detected	Presence

² Methanol is regularly found in embalming fluid.

³ Carisoprodol is a muscle relaxant that is not marketed in Canada.

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The chemist who conducted the tests added at the bottom of his report that "given the nature of the case (embalming), the results should be interpreted with caution."

At the request of the undersigned, an expert toxicologist⁴ reviewed the toxicology test results conducted at the *Laboratoire de sciences judiciaires et de médecine légale* in Montreal:

The toxicology tests showed the presence of the following substances in the blood, eye fluid and urine: ethanol, methanol, acetaminophen, carisoprodol and diclofenac. It is important to keep in mind that these samples were taken from an embalmed body, which explains why the lab rightly pointed out that the results needed to be interpreted with caution.

I believe that it is not possible to interpret the levels of ethanol and methanol in any meaningful way, since the samples were taken from an embalmed body. A certain amount of ethanol and methanol with formaldehyde can be found in embalming fluid. Although the exact composition of the fluid used in this case is not available, it is impossible to interpret the levels of methanol and ethanol. As for acetaminophen and diclofenac, these are two commonly used analgesics, so their presence in the body is not surprising. Circumstances do not in any way suggest death secondary to analgesics.

Carisoprodol is a different matter. Although not available in Canada, it's a readily available and very popular muscle relaxant in the US and elsewhere. It was withdrawn from the market in some European countries. Carisoprodol is a drug with a well-known potential for abuse, tolerance and dependence. Carisoprodol acts as an agonist of type A GABA receptors, similarly to ethanol, benzodiazepines and propofol. Clinical effects consist of drowsiness, euphoria, possible hallucinations, impaired coordination and judgment. Its effects are potentiated by other CNS depressants: ethanol, benzodiazepines and opiates.

Carisoprodol is metabolized, and some metabolites are active, including meprobamate (Equanil). Therefore, some of the clinical effects of carisoprodol are secondary to meprobamate, so carisoprodol can be considered a parent molecule (prodrug) of meprobamate.

Several states classify carisoprodol as a Schedule 4 drug, denoting potential for abuse, but for which there are valid medical indications for use; access is restricted in principle, but it seems relatively easy to obtain without a prescription or through the Internet. Carisoprodol has been frequently involved in past cases of death and suicide. In 2008, US forensic laboratories listed carisoprodol in the "top 25" drugs of abuse detected in post mortem toxicological screenings.

Carisoprodol can also precipitate a withdrawal syndrome in chronic users, with the following clinical manifestations: anxiety, tremors, myoclonus, ataxia, confusion and psychosis. The withdrawal syndrome appears several hours to several days following the last dose, and can last for several days. At the time of presentation (note by the undersigned: of the withdrawal syndrome), carisoprodol may still be detectable in the urine.

⁴ Dr. Martin Laliberté, Specialist in Emergency Medicine and a member of the MUHC Department of Emergency Medicine, Toxicologist at the Quebec Poison Control Centre and President of the Canadian Association of Poison Control Centres.

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Although carisoprodol is clearly not directly responsible for the death, I believe that its presence can give rise to some pertinent questions: sedative effect at the time of death? Overdose? Withdrawal syndrome? The answer isn't immediately apparent.

Toxicology tests conducted in Quebec are therefore inconclusive regarding the presence of alcohol in Arturo Gatti's blood at the time of his death. The presence of acetaminophen, diphenhydramine and diclofenac is not problematic since these are commonly used drugs and that they cannot be involved in Mr. Gatti's death. As for carisoprodol, we cannot rule out that it may have had a significant effect on Mr. Gatti's mental state shortly before his death, especially if this effect was potentiated by the alcohol he consumed at supertime and during the evening; moreover, as the expert toxicologist pointed out, cessation of the drug can have a significant impact on the user's mental state, which can be further exacerbated by excessive intake of alcohol.

Thus, toxicology tests conducted on Arturo Gatti's body do not allow us to draw any definite conclusion.

CIRCUMSTANCES OF DEATH

Brazilian police investigation

The Brazilian police report contains the conclusions of the only investigation conducted in the hours and days following Arturo Gatti's death.

The following were the key findings of the investigation, conducted by officers from the Pernambuco Municipal Police:

- Arturo Gatti, his wife and their 10-month-old son arrived in the state of Pernambuco on July 9, 2009. They rented an apartment at the Ancorar Flat Resort the next day for a thirty-day period. That evening, they went to a restaurant where Arturo Gatti and his wife consumed a significant amount of alcohol. Things were going well until they started arguing in a bar. Upon leaving the bar, a verbal and physical altercation ensued between them in front of several witnesses. Mr. Gatti left the scene in a taxi with the baby and returned to the apartment. His wife tried to book a room at another location, but was denied a room at a first hotel because she had no money, and the second hotel was fully booked. When she returned to the apartment in another taxi, Mr. Gatti had left. She waited in the taxi for Mr. Gatti to return so he could pay the taxi fare; she did not enter the apartment.
- When Mr. Gatti arrived, he showed his wife some blood that he had on his head, passing his hand behind his head a few times. Investigators interviewed witnesses who stated that Mr. Gatti had fought with several people. After someone who was trying to protect Mr. Gatti's wife was knocked to the ground by him,

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... bystanders got angry and threw themselves on the victim. They threw things at him, including rocks and a bicycle, injuring the victim in the head. It should be noted that the victim was bleeding in the back of his head following this incident ...

