



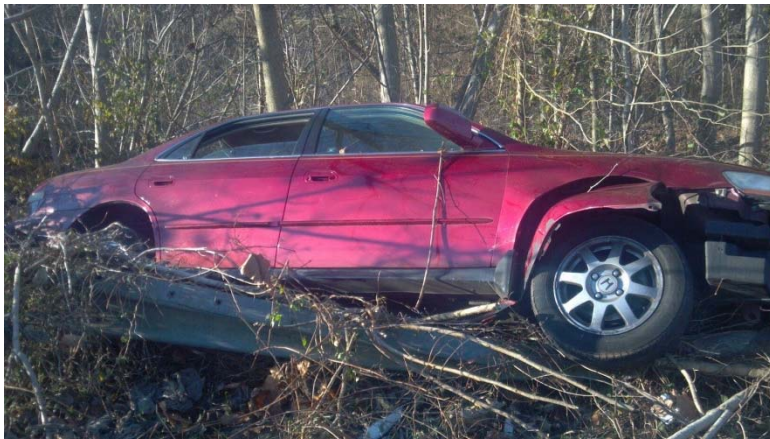
Death Investigation

Jamisha Monique Gilbert

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On Friday, November 29, 2013, at 7:49 a.m., the Lynchburg Police Department was notified that a 2002 red Honda Accord was discovered off the roadway in the 2000 block of Concord Turnpike. When officers responded, the vehicle was a considerable distance off the roadway with the right side front wheel of the vehicle sitting on top of a guardrail. There was no person located inside the vehicle, however, it was discovered that both front airbags had been deployed. The vehicle was registered to a Norma Gilbert-Ethridge at 1101 Fillmore Street. Officers responded to this residence and spoke to a resident who stated that Norma Gilbert-Ethridge's daughter, Jamisha Monique Gilbert, normally drove the vehicle that had wrecked but that both mother and daughter had previously moved out of the residence. Lynchburg Police then attempted to contact both Norma Gilbert-Ethridge and Jamisha Gilbert over the phone, however, they were not successful in reaching either person. The vehicle was then removed from the scene of the accident and stored by Lynchburg Police until contact could be made with either party to find out the reasons for the vehicle accident.



Vehicle found on the morning of November 29, 2013. Extensive damage to the front of the vehicle. Both front airbags were found deployed.

During the investigation, representatives from Honda advised police that it would have been possible for both front airbags to have deployed without a person being seated in the front passenger seat. Lynchburg Police had forensic testing completed on swabs from both front

airbags. The DNA results concluded that Jamisha Gilbert was behind the wheel of the vehicle when the driver's airbag was deployed.

On Sunday, December 1, 2013, at approximately 9:00 p.m., Norma Gilbert-Ethridge filed a missing person's report with the Lynchburg Police Department reporting that she had not had contact with her daughter, Jamisha Gilbert, since "some time" on Wednesday, November 27, 2013. Ms. Gilbert-Ethridge told police that Jamisha no longer lived with her, however, it was very uncommon for Jamisha to go four days without speaking to her. It was reported that Jamisha was living in a residence at 503 Blue Ridge Street and that she had a boyfriend with initials T. N.

During a follow-up interview with Ms. Gilbert-Etheridge, she reported that after graduating high school in June 2013, Jamisha left her mother's residence and moved into an elderly aunt's house at 503 Blue Ridge Street. After the aunt passed away, Jamisha continued to live in the residence by herself. Jamisha's mother advised police that Jamisha had been acting "weird" over the past couple of weeks since she met and began dating T. N. Ms. Gilbert-Ethridge advised police that Jamisha was known to act "crazy" when she smoked marijuana and that she would sometimes do things she would not remember when she smoked marijuana. Ms. Gilbert-Etheridge advised police that this may have possibly been what happened to her daughter.

