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Mother's Intent in Killing Son Debated in Closings

Tania Karas, New York Law Journal

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Gigi Jordan, a former pharmaceutical executive, was driven to kill her autistic 8-year-old son in 2010 following years of sexual torture by his biological father and threats against her own life by another ex-husband, her attorneys insisted Monday during closing arguments in the seven-week murder trial.

"This was not an act carried out with murderous intent," solo practitioner Allan Brenner told jurors. "There was no Machiavellian plan."

Calling Jordan's claims "outlandish and ridiculous," Manhattan Assistant District Attorney Matthew Bogdanos countered that she fabricated the entire scenario, including text messages by the nonverbal boy alleging abuse.

Jordan, 53, has been on trial since Sept. 10 for fatally poisoning Jude Mirra with a concoction of prescription pills and alcohol over the course of two nights in Manhattan's Peninsula New York Hotel. Emergency responders found her disoriented in their room after a failed attempt to take her own life as well.

Jordan admitted under oath that she intentionally killed her son. Her attorneys have attempted to show she committed her crime in the throes of an extreme emotional disturbance, a defense strategy that, if successful, opens the door to a charge of first-degree manslaughter rather than murder. If convicted of manslaughter, Jordan faces up to 25 years in prison compared to 25 years to life for a second-degree murder conviction.

Much of the defense strategy in *People v. Jordan*, 00621/2010, has attempted to establish Jordan's state of mind leading up to the night of Jude's death. On Monday, Brenner asked jurors to consider evidence of one ex-husband's alleged financial misdeeds and another's alleged sexual abuse of the boy. Neither man has been charged with any crime.

Also representing Jordan at trial are Earl Ward, a partner at Emery Celli Brinckerhoff & Abady; and Norman Siegel, founding partner of Siegel, Teitelbaum & Evans.

Calling Jude the "one great love of her life," Brenner on Monday said Jordan killed him to "ease him from the burden of torment" of years of abuse by ex-husband Emil Tzekov, his biological father.

Jordan was convinced Raymond Mirra, her other ex-husband with whom she had started a home healthcare company, was going to kill her or have her institutionalized, Brenner said, because Jordan threatened to expose he had stolen millions from her.

Mirra has sued his ex-wife for defamation.

Jordan also was convinced Mirra and Tzekov had conspired to ensure that Tzekov would get custody of the boy in her absence, Brenner continued. In Jordan's mind, the only way to save Jude was to kill him, and she did so in a moment of "utter, total despair," Brenner said.

"Please, I implore you, do not compound that tragedy by telling this woman she murdered her son," he asked jurors. "It simply, plainly is not so."

In the course of her own four-day testimony earlier this month, Jordan said Jude, who could not speak, revealed Tzekov's abuse through a combination of typed messages on her cellphone and computer beginning in 2008, when he was six. In some of those communications, Jordan said Jude wrote he wanted to die.

But just how much Jude was capable of writing on his own was a topic of dispute at the trial's closing.

During the trial, jurors were shown videos of Jordan sitting beside Jude as he scribbled with a marker or typed on various devices. Usually Jordan's hand was atop his hand or arm as if guiding him.

To jurors' laughter on Monday, Bogdanos read aloud several additional text messages where Jude used words like "sadistically" and said he wanted to "aggressively punish God."

"I'd be thrilled if my 14-year-old could spell 'aggressively,'" Bogdanos said. "That is the basis of this case. You are to believe that a 6-year-old who has never typed in his life" typed those words.

Hours after his death, Jude's body was found beside bottles of more than 5,800 pills such as Ambien, Xanax and Klonopin. An autopsy found traces of the drugs in his system and bruises on his nose, chin and chest.

Prosecutors and their experts have said the injuries resulted from Jordan climbing atop the boy and holding open his mouth as she poured the lethal cocktail.

Testifying for the defense earlier this month, forensic pathologist Dr. Werner Spitz countered the bruises resulted from Jordan's last-ditch effort to save him through resuscitation. Spitz also said Jude's autopsy showed chronic anal inflammation and significant scarring consistent with repeated penetration by an adult male.

Bogdanos condemned Spitz's testimony, saying he was one of several experts each paid thousands of dollars to testify on behalf of Jordan, whose company, Ambulatory Pharmaceutical Services, sold for more than \$32 million years ago.

Jordan had testified she quit working to bring Jude to medical experts all over the United States in an effort to find a cure to his autism, which she said waxed and waned—but grew worse at times when Tzekov was living with them. She also testified that she brought Jude to child exploitation specialists after she learned he was being sexually abused by more than 20 people in his life. One of those visits in 2008 ended with Jordan being hospitalized for a psychological evaluation.

Bogdanos questioned the sincerity of Jordan's concern for the boy.

"Not a single human being on the planet who ever examined Jude in his life ever found evidence of sex abuse," Bogdanos told jurors. "What did she do when Jude reported these 20? She never called the police. Let me say that again: never."

State Supreme Court Charles Solomon will charge the jury Wednesday morning.

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