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June 28, 2012

On Sunday January 22, 2012, rescue personnel and police officers responded to a motel room at the Red Roof Inn on West Main Street in the City of Charlottesville. A female, later identified as Laura Acker Daly, was discovered face down on the bed. After a brief examination by a paramedic, she was pronounced dead. There was also a male subject in the room, later identified as David Highfield, who appeared to be unconscious but was convulsing on the floor. There were pools of vomit on the floor and around his body. He was taken to the hospital by ambulance. Mr. Highfield survived.

A full and thorough investigation into the facts and circumstances surrounding the death of Ms. Daly was commenced immediately. The scene was secured and processed by a Charlottesville Police Department evidence technician. A three page suicide note was recovered. Subsequent investigation revealed that it was written by Laura Acker Daly. The note stated that Ms. Daly and Mr. Highfield intended to jointly end their lives and be together, "hand in hand, in heaven." Also recovered was a light green pill stamped with the word "Unisom."

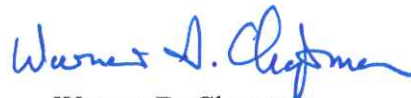
Ms. Daly's body was transported to the Office of the Medical Examiner for an autopsy. A toxicology report indicated that Ms. Daly's blood contained codeine, alcohol and a high concentration of doxylamine (which is a legal substance found in Unisom, an over the counter sleeping pill). The cause of death listed in the May 9, 2012 report was "acute doxylamine poisoning" and the manner of death was "suicide."

A sample of Mr. Highfield's blood was collected at the hospital and submitted to the Department of Forensic Science for analysis. A toxicology report indicated that Mr. Highfield's blood also contained a high concentration of doxylamine, although it was much lower than the amount discovered in Ms. Daly's blood. A toxicologist was consulted by this office and confirmed that both the forensic and physical evidence was consistent with a scenario where Mr. Highfield's body rejected the sleeping pills and

involuntary vomiting occurred as a self-defense mechanism. Mr. Highfield was interviewed by police regarding the joint suicide attempt and he stated that he and Ms. Daly each voluntarily consumed the pills on their own and neither forced the other to do anything. The investigation also revealed that no other individuals were present or involved in any way.

In Virginia suicide is described as a common law crime, but no penalty for such offense is established. See, Wackwitz, Admr. V. Roy, et al., 244 Va. 60, 418 S.E. 2d 861 (1992). If a penalty was set forth by law a person could be prosecuted in Virginia for attempting suicide or for their participation in the completed or attempted suicide of another person. Under current Virginia law an individual's participation in an attempted or completed suicide of another person may be prosecuted, if at all, through the application of laws pertaining to homicide or through specific offenses related to the particular means utilized. For example, distribution of a controlled substance to enable the suicide of another could be prosecuted as a drug offense.

Under the circumstances this case, after speaking with relatives of Ms. Daly and reviewing all of the evidence gathered during the course of this investigation (including the evidence collected at the scene, Mr. Highfield's statement to detectives, the forensic analysis of the blood of Mr. Highfield and Ms. Daly and Dr. Posthumus' final autopsy report), it was determined that no criminal charges related to the suicide of Ms. Daly or the attempted suicide of Mr. Highfield are recommended. This decision is narrow in scope, case specific and is based on the unique factors and evidence present in this investigation.



Warner D. Chapman
Commonwealth's Attorney
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