In the vehicle at the scene of the accident on Concord Turnpike, police recovered a notebook that Jamisha was using as a diary/journal. Police discovered many entries in the journal in which Jamisha wrote of her thoughts and feelings. In an entry dated August 27, 2013, Jamisha wrote,

I write these words in this book in order to share the strange, dark secrets in my head that I can't explain the origin. I've only realized these secrets through the high I've received through Mary Jane. The euphoria + [sic] I'm placed into a world unlike this one that has revealed to me that the world I live in is like the matrix.

"Mary Jane" is a common nickname for marijuana.

Lynchburg Police responded to Jamisha Gilbert's residence at 503 Blue Ridge Street, however, no one answered the door.

Lynchburg Police went back to the scene of the vehicle accident in the 2000 block of Concord Turnpike and began searching the area for evidence. Approximately 0.4 miles from the scene of the accident, police recovered a black fleece jacket, a white t-shirt, and a black bra. These items were discovered on a guardrail on the side of the roadway. Police would later interview a citizen who came forward and reported that he placed these items on the guardrail after finding them in the middle of the roadway at approximately 3:00 a.m. on the morning of Friday, November 29, 2013. Inside one of the jacket pockets was a set of house keys and some lip balm. Police checked and confirmed that the house keys unlocked the front door to Jamisha's residence at 503 Blue Ridge Street. These clothing items belonged to Jamisha Gilbert.

On December 2, 2013, Lynchburg Police notified the public and local media that there was an on-going "Missing Person" investigation into the disappearance of 18-year-old Jamisha Monique Gilbert.

During the investigation, Lynchburg Police spoke to three individuals that had contact with Jamisha Gilbert on Thursday night, November 28, 2013: 19-year-old T. N., 20-year-old D. G., and 19-year-old T. K. (As discussed below, no charges will be placed against these individuals. Therefore, the decision has been made to not release their names.)

Lynchburg Police interviewed T. N. on four occasions. T. N. advised police that he had been dating Jamisha Gilbert for several weeks. On the night of Thursday, November 28, 2013, T. N. and Jamisha were at Jamisha's residence at 503 Blue Ridge Street. According to T. N., Jamisha's uncle came to the house that evening to discuss his plans for the house. According to T. N., Jamisha was upset that her uncle was not going to allow her to continue living in the house rent free. T. N. told police that he and Jamisha left the house late that evening and eventually picked up D. G. and proceeded to purchase marijuana from an individual in the lower Rivermont area, near the intersection of H and Cabell Streets. At one point during the evening, T. N. stated that they went to the 7-Eleven on Wadsworth Street at which time Jamisha went inside the store. T. N. told police that the three of them eventually drove over to Poplar Street and parked the car in front of T. K.'s residence. According to T. N., T. K. joined them in the vehicle and all four

smoked two out of three marijuana joints that they had rolled. T. N. told police that Jamisha eventually stated that she was ready to leave so T. K. and D. G. got out of the vehicle at T. K.'s residence on Poplar Street and T. N. and Jamisha then drove back towards his residence on Rockwell Road.

T. N. told police that he and Jamisha drove past his house and parked on Aultice Lane where they smoked the last of the three marijuana joints. According to T. N., Jamisha was emotional as she began crying and talking about not being able to continue living in the residence on Blue Ridge Street. According to T. N., at one point, Jamisha began talking about how her step-father had raised her to be a demon. According to T. N., he then told Jamisha that she needed to get things straight with her family. T. N. told police that they then drove back to his residence on Rockwell Road and that he got out of the vehicle and went inside his residence. T. N. stated that he last saw Jamisha driving her car down Rockwell Road in the direction of Concord Turnpike. When asked what he did for the rest of the night, T. N. stated that he contacted another girlfriend and that he and this other girlfriend eventually went out, purchased more marijuana from an individual in the Birchwood Apartment Complex, and came back and spent the night at his residence on Rockwell Road. Lynchburg Police were able to locate this second girlfriend who corroborated T. N.'s statement about her meeting T. N. in the early morning hours of November 29, 2013.

When asked what Jamisha had been wearing on Thursday night, November 28th, T. N. recalled her wearing a black fleece jacket, a white t-shirt, black leggings or sweatpants, light brown fur snow boots, and that her fingernails were painted pink.

