

# THE KENNEDY LAW FIRM

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via U.S. mail and electronic mail to:

NM Medical Review Commission  
316 Osuna Road NE, Suite 501  
Albuquerque, NM 87107

**RE: Medical Malpractice Committed against David Eckert**

Dear New Mexico Medical Review Commission,

Our firm represents Mr. David Eckert in litigation that spans from violation of civil rights to medical malpractice. Mr. Eckert filed a complaint for damages on August 7, 2013. Mr. Eckert now submits his application for your review for medical malpractice.

The relevant medical providers who are the subject of this application are:

Dr. Okay Odocha  
Gila Medical Center  
C/O Remo E. Gay  
Melissa A. Brown  
Brown & Gay, P.C.  
Attorneys for Dr. Odocha  
3810 Osuna Rd. NE, Ste 1  
Albuquerque, New Mexico 87109  
(505) 842-5715


Dr. Robert Wilcox  
Gila Medical Center  
C/O Tamara R. Safarik  
Attorney for Dr. Wilcox  
McClagherty & Silver, P.C.  
P.O. Box 8680  
Santa Fe, NM 87504-8680  
(505) 988-8804

The circumstances of this application involve the alleged medical malpractice committed against David Eckert by the aforementioned Doctors, which occurred on January 2 2013 to January 3, 2013. On January 2, 2013, Mr. Eckert was pulled over by police officers for allegedly running a stop sign. During

the traffic stop, the officers sought and received a search warrant to search Mr. Eckert for "up to and including his anal cavity." The officers took Mr. Eckert to Gila Medical Center in Silver City, New Mexico to execute the warrant. An x-ray was performed on Mr. Eckert where no foreign objects were found. Dr. Wilcox then performed a digital search of Mr. Eckert's rectum against Mr. Eckert's consent. Dr. Wilcox then ordered a surgical consultation with Dr. Odocha who also performed a digital search of Mr. Eckert's rectum. Neither doctor felt anything apart from stool in Mr. Eckert's rectum. Dr. Odocha then ordered enemas be performed on Mr. Eckert until he was "clear." Mr. Eckert was administered three enemas within four hours until nothing but fluid came out of Mr. Eckert. Then Dr. Odocha performed a colonoscopy on Mr. Eckert against his consent. The medical records indicate that Dr. Odocha used the warrant as a substitute for consent for the procedure. No foreign objects were ever found in Mr. Eckert.

Mr. Eckert alleges that the aforementioned conduct constitutes medical malpractice for lack of informed consent and for performing unnecessary medical procedures. Please find a copy of the filed Complaint for this case, the police report, the search warrant, medical releases, as well as the medical records which Mr. Eckert has in his possession. Please feel free to contact me with any questions.

Respectfully,



Joseph P. Kennedy  
KENNEDY LAW FIRM

JPK/tm