

1 Sheila Polk, SBN 007514
2 County Attorney
3 ycao@co.yavapai.az.us

4 Attorneys for STATE OF ARIZONA

CLERK OF SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA

2011 FEB 14 AM 4:24

JEWELL HENNING, CLERK ✓

BY: Ivy Rios

5 **IN THE SUPERIOR COURT**

6 **STATE OF ARIZONA, COUNTY OF YAVAPAI**

7 STATE OF ARIZONA,

V1300CR201080049

8 Plaintiff,

MOTION FOR RECONSIDERATION

RE:

9 vs.

**UNDER ADVISEMENT RULING ON
DEFENDANT'S MOTION IN LIMINE (NO. 1)
TO EXCLUDE EVIDENCE OF PRIOR ACTS
PURSUANT TO ARIZ. R. EVID. 404(B) and 403**

10 JAMES ARTHUR RAY,

11 Defendant.

(The Honorable Warren Darrow)

12
13
14 Comes now the State of Arizona, through undersigned counsel, and respectfully requests
15 this Court reconsider its ruling of February 3, 2011, holding that evidence of Defendant's prior
16 sweat lodge ceremonies is not admissible. This request is supported by the following
17 Memorandum of Points and Authorities.

18
19 **MEMORANDUM OF POINTS AND AUTHORITIES**

20 **A. The prior sweat lodge ceremonies are relevant to the mental state for Negligent**
21 **Homicide, a lesser included offense of Manslaughter.**

22 As noted in this Court's ruling, the State did not address the relevance of the prior sweat
23 lodge ceremonies to the requisite mental state for the offense of negligent homicide. Negligent
24 homicide is a lesser-included offense of manslaughter. *State v. Parker*, 128 Ariz. 107, 109, 624
25 P.2d 304, 306 (App. 1980), *vacated in part on other grounds*, 128 Ariz. 97, 624 P.2d 294 (1981).

26 "[T]he only difference between manslaughter and negligent homicide is an accused's mental

Office of the Yavapai County Attorney

255 E. Gurley Street

Prescott, AZ 86301

Phone: (928) 771-3344 Facsimile: (928) 771-3110

1 state at the time of the incident.” *State v. Fisher*, 141 Ariz. 227, 247, 686 P.2d 750, 770 (1984)
2 (citing *Parker, supra*). See also *State v. Montoya*, 124 Ariz. 155, 157, 608 P.2d 92, 94 (App.
3 1980).

4 Manslaughter is established where a person, aware of a substantial and
5 unjustifiable risk that his or her conduct will cause the death of another,
6 consciously disregards that risk. Negligent homicide is established where a person
7 fails to perceive the substantial and unjustifiable risk that his or her conduct will
8 cause the death of another. The element of the greater not found in the lesser is
9 awareness of the risk.

10 *Fisher, supra* at 247-248, 686 P.2d at 770-771. See also *State v. Walton*, 133 Ariz. 282 291, 650
11 P.2d 1264, 1273 (App. 1982) (“Negligent homicide is distinguished from reckless manslaughter
12 in that for the latter offense, the defendant is aware of the risk of death and consciously
13 disregards it, whereas, for the former offense, he is unaware of the risk.”).

14 In the ruling, this Court found the State had proven by clear and convincing evidence that
15 (1) prior sweat lodge participants had exhibited signs or indications that a reasonable person
16 would associate with abnormal physical or mental conditions; and (2) that the State failed to
17 present medical testimony that linked these signs and indications to a risk of death. This Court
18 also found that even if Defendant was aware of the various signs and symptoms exhibited by the
19 prior sweat lodge participants, “this knowledge would not constitute notice that he allegedly was
20 subjecting these participants to a substantial and unjustifiable risk of death.” It is this element,
21 the awareness of the risk, that differentiates manslaughter from the lesser included offense of
22 negligent homicide.

23 Rule 23.3, Ariz. R. Crim. P., requires that forms of verdict be submitted to the jury for all
24 offenses necessarily included in the offense charged. Accordingly, the jury will be instructed on
25 the lesser included offense of negligent homicide. In order to prove negligent homicide, the State
26 must show that Defendant failed to perceive a substantial and unjustifiable risk that his conduct

1 would cause the death of another. The prior sweat lodge ceremonies are clearly relevant to show
2 Defendant had knowledge that individuals in prior sweat lodge ceremonies exhibited vomiting,
3 problems with balance, disorientation or incoherence, unresponsiveness, violent shaking or
4 convulsions, and apparent loss of consciousness. Despite this knowledge, Defendant continued
5 to conduct sweat lodge ceremonies that were increasingly hotter and more intense. In doing so,
6 Defendant clearly failed to perceive a substantial risk that death would occur. The State believes
7 it will prove the requisite mental state for manslaughter. However, the jury will be instructed as
8 to the lesser-included offense of negligent homicide. Accordingly, the State requests this Court
9 reconsider its ruling as it applies to negligent homicide and admit at trial the evidence pertaining
10 to the prior sweat lodge ceremonies.
11