On December 2, 2013, Lynchburg Police interviewed D. G. D. G. advised police that on the night of November 28, 2013, he was picked up by T. N. and Jamisha Gilbert. D. G. stated that they drove over to the Rivermont Avenue area to purchase some marijuana. D. G. told police that the marijuana was not laced with any other substances that he was aware of, however, the marijuana was considered to be "exotic" marijuana because it was of a high quality. D. G. stated that he and T. N. are the ones that paid for the marijuana. After purchasing the marijuana, D. G. advised that the three went to the 7-Eleven on Wadsworth Street to get food because the McDonald's on Memorial Avenue was closed. After leaving 7-Eleven, D. G. told police that they went to T. K.'s house in the White Rock neighborhood and sat in Jamisha's vehicle

smoking three marijuana joints. According to D. G., everyone in the vehicle, including T. K. who had joined them, smoked the marijuana. D. G. advised that while they were smoking the marijuana, Jamisha indicated that she was ready to go and that he and T. K. then got out of the vehicle and went inside T. K.'s house. About an hour later, D. G. stated that he discovered that he did not have his cell phone and realized he must have left his cell phone in Jamisha's vehicle. Sometime over the weekend of November 30, 2013 thru December 1, 2013, D. G. stated that his grandmother drove him and T. N. to Jamisha's house on Blue Ridge Street and to Jamisha's mother's former residence on Fillmore Street to look for Jamisha and her vehicle so that D. G. could get his phone back. D. G. stated that they were never able to locate Jamisha or her vehicle.

Lynchburg Police were later able to obtain surveillance video footage from the 7-Eleven on Wadsworth Street which showed Jamisha inside the store on Friday morning, November 29, 2013, at approximately 12:27 a.m. purchasing cigars. These cigars were eventually opened and used to make the marijuana joints that were smoked in the vehicle.

On December 2, 2013, Lynchburg Police also interviewed T. K. T. K. told police that on the night of November 28, 2013, he was home on Poplar Street when he received a phone call from his "main man", D. G. D. G. told T. K. that he was hanging out with T. N. and Jamisha Gilbert and they were in the Rivermont area buying marijuana. T. K. told D. G. for them to come by his place after buying the marijuana. A short time later, T. K. stated that he received a call from T. N. stating that they were out in front of his house. T. K. went outside and proceeded to sit in the car with T. N., Jamisha Gilbert, and D. G. T. K. stated that T. N. was in the driver's seat, Jamisha Gilbert was in the front passenger seat, and that he and D. G. were in the back seat. According to T. K., all four were smoking marijuana in the car. According to T. K., Jamisha Gilbert seemed fine, however, her demeanor changed as they were smoking the marijuana and she seemed to become agitated. According to T. K., Jamisha told T. N. several times that she was ready, and T. K. believed this meant that she was ready to go. According to T. K., Jamisha had a serious look on her face and T. N. soon stated that he and Jamisha had to leave. T. K. told police that he and D. G. exited the car and went back inside his residence on Poplar Street and finished smoking a marijuana blunt.

Police later spoke with Leslie Price, the owner of the residence at 503 Blue Ridge Street. Mr. Price, a resident of Maryland, confirmed that on Thanksgiving night, November 28, 2013, he

went over to 503 Blue Ridge Street to speak with Jamisha about the need for Jamisha to make payments in order to remain living in the residence and to speak to Jamisha about her idea of her boyfriend, T. N., moving in with her at the residence. According to Price, they discussed a few topics and around midnight Jamisha and T. N. left the residence with T. N. driving Jamisha's vehicle. Price believed that Jamisha would be returning at some point in the evening/early morning to continue discussing the possible living arrangements at the house, however, she never returned.

