

SUPERIOR COURT OF WASHINGTON FOR GRANT COUNTY

JENNIFER RALSTON, individually and as  
personal representative of the ESTATE OF  
TIMOTHY PATRICK McNAMARA, and on  
behalf of and CALEB McNAMARA and  
JENNIFER RALSTON, his children; CALEB  
McNAMARA, individually,

Plaintiffs,

v.

TRACY NESSL, a/k/a TRACY McNAMARA,  
a/k/a TRACY NESSL McNAMARA, an  
individual,

Defendant.

JENNIFER RALSTON, Personal Representative  
of the Estate of TIMOTHY PATRICK  
McNAMARA, deceased,

Plaintiff,

vs.

TRACY NESSL a/k/a TRACY McNAMARA,  
and all other persons or parties unknown,  
claiming any right, title, estate, lien, or interest in  
the subject property,

Defendants.

No. 15-2-01064-2

SECOND AMENDED COMPLAINT  
FOR WRONGFUL DEATH BY  
MURDER, FOR DECLARATORY  
JUDGMENT, AND FOR EQUITABLE  
RELIEF

Consolidated No. 15-2-00170-8

Plaintiffs allege:

**I. PARTIES**

1.1 Timothy Patrick McNamara (“Decedent” or “Mr. McNamara”) was born on

1 December 10, 1948 and died at the age of 66. His cause of death was an alleged murder that  
2 occurred on December 25, 2014. Decedent was the natural father of surviving adult children  
3 Jennifer Ralston and Caleb McNamara. At the time of the alleged murder, Mr. McNamara was  
4 believed to be an unmarried man who was cohabiting with Tracy Nessler, a/k/a Tracy McNamara,  
5 a/k/a Tracy Nessler McNamara, his niece and the alleged murderer. At the time of the incident,  
6 decedent had multiple residences in Washington State and Belize. He was a U.S. Citizen and his  
7 principal residence was in Grant County, Washington.

8 1.2 Jennifer Ralston, the adult daughter of decedent, is the duly appointed Personal  
9 Representative of the Estate of Timothy Patrick McNamara ("Mr. McNamara"). She was  
10 appointed by order of the Grant County Superior Court Probate Department, Cause No. 15-4-  
11 00016-4, on February 9, 2015. At all material times she has resided in Franklin County,  
12 Washington. In her capacity as personal representative, Plaintiff Ralston brings these claims on  
13 behalf of the Estate of Timothy Patrick McNamara and on behalf of herself and Caleb  
14 McNamara, the statutory beneficiaries of decedent.

15 1.3 Caleb McNamara is the adult son of Mr. McNamara, and at all material times has  
16 resided in Grant County, Washington.

17 1.4 Tracy Nessler, a/k/a Tracy McNamara, a/k/a Tracy Nessler McNamara, ("Defendant  
18 Nessler"), is the now 44-year old daughter of Mr. McNamara's brother, John Dennis McNamara.  
19 Upon information and belief, she was in a cohabitation relationship with decedent and resided  
20 with him in his residences. Ms. Nessler McNamara committed the alleged murder of Decedent in  
21 Belize, and then fled that country. Ms. Nessler McNamara is a U.S. citizen with a permanent  
22 residence in Grant County, Washington. She currently resides in Grant County, Washington.

23 //

1                                   **II.           JURISDICTION AND VENUE**

2           2.1     The Superior Court of Grant County, State of Washington, has subject matter  
3 jurisdiction over this action pursuant to RCW 2.08.010.

4           2.2     Jurisdiction is proper in the State of Washington because Defendant Nessler  
5 currently resides here, and because the majority of property at issue is situated in Washington.  
6 RCW 4.28.185.

7           2.3     Venue is proper in and for Grant County, Washington because Defendant Nessler  
8 resides in Grant County, Washington. RCW 4.12.025.

9                                   **III.     FACTS**

10                   **A. CIVIL MURDER CLAIM**

11           3.1     This case involves the alleged murder of Mr. McNamara by Defendant. The  
12 motive for the murder is believed to include but is not limited to Defendant's acquisition of  
13 Decedent's financial assets.

14           3.2     Mr. McNamara was a lifelong farmer and construction worker. He farmed his  
15 family's Grant County apple orchard and alfalfa fields since the time his children were very  
16 young. Mr. McNamara also owned and operated a construction company to provide for his  
17 family. Close with his children, he worked as a subcontractor for his son's company in the years  
18 preceding his death.

19           3.3     Mr. McNamara and the mother of his children divorced after approximately thirty  
20 years of marriage. After this divorce, Mr. McNamara struggled in his romantic relationships.  
21 He married and divorced twice more.

22           3.4     Starting in approximately 2012, while Mr. McNamara's last divorce was still  
23 pending, Tracy Nessler, a waitress and the natural daughter of Mr. McNamara's brother, began  
24

1 spending time with Mr. McNamara. The two ultimately entered into a romantic relationship.

2 3.5 Ms. Nessler was in her early forties, a full generation younger than Mr. McNamara.  
3 It is believed Defendant seduced, manipulated, and deceived Mr. McNamara into a trusting  
4 relationship, which for Defendant served the sole purpose of financial gain.

5 3.6 Defendant subsequently enticed Mr. McNamara into gifting three properties to  
6 her by quitclaim deed, including the family farm, to wit:

7 Lot 2, Littleton Estates, according to the plat thereof recorded in Book 21 of Plats,  
8 pages 76 and 77, records of Grant County, Washington; and

9 Lots 1-A, 2-A, and 3-A, McNamara Short Plat No. 2, according to the plat recorded  
10 in Book 22 of Plats, pages 65 and 66, records of Grant County, Washington.

11 Those being Grant County Assessor's Tax Parcel No.'s 131746002; 313237000;  
12 313238000; and 313239000.

13 3.7 Defendant also enticed Mr. McNamara to name her as the primary or only  
14 beneficiary in several life insurance policies.

15 3.8 Defendant also enticed Mr. McNamara to pay for her debts and expenses related  
16 to her ownership interest in a piece of property located at 3249 Masters Dr. Hope Mills, NC  
17 28348.

18 3.9 After Decedent and Defendant moved in together, Defendant began engaging in a  
19 pattern of deceit and other conduct designed to alienate the father from his children.

20 3.10 Defendant enticed Decedent to purchase real property in Belize to operate as a  
21 bed and breakfast. Decedent made the purchase with his own funds and placed title in both of  
22 their names. The property is located at Old Northern Highway/Maskall Road, Boston Village,  
23 Belize District, and is registered as Belize Rural North 1, Block 11, Parcel 1120.

1           3.11   After Defendant and Decedent began living in Belize, Defendant was successful  
2 in cutting off almost all communications between Decedent and his immediate family.

