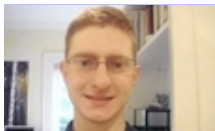


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Suit: Kids Found Dead Classmate's Brain at Morgue

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Lauren Frayer Contributor

(Oct. 2) -- The parents of a New York teen killed in a car crash five years ago are suing the city's medical examiner for keeping their dead son's brain floating in a jar at the morgue for months without telling them.

But what's worse is how they found out: The boy's classmates, including his girlfriend, spotted it labeled with his name while they were on a school field trip to the mortuary.

"A couple of the kids noticed it immediately, and the kids who knew him became really distraught," Andre and Korisha Shipley's lawyer, Marvin Ben-Aron, [told The New York Post](#). Some of the students even took cell phone photos of the brain floating in a jar, before they were confiscated by their teacher, he said.



Staten Island Advance

Jesse Jerome Shipley, pictured above, died from injuries he suffered during a car crash in 2005.

Jesse Jerome Shipley, a 17-year-old student at Staten Island's Port Richmond High School, died from skull fractures suffered during a car accident on Jan. 9, 2005. His father authorized an autopsy the next day.

But his parents didn't know that medical examiners kept Shipley's brain for further study, even after they returned his body to his family for burial.

Months later, some of his classmates who are members of the high school's forensics club took a field trip to the local morgue where Shipley's autopsy was performed.

"There was a case that you could see through, and there were brains in jars and names on the jars. One said 'head trauma, Shipley, J,'" one of the students, Samantha Feldman, [told the New York Daily News](#). She said Shipley's girlfriend and her best friend were in the group, and spotted the ghastly name tag.

"The best friend went outside and was flipping out," Feldman was quoted as saying. "She started crying and called her mom and said, 'Mom, Jesse's brain is here! I can't be here.'"

Later that day, the students returned to class and the school was abuzz with gossip about what they'd seen. Shipley's 14-year-old sister Shannon, who was a passenger and survived the same car crash that killed him, was at school and heard about her brother's brain in a jar.

"She fell apart," Ben-Aron told the Post. She was "hysterical," and school administrators had to call her parents to bring her home from school early, he said. "It was definitely very traumatic for the parents and for Shannon."

The Shipleys filed an emergency order against the medical examiner's office, barring any further dissections or research on their son's brain without notifying them first. The organ was finally returned, and the family held another funeral service and re-burial for the boy's full remains.

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In March 2006, the Shipleys sued the city and the medical examiner's office, seeking to recover damages for mishandling their son's remains. At the time, the acting deputy chief medical examiner on Staten Island, Dr. Stephen de Roux, said he had to wait months before analyzing Shipley's brain because he had to collect six brains in order for the city's top medical examiner to travel to Staten Island to dissect them.

"Then it's kind of worth [the examiner's] while to make the trip to Staten Island to examine the six brains," de Roux testified, [according to the local news website SILive.com](#). "It doesn't make sense for him to come and do one."

The lawsuit got tied up in legal proceedings for three years, but in March 2009, a judge turned down the medical examiner's request that the suit be tossed out. And on Friday, an appeals court ruled that the Shipley's do indeed have a legal right to sue the city.

"[W]hile the medical examiner has the statutory authority ... to remove and retain bodily organs for further examination and testing in connection therewith, he or she also has the mandated obligation ... to turn over the decedent's remains to the next of kin for preservation and proper burial once the legitimate purposes for the retention of those remains have been fulfilled," Justice William F. Mastro wrote in the decision, [excerpted by the New York Law Journal](#).

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


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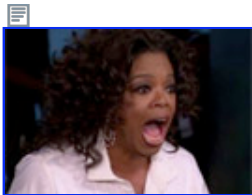
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