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Attn: District Attorney Kevin Barton
150 N First Avenue, Suite 300
Hillsboro, OR 97124-3002
cc: kevin_barton@co.washington.or.us

May 6, 2020

Re: Pascual-Cruz, Oscar Case #18CR33397

Dear D.A. Barton,

My name is Joseph Snook. I am an Investigative Reporter with the US~Observer newspaper. We have subscribers in all 50 states and several foreign countries. I have completed a thorough investigation into the case of Oscar Cruz who has been subjected to false criminal charges since December of 2017. I am aware that Washington County Deputy D.A. Allison Brown is handling this case for you, however the US~Observer holds District Attorney's responsible for false prosecutions, not their assistants. To begin with, I will list a portion of the evidence my team and I have gathered. It is our stance that Oscar Cruz is clearly innocent of the crimes he has been charged with.

Criminal Mistreatment 1st Degree/Assault 3rd degree for right Humerus fracture

Mr. and Mrs. Cruz's child Elsie sustained this fracture when her father fell down the stairs while holding her in the football position (facing down) on 12/05/2015. A skeletal x-ray was taken and found no additional fractures. Per Dr. Hyman (expert witness) and Biomechanics Engineer, Dr. Johnson (expert witness) - this fracture could have been caused from a fall down the stairs without even adding the fact that the child has bone fragility as diagnosed by Dr. Hyman and many other bone experts, including Dr. Melanie Sanborn (head doctor in charge of OI clinic), Dr. Ristow (Orthopedist) and Dr. Tompkin (Orthopedist) from Spokane Shriners Children's Hospital. State's witness, Dr. Turker (Orthopedist with Kaiser Permanente), initially admitted that this could have in fact happened from a fall down the stairs. Many other Defense Experts who have been consulted and who have diagnosed the child are not in agreement with State's witness, Dr. Tamara Mislowsky Grigsby, M.D. Dr. Grigsby believes a fall down the stairs could not cause such injuries. According to several medical experts, injuries like these are common with this type of fall.

The state's case relies heavily on the opinion (extremely opinionated without any factual medical proof) of Dr. Grigsby, whom we know obtained her M.D. at the Uniformed Services University of Health Services in 1987. We know she did her internship and residency at the National Naval Medical Center which she completed in 1988 and 1990. We know she completed a child abuse pediatrics fellowship at the University of Colorado School of Medicine in 2001. We obtained this information from the Oregon State Medical Board.

According to information we have gathered, Defense counsel's repeated requests for Dr. Grigsby's CV have resulted in no response from either the state or Dr. Grigsby. What is the state and Dr. Grigsby trying to hide from the defense? We suspect Dr. Grigsby is trying to hide her ignorance about genetics and fragile bone disease.

Criminal Mistreatment 1st Degree/Assault 3rd Degree for sublingual laceration

Per Dr. Hyman this is not an abusive finding and could have been caused by many things including the child (Elsie) chewing on her own fingers (having long nails) or sucking. In fact, the forensic picture taken by the SCAN team doesn't show much of anything, so it is hard to say whether there was or wasn't a "laceration" and what could have caused it, (Per RN Shirley Fitzgerald's opinion this could have been caused by the sharp tongue depressor used in Dr. Grigsby's exam.) Per Dr. Grigsby's false statement - Child was not at a developmental age where she could put things in her mouth, but to the contrary, Child was constantly putting her fingers in her mouth which we have video footage of. Child's Father, according to MANY character witnesses, would never knowingly or willingly cause harm to his child.

Criminal Mistreatment 1st Degree/Assault 3rd Degree for right metatarsal fracture

At the time that this fracture was discovered, Oscar Cruz already had "no contact" with all of his children. This fracture was discovered on 12/20/2017 (second skeletal x ray). Mr. Cruz had no physical contact with children since the signed safety plan with CPS on 12/06/2017. Per Dr. Grigsby's statement, this fracture would have been at least two weeks old, meaning this fracture happened around 12/06/2017. On that date Adriana (mother) and Child were admitted at OHSU, undergoing further testing. All doctor notes including Dr. Grigsby's state "no swelling, tenderness and full range of motion on all limbs at the time of her admittance." If this fracture did in fact happen on 12/06/2017 we are inclined to believe it happened at the hospital, by hospital staff, as Child spent most of that day undergoing tests. It is a far reach how anyone concluded that Mr. Cruz had to be the cause for this fracture due to Child being cared for by Mother and daycare staff and other family members prior to the fall. Per Dr. Hyman (Defense expert) this fracture is questionable and is common with children that have bone fragility. Dr. Turker's report also mentioned this fracture being questionable but in his statement to the North Plains Police Dept. he changed his opinion, claiming it was in fact a fracture without explaining how he came to that conclusion. This is just one shining example of how weak the State's case is. It is also important to note that Dr. Grigsby does not explain how she concluded that this was in fact a fracture and how abuse would be the definite cause for this. When Mother inquired with CPS staff about how this may have happened, she would get the same answer, "we don't know."