Over the next two days, local law enforcement extensively searched the last known area where Jamisha Gilbert had been seen on Rockwell Road and also thoroughly searched the area where her clothing was found on Concord Turnpike. Police conducted a door-to-door canvas of residences and businesses on Rockwell Road, Aultice Lane, Statham Road, Concord Turnpike, Tyreanna Road, Pleasant Valley Road, Channie Lane, Kavanaugh Road, Poston Road, Nickerson Lane, Carnell Lane, and Spinoza Circle.

During the investigation, police obtained the surveillance video footage from the City of Lynchburg Waste Water Treatment Plant located at 2301 Concord Turnpike. The video surveillance revealed that at 1:55 a.m. on Friday morning, November 29, 2013, a black female is observed running away from the City of Lynchburg and running in the direction heading towards Route 460. The female appeared to be wearing dark colored pants, light colored boots, and either no top or a very light colored top. The partial clothing this female was wearing matched portions of the clothing that Jamisha Gilbert was last known to be wearing. Lynchburg Police reviewed the video surveillance prior to and after seeing the female running, however, no other individual appears in the roadway on the video. There is no evidence that this female was being chased on foot or being followed by a vehicle. This female appeared to be entirely alone and partially in a state of undress as she was running at a steady pace at 1:55 a.m. In this same video, an employee for the City of Lynchburg could be seen operating a piece of machinery at the Waste Water Treatment Plant. This employee was interviewed and reported that he did not see or hear anything unusual in the early morning hours of Friday, November 29, 2013. An individual running down Concord Turnpike would have been able to see the City employee operating the machinery and could have reached out for assistance if needed, however, no request for assistance was ever made.

The Thanksgiving weekend was a cold weekend in the Lynchburg area. According to the Lynchburg Police Department, the documented low temperature for November 28, 2013, was 17 degrees Fahrenheit and the documented low temperature for November 29, 2013, was 18 degrees Fahrenheit.

An individual came forward during the investigation and stated that he had discovered a pair of beige boots with fur around the top of the boots and another black item of clothing in the roadway near the sewage plant. These items appear to match some of the clothing items that Jamisha Gilbert was last known to be wearing and to match the female in the video surveillance from the Waste Water Treatment Plant. There is no evidence that the individual that discovered this clothing played any role in Jamisha Gilbert's disappearance.



The boots and sweatpants as they were discovered on the side of Concord Turnpike with the entrance to the Regional Landfill in the background on the right.

In reviewing the evidence that had been discovered from the location of the vehicle crash, the recovery of the jacket, t-shirt, and bra, the video surveillance from the Waste Water Treatment Plant at 1:55 a.m. of Jamisha running down the roadway in a direction away from the City of Lynchburg, and the discovery of the boots and sweatpants on the side of Concord Turnpike – all of this evidence suggested that Jamisha was headed in a direction towards Route 460 when she was on foot in the early morning hours of November 29, 2013.