3           3.12   Upon information and belief, on December 25, 2014 (Christmas Day) while at  
4 their residence in Belize, Mr. McNamara and Defendant got into an argument. Mr. McNamara  
5 began to exit the home out of the back door.

6           3.13   Upon information and belief, Defendant followed him with a 9mm Glock pistol  
7 registered under her name. She approached him from behind, raised the pistol, and intentionally  
8 fired it into the back of Decedent's head. Decedent died instantly or soon thereafter.

9           3.14   Instead of calling police, Defendant attempted to lure a neighbor to the premises  
10 either to create an alibi or blame the neighbor.

11          3.15   The neighbor refused to come to the premises, suspecting foul play, and called  
12 police.

13          3.16   The police did not arrive until approximately two hours after the murder, and it is  
14 believed Defendant use that time to clean herself up and alter the scene and evidence.

15          3.17   Defendant first told police that Decedent heard the dogs barking outside, went  
16 outside with the gun to see what they were barking at, and then accidentally shot himself in the  
17 back of the head.

18          3.18   Defendant later stated or implied to Belize authorities that Decedent committed  
19 suicide.

20          3.19   While Belize authorities were investigating the case, Defendant fled to  
21 Washington State and currently resides on Decedent's family farm in Grant County, Washington.

22          3.20   Belize authorities subsequently discovered substantial evidence implicating  
23 Defendant in the murder of Mr. McNamara, including but not limited to:

- a. Close range blowback blood spray pattern on Defendant's clothing;
- b. The autopsy report indicating bullet entry near the base of the skull—an unlikely trajectory for a self-inflicted or accidental gunshot wound;
- c. The absence of blood spatter on Mr. McNamara's right hand, which would be expected had he pulled the trigger;
- d. The absence of any scratching on the pistol, found on rocks, indicating the gun did not fall from height after a self-inflicted gunshot wound, but rather was placed there.

3.21 Attachment 1 is a true and correct copy of the Forensic Report created by Orlando E. Vera, MSc, of the National Forensic Science Service, Ministry of National Security of Belize, regarding the pistol and Defendant's blouse taken into evidence by Belize authorities.

3.22 Attachment 2 is a true and correct copy of the Crime Scene Reconstruction report created by Orlando E. Vera, MSc, of the National Forensic Science Service, Ministry of National Security of Belize.

3.23 Attachment 3 is a true and correct copy of the Morgue Wound Report created by Orlando E. Vera, MSc, of the National Forensic Science Service, Ministry of National Security of Belize.

3.24 Since Defendant's return to Washington, Belize authorities have issued a warrant for Defendant's arrest on the charge of murdering Mr. McNamara. Attachment 4 is Interpol's posting regarding Defendant's warrant for murder.

3.25 Defendant has unlawfully appropriated all of Decedent's assets as her own, including but not limited to the properties described herein and numerous items of personal property.

1           3.26 Defendant has also attempted to benefit from her murder of Decedent by  
2 collecting on several life insurance policies.

3           3.27 At least one of the life insurance companies has now filed a declaratory judgment  
4 action in Federal Court.

5           **B. OTHER CLAIMS AND ALTERNATIVE CLAIMS**

6           3.28 Upon information and belief, starting in approximately 2012, Mr. McNamara and  
7 Ms. Nessler were intentionally engaged in a long-term, committed intimate relationship with the  
8 purpose of being exclusive and committed partners. During much of that time, they continuously  
9 cohabitated together and pooled resources together.

10          3.29 During the relationship, Mr. McNamara transferred real property to Defendant via  
11 quitclaim deed, including the following properties:

12           Lot 2, Littleton Estates, according to the plat thereof recorded in Book 21 of Plats, pages  
13 76 and 77, records of Grant County, Washington; and

14           Lots 1-A, 2-A, and 3-A, McNamara Short Plat No. 2, according to the plat recorded in  
15 Book 22 of Plats, pages 65 and 66, records of Grant County, Washington.

16           Those being Grant County Assessor's Tax Parcel No.'s 131746002; 313237000;  
17 313238000; and 313239000.

18          3.30 Upon information and belief, Mr. McNamara and Defendant reached an oral  
19 agreement that Defendant would quitclaim the Grant County properties back to Mr. McNamara,  
20 or to his estate in the event of his demise.

21          3.31 In the alternative or after the conclusion of Mr. McNamara's divorce proceedings,  
22 Defendant exploited Mr. McNamara within the meaning of RCW 74.34 *et seq.* by exerting undue  
23 influence over him to act in a way that was inconsistent with relevant past behavior, causing Mr.

McNamara to quitclaim and then not regain the properties he had owned for years if not decades prior to his relationship with Defendant.

3.32 Due to Mr. McNamara's alleged illness, in addition to his pattern of uncharacteristic and unusual behavior described herein, Mr. McNamara was a vulnerable adult within the meaning of RCW 74.34 *et seq.* because, *inter alia*, he lacked the ability to care for himself.

3.33 During their relationship, Mr. McNamara purchased a property in Belize. Title was placed in his name and that of Defendant. Mr. McNamara built a home and a bed-and-breakfast resort upon the property. It is believed that Defendant contributed none of her own funds to the sale, but nevertheless obtained half ownership of the property.

3.34 Had Mr. McNamara and Defendant been married, it is believed the above-described property and other property would have been community property and is subject to a just and equitable distribution to the Estate of Mr. McNamara. *Olver v. Fowler*, 161 Wn.2d 655, 168 P.3d 348 (2007).

3.35 Defendant has continued to engage in acts of civil fraud and exploitation since the time of Decedent's death, including but not limited to her incurring charges on Decedent's credit accounts after his death and failing or refusing to make payments on her own debt obligations to the detriment of the Estate.

#### IV. CAUSES OF ACTION

4.1 Defendant committed the intentional torts of battery and assault with a deadly weapon, resulting in the death of Mr. McNamara.

4.2 Defendant committed wrongful acts, including battery and murder, which resulted in the wrongful death of Mr. McNamara. RCW 4.20.010.





and suffering and loss of enjoyment of life, in an amount to be proved at trial, including all damages as provided under RCW 4.20.010, RCW 4.20.046 and RCW 4.20.060, and as provided for under RCW 11.84 *et seq.* and RCW 74.34 *et seq.*;

5.2 Jennifer Ralston, as the natural daughter of Timothy Patrick McNamara, suffered damages in an amount to be proven at trial, including the destruction of the parent/child relationship and all damages as provided under RCW 4.20.010, RCW 4.20.046 and RCW 4.20.060.

5.3 Caleb McNamara, as the natural son of Timothy Patrick McNamara, suffered damages in an amount to be proven at trial, including the destruction of the parent/child relationship and all damages as provided under RCW 4.20.010, RCW 4.20.046 and RCW 4.20.060.

