



# JACKSON COUNTY STATE'S ATTORNEY

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Monday, February 23, 2015

FOR IMMEDIATE RELEASE

RE: Pravin Varughese Death Investigation

## Introduction

On the morning of February 18, 2014, the body of 19-year-old Pravin Varughese was found by law enforcement in a densely wooded area on the far eastern side of Carbondale. Varughese was found lying on his back, partially undressed. He had no clothing on his head or upper torso, as his t-shirt had been removed and was found under his right lower leg. Both shoes had been removed, along with one sock from his right foot which was found within an inch of his right foot. His jeans, though not removed, had been pulled down to his mid-thigh area almost completely exposing his boxer style shorts. Photos taken at the time his body was located show numerous scratches and small cuts to his front torso area and arms consistent with being in a woods, a small bruise to the forehead above his right eye, a small cut to his upper lip and a one-half inch cut to the knuckle of his left index finger.

Collected from Varughese's body was a wallet found in the front waistband of his boxer shorts. The wallet contained an Illinois I.D. and an Iowa I.D., each in the name of Varughese, \$24 in United States Currency and various other documents. There was a set of keys found in his left front pants pocket and "aviator" style Ray Ban sunglasses with gold colored frames found in the front right pocket of his jeans. The glasses were determined to have been removed from an upstairs room at 606 W. College where Varughese had attended a party the night he went missing.

There was no blood on his clothing or on the ground near the body. No major trauma was noted. When the body was rolled over, revealed were two small cuts to his back but no obvious major injuries to the back, head or legs. A small one-inch by one-inch swath of cloth matching the color of his shirt was found on the barbed wire fence leading into the woods from Route 13 where Varughese was reported to have entered.

An autopsy was performed by a physician, who is also a board certified forensic pathologist, the day after his body was found, and he opined that Varughese died as a result of environmental hypothermia. In early April, my office was asked to review this investigation for possible criminal charges.

## Findings

### The evidence available to me establishes that Varughese died from hypothermia

Dr. James Michael Jacobi, M.D., an expert in Forensic Pathology, performed the original autopsy. He is licensed in Illinois, Indiana and Kentucky and has performed approximately 6,000 autopsies. He is certified by the American Board of Pathology in Anatomic Pathology (1982), Clinical Pathology, 1982, and Forensic Pathology, 1989. Dr. Jacobi performed the autopsy on the body of Pravin Varughese and opined that Varughese died as a result of environmental hypothermia. Two independent forensic pathologists, not associated with this case or with any civil litigation arising from this case, were asked to review the findings of Dr. Jacobi in conjunction with the photos and investigative reports, and have come to the same conclusion that Varughese died of hypothermia, not blunt force trauma.<sup>1</sup> Dr. Jacobi included in his finding that hypothermia was the cause of death and that there was a “history of being found dead in a wooded area with removed clothing.” Given the frigid temperature, approximately six degrees at the time that he first went into the woods, and the photos of his body when found, the diagnosis is consistent with paradoxical undressing<sup>2</sup> which is common in accidental hypothermia.

According to Dr. Jacobi, there was an absence of significant trauma. There is no corresponding skull damage, brain hemorrhage or brain injury associated with the bruising to Varughese’s head. The bruising is to the skin tissue. Two reviewing board certified forensic pathologists concur with this opinion. The definitive opinions by three impartial experts who actually reviewed the autopsy report, photos and case reports cannot be ignored in determining that blunt force trauma was not the cause of death. Put another way, a criminal prosecution could not be sustained on a theory that Varughese died of blunt force trauma in light of these opinions.