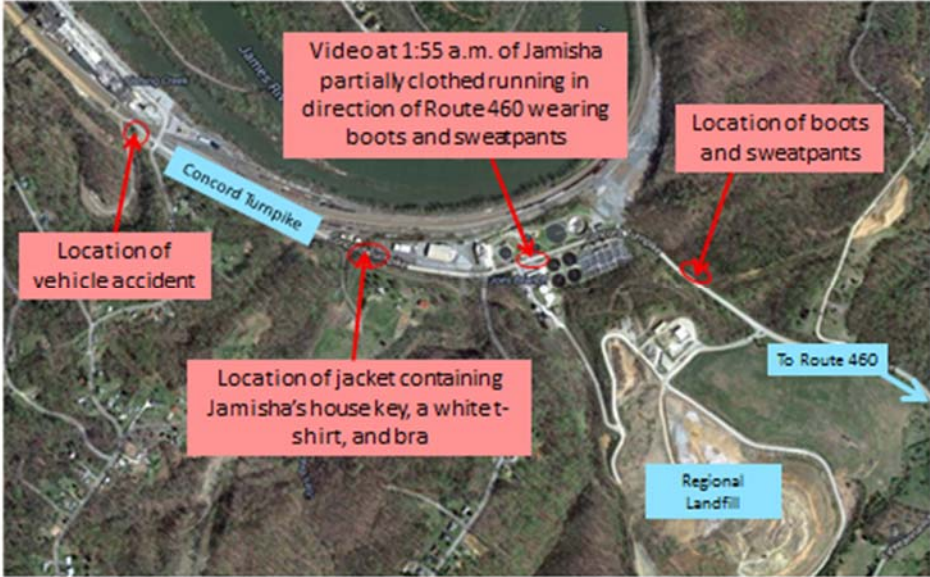


Diagram showing Concord Turnpike and the location of recovery of Jamisha’s clothing and where she was observed on surveillance video. Lynchburg Police reviewed the video surveillance and Jamisha was the only person observed running down Concord Turnpike in the early morning hours of Friday, November 29, 2013.

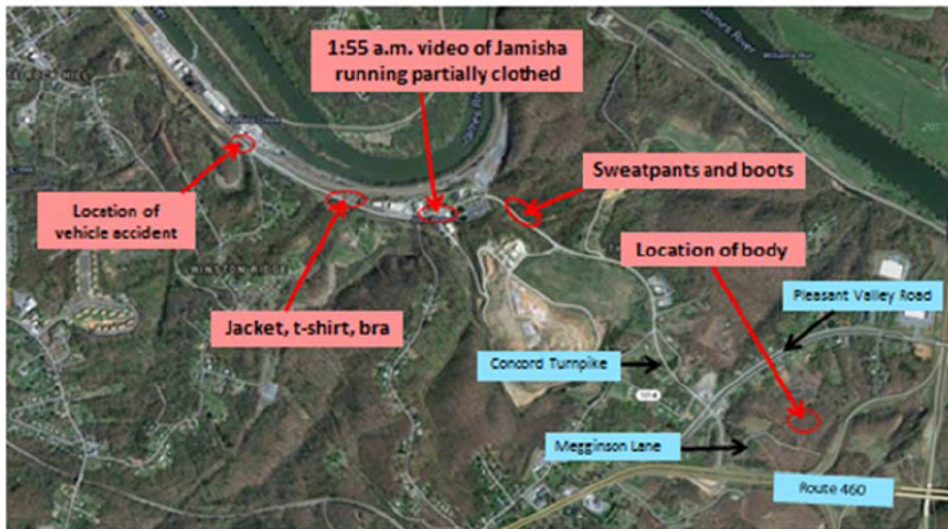
On December 4, 2013, at approximately 11:00 a.m., local law enforcement discovered the naked, lifeless body of Jamisha Gilbert in a thickly-wooded area between Pleasant Valley Road and Route 460 and near Megginson Lane. The area where her body was discovered was in the middle of a briar patch and was so thickly covered that law enforcement were forced to use chain saws to cut a path to the location of Jamisha’s body. There were no indications of the body having been dragged to this location.



The location where Jamisha Gilbert’s body was discovered at approximately 11:00 a.m. on December 4, 2013.



The body was discovered in the middle of a thickly-covered briar patch. The blue box in the photograph covers the body.