## VI. RELIEF REQUESTED

WHEREFORE, Plaintiffs pray for judgment against Defendant as follows:

1. For special and general damages in amounts to be proven at trial;
2. For costs and disbursements;
3. For statutory attorney fees and other attorney fees allowed by law;
4. If Defendant brings any frivolous or unfounded defenses, for attorneys' fees and costs pursuant to RCW 4.84.185 and/or Rule 11 of the Superior Court Civil Rules;
5. For statutory interest on the judgment from the date judgment is entered until paid in full;
6. For prejudgment interest on the special damages;
7. For prejudgment interest on liquidated damages;
8. For declaratory judgment to determine the property subject to distribution;

- 1 9. For a decree regarding and enforcing the fair and equitable distribution of community-  
2 like property;
- 3 10. For expectations damages, reliance damages, and an order of specific performance to  
4 transfer title and ownership of the above-described properties to the Estate of Timothy  
5 Patrick McNamara;
- 6 11. For a finding that Defendant participated in the willful and unlawful killing of Mr.  
7 McNamara, pursuant to RCW 11.84 *et seq.* and an order that insurance benefits shall be  
8 paid to the Estate of Timothy Patrick McNamara;
- 9 12. For a finding that Decedent was a vulnerable adult, that Defendant financially exploited  
10 and abused him, and a judgment including available damages and remedies under RCW  
11 74.34 *et seq.*;
- 12 13. For disgorgement of any benefits conferred by Decedent upon Defendant;
- 13 14. For a prejudgment writ of attachment;
- 14 15. For an order and/or injunction restraining and preventing Defendant from transferring or  
15 alienating assets, including real property and personal property;
- 16 16. For an order restraining Defendant from contacting Plaintiffs;
- 17 17. For relief under RCW 19.40 *et seq.* as well as equitable and declaratory relief concerning  
18 the ownership and transfer of the subject properties; and
- 19 18. For such other and further relief as the Court may deem just and equitable.

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1 DATED this 22nd day of December, 2015.

2  
3 STRITMATTER KESSLER WHELAN  
4 KOEHLER MOORE KAHLER

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Karen Koehler, WSBA #15325  
7 Andrew N. Ackley, WSBA #41752  
8 Attorney for Plaintiffs  
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# ATTACHMENT 1



## National Forensic Science Service Ministry of National Security

Army Road, Ladyville Belize Dist. Phone 501-205-2164 Fax 501- 225-3269

P.O. Box 659, Belize City, Belize

Firearms Act, Chapter 143, Rev. Ed 2000

Lab Reference : FOR14-2630F(Blood Spatter)  
Police Reference : Ladyville  
Case Officer : SGT #900 D. McCulloch  
Forensic Analyst : Orlando E. Vera, MSc, Forensic Analyst  
Concerning : Timothy McNamara (vic) dec.

**Dated: 20<sup>th</sup> January, 2015**

**Exhibit Submission:** Received on the 30<sup>th</sup> December, 2014, at the National Forensic Science Service was the following:

: - One sealed white gun box containing a firearm, one magazine further containing fourteen (13) rounds of ammunition wrapped in transparent tape. One small sealed manila envelope containing an expended cartridge case.

: - One sealed brown paper bag containing a grey in colour blouse.

**Purpose of Analysis:** Identification of blood spatter patterns on GLOCK brand firearm, serial number XGK 485, and a grey colour blouse.  
Identification and categorization of damages on the firearm

### **Analysis results:**

: - Sealed white gun box contained(see Picture1) one rusty and black slide with black colour polymer frame and pistol grip, GLOCK brand, 9X19 caliber pistol, Model 19, bearing serial number XGK485 (See picture2). Examination of the sides of the slides, the top and the bottom of the pistol revealed, red colour substances.

There is a blood spatter on the front right side of the frame, it has a direction of spatter from the direction of the muzzle to the back of the pistol and right to the left of the pistol frame (see picture3).

There is an area with blood spatter on the top of slide just in front of the rear sight. The spatter is from a direction of back to front and from the right to the left (see picture 4).

There was a blood spatter seen on the top of the slide immediately in front of the ejection port area. The spatter is from a direction of back to front and from the right to the left (see picture 5).

There was a blood spatter seen on the left side of the slide and frame by the slide release catch. The spatter is from a direction of back to front and from the right to the left (see picture 6).

There was a blood spatter seen on the left side plastic pistol grip just above the magazine release catch. The spatter is from a direction of back to front and from the right to the left (see picture 7). There was a blood spatter seen on the top of slide just after the front sight of the pistol. The spatter is from a direction of back to front and from the right to the left. Further analysis of the front sight revealed that there are no major damages or scratches (see picture 8).

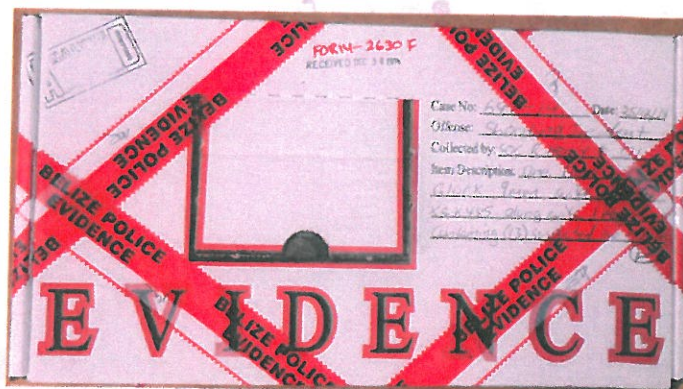
There was a blood spatter seen under the trigger guard of the GLOCK pistol. The spatter is from a direction of back to front and from the right to the left (see picture 9).

There was a blood spatter seen on the metal strip containing the serial number of the GLOCK pistol (see picture 10).

I also conducted a spatter analysis on a grey blouse which was submitted for analysis. The blouse had no brand tag, and is cut around both sleeve and around the collar area (see picture 11). There were several blood spatter patterns seen on the blouse.

There was spatter on the front side of the right shoulder and sleeve (see picture12).

There was spatter on the back side and the top of the right shoulder and sleeve (see picture13 and 14).

