

IN THE CIRCUIT COURT OF TALLAHATCHIE COUNTY, MISSISSIPPI
FOR THE FIRST JUDICIAL DISTRICT

STATE OF MISSISSIPPI

vs.

CAUSE NUMBER CR2019-21SMT1

JOCELYN MCLEAN

ORDER TO DISMISS

This cause having come on for hearing on the ore tenus motion of the State of Mississippi through the District Attorney's Office that Count(s) ALL of this cause be DISMISSED. The State offers J. Brent Davis, M.D., who was the medical examiner originally stated the cause of death was blunt force trauma with features of strangulation and the manner of death was homicide. The investigation showed that the only person who could have possibly committed any acts against the victim listed in the indictment, E.M., was the above named Defendant. All statements confirm she was the only person with E.M.. On October 7, 2021 Dr. Davis provided a statement to the state, a copy of which is attached, in which he states "it is my professional opinion that the cause and manner of death is NOT blunt force injuries with features of strangulation" and the Court having considered same finds the motion is well taken and should be sustained.

IT IS THEREFORE ORDERED that Count(s) ALL of the above styled and numbered cause as to this Defendant be and the same is hereby DISMISSED with prejudice

The Defendant DOES NOT AGREE all court costs.

SO ORDERED this the 19 day of October, 2021.

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CIRCUIT COURT JUDGE


ATTORNEY FOR THE STATE

102737
STATE BAR NUMBER
Tallahatchie County MS - 1st District
Date 10-20-2021
Daphane Neal - Circuit Clerk,
By - D.C.


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7 Oct 2021

MEMORANDUM FOR STEVEN JUBERA

FROM: J. BRENT DAVIS, MD

SUBJECT: MS V. MCLEAN

1. I have reviewed the medical records you provided me on 1 Oct 2021, from Tallahatchie General Hospital and Le Bonheur regarding Emberly McLean. These records indicate the insertion, adjustment, removal and reinsertion of external jugular vascular lines as well as hematomas forming in the neck and bleeding from all vascular lines inserted. The insertion of vascular lines in the neck can cause hemorrhages in the soft tissues of the neck. It is my opinion that the hemorrhages I saw at autopsy are consistent with life saving efforts.
2. The records also mention that the infant had issue with diarrhea, had diaper rash at presentation to the ED and that rectal temperatures were taken multiple times during lifesaving efforts. The diaper rash and insertion of rectal thermometers could result in abrasions and lacerations.
3. I requested for the information in the original file from the State of Mississippi Medical Examiner's Office. The documents in the file are the Provisional Autopsy Report, birth records from the University of Mississippi Medical Center (UMMC), Sudden Unexplained Infant Death Investigation (SUIDI) form and Autopsy report. There are no medical records from Tallahatchie General, Le Bonheur or any documentation addressing what life saving efforts were performed on Emberly McLean. Without this information and no other explanation as to the cause of the injuries, this was deemed a homicide.
4. Upon reviewing this newly presented medical information, it is my professional opinion that the cause and manner of death is NOT blunt force injuries with features of strangulation and a homicide as was originally determined.



Brent Davis, M.D.

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