12 **B. The prior sweat lodge ceremonies are relevant to show the mental state of the**
13 **participants and why they remained in the sweat lodge.**
14

15 At trial, most of the witnesses will testify, if allowed, that they knew Defendant had
16 conducted similar ceremonies in the past, but they were unaware of any problems. Defendant
17 told participants he has been doing sweat lodges for years and did not disclose past problems; he
18 also told participants they would experience nausea, vomiting, and altered states inside the sweat
19 lodge and they should transcend these symptoms. Because of these representations, the
20 participants assumed what was occurring during the 2009 sweat lodge ceremony was normal and
21 that it was safe to stay inside. Rather than heed the body's warning signs of heat illness,
22 participants assumed what was occurring was normal and that they should suffer on. Witnesses
23 will also testify, if allowed, that (1) when they signed the JRI waivers of liability, they had no
24 knowledge of problems in past sweat lodge ceremonies, and (2) knowledge of problems with
25 prior sweat lodge ceremonies would have been important to them in deciding whether to
26

1 participate in the sweat lodge ceremony and whether to remain inside once they began
2 experiencing symptoms of heat illness.

3 In this Court's ruling on Defendant's Motion in Limine (No. 2) to Exclude Evidence of
4 Defendant's Financial Condition and Business Practices, this Court acknowledged that the
5 mental state of a person may be relevant to a defendant's requisite mental state if it resulted in
6 the other person being placed at risk by the by the conduct of the defendant.
7

8 Just prior to the 2009 sweat lodge ceremony, Defendant briefed the participants on what
9 to expect, telling them:

10 Because I've been in a lot of lodges and there's no lodge like my lodge. It will be
11 the most intense experience, the most intense heat that you've ever experienced in
12 your entire life, I guarantee that. You will feel as if you're going to die. I
13 guarantee that. But you see the true spiritual warrior has conquered death and
14 therefore has no fear and no enemies in this lifetime or the next because the
greatest fear that you'll ever experience is the fear of what, death. You will have
to get to a point where you surrender and it's okay to die.

15 *Exhibit A, Partial Transcript of Audio of Spiritual Warrior 2009, 10/08/09, p. 39.* Later in the
16 briefing, Defendant reassures his participants:

17 And you can do this. You can do this. Regardless of whether you think you can or
18 you can't you can, I know you can. ***We've been doing this for years***, you can do
19 this. It's just a matter of whether or not you will. And there's gonna come a time
20 where you're gonna want to run, you're gonna want to bolt. I know cause I feel
21 that way too and it's in those moments where you get to say hey, this is my
22 chance to live impeccably. This is my chance to live honorably and to live my
values above and beyond my moods. Because mood says get the hell out of here
but this is my commitment and what I'm willing to do so and that's why it's such
a great, great metaphor.

23 *Exhibit A, Partial Transcript of Audio of Spiritual Warrior 2009, 10/08/09, p. 42.* Defendant also
24 tells them they will be in an "altered state."

25 You will be in such an altered state, probably the most you know profound altered
26 state you've ever been in minus psycho actives. Seriously I mean you, you may
see visions, it's a, it's a great opportunity for you to explore your own

1 consciousness. We've had people who just don't even know where they are
2 anymore.

3 *Exhibit A, Partial Transcript of Audio of Spiritual Warrior 2009, 10/08/09, p. 43.* Thus the
4 participants entering the sweat lodge in 2009 had just been assured Defendant had been doing
5 this for years and it was normal, if not the ultimate goal, to enter an altered state. This
6 information was important to the participants' decisions to remain in the sweat lodge.

7 During its case-in chief, the State intends to question the 2009 participants as to why they
8 did not exit the sweat lodge when the heat became intolerable. Most, if not all, are expected to
9 respond that they knew Defendant had conducted similar ceremonies in the past and no one had
10 been hurt, and that Defendant told them to transcend their physical symptoms of distress.
11 Evidence of the prior sweat lodge ceremonies is relevant to establish that Defendant
12 misrepresented the risks involved to the 2009 participants. This misrepresentation resulted in the
13 victims believing they would be safe despite the physical symptoms they were experiencing.
14 Defendant was aware of the mental state of mind of his participants, having placed them there
15 intentionally through the events preceding the sweat lodge; thus, the mental states of the
16 participants is relevant to the question of whether Defendant acted recklessly or with criminal
17 negligence.
18
19

20 **C. Medical testimony is available to show the medical distress suffered by prior**
21 **participants was evidence of heat stroke which has a high risk of death.**

22 As noted above, this Court found the State failed to present medical testimony that linked
23 the various signs and indications, i.e., "vomiting, problems with balance, disorientation or
24 incoherence, unresponsiveness, shaking violently or convulsions and apparent loss of
25 consciousness," to a risk of death. *Under Advisement Ruling on Defendant's Motion in Limine*
26 *(No. 1), 2/3/11 at 2.* The State and Defendant have now had the opportunity to interview both Dr.