- Mr. Gatti was holding the baby in his arms. His wife took the baby and asked Mr. Gatti to pay the taxi fare. She entered the apartment and remained in her room all night. It was around 2:35 a.m.

- At around 6:30 a.m., as Mr. Gatti's wife got up to prepare the milk for the baby, she saw her husband lying on the kitchen floor, in front of the table. She thought that he was sleeping because when he would have too much to drink in Canada, he would sometimes sleep on the floor in the baby's room. She quickly prepared the milk and went back upstairs to her room. She then fell asleep.

- When she got up at around 9:30 a.m., she noticed that her husband was still in the same position. She touched him to wake him up, but saw that he was cold and unresponsive. She shook him and saw his tongue sticking out of his mouth. She went outside and called for help. Emergency services showed up, but the ambulance attendants realized that nothing could be done. The doctor pronounced the death at the scene.

- Investigators concluded that Arturo Gatti had committed suicide by hanging, using a purse strap attached to the banister of the staircase leading to the upper floor. They stated that the strap had broken after the hanging and that Mr. Gatti's body had fallen to the floor, in the position where he was found. They pointed out that tests carried out on the strap showed that it snapped in five seconds under a weight of 35 kg, but they did not explain how Mr. Gatti's body was able to remain suspended long enough to cause death before the strap broke.

- A witness – the building manager where Arturo Gatti and his wife had rented an apartment – told police he "did not think the couple could have been involved in a violent brawl inside the apartment building, since someone would have called the police." Investigators also found no signs of violence or struggle in the apartment.

- Investigators believed that no one could have entered the apartment through the balcony because the apartment was on the third floor. They saw that the door had not been forced open and that it could be unlocked by a key card that records the date and time every time the door is opened. No entry was recorded between 4:48 p.m. on July 10, 2009, and 2:32 a.m. on July 11, or between 2:32 a.m. and 10:30 a.m. on July 11, when the emergency services arrived. The presence on the table of a significant amount of money and Mr. Gatti's credit cards ruled out the possibility of theft, according to investigators.

- However, a paragraph in the "Physical Evidence" section of the police report stated the following:

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Toxicology test results are pending as to the amount of alcohol in the victim's body. As for tests done in the vehicles on the traces of blood, and the results of the pictures taken at the Ancorar Flat, they will be sent later and used as supplementary evidence.

• Investigators added:

It should be noted that no stranger had entered the victim's apartment, and that Amanda (note by the undersigned: Arturo Gatti's wife) being alone would not have had the physical strength to try to kill and hang an experienced boxer, that there had been no "animus" (note by the undersigned: motive?) for Amanda to plot or plan Arturo's death, that she even looked for another apartment that morning because Arturo's belligerence scared her, that she returned to the hotel because she had no money to pay for another room to spend the night, that she did not attempt to flee even though there was enough money (Arturo's money) on the table, and that she called for help, hoping that Arturo could still be saved.

A homicide or accident was ruled out. In conclusion, the victim took his own life, committing suicide by hanging, without encouragement or help from anyone...

Independent investigation

An investigation coordinated by US detectives, initiated by Arturo Gatti's former manager when he was a boxer, and whose findings were released in August 2011, strongly disputed the Brazilian investigation's findings.

Several elements raised by US investigators deserve attention, and the undersigned feels it is necessary to mention that certain elements noted by Brazilian investigators do not appear to have been considered by US investigators.

The key findings of the US investigation revolved mainly around the following points:

- Arturo Gatti's physical, mental and financial health was excellent, and he had no reason to take his own life. He had numerous projects since retiring from boxing in 2007. He had been separated from his wife since January 2009 and had begun a romantic relationship in April 2009 with another woman living in Florida and with whom he had already made plans for the future.
- As for Arturo Gatti's wife, information obtained by US detectives indicated that she had several motives for making an attempt on her husband's life, including an impending divorce and specific financial needs. According to US investigators, Arturo Gatti's wife had known since at least June 2009 that he was in a relationship with another woman.
- US investigators noted with surprise, but offered no explanation, Arturo Gatti's signing, on June 17, 2009, of a new will which he had never seen before, before a notary he had never met before but to whom his wife had apparently dictated the contents of the will and which disinherited Arturo Gatti's daughter (born of a previous relationship) and all her family.

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Curiously, already five months or so had passed since Arturo Gatti and his wife were no longer living together and that he was living with his mother.

- In June 2009, Arturo Gatti and his wife flew to Europe (Amsterdam and Paris) for a "second honeymoon." On June 18, 2009, Mr. Gatti apparently left a message on a friend's voice mail stating that his trip was a "f... nightmare" and that he would be returning sooner than expected. After the trip, Mr. Gatti's wife flew by herself to Brazil, her native country. Arturo and his son joined her on July 2.

