

WILLIAM "BILL" EDDINS
STATE ATTORNEY



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OFFICE OF
STATE ATTORNEY
FIRST JUDICIAL CIRCUIT OF FLORIDA

September 7, 2012

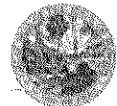
PRESS RELEASE

State Attorney Bill Eddins announced that Michael Edward Berkland was arrested today on one count of Improper Disposal/Storage of Hazardous Waste and one count of Public Nuisance. The charge of improper storage constitutes a third degree felony punishable by up to 5 years in state prison while the public nuisance charge is a second degree misdemeanor punishable by up to 60 days in the county jail. These charges resulted from the discovery of human organs and tissues that were located in a storage locker rented by Berkland at Uncle Bob's Self Storage. Attached to this press release is the probable cause affidavit which sets forth the facts surrounding the arrest in more detail. The investigation in this case was conducted by the Office of the State Attorney with the assistance of the Pensacola Police Department and the Medical Examiner's Office.

At the time of his arrest, Berkland was operating a motor vehicle with a suspended license and was also charged with that offense.

The investigation regarding Dr. Berkland is continuing and additional charges are possible. For more information contact State Attorney Bill Eddins at 595-4761.

OFFICE OF STATE ATTORNEY, 1st JUDICIAL CIRCUIT, ARREST REPORT



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FULL NAME (Last, First, Middle) BERKLAND, Michael Edward															DRIVER'S LICENSE NO.					SEX RACE M W 0 8			DATE OF BIRTH 3 1 1 9 5 5 7					AGE 5 7											
AKA, NICKNAME, MAIDEN															SOC. SEC. NO.					HEIGHT 5' 08"			WEIGHT			COLOR OF EYES			COLOR OF HAIR										
ADDRESS (STREET, APT, NUMBER)															STATE OF BIRTH MO					CITIZENSHIP U.S.																			
PERMANENT ADDRESS (IF APPLICABLE)															PHONE					OCCUPATION																			
SCARS, MARKS, TATTOOS, UNIQUE PHYSICAL FEATURES (LOCATION, TYPE, DESCRIPTION)															PLACE OF EMPLOYMENT																								
NAME OF PARENTS / GUARDIAN IF APPLICABLE										ADDRESS					PHONE NUMBER																								
NOTIFIED BY (NAME)										DATE					TIME (MIL)					JUVENILE DISPOSITION 1. Handled / Processed within Dept. and Released 2. Turned over to DJJ 3. Incarcerated (County Jail)																			
RELEASED TO					RELATIONSHIP					DATE					TIME (MIL)					Signature of Defendant / Juvenile & Parent or Guardian																			
COURT INFORMATION <input checked="" type="checkbox"/> FELONY <input type="checkbox"/> FELONY TRAFFIC <input type="checkbox"/> MISDEMEANOR <input type="checkbox"/> MISDEMEANOR TRAFFIC										COURT DATE					COURT TIME					COURT LOCATION M.C. Blanchard Judicial Center																			
CHARGES: <input checked="" type="checkbox"/> PC <input type="checkbox"/> CAPIAS <input type="checkbox"/> AC <input type="checkbox"/> BW <input type="checkbox"/> PW <input type="checkbox"/> JUV PAU <input type="checkbox"/> DFS <input type="checkbox"/> ORD															STATUTE NO.					SUB-SECTION					GTS					BOND AMOUNT CHARGE 1					BOND TYPE CHARGE 1				
Improper Disposal/Storage of Hazardous Waste (P3)															4 0 3 7 2 7					(3)(b)(2)(a)										\$ 7,500.00					<input type="checkbox"/> ROR <input checked="" type="checkbox"/> SURETY <input type="checkbox"/> BOND <input type="checkbox"/> CERT <input checked="" type="checkbox"/> CASH <input type="checkbox"/> OTHER				
CHARGES: <input checked="" type="checkbox"/> PC <input type="checkbox"/> CAPIAS <input type="checkbox"/> AC <input type="checkbox"/> BW <input type="checkbox"/> PW <input type="checkbox"/> JUV PAU <input type="checkbox"/> DFS <input type="checkbox"/> ORD															STATUTE NO.					SUB-SECTION					GTS					BOND AMOUNT CHARGE 2					BOND TYPE CHARGE 2				