1 Paul, the Defendant's expert medical witness, and Dr. Dickson, the State's expert on heat-related
2 illness. Both the experts and the medical examiners who performed the autopsies can provide the
3 requisite medical testimony to show these symptoms are points on a continuum of a progression
4 from heat exhaustion to heat stroke and, if untreated, ultimately death. Dr. Dickson describes the
5 continuum as follows:

6
7 Well, when I'm talking about a continuum they and definitions generally
8 are heat uhm [exhaustion]¹ and heat stroke. Uhm heat [exhaustion] is generally
9 more mild uh self-limiting process. It starts out insidiously, slow onset. Uhm it
10 starts having things like muscle cramps, nausea, vomiting, uhm weakness. That
11 uhm then becomes the the point where it becomes heat stroke is often sudden
12 onset and it is when there's mental status changes by definition so anybody that's
13 acting unusual. It can go anywhere from disinhibition uhm to uhm to unilateral or
14 focal neurologic findings to seizures to coma. Uhm but by definition as soon as
15 somebody starts having mental status changes they are now in heat stroke.

16 *Exhibit B, Excerpt of Defense Interview with Dr. Dickson at pp. 3-4.*

17 Dr. Fischione, Chief Medical Examiner of Maricopa County, similarly described the
18 progression:

19 FISCHIONE: Okay with heat stroke, we're talking about first prostration,
20 okay, first you're sweating and then you lack sweating.

21 DO: What did you call that?

22 FISCHIONE: Prostration.

23 DO: Prostration

24 LI: Hang on.

25 FISCHIONE: Un huh. Okay, P-R-O-S-T-A-T-I-O-N, prostration.
26 Disorientation. Altered mental status.

LI: Can you tell us what the difference is between disorientation and
altered mental status?

¹ Dr. Dickson initially used the term heat exertion; he later corrected himself and indicated he was referring to heat exhaustion.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

FISCHIONE: Sure. Disorientation is a physical and, for purposes of these, of the tape, I'm standing up and when I'm disoriented I'm having trouble walking, okay? Altered mental status is I'm having trouble with my thoughts.

LI: Okay.

FISCHIONE: So that's two big ones: one's physical and one's mental. Very different.

DO: Okay.

FISCHIONE: Nausea/vomiting. Muscle contractures. Seizures. Giddiness – there's one for you, because in the very beginning . . . now, let me back up because this may help . . . there's a difference between heat prostration, or exhaustion is a better word, heat exhaustion versus heat stroke.

DO: Alright.

FISCHIONE: In the very beginning, heat exhaustion has the things like giddiness, a little bit of nausea, little bit of disorientation, but then you gradually, very quickly as the temperature goes up, and I'm talking about 104 now with heat exhaustion to know 106. It's very difficult a very st . . . it's not common for somebody to endure 108. Usually that will cause death. Okay, so now you graduate from heat exhaustion to pure heat stroke.

Exhibit C, Excerpt of transcript of interview of Dr. Fischione, 6/17/10 at 29.

Dr. Lyon, the medical examiner who performed the autopsies on James Shore and Kirby Brown, described the symptoms of heat stroke as, “[n]ausea, vomiting, high heart beat, high respirations, low blood pressure, altered mental status and death.” *Exhibit D, Excerpt of transcript of interview of Dr. Lyon, 6/17/10 at 16.*

This Court found the State has shown by clear and convincing evidence that some participants in the prior sweat lodge ceremonies experienced “vomiting, problems with balance, disorientation or incoherence, unresponsiveness, shaking violently or convulsions, and apparent loss of consciousness.” *Under Advisement Ruling on Defendant's Motion in Limine (No. 1), 2/3/11 at 2.* Based on the information provided above, it is clear that these signs and indications

1 are points on the continuum of the progression from heat exhaustion to heat stroke. It is also
2 clear from the statements of the doctors that heat stroke ultimately can result in death.