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<sup>1</sup> Dr. Jeffrey M. Jentzen, M.D., PhD, is a professor of pathology and serves as Director of Autopsy and Forensic Services at the University of Michigan. Dr. Jentzen is a member of numerous professional organizations including the National Association of Medical Examiners where he served as Vice-President in 2007, and President in 2008. He was the recipient of the Outstanding Service Award from the National Association of Medical Examiners in 2001, the Outstanding Service Award from the American Board of Medicolegal Death Investigators in 2002 and the President's Award from the National Association of Medical Examiners in October 2007. He is board certified in Anatomic and Clinical Pathology and Forensic Pathology. Dr. Jentzen joined the faculty of the Department of Pathology at the University of Michigan in March 2008 as Professor and Director of Autopsy and Forensic Pathology Services. Prior to that, he served as chief medical examiner for the city of Milwaukee. While there, he was the chief medical examiner in the 1992 serial killing case involving defendant Jeffrey Dahmer.

Dr. Raj Nanduri, M.D. is a Board Certified Forensic Pathologist. Dr. Nanduri is certified in Anatomic and Clinical Pathology, 1981, and Forensic Pathology, 1983. She has been an assistant medical examiner for the City and County of St. Louis since 1994 and serves as Coroner’s Pathologist for many southern Illinois counties including St. Clair, Madison, Randolph, Clinton, Monroe, Macoupin, Bond, Perry, Jersey and Marion. She is a member of the National Association of Medical Examiners, the St. Clair Medical Society and is a Fellow in the College of American Pathology. In her career as a forensic pathologist, Dr. Nanduri has performed thousands of medicolegal autopsies.

<sup>2</sup>Paradoxical Undressing is a term for a phenomenon frequently seen in cases of lethal hypothermia. Shortly before death, people will remove their clothes, as if they were burning up, when in fact they are freezing. Because of this, people who have frozen to death are often found naked and are misidentified as victims of a violent crime. According to M.A. Rothschild and V. Schneider, writing in the International Journal of Legal Medicine, 1995, Volume 107, Issue 5, pp. 250-256.



**The evidence available to me shows Varughese was likely intoxicated when he went into the woods.**

Numerous witnesses, including his friends, a relative, complete strangers and his own texts suggest that Varughese was intoxicated when he left the party at 606 W. College sometime just before 11:30 p.m. This was one hour before he went into the woods. Witness statements indicate that he was intoxicated at the party at 405 W. College, where his Facebook GPS records show he was until at least 11:53 p.m. on February 12, 2014. According to interviews conducted by the police, conservatively, Varughese had consumed during the evening: at least two “Four Lokos,” each with an alcohol volume equivalent to four to five beers, two shots of Admiral Nelson’s Rum, a beer from the refrigerator at the party, and a beer used to prop open a window. It is unknown how many beers he may have consumed in addition to these drinks while he was at the Beer Pong table just before leaving. According to a resident at 606 W. College, Varughese was playing Beer Pong in the living room at about 11:00 p.m. when he noticed that Varughese was intoxicated because he was slurring his speech. Reports indicate that multiple witnesses described Varughese as either intoxicated or highly intoxicated.

**The evidence and circumstances which have been presented to me do not support that Bethune killed Varughese or committed an act which he knew would cause his death**

1. Bethune told detectives that as he was leaving the party at 405 W. College Varughese walked up to his truck and asked him for a ride. Bethune said that he agreed to give him a ride because Varughese didn’t have a coat and he felt sorry for him. He also disclosed that Varughese had offered to get him some cocaine in exchange for the ride but claims that he declined. During the ride Varughese was using his phone. When asked which way to turn, Varughese just pointed or told Bethune to turn without explaining where they were going. After several minutes of driving in a town which Bethune claimed he was not familiar, and being almost out of gas, Bethune told Varughese that he was going to let him out, and that Varughese just ignored him. Bethune explained that Varughese would not get out of his truck and was for the most part just ignoring him during the ride, other than to provide an occasional instruction about where to turn. When Bethune turned on to Illinois Route 13, he told Varughese that he could get out at the gas station down the road. Bethune said that Varughese became enraged and swung and hit him. The trooper noticed a red spot on Bethune’s right cheek. Bethune explained that he pulled the car over to get Varughese out of his truck, and this explanation is corroborated by the fact that he turned on the blinkers before going to the other side of the car.

