

PRESS RELEASE
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(All comments below, except those within the attached affidavit, may be attributed to McCracken Poston, attorney for Ray-Brent Marsh.)

A SCIENTIFIC EXPLANATION FOR THE EVENTS AT TRI-STATE CREMATORY

As we approach the five-year anniversary of the disturbing discoveries of hundreds of uncremated bodies on the grounds of the former Tri-State Crematory in Noble, Georgia, one persistent question has continued. For five years the hundreds of family members affected by the infamous inactions of Ray-Brent Marsh have been left without an answer to the understandable question: “*Why?*” What was the reason that the tragic circumstances ever took place?

I had also struggled with this question, even as I worked with my client, Ray-Brent Marsh, who seems to be the most unlikely person to have deceived so many people, including those closest to him – his wife and family. Until now a reason has never been offered as to why he failed to cremate the approximately three hundred thirty-three bodies of the approximately one thousand that he took in, or why he undertook the even more difficult task of concealing the uncremated bodies on the property. In court when entering his guilty pleas he expressed great remorse, but even in accepting responsibility at his sentencing was unable to articulate an explanation when directly asked by the Court.

Immediately after getting involved in the case, I began to explore any possible theories that might explain this bizarre behavior. It should be first noted that even the Chief Medical Examiner of the State of Georgia, Dr. Kris Sperry, eliminated all of the more disturbing possibilities, ruling out necrophilia or any other wrongful abuses of bodies as are sometimes present in other criminal cases involving human corpses. Dr. Sperry noted that in Noble the bodies were simply not cremated, and ultimately many were buried or left in vaults together with other bodies in a gargantuan effort to conceal Ray-Brent's failure to cremate them. Dr. Sperry has gone on to enjoy a popular role in the medical examiner lecture circuit on the subject of the Tri-State Crematory, but in those talks has offered no more than the very *unscientific* speculation that my client must have been "*lazy*," even though the effort to conceal hundreds of dead bodies obviously took a great deal of effort.

Furthermore, there seemed to be very little financial incentive for the defendant to fail to cremate. For the hundreds or even thousands of dollars paid to area funeral homes to cremate each body, Brent Marsh was in turn never paid by those funeral homes more than two-hundred and fifty dollars. The extremely unusual nature of the offense, as well as the difficulty involved in its concealment for over six years, led me to believe a neurological disorder of some sort was involved.

As the evidence was examined, one theory began to emerge as an explanation for not only Ray-Brent's bizarre behavior, but amazingly also shed light on the multiple

medical issues that plagued Brent's father, Tommy Ray Marsh, who built and ran the Tri-State Crematory from 1982 until his deteriorating medical condition forced his retirement in 1996. The senior Mr. Marsh died in 2003, having never recovered from his conditions.

Ultimately, I ceased my daily investigation and intensive work on the development of this theory when the criminal cases came to an early end. The defense won a critical pre-trial effort when the Georgia Supreme Court agreed to bring into appellate scrutiny some of the state's prosecution legal theories, and this event brought the district attorney and the defense together to the negotiating table, where we ultimately reached an agreement to dispose of all the cases. Ray-Brent himself wanted to end the misery that his charges caused for his family, as well as that of the hundreds of other families affected. Still, at the sentencing he could never adequately explain to anyone why he felt all of this had happened, *even though the failure to be able to do so could have jeopardized the court's acceptance of the plea deal.*

Even though the criminal cases were at a conclusion, I continued to be nagged by the notion that there were still no answers as to why this happened. There are some who were victims of the tragedy who have found forgiveness in their heart toward my client. But there are others, victims or just the curious, who continue to express other views. Most difficult to tolerate are the persistent unsolicited "man on the street" theories that are constantly offered to me when the subject of the case comes up, many of which involve either ignorantly conceived opinions involving racism or misguided and inaccurate conspiracy theories that allege multiple participants, again often couched in

racist terms. Years after we put the case to rest for history to judge, I continued to hear from almost anyone and everyone who had an opinion, and I have and always will reject any offered theories that involve derogatory racial stereotypes (sometimes even stated directly to me) as a legitimate conclusion to be reached. But I realize now that the need for a plausible explanation is what has invited the rank speculation, both good and bad.

Sometime after the end of the criminal case I again continued to work on the emerging theory that an external, environmental cause claimed not only the literal sanity and judgment of Ray-Brent Marsh, but also the health and ultimately the life itself of his father, Tommy Ray Marsh. The suspect element is **mercury** (listed on the Periodic Table as *Hg*).

Mercury is a naturally occurring element, but it well established to be present in high concentrations in the cremation process due to the decades-old practice of mercury dental amalgam being used in patients, who pass away and their bodies are made subject to cremation. It well established that Tommy Ray Marsh never failed to cremate a body of the thousands given to him from 1982 until his failing health, including strokes, neuropathy, senility, and “Parkinson-like” symptoms (all classic mercury poisoning symptoms) forced him to retire in 1996. He never recovered and died in 2003.

It is also known that Ray-Brent Marsh, who returned home from college to take over the crematory when his father could no longer work, successfully cremated two-thirds of the bodies given to him. It was also shown to the world by the state

investigators and other witnesses that the crematory was in somewhat of a functioning order, but it was also obvious that the heavy particulate matter of cremated bodies coated the *interior* of the small crematory building due to the inadequate ventilation and breached stovepipe from the retort to the exterior of the structure. When I first took this case and began to ask questions, Ray-Brent's wife could only tell me that her husband had long suffered from chronic insomnia and had only complained of headaches and other seemingly minor body aches. Remarkably, all of these are also symptoms of mercury toxicity.