- US investigators and crime scene specialists, who visited the apartment where Arturo Gatti died, raised doubts about the quality of the Brazilian police investigation. They came out with a long list of omissions and "deficiencies" surrounding the Brazilian investigation, some of which were supported by the Brazilian investigators' own pictures. Their conclusion, after examining the scene, was that Arturo Gatti had been hit from behind in the apartment, strangled with the strap and left there.

The undersigned wishes to point out that in the twenty-one years he has been investigating deaths, he has on several occasions come across families of individuals who committed suicide and whose members and friends had never heard them express any suicidal thoughts or suspected that the victim had any suicidal intentions or ideations.

Moreover, people may have a number of reasons to hold a grudge against someone without necessarily planning their death.

The undersigned was puzzled by some aspects of the Brazilian investigation report. For example, the report states the following:

- *the victim wore a white metal chain around the neck ...*
- *one of the benches was upright near the bottom of the staircase, and the other had fallen near the body, between the wall and the staircase ...*

However, only one picture (numbered 48) showed the presence of the chain around Arturo Gatti's neck. All the other pictures, taken on site, clearly showed that the chain was not around the victim's neck. Who removed the chain? When and why was it removed?

No pictures showed an overturned bench.

The scene of death had obviously been altered – police use the term "contaminated" – before the pictures were taken.

Moreover, pictures numbered 16 and 17 showed an investigator without any protective equipment – not even gloves – placing evidence in plastic bags.

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The strap, which Brazilian investigators claimed was used in Arturo Gatti's hanging, was found under the kitchen counter, about 70 cm away from Mr. Gatti's neck. It is unlikely that the strap would end up this far after it broke during the alleged fall of the body. Did someone push it further away during first aid or the preliminary assessment?

Lastly, we know that several people showed up at the scene.

... (Mr. Gatti's wife) went down the hall ... to call for help, until a couple took control of the situation and later entered the apartment with her ...

... the apartment's administrative assistant ... entered the apartment, saw the victim lying on the floor and noticed that the body was cold and had no pulse ... he left the apartment to call an ambulance. He returned where the incident had occurred and told the victim's wife that he had called an ambulance...

... About twenty to thirty minutes later, the ambulance arrived. The four-member emergency team entered the apartment, and the doctor confirmed that the victim was dead ... the emergency team then went down to the ground floor and informed the wife of her husband's death. The emergency service asked an employee to close the apartment until arrival of the police...

The undersigned believes that when a person's body is found lying on the floor, with blood nearby, a knife and bloodstained linen on the nearby table, utmost care and the immediate preservation of the scene is required.

The undersigned believes that these few elements – and several other points raised by the American detectives – don't negate the Brazilian investigation's conclusion. However, they cast doubt on the investigation conducted by forensic police officers from the state of Pernambuco.

Moreover, the failure of American detectives to explain the obvious presence of post-mortem lividity on Arturo Gatti's body (indicating that the body had been suspended for some time before ending up on the floor) raises doubts about their assessment on the cause of Mr. Gatti's death.

As for Arturo Gatti's head injury, we know from apparently reliable sources that it resulted from an altercation outside of the apartment in the preceding hours. Pathologists who conducted the second autopsy in Montreal felt that...

... these lesions were of limited significance, probably insufficient to have resulted in an altered state of consciousness or an inability to defend oneself, and were not in any way contributory to the death.

Entrance into Quebec of a person's body whose death occurred outside Quebec

When a person's body enters Quebec following a violent death outside Quebec, the coroner must conduct an investigation and determine the circumstances leading to the death as if the death had

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occurred in Quebec. In practice, however, and considering its lack of jurisdiction to compel anyone to provide information when the person or organization concerned is not in Quebec, the coroner may use foreign official documents.

Coroners may also consult any other document they deem relevant to the case.

In this case, I consulted documents from the Brazilian police authority. These documents concluded that it was a death by self-destruction.

I also consulted the report of an American private investigator whose services were used to clarify the circumstances of death. The investigator concluded that a third party may have been involved in the death and that it was not an act of self-destruction.

Much of the debate surrounding the circumstances of the death revolved around the question of whether a third party was involved in Arturo Gatti's death.

As noted above, the conclusion of the American private investigators has obvious shortcomings. However, the Brazilian police investigation, especially in regard to the examination of the scene where the death occurred, does not meet the standards we have grown accustomed to here.

Moreover, all the pathologists and investigators agree that Mr. Gatti's death occurred from asphyxia by neck constriction. I also agree with this conclusion of violent death.

The conclusion of the Montreal pathologists to the effect that there is no clear evidence of foul play in Mr. Gatti's death means I cannot dismiss the formal conclusions reached by the authorities of the country where it occurred.

The methods used by Brazilian investigators in examining the scene of Arturo Gatti's death can raise doubts, and so the undersigned believes that the circumstances of death cannot be determined with certainty.

CONCLUSION

Violent death

CORONER

Jean Brochu

IN THE EVENT OF A DISCREPANCY BETWEEN THE OFFICIAL FRENCH VERSION AND THIS TRANSLATION, THE FRENCH VERSION SHALL PREVAIL.