Finding: It doesn’t make sense that Bethune would have pulled over on one of the busiest roads in Southern Illinois to kill Varughese and then turned on his vehicle’s emergency flashers to alert others as to what he was doing. The emergency flashers can be seen blinking on Route 13 from the trooper’s dash camera as the trooper is approaching Bethune’s truck at 12:34 a.m.

2. Bethune, without the benefit of knowing precisely what the photos or autopsy showed, told detectives before Varughese's body was found that he had hit Varughese in the face in self-defense after Varughese swung at him while Bethune was trying to get him out of his truck.

Finding: The bruise to Varughese's face is in the same area where Bethune said he hit him. The injury, a bruise, is consistent with having been hit in a fight.

3. According to Bethune, after hitting Varughese, Varughese grabbed Bethune and they both fell to the ground and rolled down a hill while continuing to swing and hit at each other. Bethune indicated that he may have hit Varughese in the nose or mouth as they rolled down the hill.

Finding: The minor bruising to Varughese's face is consistent with Bethune's description of the incident. There are no broken bones, and only minor traumas to the face.

4. According to Bethune, once at the bottom of the hill, a police car arrived, Bethune yelled "cops," and Varughese jumped up and ran into the woods.

Finding: The scratches, cuts and minor injuries to Varughese's upper torso area are consistent with the explanation Bethune gave to police about Varughese jumping up and running into the woods in a T-shirt. Bethune had no similar cuts or scratches to his face, neck, head or hands. The presence of numerous cuts and scratches all over Varughese's upper torso and arms are consistent with injuries one would have received after having run through this densely wooded area in only jeans and a thin t-shirt. They are also similar to the injuries received by law enforcement officers who went through the woods to find Varughese's body. The lack of similar cuts and scratches to Varughese's face tend to show that Varughese was protecting his face as he moved through the woods. The lack of cuts and scratches on his face, and the presence of numerous scratches and cuts all over his arms and upper torso, also tend to show that Varughese must have been conscious and aware of the rugged environment, and that he was taking steps to protect his face as he tried to make his way through the woods.

5. During the ten minutes that the trooper's car was behind Bethune's truck, the trooper did not see or hear anything on the slope of the snow covered hill adjacent to his squad car or along the wood line. His dash video shows that the trooper shined his light into the area numerous times.

Finding: Had Varughese been lying on the side of the hill, knocked out, the trooper would have noticed Varughese in his dark blue jeans and red t-shirt. The small piece of what appears to be material from his red t-shirt, found on the barbed wire fence leading into the woods, supports Bethune's version that Varughese ran into the woods and explains why the trooper did not see him on the side of the hill.



6. Bethune claimed to the trooper at the scene that he had just been robbed. In his interview with detectives, which occurred the day before Varughese's body was found, Bethune admitted that he lied about being robbed to the trooper in what he described as an attempt to divert the trooper from inquiring about Bethune's driving under the influence.

Finding: His explanation about why he lied about being robbed is plausible and cannot be disproved.

7. Bethune told the trooper that Varughese had run into the woods when Bethune saw the flashing lights and yelled "cops." The woods is located immediately east of businesses on the east side of Carbondale. It is incredibly dense, loaded with fallen trees, brush, deep gullies, sticker bushes, thorns and vines, and it is almost impossible to navigate during the day, let alone at night. Varughese's body was found well over 400 yards into the woods. There are no direct paths from the road to where his body was found and according to a Carbondale Police Detective, it would be difficult to make it to where Varughese's body was found from the road where Bethune's car was parked, in less than 10 minutes, and then only if it was daylight and one knew where to go.

