

9-27-93

Dear Regina,

Hope this finds you well. I'm just getting over a virus that has had me laid up for the better part of a week now. Doctor gave me some antibiotics and said take a few days off. In any case I'm feeling better now.

I received your message on Saturday last. You sounded some what impatient. I understand, it's not my daughter living with Bob Mays. Please be patient as you're able, I think the 2 month estimate you made is reasonable although I haven't dropped your file or anything. I'd like to proceed in an orderly manner. You should also be aware that I've refused 2 cases in the last week to clear my calendar for yours.

While I was laid up this week I reread some depositions and called attorney Debra Blue twice at 813-366-4680. Her secretary assures me that she will call me soon, she's just busy. I've also called my friend Millard Farmer in Atlanta. He's out of town in a trial some where and will call when he gets back. Here's where I want to go while I'm waiting on Blue to get me permission to review Hardee Memorial records.

I'm drafting a preliminary letter to the FBI which lays out what we've got at this time. It's going to be lengthy but I should have the rough done by Monday or Tuesday and I'll send it to you. Please review it, correct anything you see wrong and add anything you notice omitted. I also want you to list those records you feel have been tampered with. I'm going to be focusing on Palmer and the records I discovered in Wauchula. His obvious perjury in the transcript I showed you, his financial difficulties, the lawsuits he filed, and hopefully the interview of the Records Custodian he had a problem with. Hopefully I'll have that name as soon as Blue gives me permission to see records. That should interest the FBI. I'm not going to discuss the witnesses just yet except for perhaps Polly Rhodes as she recalls being at the hospital and being sent to the other end of the building when we suspect the babies were switched. Virginia Jones and the others don't offer much to the FBI. Here's why.

I can hear the agent now. "So Jones saw someone carry a baby out of the hospital. That's not evidence of a crime. You don't know who's baby it was, there may have been other children getting treatment or X-Rays or whatever. We don't know that the nursery was the only place where young children were being treated there. It could have been anyone's baby." And I'd have to say he has a point. We don't know who's baby Virginia saw that day. I don't believe the FBI will judge that as credible evidence of a crime. I also don't believe they will accept the theory that everyone was involved. I've worked on the other side of a number

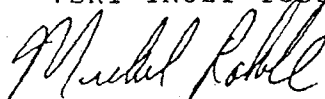
of criminal cases in which the FBI was the primary agency. They are for the most part professional, not wont to jump to conclusions, as a rule graduates of law school, and cognizant of what sort of evidence will play well in front of a jury. Like all of us in this business, they play to win and hate to lose. They do lot's of investigations lasting years at a time which involve conspiracies. They would be extremely suspect of a bunch of everyday people from Hardee county Florida conspiring together and successfully maintaining silence. That's why we've got to be cautious about what sort of proffer we make so we don't lose credibility up front. We may only get one shot with these guys. I subscribe to the adage you only get to make one first impression. Ours has to be cogent and credible. For instance, Madge Lackey acquired property worth approximately \$ 73,000.00 in December, 1978. We don't know how much she made at the hospital but that's evidence of substantial financial resources. Where did the money come from? What did Palmer do to alleviate his financial problems that year? These are the things that an FBI agent would be interested in. They love paper trails, bank records, cancelled checks, loan applications, things like that. Something you can hold in your hand, touch, feel and read. The records ~~whited out,~~ That's something they can see with their own eyes. That's what we want to start with Regina. The witnesses will keep. I'm not forgetting them. We need more than 14 year old recollections to get the FBI interested. You have to remember, they've looked at this once and passed on it. We've got to get something they can sink their teeth into.

→ night (R.T.)
supervisor
nurse

(R.T.)
& scratched
over

I'm going to go ahead and get this in the mail. As you can see, my computer is up and running now so I'll be sending weekly updates. Please be patient Regina. I've heard genius described as 10% inspiration and 90% perspiration. Let me sweat over this case for awhile. With just a few more pieces to the puzzle we might interest someone with subpoena power or the ability to get to some bank records in Wauchula. I know you won't be shy about suggestions but I hope you'll trust my judgement. We are talking about a crime, and if I am an expert on anything it's criminal justice. Call anytime and don't hesitate to have witnesses contact me. Give my best to the family and Ernest. I am,

VERY TRULY YOURS,



MICHAEL ROHDE
INVESTIGATOR

To who it may concern:

I am a private investigator retained by the Ernest and Regina Twigg family. I have been asked by them to attempt to ascertain the facts surrounding the switch of their infant daughter at Hardee Memorial Hospital and determine if it indeed was intentional.

