



February 9, 2009

Melissa Smith
1 Riverside Street
Portland, CT 06480

Re: Chrestein Smith
DOB: 7/2/1993

Dear Melissa:

Upon arriving back in my office from several weeks of vacation this morning, I find that the Bill regarding paintball injuries will be having a hearing tomorrow up in Hartford. Unfortunately, I must break my promise to you to testify on your and Chrestein's behalf as I will be in surgery all day and having been out of touch with the office for the past two weeks I was not able to know that testimony will be heard tomorrow. I want you to know that Chrestein is not the only young boy in Connecticut who has been blinded by paintball injuries and that the pattern, unfortunately, seems to be the same - inadequate protective gear was utilized or in the process of being removed when the paintball tablet was fired at the intended victim. We all realize that better protection for the face and eyes needs to be implemented and required to be sold with any paintball weapon, however, that may not be feasible at this juncture. At the least, I think education for all children embarking on paintball activities is absolutely essential. Without formal instruction as to the potential dangers and their prevention, we will continue to see our children suffer blinding injuries. I know it is too late for Chrestein, but if working together we can decrease blindness, then our efforts will have been very worthwhile. I applaud your courage in testifying and wish I could be there with you.

Sincerely yours,

Elwin G. Schwartz, M.D.

EGS/bjw

Elwin G. Schwartz, M.D.

Elizabeth A. Rocco, M.D.

Roger D. Luskind, M.D.

Peter A. Shriver, D.O.

Raji Murukutla, M.D.

Malcolm Gorin, M.D.

Robin Segal, O.D.

Randolph C. Kinkade, O.D.
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CBS NEWS

Paintball Injuries On The Rise

CHICAGO, Jan. 5, 2004

(AP) Injuries to adults and children playing paintball have tripled in recent years, including eye damage causing lasting vision loss, a study found.

From 1997 to 2000, paintball-related injuries nationwide climbed from 926 to 2,780, with up to a third occurring in children younger than 15, according to the study, which analyzed injury data from the U.S. Consumer Product Safety Commission.

In 1999 alone, there were 519 eye injuries among 779 total paintball-related injuries to children under 15. Bleeding and retina detachment were among the most common eye injuries.

Many injuries occur because players are not wearing goggles or face masks, said researcher Dr. David Listman of St. Barnabas Hospital in New York.

Doctors should be aware of the dangers and lobby for restrictions in paintball equipment sales to minors, Listman said.

His study appears in January's *Pediatrics*, published Monday.

Paintball is a battle game in which players shoot at each other using compressed-gas guns filled with marble-size paint capsules.

The game is played at organized paintball centers, which usually provide and require face masks, Listman said. But children often play without protective equipment in woods, backyards and basements, he said.

Tim Richmond of the Paintball Business Association, which provides insurance for paintball fields and services for about 400 accounts, said the Greenville, S.C.-based group's safety requirements include goggles or full-face masks.

In 1999, an estimated 8 million people played paintball at more than 2,500 sites, Listman said.

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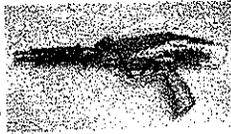
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Paintball Markers Recalled

February 15, 2006

Blade Turbo and Paintball Breakout paintball kits are being recalled. The carbon dioxide (CO2) cartridges can be forcibly ejected out the back of the paintball marker and break the plastic screw-on cap.

This poses a serious risk of injury to the paintball marker's operator who can be hit forcefully by the CO2 cartridges or the plastic screw-on cap. Overtightening the screw-on cap after the cartridges are pierced can result in a serious impact injury.



The firm has received reports of at least 73 incidents involving the recalled paintball markers. Seven injuries have been reported including an eye injury, facial bruises, and lacerations.

The recalled Blade Turbo paintball marker is bright blue with a black handgrip on the nozzle. Two carbon dioxide cartridges are inserted into the back of the marker covered by a clear plastic screw-on cap. The silver-colored carbon dioxide cartridges are about three-inches long.

The Paintball Breakout Players Kit includes a Blade Turbo, black mask and CO2 cartridges. "Blade Turbo" is printed on the side of the paintball marker. Paintball markers are sometimes referred to as paintball guns.

The Blade Turbo was sold at Wal-Mart, Kmart and sporting goods retailers nationwide from January 2005 through January 2006 for about \$20. The Paintball Breakout Players Kit was sold at Wal-Mart from October 2005 through January 2006 for about \$25.

