



Foreword: Money and influence can affect adversely the health of people. Aspartame is suspected in a number of deaths where person is susceptible to poisoning with the breakdown aspartame's components, methyl ester which metabolizes into formaldehyde and then formic acid, aspartic acid while breaks down to diketopiperazine and a amino acid phenylalanine. Diketopiperazine is known to cause brain tumors and hydrocephalus. In the case of Diane Fleming it is easier to point fingers and falsely convict one for murder for the methyl alcohol poisoning then to consider the possibility of the breakdown of aspartame as the cause. For Charles to be poisoned by aspartame he would have had to consume a large amount of aspartame, 100 grams or more or maybe his liver failed and that allowed accumulation of formaldehyde. This poor lady is convicted in Virginia for murder. There is no way she could of harmed her husband by methanol poisoning without his knowledge. She is victim of the justice system, a social justice issue!!! *Robert Manning*

## **The Charles Fleming Murder Case: How Did Diane Fleming Get Wrongly Convicted Of Murdering Her Husband?**

*Charles Fleming, 37, died a typical aspartame (Equal, NutraSweet) poisoning death. Bad lawyering by defense counsel and exculpatory evidence withheld by the Commonwealth of Virginia prosecutors led to the conviction of Charles Fleming's wife, Diane Fleming.*

Sherman Oaks, CA ([PRWEB](#)) December 14, 2005 -- Charles Fleming, 37, played basketball every Sunday. On a hot summer day in June, 2000, Charles came home and drank a bottle of Gatorade that he and his wife Diane had just bought to mix with creatine, a food supplement. Charles wanted to try creatine because it promised muscle mass. This particular Sunday was the first time Charles ever drank Gatorade; the Flemings bought it particularly to mix with the creatine.

After drinking the Gatorade with the supplement, Fleming became ill and went to bed early. The next morning Fleming went to work but, feeling ill, returned home. Charles Fleming's condition deteriorated rapidly and he was taken to the hospital. During treatment, Fleming was given Ativan because he was combative and confused; from there, he slipped into a coma and died. The autopsy showed Charles Fleming died from 'acute methanol poisoning'.

In February, 2002, Case No. CR01F01484-01, Commonwealth Of Virginia v. Diane Fleming, Diane Fleming was tried and convicted to sentences of 30 years for murder and twenty years for adulteration, allegedly 'spiking' her husband's Gatorade with methanol, a poisonous alcohol, from a bottle of windshield washer fluid. Diane Fleming has been incarcerated for almost 4 years as prisoner #311655 in the Troy, VA. (Fluvanna), Department of Corrections.

Diane Fleming has given permission to this writer to write about the following latest endeavors to free her.

In June 2005, a writ of habeas corpus was prepared by Petitioner Diane Fleming's pro-bono attorney, Mason Lee Byrd, of Richmond, Virginia. A writ of 'habeas corpus' is a judicial mandate ordering that an inmate be brought to court so it can be determined whether or not that person is imprisoned lawfully and whether or not he should be released from custody.

In the habeas, Byrd presents 20 claims of "ineffective counsel" and two claims pertaining to "prosecutorial misconduct." Byrd is remarkable in his findings, an incisive quest for the truth to prove Diane Fleming's innocence. Due to personal matters, Mr. Byrd cannot continue representing Diane Fleming; however he petitioned the court to appoint David B. Hargett as Diane Fleming's new counsel and the court agreed. Mr. Hargett is a prominent Richmond, Virginia attorney who has freed many people wrongly convicted of crimes.

The main issues in the filed habeas are claims (1-22) that include, who mixed the Gatorade with the creatine, how the methanol got into the Gatorade, the toxicology report that found no evidence the methanol that allegedly killed Charles Fleming was the actual cause of Charles Fleming's death or connected to the windshield washer fluid found in the Fleming's garage, Diane Fleming's son, Chuckie who was accused by her own defense counsel



of his stepfather's murder, the date of a search for 'methanol' on a computer Diane and her son, Chuckie used, Diane's demeanor on the witness stand and the legality of presenting evidence that Diane Fleming's new legal counsel David Hargett, recently petitioned the court for a motion hearing, set for January 6, 2006.

The hearing will be held in Superior Court in Chesterfield, Virginia. A motion hearing is a legal request for an 'evidentiary hearing.' At the evidentiary hearing, the points of the writ of habeas corpus will be argued by Mr. Hargett, in front of Judge Cleo Powell who presided over Diane Fleming's murder trial. Judge Powell, upon hearing the evidence has the power to free Petitioner Diane Fleming or grant her a new trial.

How the methanol got into the Gatorade is still an unsolved mystery.

Did the Commonwealth lie and there is and was no methanol in the bottles?

Did the test the Virginia Department of Forensic Science show a 'false/positive'?

Did Charles Fleming add, as he did to his other drinks, a packet of the artificial sweetener, Equal to the bottles of Gatorade? According to Diane, her husband used aspartame (Equal) regularly to sweeten the liquids he drank. The aspartame molecule (Equal) has a 10% methanol content.

Was there a chemical reaction between the creatine, a muscle building supplement Diane and Charles Fleming mixed into the Gatorade and the Gatorade ingredients which then converted into methanol?

Did someone spike the Gatorade at Charles' workplace where pure methanol was kept?

Author/journalist David Lawrence Dewey comments that when a subpoena is issued for the Gatorade bottles (still in evidence) and they are handed over for independent testing, an NFT1 test, by using the gas chromophotography method, will show whether the methanol was a commercial grade source used in Krystal Kleer windshield washer fluid. Manufacturers use a 'marker', required by the EPA, to identify the product and to protect the patent formula. Dewey also states, "If the Commonwealth or trial counsel had performed an NFT1 test, it is plausible that Diane Fleming would not have been indicted for murder."

In addition, toxicologist, Dr. Hildegard Staninger says a Raman Microscope test also can find the source of the methanol in the Gatorade and what type of methanol it is, commercial grade or food grade.

The new disclosures should be sufficient to reopen Diane Fleming's case and to set her free.

You can read more about the details of this case in Carol Guilford's in-depth article:

The Charles Fleming Murder Case  
How Did Diane Fleming Get Wrongly Convicted?  
at: <http://www.dldewey.com/fleming.htm>

Carol Guilford is a free lance writer based in Los Angeles.  
Guilford is also the author of The New Cook's Cookbook, The Diet Book, Carol Guilford's Main Course Cookbook, And The Easiest Cookbook.

Shoshanna Allison contributed to this article.

By Carol Guilford Copyright 2005 **Contact Information Carol Guilford** 818 501-2652

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