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The Iceman Murder: One of a Series of Contract Murders

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ABSTRACT: A body with a gunshot wound to the head was discovered in a wooded area in mid September 1983 wrapped with about 20 consecutive layers of plastic garbage bags and rope. Examination of the body revealed a bullet hole in the occipital-parietal region and a peculiar decomposition of the body. Following a forensic reconstruction of our autopsy findings, microscopic studies and other ancillary factors, we concluded that the body had been frozen for about 2 and one-quarter years prior to its being dumped along a mountain road here in Rockland County. The means by which we concluded that the victim had been frozen for about 2 and one-quarter years and other important aspects of this case are fully discussed.

KEYWORDS: criminalistics, gunshot wounds

A series of contract murders that gripped the New York-New Jersey-Pennsylvania areas ultimately led to the apprehension and conviction of Richard Kuklinski, the notorious "Iceman." This was recently aired on Home Box Office as a documentary entitled "Iceman Tapes: Conversations with a Killer." This documentary was essentially an interview of Mr. Kuklinski while under maximum security from the Trenton State Prison facility. During this interview, he admitted to more than one hundred murders using multiple methods including cyanide, handguns, shotguns, knives, etc. and indicated that he had no remorse. His favorite techniques with cyanide involved the lacing of a hamburger with cyanide while his victim went to the bathroom, using a cyanide mist and "accidentally" spilling a drink containing cyanide on a victim in a bar. He indicated that in the latter instance, the cyanide would soak into his victim's clothes and subsequently be absorbed into his system through his pores. In the last five cases that led to his conviction, he used a scam where he set up a phony business deal to sell some desired item to his victim such as a pharmaceutical drug, tapes, etc. He would then cancel a few times so that the victim became more anxious to make the deal, he would then increase the price and finally, when the victim finally met with him with large sums of money to consummate the deal, he robbed and then killed him. One of his victims,

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Louis Masgay from Forty Fort, Pennsylvania who is the subject of our case, was robbed of \$90,000 that he brought to buy tapes and was subsequently murdered. Kuklinski stored him in a walk-in freezer for over two years and then “dumped” him in Rockland County. It was this murder that led to his being dubbed the “Iceman.” This paper discusses important aspects of this case and shows how we concluded that the body of Louis Masgay have been frozen for about 2 and one-quarter years after he was murdered.

Case History

During an investigation of illegal dumping, several plastic bags were found along a mountain road in September of 1983. One bundle appeared suspicious because it contained an object suggestive of a body. X-rays of the bundle at the medical examiner’s office confirmed the presence of a human body with radiopaque objects noted within the skull. Careful unwrapping revealed that the body was wrapped in about 20 consecutive layers of plastic garbage bags and rope. The inner layers appeared older than the outer layers and each bag was taped with 2 inch wide plastic tape and tied with small segments of clothesline rope in-between each layer of plastic. The body appeared to be markedly decomposed but without any discernible distension or bloating. The body emitted a peculiar, foul odor not representative of the usual odors associated with decomposition (Fig. 1). The surface of the body appeared to be very greasy in consistency. In contrast, there was significantly less decomposition internally than externally with no significant distension of the gut and with fair preservation of the viscera. The head region, however, showed a greater degree of decomposition than the rest of the body. A contact type entrance bullet hole was present in the left occipital-parietal region and a fracture emanated from the bullet hole and extended for a distance of 10.5 cm. into the parietal bone. The brain was liquified. A lead bullet and two large bullet fragments were found in the



FIG. 1—Myocardium showing ice crystal artifacts. Note the nuclear distortion (black and white arrows) and vacuoles and spaces around the nuclei (arrow heads) and between the fibers (black arrows).

cranial cavity. Information for identification purposes was tabulated that included anthropomorphic findings, odontological charting, physical characteristics, unusual characteristics, clothing, shoe size, jewelry, glasses, and fingerprints using a special technique developed by this office for securing fingerprints from mummified bodies [1].

Forensic Evaluation

The peculiar decomposition with the external aspects of the body markedly more decomposed than the visceral aspects and with no intestinal or tissue distension, suggested that the victim may have been frozen for a period of time. Freezing would either kill or alter the growth pattern of enteric flora and the external aspects of the body would be the first to thaw and therefore, be directly exposed to microorganisms from outside of the body. The head region showed more decomposition than the rest of the body because the bullet hole to the head would allow entrance of organisms from the outside. Moreover, if the body had indeed been frozen, the head may have decomposed more rapidly because of rapid thawing due to its small size. Tissue sections were evaluated for the presence of ice crystal artifacts in an attempt to confirm our impression that the body may have been frozen prior to dumping it. Careful examination of the heart muscle sections revealed features suggestive of ice crystal artifacts (Fig. 1). Although our preliminary hypothesis was met with skepticism by other law enforcement agencies, we pursued our suspicions by carefully laundering all of the clothing of the deceased and meticulously describing each item including color, size, style, brand labels, etc. so that in the event that he was successfully identified, they could be compared with the clothing he was reportedly wearing when he was last seen alive. The body was subsequently identified as Louis Masgay, Sr. from Forty Fort, Pennsylvania who was last seen alive about 2 and one-quarter years prior to his death. A comparison was then made of the clothing found on the victim's body with a description of the clothing that Masgay was wearing when he had left home July 1, 1981 (about 2 and one-quarter years previously) with a large amount of money to meet a Mr. Richard Kuklinski to buy video tapes. He was never seen again. This appeared to confirm our suspicions that he was frozen for over 2 years prior to dumping the body. This hypothesis was fully corroborated almost three years later, when we were contacted by the New Jersey Attorney General's Office that they had a suspect named Richard Kuklinski in connection with a series of homicides, which included our case. Moreover, they indicated that they were greatly impressed by our conclusion that the victim had been frozen because one of their informants, a convicted murderer who was unaware of our findings, in exchange for certain personal requests, provided them with a sworn statement that he had observed a body hanging in a freezer compartment within Richard Kuklinski's North Bergen warehouse. Our case was responsible for Kuklinski being dubbed the "Iceman" although this was the only victim that he purportedly froze.