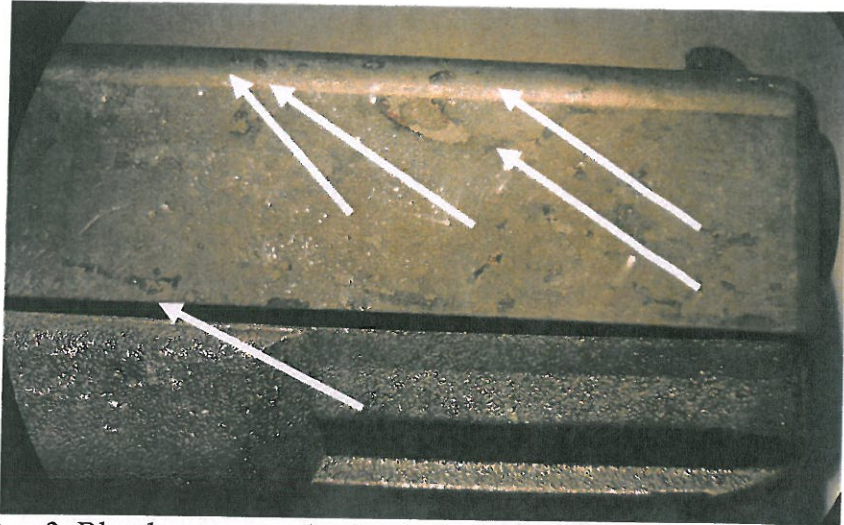


Picture1. The gun box containing the pistol

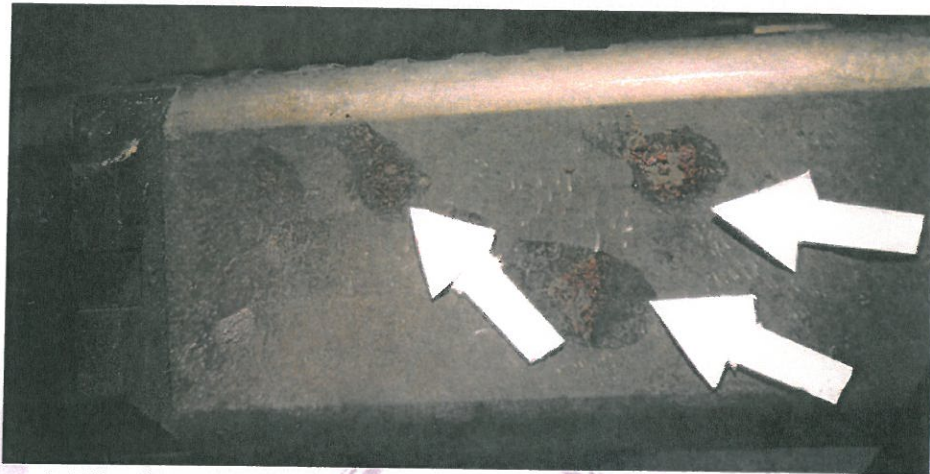


Picture2. GLOCK brand, model 19, 9X19 caliber pistol

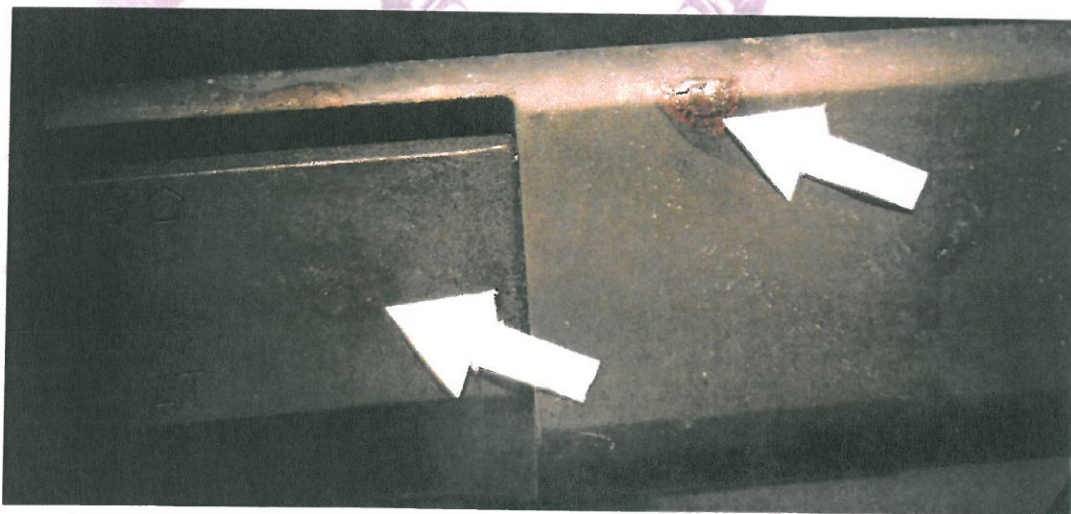




Picture3. Blood spatter on the front right side of firearm's slide and frame.



Picture4. Blood spatter on top of slide just in front of back sight of GLOCK pistol



Picture5. Blood spatter on top of slide by the ejection port of GLOCK pistol





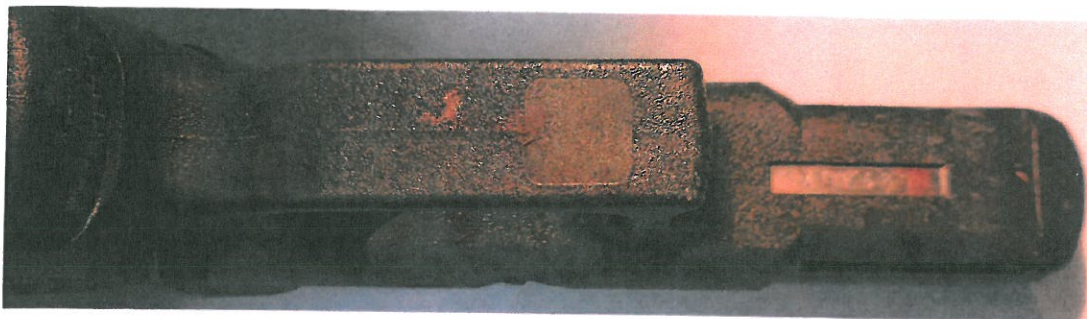
Picture6. Blood spatter on left side of slide of GLOCK pistol



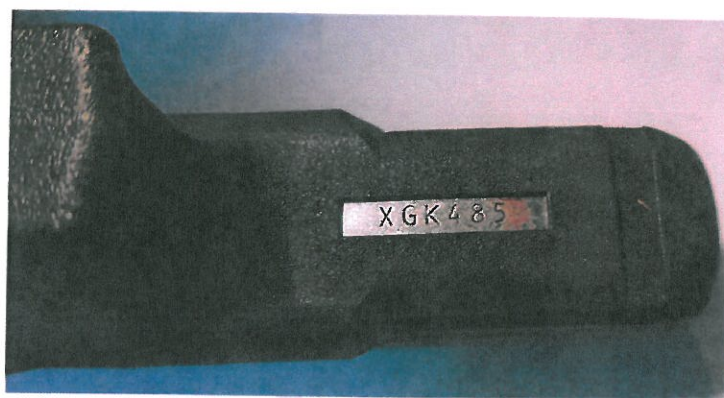
Picture7. Blood spatter on left side of pistol grip just above the magazine catch of GLOCK pistol



Picture8. Blood spatter on the front of slide just after the front sight which had no damages.