Public Nuisances (M2)															8 2 3 0 1															\$ 2,500.00					<input type="checkbox"/> ROR <input type="checkbox"/> SURETY <input type="checkbox"/> BOND <input type="checkbox"/> CERT <input type="checkbox"/> CASH <input type="checkbox"/> OTHER				
CHARGES: <input type="checkbox"/> PC <input type="checkbox"/> CAPIAS <input type="checkbox"/> AC <input type="checkbox"/> BW <input type="checkbox"/> PW <input type="checkbox"/> JUV PAU <input type="checkbox"/> DFS <input type="checkbox"/> ORD															STATUTE NO.					SUB-SECTION					GTS					BOND AMOUNT CHARGE 3					BOND TYPE CHARGE 3				
																														\$					<input type="checkbox"/> ROR <input type="checkbox"/> SURETY <input type="checkbox"/> BOND <input type="checkbox"/> CERT <input type="checkbox"/> CASH <input type="checkbox"/> OTHER				
CHARGES: <input type="checkbox"/> PC <input type="checkbox"/> CAPIAS <input type="checkbox"/> AC <input type="checkbox"/> BW <input type="checkbox"/> PW <input type="checkbox"/> JUV PAU <input type="checkbox"/> DFS <input type="checkbox"/> ORD															STATUTE NO.					SUB-SECTION					GTS					BOND AMOUNT CHARGE 4					BOND TYPE CHARGE 4				
																														\$					<input type="checkbox"/> ROR <input type="checkbox"/> SURETY <input type="checkbox"/> BOND <input type="checkbox"/> CERT <input type="checkbox"/> CASH <input type="checkbox"/> OTHER				
HOLD FOR FIRST APPEARANCE DO NOT BOND OUT REASON										<input type="checkbox"/> HOLD FOR OTHER AGENCY					RELEASE DATE					RELEASE TIME					RELEASING OFFICER														
AGENCY										VERIFICATION																													
PLACE OF ARREST										ZONE					DATE					TIME (MIL)					LOCATION OF INCIDENT					ZONE									
WEAPON SEIZED / TYPE 00. Not Applicable 01. Handgun 02. Rifle 03. Shotgun 04. Other Firearm 05. Knife/Cutting Instrument 06. Blunt Object 07. Poison 08. Explosive 09. Fire/Incendiary 10. Simulated Weapon															DRUG ACTIVITY N-Not Applicable B-Buyer K-Dispense/Distribute M-Manufacture/Prod/Cultivate P-Posses R-Smuggle S-Sell T-Traffic U-Unknown Z-Other					D-Deliver E-Use					DRUG TYPE N-Not Applicable A-Amphetamine B-Barbituate C-Cocaine E-Heroin H-Hallucinogen M-Marijuana O-Opium/Derivative P-Paraphernalia S-Synthetic U-Unknown Z-Other														
RESIDENCE TYPE 1. City 2. County 3. Florida 4. Out of State					INFLUENCE DRUG 1. Yes 2. No 3. Unknown					INFLUENCE ALCOHOL 1. Yes 2. No 3. Unknown					NUMBER CLEARED					PHONE N/A																			
COMPLAINANT State of Florida										ADDRESS N/A																													
PROBABLE CAUSE (Be Specific) The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named defendant committed the following violation of law. (Locations, include Name of Business)																																							
SEE ADDENDUM OF PROBABLE CAUSE																																							
FL017015A ST. ATTY'S OFF. PENSACOLA, FL																																							
I swear that the above statement is correct and true to the best of my knowledge and belief. Officer's / Complainant Signature Corey A. Aittama, INV/OSA Officer / Complainant ID No.										Sworn to and subscribed before me, the undersigned authority this DATE 9/16 20 12 Name/Title of Person Authorized to Administer Oath: Full Time Law Enforcement Officer ID No.										The Court reviewed this advisory and finds that there <input type="checkbox"/> is <input type="checkbox"/> is no probable cause to hold and bind over the defendant for trial. Judge's Name Judge's Signature Date																			
Page 0 1 of 0 5					OBTs NO.					OCA NUMBER					ENTERED NCIC FCIC																								

ORIGINAL

CASE NO. OSA-2012-09-E

IN _____ CIRCUIT _____ COURT

_____ ESCAMBIA _____ COUNTY

STATE OF FLORIDA

WARRANT

ORDER TO TAKE INTO CUSTODY

STATE OF FLORIDA

VS.