3 The State is prepared to offer the testimony of the above experts, if necessary, to show
4 the Court that the participants in the prior sweat lodge ceremonies who exhibited these signs
5 were at a very real risk of death from heat stroke. Moreover, evidence that Defendant witnessed
6 these physical reactions as a result of his placing individuals into an extreme heat situation in
7 prior sweat lodge ceremonies is relevant to show Defendant knew or should have known he was
8 placing individuals in a situation with a high risk of death. Even if this Court continues to find
9 that the State failed to show Defendant knew the prior participants were at significant risk of
10 death, given that Negligent Homicide is a lesser included offense, the prior sweat lodge
11 ceremonies are clearly relevant in establishing the mental state of criminal negligence.
12

13 **D. The evidence is relevant to show Defendant's goal was to place people into an**
14 **altered mental state, a classic symptom of heat stroke.**
15

16 The State has now received the audio recordings of the Spiritual Warrior 2009, including
17 the briefing Defendant gave to the participants just before they went into the sweat lodge. Based
18 on the briefing, it is clear that Defendant's goal was to place the participants in an altered mental
19 state. He intended to do this by subjecting them to a level of heat so extreme that they would
20 start to suffer a classic symptom of heat stroke, an altered mental state. In fact Defendant advised
21 the participants as follows:
22

23 We've talked about in many different contexts and even here that the only thing
24 that's been empirically demonstrated to move you forward in your own evolution
25 are what, who remembers? *Altered states*. You're gonna have if you choose to
26 play full on which I'm gonna challenge you to do, you're gonna have one of the
most intense altered states you've ever had in you entire life and may ever have in
your entire life.

1 *Exhibit A, Partial Transcript of Audio of Spiritual Warrior 2009, 10/08/09, p. 39.* Defendant
2 repeatedly told the participants that they needed to “play full on” and remain in the sweat lodge
3 for the duration of the ceremony in order to achieve the full benefit. Further examples of this are
4 reflected below:

5
6 You know if you’ve been on this journey with me for any amount of time
7 you know there’s all kinds of physical metaphors and there, there’s probably
8 nothing greater than the lodge, my lodge. Because at some point in time you just
9 have to let go and say if I’m gonna die it’s okay because I don’t ever die, not
10 really. My body dies, I don’t die. You most likely will feel like your skin is
11 going to fall off of your body. It’s hot, hallatious hot. And even though I’m
12 leading the lodge I guarantee you every single year I approach the lodge with
13 great respect. I’ve been anticipating it all day long because by about the second
14 or third round I’m normally thinking why the hell am I me? Why couldn’t I just
15 do a weiney ass lodge like someone else does and the reason is because when you
16 emerge you will be a different person. Because when you have faced your own
17 death you stared it in the eyes and you’ve overcome it, then life’s never the same
18 it’s really just not. It’s just not. Now I’m sure there’s gonna be some questions.
19 But have I told you to hydrate, hydrate, hydrate, hydrate, hydrate, hydrate,
20 hydrate? Have I told you to take salt all week long, yeah? So please remember
21 that.

22 *Exhibit A, Partial Transcript of Audio of Spiritual Warrior 2009, 10/08/09, p. 39.*

23 Uhm 3 to 5 dollars, your tobacco pouches, your stone, your pages that
24 you’re gonna burn and a determination of steel and a commitment to show
25 yourself and the universe that you’re willing to live your values above and
26 beyond your moods or your physiological creeks and crones.

27 *Exhibit A, Partial Transcript of Audio of Spiritual Warrior 2009, 10/08/09, p. 46.*

28 Following the 404(b) hearing, the State submitted transcripts of various witnesses in
29 support of its offer of proof. Included at Exhibit 106 was the transcript of Marilyn Moss
30 interview. Ms. Moss stated that during the 2005 sweat lodge ceremony when people started
31 having problems, Defendant told the other participants to, “Let them do what they need to do.”
32 *Ex. 106 at 616.* Defendant also indicated Daniel was having what he described as “an out of
33 body experience.” *Id.* During the testimony at the 404(b) hearing, evidence was presented that at

1 the 2009 sweat lodge event, Dennis Mehravar was outside the sweat lodge screaming that he was
2 having a heart attack. Defendant called out to him and told him he was not going to die, he was
3 going to be fine and that he was “where he was supposed to be in his journey.” 404(b)
4 *Transcript, 11/9/10 at 182.*

5
6 The prior sweat lodge events are relevant to show Defendant’s goal was to expose
7 participants to such a high degree of heat that they would experience “an altered state,” a
8 condition he informed them was necessary to “move forward in your own evolution.”

9 In pursuing his goal of an altered state, Defendant placed the participants in 2009, and the
10 prior sweat lodge ceremonies, at a significant risk of heat stroke. In 2009, three participants,
11 Kirby Brown, James Shore, and Lizbeth Neuman reached the end of the continuum set in place
12 by Defendant and as a result they died.