Picture9. Blood spatter under the trigger guard area of GLOCK pistol.



Picture10. Blood spatter on the metal strip bearing the serial number of the pistol located under the frame.



Picture11. Cut on both sleeves and the collar area of grey blouse.





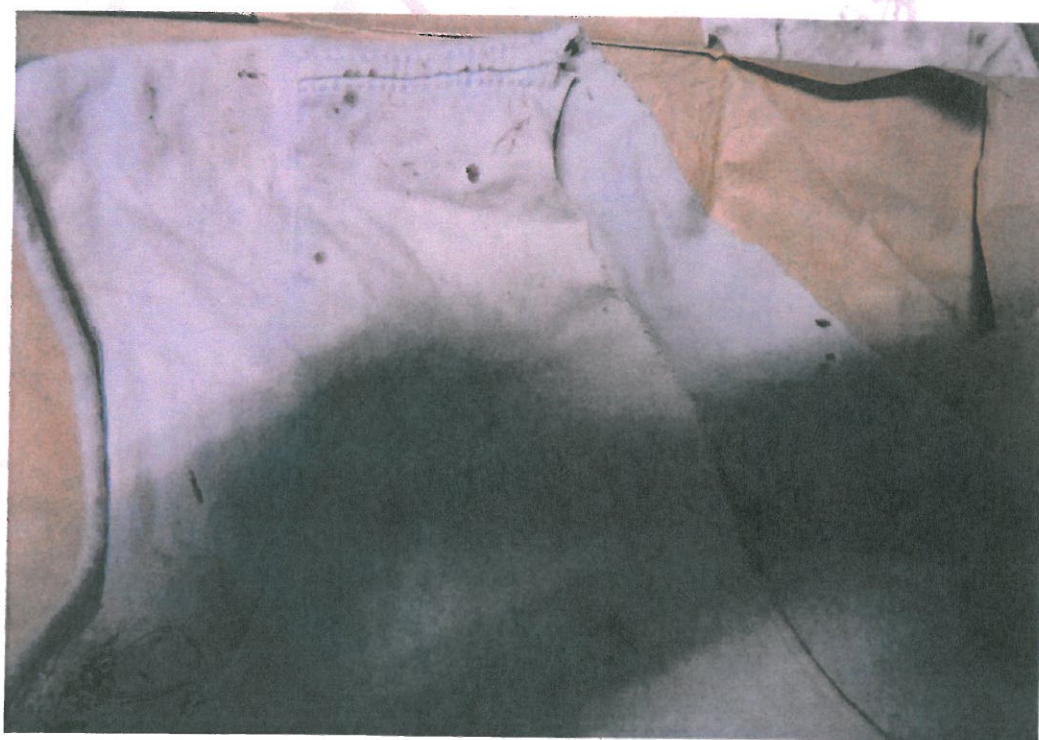
Picture12. Blood spatter on the front right sleeve and shoulder of blouse.



Picture13. Blood spatter on the back and upper right sleeve and shoulder of blouse.



Picture14. Blood spatter on the back right shoulder of blouse.



Picture15. Blood spatter on the inside of the blouse on the back collar area.



Further analysis was conducted on the firearm to check for damages on the surface of the black plastic frame, the front and back sights and the metal slide. There was no eminent damages seen on the, entire surface of the black plastic pistol grip or the metal slide. There was no significant damage sustained on the front and back sights of the weapon. A minor scratch was observed on the left side on the front of the GLOCK pistol over the plastic and on the metal slide (sees picture16). There were no obvious scratches or damages sustained on the top of the slide, which was the side that was in contact with the rocks as observed on crime reconstruction report (picture).

There is an absence of scratches on the top side of the slide. There is also a visible absence of rocks or foreign particle another than blood on the slide.



Picture15. Minor scratches on the plastic of the pistol.

#### **OPINION:**

The front sights of the GLOCK pistol are very fragile and a minimum amount of force would cause it to be removed or displaced from its place. The absence of any minor scratch on the top of the slide and the absence of the damages to both front and rear sights may indicate that the firearm did not fall from a height but was rather placed where it was found. The scratches seen on the plastic on the left side of the gun is possible was sustained as it knocked on the sides with the rock where the gin was found. The absence of the scratches and foreign particle mainly rock particles on the top of slide is an indication of an absence of a hard drop and knock on the rock.

## **Conclusions:**

**There are significant blood spatter on the firearm which are a direct cause of blow back of blood, possible tissue and brain matter.**

**There is also blood spatter on the blouse analyzed. On the front, back and top of the right sleeve. It indicates that the blouse was in close proximity at the time of the shot to the entry wound.**

**There is a possibility the gun did not fall but was placed where it was found.**

This statement consisting of 9 pages, signed by me, is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything that I know to be false or do not believe to be true.

Orlando E. Vera MSc

Assistant Director FCSI, NFSS

Firearms/ToolMark Examiner

Forensic Questioned Document Examiner

Forensic Analyst

I hold a Master's of Science degree in Forensic Science from the UK, with specialize training in Ballistics and Firearms Examination from Q. Roo, Mexico, The Central Criminal Laboratory of Cuba and the Department of Public Safety Forensic Laboratory of Santa Fe, New Mexico, USA. I have been in my current position from December 2005. I have specialized training in Questioned Document Examination from the laboratory of Q. Roo Mexico and Cuba.

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# ATTACHMENT 2



## National Forensic Science Service Ministry of National Security

Army Road, Ladyville Belize Dist. Phone 501-205-2164 Fax 501- 225-3269

P.O. Box 659, Belize City, Belize

Firearms Act, Chapter 143, Rev. Ed 2000

Lab Reference : FOR14-2630F(Crime Scene Reconstruction)  
Police Reference : Ladyville  
Case Officer : SGT #900 D. McCulloch  
Forensic Analyst : Orlando E. Vera, MSc, Firearm/ToolMark Examiner  
Concerning : Timothy McNamara (vic), Tracy S. Nessler (acc)

**Dated: 16<sup>th</sup> January, 2015**

**Exhibit Submission:** Received on the 15<sup>th</sup> January, 2015, at the National Forensic Science Service was the following:

: - A set of pictures taken by Mr. Robert Henry Scene of Crime Specialist attached to the Ladyville Police formation, during the initial crime processing of the shooting of Mr. Timothy McNamara on the 26<sup>th</sup> December 2014 at his residence at Boston Village Old Northern Highway Belize District.

**Purpose of Analysis:** Identification and classification of position of shooter and victim at crime scene.  
Classification of shooting incident.