BERKLAND, Michael Edward

In the name of the State of Florida, to the Law Enforcement Officers of said County

WHEREAS: Corey A. Aittama, INV/OSA

has made oath on the 6 day

of September A.D., 2012 in the County

aforesaid one BERKLAND, Michael Edward

did unlawfully violate F.S.S: 403.727 (3b2a)

823.01

Contrary to the law and such case and provided, and against the peace and dignity of the State of Florida. This Warrant is a command to arrest instantler the above named:

BERKLAND, Michael Edward

and bring said person before the court to be dealt with according to law.

Given under my hand and seal this 7th day of September A.D., 2012

[Signature] (Seal)

Judge / Deputy Clerk

RETURN

This Warrant was received by this department at

Escambia County, Florida,

on the 7 day of SEPT. A.D., 2012

and executed in Escambia County,

Florida, on the 7 day of SEPT.

A.D., 2012 by arresting the within named:

BERKLAND, Michael Edward

Office State Atty Gen
Arresting Officer / Department

Corey A. Aittama, INV/OSA

Date and time of service

09-07-12 / 11:55

Place of service

SPANISH TRAIL / SUMMIT BLVD

REMARKS

Bond: 1. \$7,500.00 > Cash or surety
2. \$2,500.00 > MGA

AFFIDAVIT OF PROBABLE CAUSE

I, Corey A. Aittama, being duly sworn, hereby depose and say:

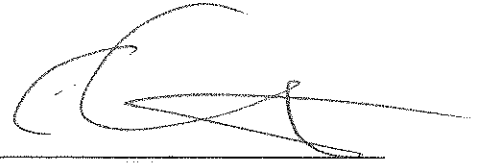
1. I am a full time certified state law enforcement officer employed as an investigator with the Office of the State Attorney, 1st Judicial Circuit of Florida. I am currently assigned to the Homicide and Major Crimes Division, whose primary responsibility is the investigation and subsequent prosecution of homicide cases and other crimes of violence.
2. I am a law enforcement officer with approximately 19 years of experience. I have been previously employed by Florida's Office of the Attorney General, the Okaloosa County Sheriff's Office, and the United States Air Force Security Police. I have also served an appointment with the United States Drug Enforcement Administration. Throughout my career, I have conducted, coordinated, and participated in criminal investigations, and have been involved in the arrest of numerous violators of state, federal, and military laws. I have also participated in the execution of search warrants on various structures, conveyances, parcels, and electronic devices. In addition to my professional experience, I have received over 1000 hours of advanced, specialized law enforcement training.
3. The following is based on my own investigation, or was information provided by other law enforcement officers. Since this affidavit is for a limited purpose, I have not included every fact I know about this investigation. I set forth only the facts necessary to establish probable cause. Dates and times are approximate.
4. On August 24, 2012 the Pensacola Police Department (PPD) responded to Uncle Bob's Self Storage, a business located at 195 E. Fairfield Drive, after management reported finding miscellaneous human remains stored inside various containers within a storage locker (B-12). On scene, officers observed approximately nine to ten cardboard boxes stacked in the corner of the unit. Officer David D. Huhn described smelling the odor of formaldehyde as he entered. Upon closer inspection, Officer Huhn observed the boxes contained numerous individual containers with what he believed to be human remains stored in a liquid substance. He also located additional containers inside several plastic garbage bags.
5. The Office of the State Attorney (OSA), along with the Pensacola Police Department (PPD) and the District 1 Medical Examiner's Office, conducted an investigation into the circumstances surrounding the discovery of the human remains. The investigation has revealed that Michael Edward BERKLAND, entered into a lease agreement on April 18, 2009 for a 10' x 10' unit numbered B-12. Records obtained through subpoena, indicate that BERKLAND also took possession of the unit that same day.