Discussion

It may be of interest to note that in a recent experimental study, rats frozen for a period of time after death and then thawed, showed decomposition more marked, externally than internally, thereby supporting our preliminary observations and hypothesis proposed at the time of autopsy [2]. The finding of ice crystal artifacts in the tissues provided additional support for our initial hypothesis that the body appeared to have been frozen prior to dumping it in Rockland County. The effects of freezing on tissues has been extensively investigated [3-7]. Ice crystal artifacts are small disruptions of cellular structures within cells caused by ice crystal formation during freezing and thawing (Fig. 1). During the process of freezing and/or thawing, water is transformed into

ice crystals with a rigid crystal lattice in the intracellular, extracellular and intranuclear spaces producing artifactual distortion of the tissue if the crystals are large enough [4]. The morphological features in the tissues are recognized as empty holes [5] but careful studies reveal nuclear distortions due to the pressure exerted by the ice crystals (that is; vacuolation around the nuclei) spaces between cells or fibers etc. (Fig. 1). Lillie [6] warns "slow freezing of unfixed tissues in temperatures near the freezing point of water is to be scrupulously avoided; relatively enormous ice crystal artifacts are produced. Repeated freezing and thawing disrupts cell organelles, releases enzymes and produces diffusion of solubilizable constituents." If the time during the thawing process is gradual, there is an enormous formation of ice crystals with marked distortion. The amount of distortion depends on the rate of freezing, the rate of thawing, the number of crystallation nuclei, the thermal conductivity properties of the tissue and the tissue size and shape. Paraffin infiltration during histological processing may exaggerate the crystallization effects. In general, ice crystal growth does not occur below -130°C [4]. Therefore, if the tissues can be frozen rapidly enough to levels below -130°C , crystallization can be prevented and only noncrystalline structures will form that do not significantly interfere with tissue morphology. This principle is used in freeze-drying techniques used in histochemistry where tissues are quenched in isopentane immersed in liquid nitrogen (-160°C) for rapid freezing. These tissues are then maintained below -30°C while the water is being extracted by a vacuum apparatus. In histochemical freeze-drying procedures, however, it is a *sine qua non* that the tissue volume be very tiny because there is an extremely low rate of thermal conductivity in tissues and if they are above one mm in size, distortions may be apparent in the outer zone of the tissue sections [5]. If the time during the thawing process is gradual, there is an enormous formation of ice crystals with marked distortion. Freezing and/or thawing of a human body in a warehouse freezer as occurred in this case presents a completely different scenario than in the freeze-drying technique for histochemistry because the freezing process was very slow, the temperature of the freezer was no lower than -17°C , the size of the tissues was enormous and the body had thawed slowly where it was dumped. This would theoretically cause enormous ice crystal artifacts.

Conclusions

Mr. Kuklinski was arrested on December 17, 1986 on charges of using guns and cyanide to kill five people over a two year period. On March 16, 1988, he was found guilty of two counts of murder of two accomplices, Gary Smith and Daniel Deppner, and six counts of conspiracy to commit murder and theft and hindering apprehension of criminals. On May 25, of the same year, he pleaded guilty of two murders of his "set up" business associates, George Malliband, and Louis Masgay in return for an agreement by the prosecution to drop weapon carrying charges against his wife and drug and weapons carrying charges against his son. He also confessed to the murder of Paul Hoffman, another "set up" business associate. This case is a good example of the cautions that must be exercised in interpreting the time of death. Although the perpetrator attempted to conceal the time of death in order to confuse the authorities, his attempt was thwarted by our careful observations and reconstruction of the autopsy findings and other ancillary studies. We propose that in any case involving a decomposing body that had been dumped during the months of the year when the climate is cool or warm, (not freezing), it behooves the medical examiner to consider the possibility of the body having been frozen prior to dumping. The following queries should be entertained: 1. Is the decomposition greater externally than internally? 2. Is there any significant intestinal distension or bloating? 3. Is the skin pasty in consistency? and 4. Do tissue sections show any evidence of ice crystal artifacts? If any of the above queries are in the affir-

mative, the victim's clothing should be cleaned after checking them for evidentiary material, and a list made of each item with a complete description. Following identification, one can then determine whether the victim was wearing the same clothing when he was last seen alive.

Follow up (8/30/93)—A new book entitled *The Ice Man, The True Story of a Cold Blooded Killer*, by Anthony Bruno (Delacorte Press, N.Y., 1993) was recently brought to our attention. The book contained various conversations with Kuklinski by an agent working undercover under the guise of a bad guy making a deal while wearing a wire. He recorded the following conversation on page 216; (agent), "You sure about all that stuff about fooling the coroner? They got all kinds of ways to find out things, don't they?" (Kuklinski) "Hey, you think those guys are smart? Listen to me. They found this one guy, and when the autopsy was done, they said he was only dead two and a half weeks. But see, he wasn't. He'd been dead two and a half years. Those guys got their little nuts twisted on that one." (agent) "Oh yeah?" (Kuklinski) "In a freezer nothing changes, my friend." (agent) "You mean, the freezer maintains ____" (Kuklinski) "Everything. It's like pulling a steak out of the fridge."

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