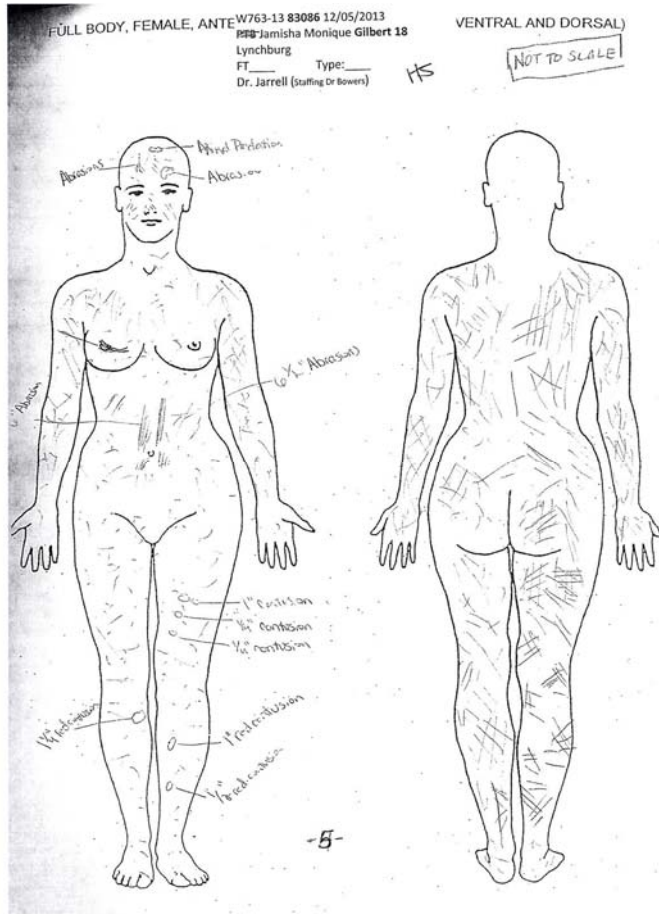


Total distance from the scene of the vehicle accident to the location of the body was approximately 2 miles.

On December 5, 2013, an autopsy was performed on Jamisha Gilbert's body at the Medical Examiner's Office in Roanoke, Virginia.

On March 24, 2014, a completed autopsy report with an attached toxicology report was received by the Commonwealth's Attorney Office.

The autopsy report revealed that Jamisha had no internal injuries, did not appear to be suffering from any disease, and that there was no evidence of a sexual assault. However, the medical examiner did report that Jamisha suffered numerous abrasions all over her body from her face area to the bottoms of her feet. The photographs of her body reveal hundreds of scratch marks that the evidence shows she sustained when either walking or running through the briar patch where her body was eventually recovered.



A sketch prepared by the Medical Examiner's Office showing a rough estimate of the number and location of the numerous abrasions that Jamisha sustained to all parts of her body.

The toxicology report revealed that Jamisha had a small amount of marijuana in her system. There were no other illegal substances found in her system – no alcohol, no cocaine, no heroin, no PCP – no other illegal substances. The amount of marijuana found to be in her system, .001 mg/L, is considered by Davis Blanchard, the forensic scientist with the Department of Forensic Science who performed the toxicological analysis, to be a very small amount of

marijuana. Dr. Jim Kuhlman, a toxicologist with the Department of Forensic Science, considers the quantity of marijuana found in Jamisha Gilbert's system to be consistent with a person that had recently taken a few puffs from one or two marijuana joints.

The autopsy report stated the following:

Postmortem heart blood toxicology confirmed the presence of tetrahydrocannabinol, which is the active ingredient in marijuana. Tetrahydrocannabinol may uncommonly have psychoactive drug effects that have been documented in the literature, producing effects of euphoria, altered perception of time, perceptual disturbances, and acute psychosis, with symptoms including but not limited to paranoid delusions, auditory and visual hallucinations, and disorganized thinking. Generally, psychotic symptoms, when experienced, last minutes to hours, with some reports of symptoms lasting for weeks. Additionally, psychotic symptoms have been documented to recur with repeated cannabis use.

An excerpt from the decedent's diary from 8/27/2013 supports a psychoactive drug effect in the decedent, stating, "I write these words in this book in order to share the strange, dark secrets in my head that I can't explain the origin. I've only realized these secrets through the high I've received through Mary Jane. The euphoria + [sic] I'm placed into a world unlike this one that has revealed to me that the world I live in is like the matrix."

The documented low temperature for November 28th and 29th are 17 and 18 degrees Fahrenheit. A nude individual would not be able to survive such temperatures for multiple hours. Additionally, paradoxical undressing, a condition associated with hypothermia, commonly occurs as the individual has a false perception of being warm and subsequently undressed before death. The physiological (medical) cause of this false feeling of warmth occurs because of failure of vasoconstriction, where warm blood is allowed to flow back to the frozen skin, bringing with it a hot or flushing sensation (warmth). Paradoxical undressing occurs in approximately 50% of hypothermia cases, according to the literature. In this case, it is unknown whether the decedent's actions of removing her clothes are due to psychoactive effects of marijuana or due to paradoxical undressing.