**Analysis results:** The set of pictures taken at the scene was examined to determine the position of the victim. At the time of processing of the scene, the body had been moved from its original falling area. There was an area of blood on a rock, which is indicative of the original, area where person head had fallen. It was consequently moved and set on the wooden deck (see picture1). On the wooden deck another pool of blood was seen and was created by dripping blood from wound after body was set on that area.

The right leg of the victim does not appear tampered and was found to be in area which coincides with the height of the person. However, the left leg seems to have been moved from its original position.

From the pictures it can be the victim was in a standing position at the time of the shot. He was facing outwards from where he was standing immediately outside of the door area (see picture2).





Picture1. The pool of blood on stone is where originally the person head had fallen. The body was moved and placed on wooden deck.



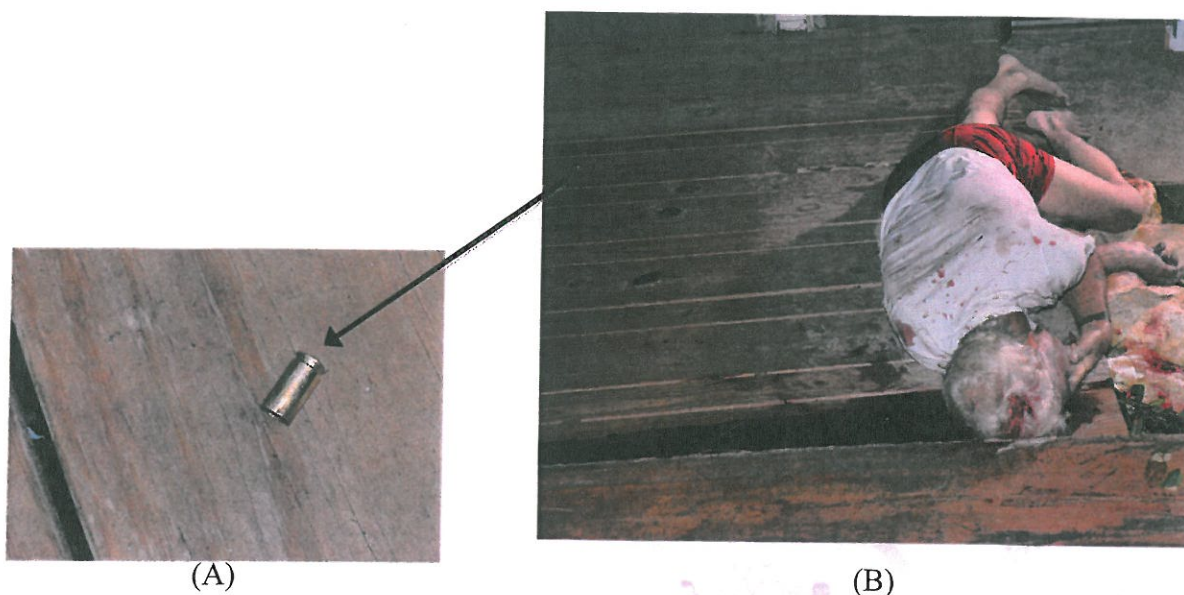
Picture2. Back door, arrow indicating direction person was facing at time of shot.

From position of the body, there was no indication that he attempted to walk over the deck. There was no accidental tripping and falling due to wooden deck.

There was an expended 9mm Luger caliber cartridge case, over the wooden deck, on the right side of the body. The firearm recovered from the scene, was a GLOCK, model GLOCK 17, 9X19mm caliber semi automatic pistol. This pistol has an ejector port to the right. It ejects his cartridge case from the right side of the weapon. At the time of the shot the ejection port of the weapon was in the same direction the

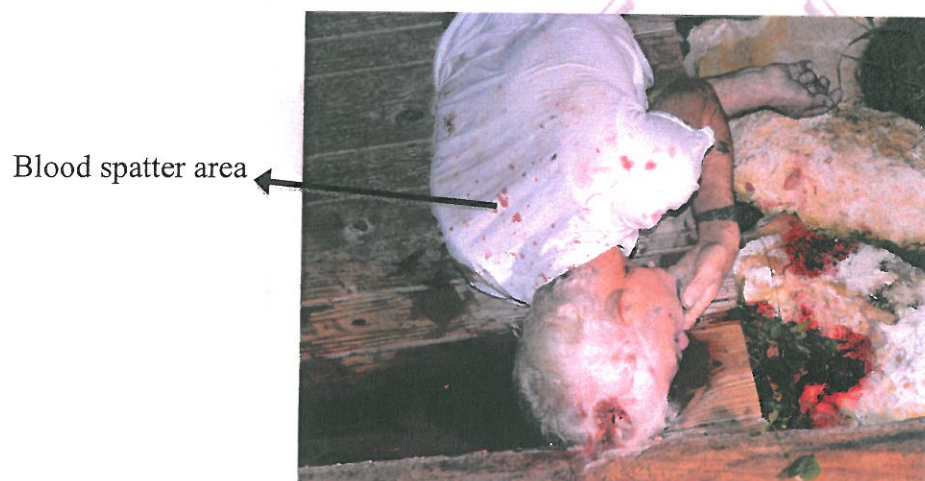


person was facing (as can be seen in picture2). The ejection port causes the cartridge cases to be thrown away at angles ranging between 0 to 180 degrees. At the scene the expended cartridge was found on an area which coincides with a possible angle of ejection of the pistol at time of fire (see picture4).



Picture3. (A) Expended cartridge case found on the wooden deck area, (B) General area showing the expended case found to the right of the body.

From a picture taken at the scene it can clearly be seen a blood spatter, on the back of the shirt of Mr. McNamara (see picture 4). The blood spatter is a result of the blow back effect, which caused the stellate pattern on the entry wound (see picture 1 of report FOR14- 2630F (Morgue wound Report) dated 12th January 2015).



Picture4. Blood spatter on back of shirt of Mr. McNamara caused by blow back on entry wound.