13 CONCLUSION

14
15 Under normal circumstances, individuals will remove themselves from an uncomfortable
16 environment. The three victims in this case remained in the excessive heat under the
17 questionable pretense, promised to them by Defendant, that the excessive heat would lead to
18 enlightenment. Individuals who are at risk for heat illness are often not able to identify that they
19 are at risk. Confusion or a personality change, and a lack of insight into what is actually
20 occurring, are common. Heat casualties are compounded by the stress of a group activity or
21 powerful leader, such as Defendant, and individuals will push themselves beyond where they
22 would normally stop. As such, the participants were reliant on the judgment of their leader,
23 James Ray, who intentionally used heat to cause his participants to suffer signs of heat illness
24 such as confusion and “an altered state.”
25
26

Office of the Yavapai County Attorney

255 E. Gurley Street


Prescott, AZ 86301

Phone: (928) 771-3344 Facsimile: (928) 771-3110

1 "[T]he State has shown by clear and convincing evidence that some participants in some
2 of the sweat lodge ceremonies conducted prior to 2009 exhibited various signs or indications that
3 a reasonable person with no specialized medical training and experience would associate with
4 unusual or abnormal physical or mental conditions." *Under Advisement Ruling on Defendant's*
5 *Motion in Limine (No. 1), 2/3/11 at 2.* The State is prepared to offer medical testimony to show
6 these signs and symptoms were points on the continuum from heat exhaustion to heat stroke.
7

8 For the reasons set forth above, the State respectfully requests this Court reconsider its
9 ruling regarding the prior sweat lodge ceremonies and to admit the evidence at trial.

10 RESPECTFULLY submitted this 14th day of February, 2011.

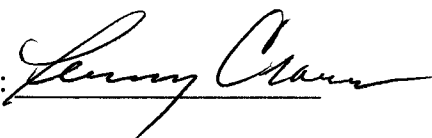
11
12
13 By 
14 SHEILA SULLIVAN POLK
15 YAVAPAI COUNTY ATTORNEY

16 **COPIES** of the foregoing emailed this
K/K day of February, 2011:

17 Hon. Warren Darrow
18 Dtroxell@courts.az.gov

19 Thomas Kelly
20 tkkelly@thomaskellypc.com

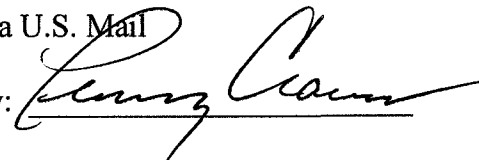
21 Truc Do
22 Tru.Do@mto.com

23
24 By: 

COPIES of the foregoing delivered this
K/K day of February, 2011, to

Thomas Kelly
Via courthouse mailbox

Truc Do
Munger, Tolles & Olson LLP
355 S. Grand Avenue, 35th Floor
Los Angeles, CA 90071-1560

25 Via U.S. Mail
26 By: 

guarantee you every single year I approach the lodge with great respect. I've been anticipating it all day long because by about the second or third round I'm normally thinking why the hell am I me? Why couldn't I just do a weiney ass lodge like someone else does and the reason is because when you emerge you will be a different person. Because when you have faced your own death you stared it in the eyes and you've overcome it, then life's never the same it's really just not. It's just not. Now I'm sure there's gonna be some questions. But have I told you to hydrate, hydrate, hydrate, hydrate, hydrate, hydrate, hydrate? Have I told you to take salt all week long, yeah? So please remember that. We're not going to have lunch because the last thing you want in a lodge is a full stomach that has to be emptied in the lodge for everyone else to sit on. Not a good thing. When you enter the lodge you are entering a temple. I ask you to treat it as such. While it's rustic in the traditions you are entering a temple. It's every bit as sacred as to go to the Vatican or anywhere else that you may go to worship, the Taj Mahal. Historically you are moving into a temple. Anytime you move into a sacred circle then you only move one way in a sacred circle. Who knows which way? Clockwise so let's give you a visual. We're gonna be entering from the south correct? Yes. And the south represents what? Transformation and what element? Fire, how appropriate. Now so we'll have a doorway in the south. When you come in you will go clockwise and you'll go all the way around to the first spot available. I will go in first, Meghan will follow, Taylor will follow Meghan and then it will shake out however it shakes out from there. You fill in along the back, you're gonna be sitting on Mother Earth, right in the dirt. So whatever clothes you brought to we told you to bring I don't know what it says in the participant guide, a bathing suit or something? Hopefully it's not a very nice bathing suit because it will be munged up by the time we're done, I promise you. So whatever you choose to wear you know if you have a bathing suit that's fine uhm I guarantee you that no matter how cutesy you might look normally you ain't gonna look cute when you're done. So I would encourage you to to you know a pair of shorts and a t-shirt is a good way to go for the ladies, you know swim trunks for the men. But we're gonna go in, you will not be able to stand up. You'll make one full rotation around the lodge and you'll stop wherever the position is. Now invariably what starts to happen almost every year is that you think you're gonna sit with that much space between you but you're not. You're not. If you have touchaphobia you're gonna have to get over it because everybody's gonna be butted up against everybody, shoulder to shoulder. So you'll tuck in as close as you can to each other against the back wall. In the middle is the pit okay? So once the back wall is full all the way around then if you come in and you come full rotation and there's no more gaps so you've got to make a full rotation right? So excuse me let me correct that. You've got, you've got you will stop I'm not gonna make you make a full rotation. You will stop wherever the line is stopped but pretty soon someone's gonna come in and it's full up to here. Now we need to leave one space here for our stone master who's gonna bring in what's called the grandfathers. Now in the Native American tradition everything has a consciousness, everything is an energy and they believe the stone people are the most ancient people on the planet. And so out of respect for the tradition they're gonna be they're heating our grandfather's right now. They're heating them right now, getting them to a fevered pitch. And they will bring them in normally one maybe two at a time. I will call as the grand master in this temple and I need you to think of it that way because the person running the lodge is just like a priest if that if that if you understand that. Treat it with respect please. That means you don't talk over me, you don't say anything unless you're asked to say anything. But I will call for the