A friend of Varughese told police that she had received a call from Varughese the night when he went missing. Varughese was not talking to her on the phone when she answered but she could hear a male voice in the background saying "give me that back" and Varughese say multiple times that "I'm trying to help you." She described Varughese's tone as serious and said she could hear a lot of movement like footsteps or someone running. She heard other statements but was not sure how clear they were. She believed she heard Varughese call the male "Mark" or "Gregg" (the driver's first name is Gaege) and say "don't hang up" and "give me my pills back." She heard what she thought was a car door closing and said it sounded like he might have been in a car.

According to her phone record, the call from Varughese's phone connected to her phone at 12:29 a.m. on February 13, 2014, and lasted one minute. The friend explained to officers that she has known Varughese since 5th grade and that he regularly called her late at night when he was drunk so the call was not unusual. She told police that she thought he was drunk, and she hung up when he did not talk to her. Nonetheless, the phone records and her statement show that Varughese was alive and on a phone call which did not began until 12:29 a.m. Varughese's phone shows that this call lasted one minute and 58 seconds. Varughese's phone billing records show that he was billed for a three minute call. Assuming that a portion of those three minutes involved time billed while the phones were attempting to connect and a portion of time after she hung up, and the records do not show the seconds that elapsed before the calls connected, there would have been no more than three to four minutes from the time that the call ended until the trooper pulled up at 12:34 a.m.

Finding: Because of the dense and rugged terrain, there was not enough time for Bethune to get from the location where the body was found to the police car in three to four minutes.

8. Bethune told the trooper several times while being questioned that Varughese had run into the woods. The video from the trooper's car shows the trooper standing by Bethune's truck and shining his light along the wood line and over the ground in the area where Bethune told the trooper that he had run.

Finding: Had Bethune murdered Varughese, or even knocked him unconscious and left him to die, it is not believable that he would walk up a hill and direct a police officer, moments later, to look for the victim in the same area where he had just committed a murder or had just committed an act which he knew would result in a death. While it is possible that someone could be so brazen as to do just that, the forensics, evidence and timing in this case do not support such a theory. Three experts in the field of forensic pathology do not agree that there is evidence showing that Varughese was beaten to death. Varughese was alive within moments of the trooper arriving, yet he was found over 400 yards into the woods with cuts and scratches all over his upper torso and arms and hands. Bethune would not have had time to murder Varughese, or to knock him out and then drag him to the location where he was found, and get back to where the trooper was in such a short period of time. Bethune had no similar cuts, scratches or abrasions to show that he had been in the woods.

9. The trooper's car video shows that the trooper checked the wood line and the area down the hill from the road with his flashlight numerous times.

Finding: There was snow on the ground, and if Varughese, who was wearing a red shirt, had been knocked out and was lying on the ground, the trooper would have seen him. When Bethune was interviewed days later by detectives, he had a scraped knee which he explained was caused during the fight with Varughese as they both rolled down the hill. When he approached the trooper's car he was not wearing a hat or gloves, and there is evidence that he had no scratches or cuts on his body, face or hands, which would show that he had been in the woods. The trooper did note a red mark on Bethune's face at the time of their encounter which Bethune claimed was caused by Varughese hitting him as Bethune turned on to Route 13.

10. There was no blood on the ground at the site where Varughese's body was found. There is no forensic evidence to establish that the body was dragged to the location where it was found.

Finding: The position of Varughese's body, lying on his back, without a shirt and his pants partially down, with his hands folded comfortably over his chest, suggests a non-violent death, consistent with hypothermia.

11. Bethune told the trooper where Varughese had run within moments of this incident.

Finding: It would be impossible to convince twelve out of twelve jurors, beyond a reasonable doubt, that Bethune, who voluntarily came in to talk with the police when he learned that Varughese was missing and provided police with information about where the incident occurred, which ultimately led to the discovery of the body, and who told



the trooper, within moments of the incident, where his passenger had run, intended to murder Varughese, or did acts which he knew or reasonably should have known would result in his death.

