

# 11/7 Questions Raised About Medical Examiner

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A Central Texas man has filed a complaint with the Texas Attorney General's office against Jefferson County medical examiner Tommy Brown and Southeast Texas Forensic Center.

Brown performs autopsies throughout the state. He's part of Southeast Texas Forensic Center.

David Fisher is the man who's filed the complaint. He's seeking records concerning the autopsy of Kevin LaDay. LaDay is a Port Arthur man who died in police custody.

His death has been ruled the result of an accidental overdose, but Fisher questions those findings.

The Southeast Texas Forensic Center has not released the information itself. It's requested an opinion from the state attorney general's office to determine whether it must comply with the state open records laws, since it is a private company.

According to its website, the center was incorporated in September 2003 for the purpose of turning the Jefferson County Morgue into a private business. The center contracts with counties throughout Texas. Its attorney says the center has always responded to requests by referring people to local justices of the peace.

The center's attorney also says it is not a governmental body, and doesn't receive public funds in general support for its business. That's why she says it's exempt from open records laws.

But Fisher argues that Brown is a county-appointed official, and has been for the past 11 years. He says that's according to the Jefferson County budget. Fox 4 obtained a copy of the budget, and it does support Fisher's claim.

Fisher says if Brown is a county-appointed official, he must abide by the open records laws. Fisher goes on to say Brown would also be operating a private business out of a county facility, which is illegal.

Fisher says a 1970 Texas AG's opinion also prohibits Brown from doing autopsies if he's under an incorporation like Southeast Texas Forensic Center.

Jefferson County auditor Patrick Swain told Fox 4, he would change Brown's status on the budget. Swain says it was just an oversight.

Swain says Brown is not an appointed position. He says that fact was just never changed when

the morgue stopped operating under Jefferson County.

He says the change will not invalidate the budget document, and he says commissioners' court records prove that Brown isn't an appointed position.

Fisher says the auditor has no legal authority to change the budget, because it's voted on by commissioners.