The neurological and psychological effects of mercury exposure are well known, and have been documented in history. The documented mental illness noted among the Huguenot craftsmen of the eighteenth century who used mercury in the process of hat making made the "Mad Hatter" a character of science, a character in our literary world and now of our modern reference. In the nineteenth century, the Medical Society of New Jersey again noted the multiple and bizarre symptoms of mercury-poisoned hat makers in 1860. A wide array of physiological and neurological problems were documented in these and other studies of victims of mercury exposure and toxicity.

In 2004, I ordered a simple mercury test kit for Ray-Brent Marsh to submit a hair sample, without telling him what he was being tested for. This was over two years after the state's discoveries at Tri-State Crematory – and over two years since he was last exposed to the suspected source of mercury vapors. When the results came back, I at first almost dismissed the report and began to question my own theories about the effect of

mercury on the Marsh men. The 2004 hair test revealed the element mercury itself within “normal” ranges, but there were alarmingly high values for aluminum, antimony, arsenic, cadmium, lead, nickel and tin. Some of these other metals were *three to eight times* over the reference range of members of the healthy adult population. An advisory form letter came with the results suggesting that the subject of the test consult a doctor due to the unusual values represented in the test.

Only when I later researched and learned about the *mechanism* of mercury exposure and the proper *interpretation* of hair tests were my suspicions confirmed. A characteristic signature of mercury toxicity is that the element interferes with the results of some testing, often causing unusual values of other minerals. For example, a more recent exposure to mercury vapor would have likely caused a higher reading of mercury itself in the hair test, but if the test is taken after a long passage of time from the exposure the way to determine the signature of mercury toxicity in the body is to look for the biochemical aberrations in the body that mercury *causes*. The scientific term for this interruption in the process is called “impaired mineral transport,” where mercury interferes with the ability of cells to move other minerals in and out selectively. In Ray-Brent’s test, the mercury value result was normal, but the alarmingly high values of the other minerals are a classic signature of mercury toxicity. Research has shown that in some hair tests of known victims of mercury exposure, the test for mercury itself often reads low but the effect of mercury causes other metals to show unusually high values. Impaired mineral transport indicates mercury poisoning is likely. It is hoped that more independent testing may be done to support these findings.

I believe that Ray-Brent Marsh, while living and working at the crematory, became a modern-day “Mad Hatter”. Fortunately for him, the element mercury over time leeches from the body of the victims who inhale it, and there should be no long-term neurological effects. For Ray-Brent’s father, however, the element took a physiological path, and possibly eventually took his life.

Since the end of the criminal case I continued to consult an expert on the subject of mercury toxicity, Dr. Boyd Haley, who has given an affidavit concerning his opinion that mercury toxicity can explain the events at Tri-State Crematory. Interestingly, Dr. Haley reveals why the men at the site were affected while the women who lived nearby were not: That the effects of mercury are enhanced by testosterone, and somewhat limited by estrogen. I have attached a copy of his affidavit. Dr. Haley received no payment for sharing his professional scientific opinions.

The crematory building itself has been destroyed, per federal court order, but it was well documented in photographs and by witnesses who personally viewed the unhealthy conditions within the structure. The facility was in a poor condition of repair. These conditions included the well-documented layer of incinerated particulate matter within the structure and the inadequate crematory retort ventilation that caused it, evidenced by the many holes and separations in the system which allowed the burned particulate into the interior of the structure where over a period of twenty years the father and son consecutively worked in the building and lived near the site.

It should be noted that in Scotland and other European countries there are requirements that mercury amalgam-filled teeth be extracted from a corpse before subjecting the body to the cremation process. The existence of mercury vapor being released in the cremation process is well documented in the scientific community. Also well documented in science and history are the multiple physiological and neurological affects that this dangerous and elusive neurotoxin can create within the human body, a toxin which can affect two or more victims in entirely different ways.

What has failed in part is the governmental regulatory process in the United States and in the State of Georgia. For the latter I can even blame myself in part, as a former member of the Georgia General Assembly that voted to temporarily exempt this crematory from regulation (for eighteen months) in 1992, but even then there was no concern or regulation about the smokestack emissions from such facilities. Even today there are little or no guidelines concerning the proper ventilation or the proper location placement of crematories.

This is a cautionary tale for the ages. Tommy Ray Marsh and his son Ray-Brent Marsh appear to be victims in their own right of the disaster in Noble. I hope that the release of this information can give some comfort to those who were most deeply affected by the disaster, and who have been looking for answers.

There will likely be some who are openly skeptical of any studies revealed by a criminal defense lawyer; however, one must remember that the case is over and there is no appeal from the conviction of Ray-Brent Marsh for failing to cremate the bodies at the Tri-State Crematory. It is my intention to reveal information developed in the defense of the case to offer an explanation for the bizarre events of over five years ago, in hopes to give a most wanted and even *demande*d answer to the affected families and to the community. It is an opinion based in science that I stand by and am confident will not be contradicted. I ask that any and all in the community consider these facts before making their own final judgment of about Ray-Brent Marsh and the events at Tri-State Crematory. If a better explanation is to be had, it is simply not to be found.

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