## The Grand Jury

The Jackson County, Illinois Grand Jury, 2014, met between the months of June through December and considered evidence and testimony relating to this matter. Witnesses appearing and matters occurring before an Illinois Grand Jury are secret (*see* 725 ILCS 5/112-6). However, when evidence presented to the Grand Jury does not warrant the return of a Bill of Indictment, Illinois law permits the State's Attorney to prepare a written memorandum to that effect entitled, "No Bill." *Id.* I have done so in this case and have filed it with the clerk of the court.

## Conclusion

I cannot even imagine the grief and pain that the Varughese family must have suffered as a result of this incident or what things that I might have said or done if this were to have happened to me. I will continue to pray for the family in hopes that they will be able to find peace, and I know that others in our community are doing the same.

A prosecutor's burden is to prove each and every element of an offense beyond a reasonable doubt to the satisfaction of twelve out of twelve jurors. This burden is not a mere suggestion; it is a constitutionally based protection. The admissible evidence available to the prosecutor must establish the facts to support a conviction before subjecting anyone to the ordeal of a criminal prosecution. Speculation, suspicion and rumors may help in developing investigative leads and evidence, but are inadmissible in courts of law, and in fairness can never replace facts which our constitution requires be established before subjecting a citizen to criminal sanctions.

The Criminal Justice Section of the American Bar Association has set out standards for public prosecutors to follow in carrying out their duties of office. Standard 3-3.9(a) reads:

A prosecutor should not institute, or cause to be instituted, or permit the continued pendency of criminal charges when the prosecutor knows that the charges are not supported by probable cause. A prosecutor should not institute, cause to be instituted, or permit the continued pendency of criminal charges in the absence of sufficient admissible evidence to support a conviction.<sup>3</sup>

Since being asked to review the investigation, I have talked with the mother of Mr. Varughese on two separate occasions. The first occasion was shortly after my office was asked to review this death investigation. Before talking with her, I had read in local papers that she was upset because nobody would tell her what happened. When she called my office, I talked with her by phone for over two hours and answered every question she asked me truthfully and in a

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<sup>3</sup> American Bar Association-Criminal Justice Standards, Section 3-39(a)

way that I would want to have questions answered if I had been in her position. I told her what investigators had found and what they thought had happened. I revealed to her the texts from her son's phone indicating that he said he was drunk and establishing that he may have been involved in trying to obtain cocaine and that because those facts could be relevant to his death that they were being pursued. I told her that his cousin had told investigators, including her own investigators, that Varughese had been drinking all evening and that he was highly intoxicated. At the end of our conversation, which was after 6 p.m., I invited her to call me again if she had any other questions.

The day following our phone conversation, I received an E-mail from her original attorney expressing that Mrs. Varughese had mentioned to him that "you both had a productive conversation yesterday evening" and his thanks.<sup>4</sup>

The second time I spoke with the mother of Mr. Varughese, she came to my office and presented 40,000 petitions which I accepted and forwarded to investigators to be kept with this file. On this occasion, I explained to her that I was working hard on the review and requested a copy of the family's autopsy report which she had talked about to the media, as well as copies of their private investigator's notes. I was told that the investigator's notes were not complete and that she would only give me a copy of the autopsy report in exchange for the investigation's official autopsy report. I explained to her that it was not possible for me to provide the report to her until I had completed my review, and that if the family had information which it wanted the pathologist or investigators to consider, I would provide it to them. To this day, no report of investigation or autopsy report has been provided to my office or to the investigators.

In light of the public disclosure that Dr. Margolis had opined that blunt force trauma was the cause of death, I commissioned a renowned pathologist to review the findings of Dr. Jacobi. This process took months before I was able to get a report because of his busy schedule. In the meantime, I asked another respected forensic pathologist, who regularly testifies as an expert in courtrooms throughout Illinois and Missouri, to look at this case as well. Both experts have supported the original findings of Dr. Jacobi. All three have rejected the theory that blunt force trauma was the cause of death.