6. In the rental agreement, BERKLAND specifically declared the contents of the unit to be household goods, furniture, boxes, sporting goods, office furniture, and landscaping equipment. Company rules, as outlined in the agreement, prohibited storage of "Hazardous Materials" to include, but not limited to: flammable, biological, or toxic materials; medical waste; urea formaldehyde; or other hazardous waste. George K. Klages, the manager, verified BERKLAND's identity by photocopying his Florida driver's license and placing it in his file.
7. Klages advised that BERKLAND's unit reached default status for failure to pay rent on at least six different occasions. Each time, BERKLAND settled his account just prior to actual repossession. By August 2012, BERKLAND reached a final default on unit B-12 and management seized his unit after following proper legal requirements. On Wednesday August 22, 2012 the storage locker was auctioned by Auction Services, a third party contractor. Klages advised that Philip Knight purchased the unit for \$900.
8. According to Klages, Knight informed him that he discovered possible human remains in the locker. Klages, himself, inspected the unit after Knight vacated it and personally observed various pieces of human remains stored in multiple containers. He described them as packaged in cardboard boxes. Klages notified the Pensacola Police Department on Friday August 24, 2012.
9. Knight provided a sworn statement. He essentially advised that just prior to the commencement of bidding, the auctioneer described the locker as a former medical examiner's unit. Knight was focused on several pieces of furniture as they opened the door for viewing. Knight placed the winning bid of \$900. He paid a total of \$1068, including taxes and fees. After winning, Knight entered the unit to claim his acquired property. He removed the furniture then inspected several boxes that were also stored inside. Knight advised that he observed human remains in containers then alerted the management.
10. The medical examiner's office assumed custody of all human remains from the Pensacola Police Department. Chief Investigator Jeffrey B. Martin, along with the medical examiner, conducted an inventory of the seizure. Investigator Martin advised that he processed and photographed approximately 111 individual containers of various human remains. The remains included tissue samples and dissected organs. Inv. Martin also advised that there were numerous whole organs, including hearts, brains, a liver, and a lung.
11. All human remains were packaged in some form of container. A majority of the containers were labeled and included the initials MEB. It appeared they ranged in date from 1997 through 2007, although some packages were unmarked and unidentifiable. Inv. Martin described approximately ½ of the containers as medical grade, but advised that the other half consisted primarily of Ziploc style plastic sandwich boxes and a 32 ounce Styrofoam

drink cup from Dodge's Store. Most of the human remains were stored in formalin, a liquid solution containing formaldehyde and methyl alcohol. Formalin is commonly used to preserve tissue samples during autopsies and is considered a hazardous material with special handling procedures. Some of the packages, such as the Styrofoam cup, were found damaged causing the formalin to leak out and the samples to dry up. All human remains were repackaged in appropriate medical containers.

12. According to Inv. Martin, human tissue samples are normally only stored for a period of up to one year after an autopsy is performed. Unless special circumstances exist, such as homicide cases, biomedical waste and hazardous materials are disposed through licensed contractors.
13. Formalin is a liquid solution containing formaldehyde and methyl alcohol, both of which are considered hazardous materials. Formaldehyde is classified as a poisonous (toxic) hazardous material and is an inhalation hazard. It is also listed as a carcinogen. Methyl alcohol is classified as a flammable/combustible liquid and presents a fire hazard. While processing the human remains, Inv. Martin extracted ten "tissue buckets", approximately one gallon each, of used formalin from the containers that were seized from BERKLAND's storage unit.
14. Florida Statute 403.703 (13) defines "Hazardous waste" as a *solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated, or otherwise managed.* Based upon the sworn testimony of Jeffrey B. Martin, Chief Investigator for the District 1 Medical Examiner's Office, the chemicals (formalin) seized from the containers fall into this category.
15. Florida Statute 403.727 (3)(b) makes it a felony offense for *any person who knowingly or by exhibiting reckless indifference or gross careless disregard for human health, (2) Disposes of, treats, or stores hazardous waste: (a) At any place but a hazardous waste facility which has a current and valid permit.* In this particular case, BERKLAND did not utilize a properly licensed facility to store hazardous waste that he generated. Many of the containers were also inadequate for storing hazardous materials, which adds to the severity of the offense. Additionally, some containers showed evidence of leakage, which could injure the health of citizens in general.
16. Based upon the aforementioned facts and circumstances as outlined in this affidavit, along with my experience and training, I respectfully submit that there is probable cause to believe that Michael Edward BERKLAND committed the crimes of Improper Disposal/Storage of Hazardous Waste, a felony offense in violation of Florida Statute 403.727 (3) (b) (2) (a), and

Creating a Public Nuisance, a misdemeanor offense in violation of Florida Statute 823.01.
These crimes occurred in Escambia County, within the 1st Judicial Circuit of Florida.



Corey A. Aittama, Investigator
Office of the State Attorney

SUBSCRIBED AND SWORN before me, this 7th day of September, 2012.



Barry R. Brooke, Chief Investigator
Office of the State Attorney