

Legionnaires' not listed as cause of death for Flint water manslaughter victim

By [Oona Goodin-Smith](mailto:ogoodins@mlive.com) ogoodins@mlive.com

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FLINT, MI -- If prosecutors are looking for evidence to prove manslaughter charges against five government officials charged with the death of a man they say contracted Legionnaires' disease from Flint water, they may have to look further than his death certificate.

The certificate, filed in the Genesee County Clerk's Office, lists the 85-year-old Genesee Township man's cause of natural death as "end stage congestive heart failure." Neither Legionnaires' disease nor Legionella is listed on the county's record of Robert Skidmore's death.

MLive-The Flint Journal was not able to reach Genesee County Medical Examiner Brian Hunter for comment.

However, Oakland County Medical Examiner Dr. Ljubisa J. Dragovic said that, if foul play is not suspected in a death and an autopsy is not performed on a body, causes of death are often "educated guesses" and that mistakes can be made.

"Each and every death is different, and obviously there are questions with each death, and certainly if there's no autopsy," Dragovic said.



According to the death certificate, Skidmore died in his home on Melrose Lane in Genesee Township, and an autopsy was never performed on his body.

Andrea Bitely, director of communications and spokesperson for the Michigan Attorney General's office, said the matter will be discussed during future court proceedings, but declined to comment on the case, citing pending litigation.

Charles Chamberlain, a Grand Rapids-based attorney for Michigan Department of Health and Human Services Director Nick Lyon, who is charged with involuntary manslaughter for Skidmore's death, said the findings on the death certificate "don't surprise [him] in the least."

"If you read the allegations [against Lyon], they don't even say that the medical examiner agrees with the Legionella findings," Chamberlain said. "We stand by our position that these claims are baseless."



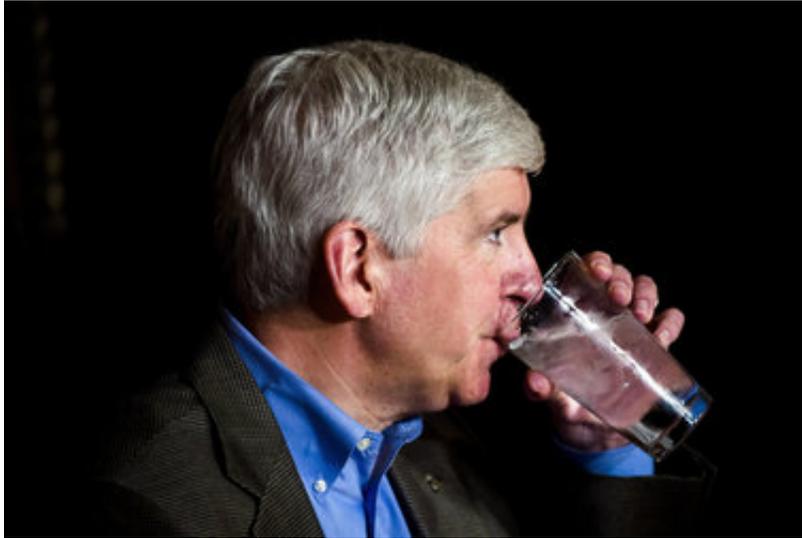
But Skidmore's listed heart failure can be an indication that he was at a higher risk to contract Legionnaires' disease, said Dr. Janet Stout, president and director of the Pennsylvania-based Special Pathogens Laboratory and an expert in legionella.

Cancer, kidney failure, respiratory failure or heart failure -- as in Skidmore's case -- can render a person more susceptible to contracting Legionnaires', Stout said.

Renal failure and Chronic Obstructive Pulmonary Disease have appeared as the cause of death for at least two individuals whose estates have filed lawsuits related to the Legionnaires' outbreak.

Stout noted that the pathogen can be found in a patient's urine or sputum after death.

Legionnaires' is a potentially fatal type of pneumonia or lung infection, according to the Centers for Disease Control and Prevention. About one in every 10 cases of the disease proves to be fatal.



Researchers and experts in the field have speculated that the Legionella bacteria may have thrived in Flint's water system after the city's water source changed to the Flint River in April 2014 because of low levels of chlorine and high levels of iron.

In June, Michigan Attorney General Bill Schuette announced involuntary manslaughter charges against five government officials for the death of Skidmore, one of at least a dozen fatalities tied to a Legionnaires' outbreak in the Flint area.

The charges, which are 15-year felonies, are against Lyon, as well as former Flint emergency manager Darnell Earley, former Flint Department of Public Works director Howard Croft, former Michigan Department of Environmental Quality Office of Drinking Water chief Liane Shekter-Smith and DEQ District Supervisor Stephen Busch.

Attorneys for Earley, Croft and Busch could not be reached for comment on the case.

Brian Morley, who represents Shekter-Smith, declined to comment.

Special prosecutors say the five officials caused Skidmore's death by failing to

alert the public about a rash of Legionnaires' cases in the Flint area when they had notice that additional cases would occur.



Schuette ups the ante in Flint water crisis with new manslaughter charges

"Our team ... will continue to pursue and gather new evidence, and we will follow aggressively any tips, information and leads that may be presented," Schuette said. "But as we shift to the trial phase of this investigation we will turn to the prosecution of the individuals that have been charged with crimes."

A total of 15 people have now been charged with more than 50 total counts in the course of the attorney general's investigation tied to the Flint water crisis, which began in April 2014 after the city switched its water source to the river.