I would respectfully request that you review the following information that my clients and I have gathered and consider a criminal investigation if warranted. The physician that delivered these children has indicated that he believes it was an intentional act which would seem to be a kidnapping in the least. There are allegations that money changed hands to effect the switch which would appear on it's face to constitute another criminal act. I am unaware of any law enforcement agency that has taken a thorough look at these allegations and used their considerable powers of discovery to either prove or disprove them. Please consider the following:

The switch itself seems almost impossible to have been an accident. The infants were to have had two identification bands on their bodies at all times, one on the wrist, and one on the ankle. Protocol is that they never be removed until the moment of discharge. The probability that all four bands would accidentally come off at once and then be replaced on the wrong infants is nothing less than infinitesimal.

One must also consider the appearance of these infants to allow for for the accident. The child that expired was born with a severely deformed heart. She was diagnosed at the time of her discharge at the age of approximately three days. I am told by competent medical authority that her physical appearance would have caused alarms to go off and in fact it did. The affliction apparently causes an oxygen deficiency among other things, which causes the skin color to take on a bluish hue. The healthy child would have had a noticeably different color and it defies credulity that so many health care professionals with a practiced eye might have all missed this obvious difference. This is also a small rural hospital with only two infants in the nursery. Once more we have a coincidence with a probability of near zero.

Much has been written and reported of this case, some quite accurate and some near fiction. There has been a report that approximately twenty to thirty thousand dollars changed hands to effect the switch. I discovered through public records that both treating physicians were going through some sort of foreclosure on their home and clinic, respectively. These would also seem to be the people with the most practiced eye that would have presumably detected the difference in these infant's physical appearance. And they both have a financial motive to participate in this act. I assume with the considerable powers of discovery at the states' disposal that bank records are not out of reach. It would be interesting reading I suspect if a number of the

employees of Hardee Memorial Hospital were to allow one to peruse bank statements for perhaps a year after this occurred, say, December, 1978, through December, 1979. The Twiggs do not have the power to compel that. I believe the state does. The grandparents of one of the children are a prominent family in the community and apparently helped considerably in getting Hardee Memorial Hospital built. There appears to be motive and opportunity.

There are numerous instances of records being changed ^{+scratched over R.T.} or whited out. One of the physicians mentioned above apparently had a dispute with the Director of Medical Records at Hardee Memorial about that very issue, changing medical records. The most logical reason to change records after the fact would seem to be to hide something, either an egregious error or a criminal act. I don't believe the documents in question have ever been examined by anyone with the expertise to make a determination of how or why these documents were changed. That seems to be a proper law enforcement inquiry. Again, there appears to be motive and opportunity.

An obvious problem with this case is that the recollections of every one involved are dated, ten to eleven years old when they were deposed. One witness, a Nurse's Assistant who worked in the Nursery, believes that during her shift, 11:00 p.m. to 8:00 a.m., she was sent to the opposite end of the hospital to move furniture, leaving the Nursery unattended. She recalls thinking it was a rather strange request from her supervisor because of the time of the day and because she was the only attendant at the Nursery. That begs the question, is this another coincidence.

While the circumstantial evidence I have gathered might not rise to Thoreau's proverbial "trout in the milk" that fish might well reside in the bank records of any number of former employees of Hardee Memorial Hospital. My clients and I do not have the discovery powers to compel anyone to allow us to examine those records. We believe the state does. Whether it be the "trout" or "the smoking gun" it makes sense that someone benefitted financially from the act if it was intentional and the bank would seem the most likely place to start an inquiry. There are at least two people who were in need at that time, and any number of others who might have been seduced by a five figure windfall. We believe it at least deserves a look.