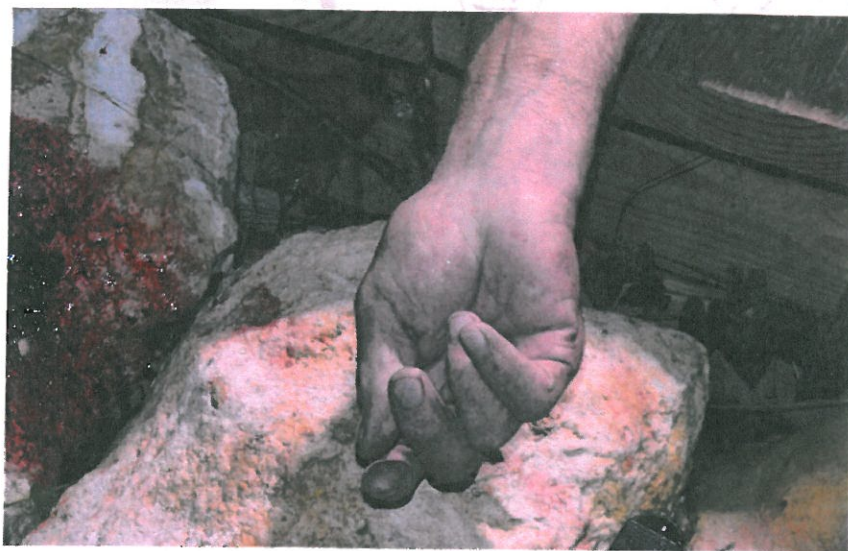
The firearm was found on the left side of the body, which was noted as irregular (see picture5). The contusion and abrasions sustained by the victim on right temporal and front area suggests he had fallen immediately after the shot. If bullet wound was self inflicted the position, being that the wound was on the right side of the body, the firearm would have fallen on the right side of the body. The firearm would

have been released immediately from the holding hands, and would drop on the wooden deck on the right side of the body just as the expended cartridge case did, not on the left of the body on the rocks.



Picture5. Firearm seen on the left side of the body, opposite side of the entry wound.

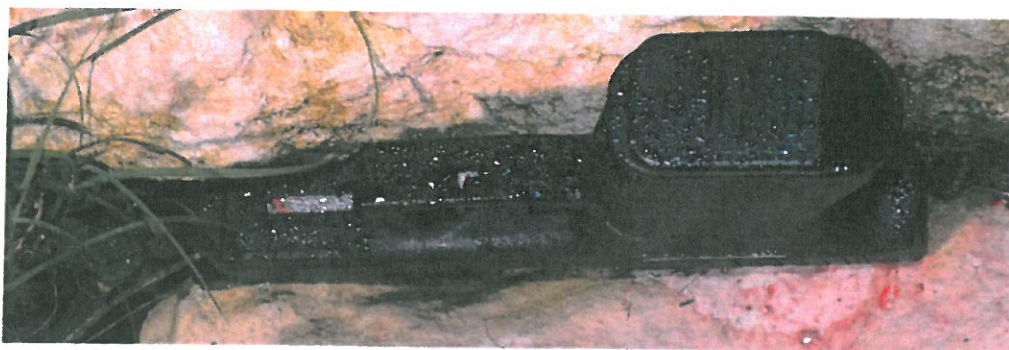
From the pictures of the hand at the scene it can clearly be seen that there is no blood spatter on the right hand, fist and fingers of the victim (see picture6). The stellate wound patten is a result of a blow back, which sprayed blood, tissue and brain matter onto any object in close proximity to the wound at time of shot. The absence of the blood spatter on the right hands in indicative that the right hand of the victim was at no time close or nearby the entry wound at the time of the shot.



Picture6. No blood spatters patterns seen on the right hand of victim. Absence of blow back effect is indicative to the fact hand was not close to entry wound at time of shot.

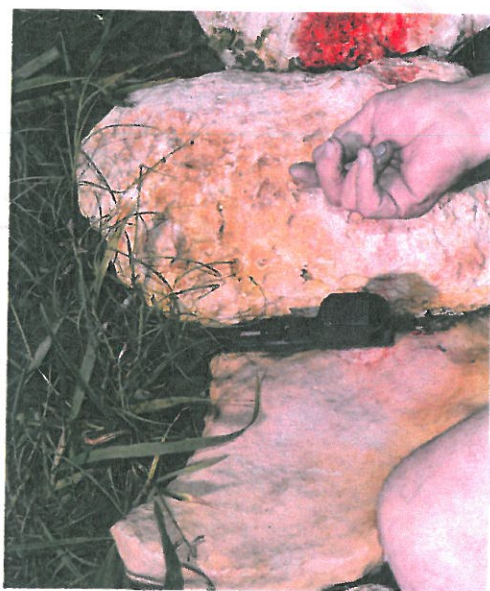
In the picture of the firearm (see picture 7) it can clearly and visibly seen by the eyes, a red color substance on the area close to the serial number located beneath the frame of the firearm and under the trigger guard. Further analysis is required to determine if it's human and the blood of the victim.





Picture7. Blood spatter on back of shirt of Mr. McNamara caused by blow back on entry wound.

From the picture (see picture) it can be seen that, the firearm had fallen over a rock, the rock seems to be river rocks and not limestone rock. If the rocks were river Stone and the gun had fallen from a height approximately the same height of the injury, the gun would sustain damages to its surface. However, if no or Little damaged is seen upon further analysis then it can be said that it was probably set down on the rocks other than having fallen from the height of approximately 5ft 9in.



Picture8. Firearm was seen over the river rocks.

**Opinion:** The blow back caused the blood spatter on the back of the shirt of Mr. McNamara. It also caused the blood spatter seen under the frame and trigger guard of the firearm. The person's hand holding the firearm at the time of the shot should have had blood spatter due to blow back. Mr. McNamara right and left hand both have no sign of any blow back which could have caused a blood spatter. Due to the absence of blood spatter it can be said he did NOT fire the firearm.

The firearm was not in the side of the entry wound. Mr. McNamara was in a standing position at the time of shot. Since the body had been incapacitated due to injury sustained in the brain area. The firearm would have been released from the fist and it would have dropped and landed on the wooden deck to the right of the body of the victim. Coinciding with the expended cartridge case and the entry wound.

The firearm was found approximately 3ft away and to the left from the position Mr. McNamara was standing at time of shot.

Further analysis of the surface of the firearm can reveal if firearm fell from a height or was placed in the area where it was found.

#### **CONCLUSIONS:**

- :- There was a blow back effect as a result of the gun shot.**
- :- No blood spatter seen on the hands of the victim.**
- :- Indicating that the hands were never close or even holding the firearm at the time of shot and creation of the wound.**
- :- Blood seen on back of shirt and the firearm indicates a blow back effect.**
- :- The stellate pattern on the entry wound caused a back spatter on any object in close proximity of the wound.**
- :- Analysis of the right hand of Mr. McNamara revealed no back spatter of blood, tissue of brain matter.**
- :- His right hand was not in close proximity of the wound at time of the shot.**
- :- He was not the one who fired the shot causing the wound.**
- :- Gun may have been placed on the area it was found at time of crime processing.**
- :- Mr. McNamara was in a standing position at the time of the shot.**
- :- Since the shot was from the down to up position and from left to right and backwards to frontwards, the person who was holding the firearm and fired the shot had to be of a shorter height and standing immediately or at a close proximity to the back of Mr. McNamara.**

This statement consisting of 7 pages, each signed by me, is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it anything that I know to be false or do not believe to be true.