forth Archangels. I I really don't know what I'm gonna do until I get in there and it starts to happen but I will pull from every tradition at some point in time that I've been exposed to and will bring all those energies and all that sacredness into the lodge and that's one of the reasons why my Native American friend says hey your lodge is so amazing because there's nobody who does that. No one else who does that. So I'll offer sandalwood uhm to the fire to begin first round and then we'll start our first round. We may do some chanting first, we may say some prayers first, I definitely at some point will ask you to offer up your prayers to the lodge and to the universe for each of your seven pouches. So so when it's time for the underworld it'll be time for you at that point to proclaim forth what you've committed to doing in in that direction with your unconscious issues in this instance. And you'll need to proclaim it like like you really mean it and you'll keep doing it until you feel complete on that. And so we'll have that time with each round, the pouch specific rounds to do your prayers, your proclamations uh for your intentions and and that's where you really find your strength. You'll find your strength in the unity of this group. You'll find your strength in the connectivity to your intentions and the things that you've said were important to you out in the desert. Now a couple things physically. Because heat rises when it gets really, really hot the closer you get to Mother Earth the cooler it is and so you might if it's just really hot you might want to to just lay your face down or get down closer to Mother Earth and she will cool you. It will probably be slushy and sandy, you know I mean there's never, there's not been a year where I haven't come out with sand all up in my ears and nose and hair and everywhere else. But you know that's what showers are for. We talked about switching places, possibility. If and I'm not saying this intention but I'm just gonna tell you my one of my teachers taught me a long time ago prepare for the worst and expect the best. So my expectation because I know what you can do, my expectation is that you're gonna go through this like a Samurai. And you're gonna overcome whatever's going on in your head; this mother fucking James Ray shit right? Or whatever you're gonna transcend that and it's gonna show you, it's gonna give you a very powerful reference of what you're capable of doing, what you're really capable of doing. Now that being said if you, if you just get to the point where you just, you just you gotta leave, you you just feel like you cannot then a couple things. Is that please remember this is extremely hot in the center and many of you are gonna be close to that. Now it's a sacred temple and you only move what way? Clockwise, so if you have to leave then you need to and you're right here you can't duck out this way. You have to go all the way around and go out of the lodge. Now after every round we'll open the gate for more grandfathers and sometimes I'll leave it open for a little while for just to let some fresh air in. And so you cannot leave during a round. If you have if you feel like you just cannot transcend and overcome this then when the gates are open if you have to leave you leave and you leave very very in a controlled manner. Very carefully because there's legs and it's dark. There's legs and there's knees and there's elbows and you know the last thing we want is anybody in the pit. We've never had anyone in the pit but just make sure you make your way around and and you exit out of the lodge. Now that we've prepared for that I'm expecting the best. However when we leave the lodge, when it's done then I will go out first and the outer row will follow me all the way around and and please here here's what's gonna happen. You will be in such an altered state, probably the most you know profound altered state you've ever been in minus psycho actives. Seriously I mean you, you may see visions, it's a, it's a great opportunity for you to explore your own consciousness. We've had people who just don't even know where they are anymore. I