Consumers should immediately stop using the recalled Blade Turbo paintball marker and contact Brass Eagle to receive a free replacement screw-on cap which is black, instead of clear.

Consumer Contact: For additional information, contact Brass Eagle toll-free at (866) 363-8241 between 8 a.m. and 5 p.m. CT Monday through Friday, e-mail Brass Eagle at recall@brasseagle.com, or visit the firm's Web site at www.brasseagle.com.

The recall is being conducted in cooperation with the U.S. Consumer Product Safety Commission (CPSC).

Report Your Experience
If you've had a bad experience -- or a good one -- with a consumer product or service, we'd like to hear about it. All complaints are reviewed by class action attorneys and are considered for publication on our site. Knowledge is power! Help spread the word. File your consumer report now.

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Westport officer shot by paintball gun

Posted Apr. 10, 2008
10:15 AM

Westport (WTNH) _ An early morning traffic stop led to the arrest of two Bridgeport men after they fired at an officer with a paintball gun and then led police on a chase.

Police say Jaret Ortiz, Octavio Real and possibly a third suspect that has not been apprehended, stole a car in Fairfield sometime Wednesday night.

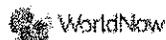
Officer Richard Bagley of the Westport Police Department pulled over the stolen car on Post Road West around 2:30 Thursday morning. As Bagley approached the vehicle, the rear hatch of the car sprung open and one of the suspects began firing at Bagley with what appeared to be a rifle. Ofc. Bagley dove for cover and was struck several times with what police later determined to be a paintball gun.

The suspects then fled the scene and later crashed the stolen car into a stone wall on Strawberry Hill Avenue in Norwalk.

The suspects fled the crashed car on foot and two of three men were later tracked down with the help of a K-9 team.

Ortiz and Real face a slew of charges including assault with a firearm, assault on a police officer, larceny, and criminal trespass.

The third suspect is still on the loose.



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Three take plea deal in police paint ball prank

Posted July 8, 2008
7:36 AM

Norwalk (AP) -- Three Bridgeport men have accepted plea deals on charges involving the firing of a paint ball gun at a Westport police officer.

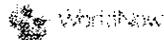
The incident occurred after Officer Richard Bagley stopped a car with a defective license plate light on April 10. When Bagley walked up to the vehicle, its rear hatch opened and one man fired a paintball gun at him.

Police say that thinking he was under fire, Bagley dove to the ground.

25-year-old Jaret Ortiz, 19-year-old Juan Carlos Trinidad-Cosme and 20-year-old Octavio Real were facing more than 20 years in prison.

In court Monday, Ortiz pleaded guilty to assault on a police officer and is facing a maximum of six years.

The other two suspects face a maximum two years in prison.



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Mother wants Paintball guns regulated

By News Channel 8's Annie Rourke
Posted Aug. 5, 2008
6:06 PM

(WTNH) -- Paintball guns are sold as a toy or a hobby, but they pack quite a punch. That's leading some to question whether paintball guns should be regulated.

Paintballs fired from the gun can travel 300 feet per second and they're capable of causing serious harm.

Since the age of five, Christein Smith has wanted to play for the Yankees, but the 15-year-old All-Star catcher's dreams have been derailed after a backyard game of paintball.

"They were in the middle of a break and he got shot," said Melissa Smith of Portland.

A paintball pellet shattered Chris' right eye.

"Chris was the second patient within several months with the exact same injury, and the exact same result," said ophthalmologist, Dr. Elwin Schwartz.

According to Dr. Schwartz, this game is a growing concern in his industry. He says there are about 1,200 severe eye injuries every year from paintball. Many, like Chris, have permanent loss of vision.

"As long as the guns are loaded and they can be fired, if your helmet's not on, you're at risk," Dr. Schwartz said.

That's something Chris' mom wants others to be aware of. Now, she's trying to get a bill passed to get the guns registered and locked-up, like other guns. "Send a message to the kids, teenagers, that these guns can cause serious damage," she said.

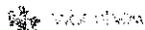
However, those who play say that won't work. "Registering a gun's not gonna stop those injuries. Enforcing the safety rules and knowing the safety rules are what's gonna prevent injuries," said Scott Potter of Eastern Paintball Supplies.

Potter says 10 million people now play the sport. The guns can be sold to anyone with parental permission or over 18 years old. Kids 10 years old and up are allowed to play at commercial fields and there are safeties on the guns, as well as barrel sleeves and plugs.

Potter says it's safe if it's done right. "Just like anything, if you don't follow the rules -- or follow the safety rules with something -- anything could be dangerous. A baseball bat, football, anything," he said.