The cause of death is hypothermia. Marijuana consumption likely contributed to death, although the degree to which marijuana contributed to death is uncertain. The investigative reports of the circumstances leading up to death indicate the manner of death to be an accident.

Legal Analysis

The main question to be answered is whether any person should be held criminally responsible for Jamisha Gilbert's death. The evidence revealed that Jamisha willingly participated in smoking marijuana with her boyfriend, T. N., and his two friends, D. G. and T. K. T. N. and D. G. purchased the marijuana from an unknown source in the lower Rivermont Avenue area and then Jamisha was the person whom purchased the cigars at the 7-Eleven so that the marijuana joints could be rolled. Based on the interviews with T. N., D. G., and T. K., Jamisha smoked parts of the marijuana joints in the vehicle while parked with the other three in the White Rock neighborhood and then smoked more marijuana while parked with T. N. on Aultice Lane.

Issue #1:

Should T. N. and D. G. face homicide charges for purchasing the marijuana that may have triggered a reaction in Jamisha Gilbert that caused her to run down the roadway stripping off her clothes and ultimately dying in the woods of hypothermia? Should T. K. face a homicide charge for passing around a marijuana joint in the vehicle that all parties in the vehicle were smoking?

We have concluded that no parties should be charged with a homicide offense for the events that occurred beginning on Thursday evening November 28, 2013, and ending in the early morning hours of Friday, November 29, 2013, when Jamisha Gilbert stopped running and laid down in a field off of Megginson Lane.

This is not a case of first-degree murder or second-degree murder. First-degree murder requires that the killing be willful, deliberate, and premeditated. The definition of "willful, deliberate, and premeditated" is that the killer must possess a "specific intent" to kill. There is no evidence in this case that any party had an intent to kill Jamisha Gilbert. Second-degree murder requires that the killing be malicious. Malice is defined as the state of mind which results in the intentional doing of a wrongful act to another. If a killing results from negligence, however gross or culpable, and the killing is contrary to the defendant's intention, malice cannot be implied. In order to elevate the crime to second-degree murder, the defendant must be shown to have willfully or purposefully, rather than negligently, embarked upon a course of wrongful

conduct likely to cause death or great bodily harm. Essex v. Commonwealth, 228 Va. 273 (1984). As a result of there being no evidence of any party having “an intention” to kill Jamisha Gilbert and no evidence of any party willfully “embarking upon a course of wrongful conduct likely to cause death”, there is no evidence of malice.

This is not a case of felony homicide. Felony homicide may result if a death is the result of one party committing a felony offense that causes the death of a victim. Distribution of more than one half ounce of marijuana is a felony offense in the State of Virginia. Virginia Code Section 18.2-248.1. However, in this case, we would be unable to prove that any party distributed more than one half ounce of marijuana to Jamisha Gilbert. The evidence revealed that Jamisha Gilbert smoked parts of, at most, two-to-three marijuana joints. The toxicology report revealed that Jamisha had a very small amount of marijuana in her system, only .001 mg/L of tetrahydrocannabinol. According to Dr. Jim Kuhlman, a toxicologist with the Department of Forensic Science, .001 mg/L of tetrahydrocannabinol is consistent with having only smoked parts of one-to-two marijuana joints. With the inability to establish that more than one half ounce of marijuana was distributed to Jamisha Gilbert, we are unable to prove a felony offense of distribution of marijuana and, as a result, unable to establish a felony homicide.