A public prosecutor is prohibited from making decision based upon politics. The fact that there were 40,000 signatures collected and presented to my office in support of a prosecution is a tribute to the memory of Mr. Varughese and a statement about how important people consider

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<sup>4</sup> E-mail from Jimmy Vachachira, ESQ, dated Wednesday May 21, 2014, at 2:54 p.m. to Michael Carr, re: death investigation of Pravin Varughese:

Dear Mike, Lovely Varughese mentioned you both had a productive conversation yesterday evening. Just wanted to reference the email below noting the contact information for the family's attorney, Charles Stegmeyer. Thanks and take care. Should you have any further questions or concerns, please feel free to contact me. Respectfully, Jimmy Vachachira, Esq.



this matter. However, it is neither material nor relevant to whether there is evidence to show that a crime was committed or that a particular individual committed it. In the same vein, I consider the fact that elected officials were willing to inquire on behalf of a family about this case to be a demonstration of their empathy for a family's loss. But, those contacts may not ethically be considered and can have no weight in a prosecutor's decision to pursue a prosecution. Seeking to influence prosecution decisions dealing with the liberty of citizens based upon, rallies, political influence and financial clout are tactics which are incompatible with our constitution and with our system of justice; and regardless of what may be intended, tend to erode public perceptions about the fairness and integrity of criminal prosecutions.

Our system of justice has built-in safeguards to insure the integrity of prosecutorial decisions. Those safeguards include a review of a prosecutor's charge by a judge, early on in the proceedings, to determine whether sufficient evidence exists to establish probable cause for charging an individual. In the context of a charge undertaken by a prosecutor through the indictment process, our system places the grand jury in the role of reviewer of the prosecutor's decisions. And, most important, it is the prosecutor who is the first safeguard to ensure that decisions to prosecute are not political and that no person suffers the embarrassment, humiliation and public condemnation of a criminal charge being brought without a good faith basis that it can be proved. The American Bar Association's Criminal Justice Section has specifically addressed this issue by stating in its standards of conduct for prosecutors that it is an impermissible conflict of interest for a prosecutor to permit his or her professional judgment to be affected by his or her political or personal interests.<sup>5</sup>

The evidence supports that Mr. Varughese died of hypothermia and that it was an accident, brought on by a combination of intoxication, rough terrain, frigid weather, little or no clothing, and confused and poor judgment. The circumstances suggest that Mr. Varughese, while intoxicated, bolted into dark and frigid woods when the police arrived, regardless of what the argument was with Mr. Bethune in the truck only moments before the police arrived. Perhaps he thought he could hide from the police and easily make it to the area of Buffalo Wild Wings. Some have expressed the view that he must have been subjected to foul play because they are sure that he could have made it there. But this opinion is based upon the assumption that he was not intoxicated when he went into the woods. It ignores admissible evidence that shows that he was highly intoxicated, staggering and slurring his speech only an hour before going into the woods and that his body could have metabolized the alcohol before he died. It ignores evidence that he rolled down a hill in the snow wearing only a T-shirt and jeans during his fight with Bethune. It ignores the fact that alcohol speed up the process of hypothermia. It ignores the fact that both alcohol and hypothermia cause confusion and, since shivering is considered to be a

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<sup>5</sup>ABA Criminal Justice Section, Standard 3-1.3 Conflicts of Interest. "(f) A prosecutor should not permit his or her professional judgment or obligations to be affected by his or her own political, financial, business, property, or personal interests."

beginning stage of hypothermia, and it was six degrees when this happened, that he was very likely already in the beginning stages of hypothermia when the police car arrived. It ignores that the removal of his clothing is consistent with death by accidental hypothermia.

This was a tragic end to a young man's life but neither the facts nor circumstances, which have been presented to me, support bringing a criminal prosecution against anyone.

A copy of this document will be placed on my website for media access. I have not included the names of witnesses, other than those of the accused and Mr. Varughese, in light of the civil lawsuit for money damages which has been filed by the family against various entities and individuals.

Date: Wednesday, February 25, 2015



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MICHAEL C. CARR  
Jackson County State's Attorney