mean if any of you saw Mike after he held the books last night he, he, he wasn't there. It took him awhile to get back into his body and get grounded and it's gonna be similar at the lodge. It's gonna take you awhile to get your bearings back again and come into the third dimension because you're gonna be in an altered dimension literally and so what that means and and and let me tell you up front because what starts to happen and has happened in years past is that you forget where you are, you forget what you're a part of and you know people start yelling crazy stuff in the lodge. Well that's disrespectful. It's disrespectful to the lodge and I've had I've had to to warn one particular person in past years, hey if you don't quiet down I'm going to ask you to leave because you're disrupting the ceremony. So it's gonna be a great opportunity for you to be able to be lucid in an extreme altered state. And I can't describe it to you till you've been there but you'll know what I'm talking about tonight when it's done because it's an extreme altered state. Now that being said when we exit invariably there's at least one or two people who are like oh my God it's over I've gotta get the hell out of here. You know and they and they try to stampede and that's very dangerous. You're gonna have to keep your shit together as much as you can in an extreme altered state and just hold on. You know it's over; you made it, congratulate yourself and just hold on. If you just wait till the lines get out of there it's gonna take you you know two minutes to get out of there instead of stampeding the door and potentially hurting yourself or hurting someone else. When you come out there's a there's an extremely healthful, physiological experience on this, for this. You will purge toxins like you've never purged toxins before. You know it'll be running out of your nose, it'll be running out of your pores. You you will get rid of a lot of physiological toxins which is very healthy. Now your pores are gonna be wide open so when you come out first of all I want you to come out reborn. You're coming out of the womb of Mother Earth. Come out reborn and the first thing we're gonna do is hose you down with cold water. Now that's not gonna be your favorite thing probably but there's a physiological reason for this. Your pores are wide open and the toxins that are in your system are gonna come out on to your skin and if they haven't dropped off in the lodge yet then they're sitting on top of you. If you don't, if you don't close your pores then those toxins are gonna go right back in, does that make sense, say yes. Good. So you need to close those pores that's why why it's always very very important after a sauna or anything else to take a cold shower or a cold plunge. Because you've got to close those pores and get the toxins and the cold water will close it'll be shocking I promise you but it'll also feel amazing. It's kinda one of those shock amazing things at the same time. And it will rinse all the toxins off of you and then you're gonna want to hydrate. And we'll have, we'll have all your waters. Hydrate between then and now and we're gonna be there shortly, very shortly. Alright so hydrate, hydrate and bring water with you down there and we'll have a table out there you can leave your water on and so you get sprayed off and then you drink and then we're going to from that point we're gonna take a break. You have forty five minutes to go get cleaned up and then we'll have a celebratory dinner. Now here's the other thing that's really cool about sweat lodges. You when you come out your skin will feel like it's never felt before. It will be like baby soft skin. I mean it's, it just peels off the crap, it really does. It's very very good for your skin to do this. We'll have a celebratory dinner at 6:30 and then at 7:30 we'll be back in here to share our personal breakthroughs and our experiences. So we're supposed to be there in fifteen minutes. What questions do you have? Oh jewelry thank you. You must remove all your jewelry, all your jewelry. Now I personally am not gonna remove this ring because first of all it doesn't

I know but should we leave them back in our thing or right outside

James Ray:

It depends on how blind you are unless you need them. If you can, if you can walk down there without them, I would encourage that. Leave them in your, in your room. Okay other questions quick, quick, hang tight folks we're all trying to scramble here too fast. Uhm 3 to 5 dollars, your tobacco pouches, your stone, your pages that you're gonna burn and a determination of steel and a commitment to show yourself and the universe that you're willing to live your values above and beyond your moods or your physiological creeks and crones.

Unknown:

And where is it that we will meet?

James Ray:

We're gonna meet straight down there, you'll see the lodge. Okay straight down here at like 2:15 like seven minutes from now. Ready, GO!

Dr. Dickson: Uhm it's a uh internet based uhm review of uh literature. They use Cochrane which is another evidence based review. Multiple other literatures including textbooks in emergency medicine, uh to do an evidence based review of different topics.

Ms. Do: Okay so when you say predominantly eMedicine can you quantify like how much of your presentation came from eMedicine?

Dr. Dickson: Uhm 70% would be a guess.

Ms. Do: Alright and then you said you also used textbooks?

Dr. Dickson: Textbooks

Ms. Do: On emergency medicine, which ones?

Dr. Dickson: Uhm Tintinalli (Inaudible)

Ms. Do: Anyone else?

Dr. Dickson: Uhm Rosen, Peter Rosen

Ms. Do: Anyone else?

Dr. Dickson: I think that's it

Ms. Do: Okay great. Alright uhm I'm gonna ask you a few questions and if you need to look at the slide you can do that. Uhm I'm gonna go to the third page with is Bates stamp 5672 and on the first slide I'm at uh PowerPoint uhm you have there and I'll quote "all heat illnesses exist along a continuum?"

Dr. Dickson: Mmm hmm

Ms. Do: And I'm gonna ask you some questions about that. First can you tell me what what are all the heat illnesses that you consider to exist on that continuum?