This is not a case of manslaughter. Voluntary manslaughter is the intentional killing of another without the presence of malice. There is no evidence that Jamisha Gilbert’s death was intentional, therefore, this is not a case of voluntary manslaughter. Involuntary manslaughter requires that the killing, although unintentional, be accompanied by an unlawful act that was so gross, wanton, and culpable as to show a callous disregard for human life. The evidence revealed that Jamisha Gilbert knowingly, intentionally, and voluntarily went with her boyfriend and another friend to purchase marijuana and that Jamisha then went and purchased the cigars to assist in rolling the marijuana joints. Jamisha Gilbert proceeded to smoke portions of, at most, three of the rolled marijuana joints. Toxicologists with the Department of Forensic Science have reported that it is not common for someone to act in the manner that Jamisha Gilbert did after having only smoked a small amount of marijuana. Based on the evidence revealing that Jamisha Gilbert only smoked a small amount of marijuana and that it would be highly unusual for a person to react in a manner as did Jamisha after having smoked the marijuana, we are unable to show that any of the three men that Jamisha Gilbert was with had a “callous disregard for human

life” by passing a marijuana joint to her to smoke. Therefore, this case is not a case of involuntary manslaughter.

Issue #2:

Should T. N., D. G., or T. K. face misdemeanor criminal charges for distribution of marijuana for passing marijuana joints around in a car that Jamisha Gilbert willingly smoked?

It is a Class 1 misdemeanor in the State of Virginia to distribute less than one half ounce of marijuana from one adult to another. Virginia Code Section 18.2-248.1. A Class 1 misdemeanor is punishable with up to twelve months in jail. Based on the admissions from all three parties, T. N., D. G., and T. K., that they passed marijuana joints around in a vehicle that all parties, including Jamisha Gilbert, smoked, and the toxicology report revealing the presence of a small amount of marijuana in Jamisha’s system at the time of her death, there is sufficient evidence to potentially charge all three parties with a misdemeanor crime of distribution of marijuana.

However, a joint decision has been made in this case by the Lynchburg Police Department and the Lynchburg Commonwealth’s Attorney Office not to charge any of the three individuals with the misdemeanor crime of distribution of marijuana. The justification for this decision comes in the possibility that a greater good can result from this case if the facts are made open to the public now, instead of in months or possibly a year from now, after a criminal trial and all possible appeals have been exhausted.

A decision has been made to reveal all of the facts to the community in the hopes that other teenagers and young adults understand the potential dangers that exist in smoking foreign substances. Jamisha Gilbert was an 18-year-old recent high school graduate with hopes of becoming an attorney, but whose life was ended after briefly smoking parts of two-to-three marijuana joints and then being involved in a car accident. Jamisha’s diary entries reveal the strange thoughts she had when she smoked marijuana. Her mental state on the night of her disappearance, being upset over family issues and her living situation, when combined with the effects of smoking marijuana and the trauma of being involved in a vehicle accident seem to have pushed her over the edge to a point where she acted completely irrationally, disrobing and running down a roadway during the middle of the night on a very cold evening. It appears that

after Jamisha ran approximately two miles she became entangled in a densely covered briar patch off of Megginson Lane where she sustained hundreds of abrasion wounds to her body and eventually succumbed to her injuries and mental state by lying down in the wooded area and dying of hypothermia.

This does not have to happen to anyone else. By releasing this report and exposing all of the facts in this case, it is our hope that local teenagers and young adults will understand that smoking marijuana can exacerbate mental health issues and make rational people act completely irrationally. In fact, in a study published last week in the *Journal of Neuroscience*, Jodi Gilman, a professor of psychiatry at Harvard Medical School, discovered brain abnormalities in young adults who are marijuana smokers. According to Gilman's research, brain regions related to decision-making, motivation, and emotional processing in participants tended to be compromised. The findings revealed differences in the mind of young adult marijuana users, at an age when their brains were still developing.

In the state of Virginia, distribution of marijuana and possession of marijuana remain criminal offenses. The Lynchburg Police Department and the Lynchburg Commonwealth's Attorney Office will continue to enforce the laws of the Commonwealth and seek criminal charges for those breaking the law. A decision has been made in this case not to seek criminal charges in the hopes of releasing all of the facts of this investigation sooner so as to allow persons to make more informed decisions about the potential negative effects of smoking marijuana.

Conclusion:

No criminal charges will be filed in the case of the death of Jamisha Monique Gilbert.