Criminal Mistreatment 1st Degree/Assault 3rd Degree right femur fracture

According to Dr. Hyman and many other bone experts that have reviewed Child's x-ray records this was NOT a fracture. It is interesting how no one mentions the fact that osteopenia was found on Child's left and right femurs. Osteopenia means weakening of the bone in case you are not familiar with the definition. Dr. Peter Marcovici with Kaiser noted this on 01/17/2018. Furthermore, Dr. Turker initially interpreted this as a, "questionable" fracture, but in his statement to the police he said it was in fact a fracture even after noting that there was NO REACTIVE BONE GROWTH, meaning it was not in fact a fracture. It was spurs of metabolic bone disease like Dr. Hyman concluded. This fracture was also discovered on 12/20/2017 (2nd skeletal). Mr. Cruz had no contact with Child during that time due to the safety plan CPS put in place. If this is in fact a fracture, one could easily assume it happened at the same time the right metatarsal fracture happened during Child's stay at OHSU. According to the best medical experts, this fracture was misdiagnosed by both Dr. Grigsby and Dr. Turker. There is certainly no evidence whatsoever that Mr. Cruz had anything to do with causing this condition.

I would also like to mention a few other "abusive injuries" Dr. Grigsby claims to have found. One of those being a fungal rash that Child had an appointment for on 10/02/2017, before the Cruz Family nightmare began. This fungal rash was treated by Child's PCP and cleared up within days. For some reason Dr. Grigsby thought this "injury" was very suspicious because it went all around the neck. Dr. Grigsby never saw this rash, nor did she pay any attention to the fungal cream that was prescribed. If it were as suspicious as she claimed it was it would have surely raised a concern with Child's medical team and prompted a call to the abuse hotline. That never happened.

On 11/16/2017 Mother made a phone call to Kaiser Permanente's advice line due to noticing what Mother describes as, "bruises" on the tip of Child's tongue. The advice line scheduled an appointment by phone for this issue with Dr. James Unger. Mother explained to him to the best of her ability what these "bruises" looked like when initially noticed. They were basically reddish/purplish dots on the tip of tongue on both the right and left side. Dr. Unger advised Mother to keep an eye on Child and if symptoms got worse, to call. These "bruises" went away on their own without further concern. Dr. Hyman & Dr. Unger both referred to these as lesions. Nobody, including Dr. Unger saw a picture of these lesions. Dr. Grigsby claims these lesions were also a sign of physical abuse against Child, but no other Doctor's ever shared these concerns. No call to the abuse hotline was ever made for this "suspicious injury." Again, no evidence implicating Mr. Cruz.

A subconjunctival hemorrhage was also listed as a, "suspicious abusive injury" per Dr. Grigsby. Mr. Cruz took Child to the doctor for a broken blood vessel in her eye on 11/30/2017. Dr. Robert Nash with Kaiser coded this appointment as a, "subconjunctival hemorrhage." He explained to Mr. Cruz that this is common and could have been due to crying, coughing, straining, or vomiting. He noted NO bruising at the time of the appointment and advised to keep an eye on Child. Again, if this would have been alarming to doctors at Kaiser, they are legally mandated to call the abuse hotline. That NEVER happened. Dr. Hyman disagrees with Dr. Grigsby's claim that this was a suspicious abusive injury.

It appears Dr. Grigsby cherry-picked whatever would fit her narrative to diagnose abuse. She failed to follow AAP guidelines when assessing Child for abuse due to fractures. Dr. Grigsby never bothered to obtain any labs on Child which could have potentially found vitamin deficiencies and other disorders that could mimic child abuse and cause bone fragility. Dr. Grigsby jumped to the conclusion that Child had been abused before performing any differential tests. Although Child has now been clinically diagnosed with Osteogenesis Imperfecta aka Brittle Bone Disease, Dr. Grigsby still maintains her wrongful, misdiagnosis of abuse.

In the United States, one is innocent until proven guilty. We are aware of "err on the side of safety for the child." There is a big difference between safety and violating a family through medical malpractice and wrongful criminal charges. Mr. Cruz and his entire family have suffered immense pain, which continues each day his wrongful criminal charges loom. He has been treated like a criminal and continues to be treated as such.

Mr. Cruz has passed a polygraph from a certified polygrapher in the State of Oregon confirming he did NOT abuse any of his children. Mr. Cruz has undergone a full psychological evaluation that determined he did not have PTSD or Depression and Anger Impulse as falsely alleged by Dr. Grigsby. Mr. Cruz has no prior criminal or drug history. He is an Honorably Discharged Army Veteran. He also suffers from terminal cancer. He is a dead man walking according to medical experts. It will be a miracle if he lives past 2022. What he and his family have endured is enough to outrage anyone concerned with justice. Despite all of this, your office continues to tear The Cruz Family apart, unjustly.

The Cruz Family will be reunited. Mr. Cruz is innocent. It is shameful that he has been forced to be separated from his immediate family since December of 2017. Each day they suffer, your office is more culpable. The Cruz

family could immediately be reunited if your office does the right thing and dismisses all charges against Mr. Cruz and allows him to go home. If you choose not to dismiss, especially considering the significant amount of evidence in his favor, the US~Observer will begin publishing the information contained in this letter and much more immediately. The US~Observer does NOT help those who are guilty. We will inform the public about every detail concerning this miscarriage of justice.

In the pursuit of justice, we ask that you take a VERY close look at the case against Mr. Cruz and make the right decision. It would be good to see an elected prosecutor like yourself do the right thing and let this terminally ill U.S. Veteran live what little life he has left with his wife and children.

Mr. Barton, I fully realize you are not the one prosecuting this case. I would hate to be at odds with you publicly. Further, call it coincidence if you will, this is also National Osteogenesis Imperfecta (OI) Awareness Week (Brittle Bone Disease).

Sincerely,

Joseph Snook
Investigative Reporter
US~Observer
541-226-8235
joe@usobserver.com