Dr. Dickson: Well when I'm talking about a continuum they and the definitions generally are heat uhm exertion and heat stroke. Uhm heat exertion is generally a more mild uh self-limiting process. It starts out insidiously, slow onset. Uhm it starts having things like muscle cramps, nausea, vomiting, uhm weakness. That uhm then becomes the the point where it becomes heat stroke is often sudden onset and it is

when there's mental status changes by definition so anybody that's acting unusual. It can go anywhere from disinhibition uhm to uhm to unilateral or focal neurologic findings to seizures to coma. Uhm but by definition as soon as somebody starts having mental status changes they are now in heat stroke.

Ms. Do: Okay

Dr. Dickson: And the reason I discuss this lecture based on on EMS uhm and the goal this is as I talk about is a preventable illness and so we want people to recognize the symptoms early to treat them early. So when they start either exhibiting these symptoms or noticing people with these symptoms uhm to recognize it could be heat stroke and to treat them aggressively.

Ms. Do: Okay and so we're all clear when you say EMS it's the Emergency Medical

Dr. Dickson: Yes

Ms. Do: Okay uhm so are those the only two heat illnesses that you personally as a medical profession consider on the continuum? Heat exertion and heat stroke, are there any other?

Dr. Dickson: Heat exhaustion or heat stroke?

Ms. Do: I'm sorry I thought I heard you say exertion.

Dr. Dickson: No well there's exertional heat stroke and non-exertional heat stroke. It can occur by two methods. Uhm but the systematology can be similar so exertional heat stroke is classically younger people uhm that are working out. We see this in our marine population, they're out in heat.

Ms. Do: Maybe I need to clarify

Dr. Dickson: Okay

Ms. Do: I thought I heard you say that uhm when I asked what are all the heat illnesses on this continuum

Dr. Dickson: Okay

Ms. Do: you said heat exertion which you describe

1 FISCHIONE: Okay, alright, here let me go through them and you tell me if I repeated
2 myself. Okay, with heat stroke, we're talking about first prostration, okay,
3 first you're sweating and then you lack sweating.

4 DO: What did you call that?

5 FISCHIONE: Prostration.

6 DO: Prostration.

7 LI: Hang on.

8 FISCHIONE: Uh huh. Okay, P-R-O-S-T-A-T-I-O-N, prostration. Disorientation.
9 Altered mental status.

10 LI: Can you tell us what the difference is between disorientation and altered
11 mental status?

12 FISCHIONE: Sure. Disorientation is a physical and, for purposes of these, of the tape,
13 I'm standing up and when I'm disoriented I'm having trouble walking,
14 okay? Altered mental status is I'm having trouble with my thoughts.

15 LI: Okay.

16 FISCHIONE: So that's two big ones: one's physical and one's mental. Very different.

17 DO: Okay.

18 FISCHIONE: Nausea/vomiting. Muscle contractures. Seizures. Giddiness -- there's
19 one for you, because in the very beginning . . . now, let me back up
20 because this may help . . . there's a difference between heat prostration, or
21 exhaustion is a better word, heat exhaustion versus heat stroke.

22 DO: Alright.

23 FISCHIONE: In the very beginning, heat exhaustion has the things like giddiness, a little
24 bit of nausea, little bit of disorientation, but then you gradually, very
25 quickly as the temperature goes up, and I'm talking about 104 now with
26 heat exhaustion to now 106. It's very difficult a very st . . . it's not
27 common for somebody to endure 108. Usually that will cause death.
28 Okay, so now you graduate from heat exhaustion to pure heat stroke.

1 that the cause of death was heat stroke. Is that correct?

2 LYON: Correct.

3 DO: In your medical opinion, is there, because we've heard these terms sort of

4 thrown around, your medical opinion is there a distinction between heat

5 stroke and hyperthermia?

6 LYON: Yes.

7 DO: Can you explain to me the difference between the two?

8 LYON: Hyperthermia is an elevated body temperature. Heat stroke is a potentially

9 fatal condition resulting from elevated body temperature.

10 DO: What is that elevated body temperature for hyperthermia?

11 LYON: Anything above normal.

12 DO: That entire range? Anything above normal?

13 LYON: Correct.

14 DO: So then what distinguishes hyperthermia from heat stroke is that you have

15 hyperthermia that results in death?

16 LYON: That and symptoms.

17 DO: What are those symptoms?

18 LYON: Nausea, vomiting, high heart beat, high respirations, low blood pressure,

19 altered mental status and death.

20 DO: Okay. So are those your diagnostic criteria for heat stroke that you've just

21 given me. An elevated body temperature, the symptoms including nausea,

22 vomiting, fast heart beat, low blood pressure, altered mental status?

23 LYON: Those are what are seen in heat stroke. In this case there is the scene, the

24 circumstances, the medical records, witnesses. All play a part in coming

25 to a diagnosis of heat stroke.

26 DO: Okay. What I'm getting at first before we get into the circumstances of

27 the scene and witness statements, what are the medical criteria you used to

28 diagnose for heat stroke?