Orlando E. Vera MSc Forensic Sc  
Assistant Director SOC, NFSS  
Firearms/Tool Mark Examiner  
Forensic Questioned Document Examiner  
Forensic Analyst

I hold a Master's of Science degree in Forensic Science from the UK, with specialize training in Ballistics and Firearms Examination from Q. Roo, Mexico, The Central Criminal Laboratory of Cuba and the Department of Public Safety Forensic Laboratory of Santa Fe, New Mexico, USA. I have been in my current position from December 2005. I have specialized training in Questioned Document Examination from the laboratory of Q. Roo Mexico and Cuba.

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# ATTACHMENT 3





## National Forensic Science Service Ministry of National Security

Army Road, Ladyville Belize Dist. Phone 501-205-2164 Fax 501- 225-3269

P.O. Box 659, Belize City, Belize

Firearms Act, Chapter 143, Rev. Ed 2000

Lab Reference : FOR14-2630F (Morgue wound report)  
Police Reference : Ladyville  
Case Officer : SGT #900 D. McCulloch  
Forensic Analyst : Orlando E. Vera, MSc, Firearm/ToolMark Examiner/Forensic Analyst  
Concerning : Timothy McNamara (vic), Tracy S. Nessler (acc)

**Dated: 12<sup>th</sup> January, 2015**

**Exhibit Submission:** Received on the 8<sup>th</sup> January, 2015, at the National Forensic Science Service was the following:

:- A set of pictures taken by Mr. John E. Rudon, Forensic Analyst attached to the firearms Unit, during a post mortem conducted on the body of Mr. Timothy McNamara on the 28<sup>th</sup> December 2014 at the KMHM morgue, by Dr Hugh Sanchez.

**Purpose of Analysis:** Identification and classification of wound, direction of entry and exit wound,

**Analysis results:** The person was identified as Mr. Timothy McNamara, US citizen from a Boston Village address, Belize District. He was seen with a gunshot wound to the right side of the head, it was located 3cm above and slightly to the back area the right pinna (see picture 1). It had a stellate entry pattern. The bullet penetrated and perforated the head of Mr. McNamara with a trajectory from left to right, down to up and from backwards to a slight frontward direction (See picture 2.) The bullet exited on the left side of the head it was on the top area of the crown. Both hands were analyzed for blood spatter and none was seen or detected. There was an absence of blood spatter on the right inner and outer hand and the right elbow area of Mr. McNamara.

There were burnt marks, soot and an irregular shape entry wound. There was an absence of the abrasion ring caused by the muzzle of barrel. There was a grey/black soot area on the skin, indicating the angle of entry of the bullet as it pierced into the skin, consequently penetrating the skin, skull, brain tissue and exiting.

Damage of the brain area incapacitated the person almost immediately, causing the person to fall immediately. This immediate reaction can be seen from an injury sustained on the right side above the temporal area and frontal area of Mr. McNamara (See picture5).



Picture1. Stellate form entry wound, 3cm above and backwards of the right pinna.



Picture2. Trajectory is from left to right, down to up and from back to front.





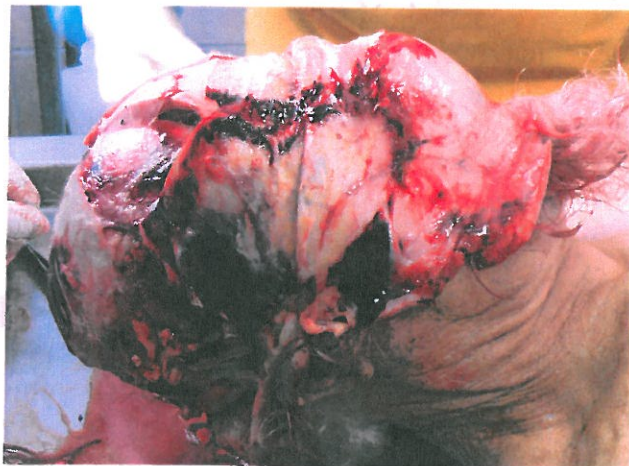
Picture3. No blood spatter located on the inner, outer and right hand of Mr. McNamara.



Picture4. Exit wound on top area of the Crown, seen with similar stellate characteristic.



Picture5. Contusion and abrasion wound on right temporal area, consequence of falling frontwards.



Picture6. Contusions on the inside of the skin tissue and skull on temporal area and front of victim.

**Opinion:** The stellate opening pattern seen on the entry wound is a block back of expanded gases which are trapped between the tissue and the skull causing the rupture of the skin, in an irregular shape. This in turn causes blood, tissue and brain matter to be expelled from the wound with a force of the expanding gases. Object in close proximity of the entry wound would be stained by the blood and other tissues ejected from the body. This staining of the object is known as spatter, commonly known as blood spatter.



## **CONCLUSIONS:**

- :- The entry wound is from the left to the right, back to the front and from down to up.**
- :- The position of the entry wound, is practically uncomfortable for the victim to have fired the shot.**
- :- The stellate pattern on the entry wound caused a back spatter on any object in close proximity of the wound.**
- :- Analysis of the right hand of Mr. McNamara revealed no back spatter of blood, tissue of brain matter.**
- :- His right hand was not in close proximity of the wound at time of the shot.**
- :- He was not the one who fired the shot causing the wound.**
- :- Mr. McNamara fell immediately to the frontwards with right side of head, temporal region, slightly facing to his left at the time, hitting on a hard object causing the contusions and abrasion on that area.**
- :- The entry and exit wound are in a position, where the possibility of accidental fell, drop and shot is not possible.**

This statement consisting of 5 pages, each signed by me, is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it anything that I know to be false or do not believe to be true.

Orlando E. Vera MSc Forensic Sc  
Assistant Director SOC, NFSS  
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I have specialized training in Ballistics and Firearms Examination from Q. Roo, Mexico, The Central Criminal Laboratory of Cuba and the Department of Public Safety Forensic Laboratory of Santa Fe New Mexico USA. I have been in my current position from December 2005 and Have a PgDip and MSc in Forensic Science from the University of Strathclyde, Glasgow, Scotland, UK.

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# ATTACHMENT 4

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### NESSL, TRACY SHANNON

WANTED BY THE JUDICIAL AUTHORITIES OF BELIZE FOR PROSECUTION / TO SERVE A SENTENCE

#### IDENTITY PARTICULARS

Present family name: **NESSL**  
Forename: **TRACY SHANNON**  
Sex: **Female**  
Date of birth: **24/04/1971 (44 years old)**  
Place of birth: **WASHINGTON, United states**  
Language spoken: **English**  
Nationality: **United states**

#### PHYSICAL DESCRIPTION

Colour of hair: **Blond**  
Colour of eyes: **Grey**

**CHARGES** Published as provided by requesting entity

Charges: **Murder**

#### PHOTOS



#### IF YOU HAVE ANY INFORMATION PLEASE CONTACT

Your national or local police  
[General Secretariat of INTERPOL](#)

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