Eastern Paintball Supplies say they stress safety first at their fields and that no one can play, or be near the guns, without a helmet on.

Melissa has now gotten a petition going and she's planning to try to bring her bill up to the General Assembly in November.



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Middlesex Hospital

Patient: CHRESTEIN SMITH, MR#: 399313

Treating Provider: CRAIG RYAN, DO

Date: 03/09/2008 Time: 16:00

Middlesex Hospital Marlborough Medical Center Emergency Department
14 Jones Hollow Road, Marlborough, CT 06447
(860) 358-3200

You were treated today by CRAIG RYAN, DO.

THIS INFORMATION IS ABOUT YOUR DIAGNOSIS

HYPHEMA.

Your injury has caused bleeding in the front part of the eye. Hyphemas can be dangerous. With rest and care, treatment at home is safe.

Follow the instructions:

- Do not strain or lift heavy things.
- Do not bend over at the waist. Keep your head up and bend at the knees.
- Do not rub your eyes.
- Limit reading for 1 week. It is okay to walk, ride in a car, or watch TV.
- We recommend you have your eye rechecked in 24 hours.

Call your doctor if you have:

- increased pain or redness in the eye.
- vision changes of any kind.
- any new or severe symptoms.

If you cannot reach your doctor, return to the Emergency Department.

THIS INFORMATION IS ABOUT YOUR MEDICINE

CYCLOPENTOLATE (Cyclogyl): One drop to the right eye every 8 hours.

These drops were used to help examine your eye.

This medicine widens the pupil of the eye. (The pupil is the black spot in the middle of the eye.) This allows the doctor to do a more complete exam of your eye. This medicine may be used for other reasons, as prescribed by your doctor.

Side effects may include:



CONSULTING OPHTHALMOLOGISTS, P.C.

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June 26, 2008

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MARY KELLY LOMBARDO
Administrator

Elwin Schwartz, M.D.
400 Saybrook Road
Middletown, CT 06457

Dear Dr. Schwartz.

RE: Chrestein Smith

DOB: 07/02/1993

I had the pleasure of seeing Chrestein Smith in consultation today at the request of Mitch Gilbert. Please find enclosed my fluorescein angiogram report for detailed clinical and angiographic findings.

In summary, Chrestein now has a very significant traumatic maculopathy in the right eye with significant loss of central acuity on that side. The macular hole which you noted on March 12th, and which was so nicely demonstrated on the OCT that you performed that day has spontaneously closed, but unfortunately he now has diffuse neural retinal scarring and atrophy with some gliosis and epiretinal membrane formation. There is no therapy that I am aware of that offers any chance of improving his macular function at this time. I will continue to follow Chrestein for the possibility of secondary complications, such as choroidal neovascularization or retinal detachment. I will keep you posted with any significant changes.

Sincerely,


Thomas P. Ward, M.D.

TPW/ag

Cc C. Mitchell Gilbert, M.D.

 Mrs. Melissa Smith
1 Riverside Street
Portland, CT 06480

Fluorescein angiogram - page 3
Chrestein Smith

PLAN: The findings and the angiogram were reviewed with the patient and his mother. Unfortunately there is no treatment available for the extensive macular scarring secondary to the patient's blunt injury. In all likelihood his potential visual acuity will not improve from its current level. All efforts therefore need to be directed into preserving peripheral vision in the right eye and preserving the health of the left eye. To that end I have strongly suggested that he wear safety glasses at all times with all activities. He will continue using his current ocular medications and will follow up with Dr. Gilbert in 3 weeks. I will see him again in 4 months.



THOMAS P. WARD, M.D.

TPW/ag

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124 Jefferson Street
Hartford, CT, 06106



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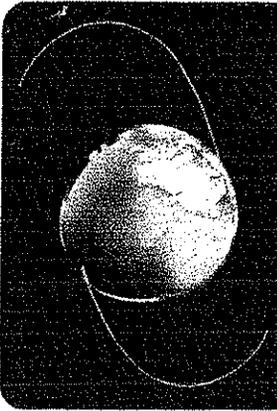
From: Thomas P. Ward, M.D.

Date: 6/26/08

To:

Re: *Chrestein Smith*

*Must wear eye protection
all of the time.*



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DATE: 5-20-08 EYE: L KA ✓

PATIENT: Chrestein Smith

SURGEON: M. Gilbert

UV



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AFFIX TO PATIENT I.D. CARD

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	ADDRESS 1 Riverside St, Portland, CT
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