

David K. Goldblum
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Pennsylvania Board of Pardons
333 Market Street
Harrisburg, PA 17126

Re: Commutation Application of Charles J. Goldblum

Dear Pardon Board Members:

My brother, Charles Goldblum, has applied for commutation. As his representative, I submit this letter. While my claims are controversial, they are well supported. Before dismissing them, consider what it would mean for the administration of justice and the anguish my family has suffered for more than three decades.

This letter is long and the enclosed materials are voluminous, the result of a long, complex case and the many disturbing questions surrounding it. The actions taken in the investigation and prosecution of this case, followed by the disappearance of nearly all the records strongly indicate that something improper took place.

I am not a conspiracy theorist and do not take lightly making such claims. However, misconduct is the most likely and logical explanation. Please keep an open mind and closely review the enclosed material before making a decision. This case has never been given a complete and honest review. The courts have never squarely faced the issue of how the authorities conducted themselves and how and why the records disappeared.

While my brother made some serious mistakes, this should not have licensed the authorities to cut corners. It was also improper to overlook their conduct because of my brother's bad judgment. Regardless of his mistakes, Charles is entitled to a fair review.

While not an attorney, I am familiar with weighing facts and making objective decisions based on empirical facts. Before my graduate training in Chemical and Bio-Environmental Engineering, I majored in Mathematics at Carnegie-Mellon University. I am familiar with statistical probability and the detection of patterns. I hold a doctorate from the University of Michigan, am a full Colonel in the U.S. Air Force Reserves and have taught graduate level engineering courses. I work for the Defense Department as an Environmental Engineer.

My brother had a restaurant burned down, did not tell the truth about it at trial, and was involved in the solicitation. Clearly, he made serious mistakes. While my family and I understand the pressures Zeke was under, we were still profoundly

disappointed. His conduct was inconsistent with our values. From our many visits, I know that he has always understood the gravity of his mistakes. As his brother, I know that his regret is genuine. But this is only half of the story.

After Zeke's arrest, the police saw an opportunity to convict a high profile defendant without regard to whether or not he was culpable of all the charges. Truth did not matter. Winning a big case and career advancement were more important.

Key steps in the investigative and legal processes were not done properly, which precluded a fair trial. Please review the enclosed chronology. You will see too many inconsistencies and unusual events that defy innocent explanation. In any given case, a few anomalies do not necessarily raise valid cause for concern. Cases can have their own peculiar set of facts. However, when there are this many, and no explanation is given, closer scrutiny is legitimately called for. Keep in mind that in all these years no alternative explanation to misconduct has ever been offered.

The attached chronology and statistical analysis prove how unlikely the Commonwealth's position is. It is not easy to accept the idea that human behavior can be statistically quantified, but it is true. Please verify the enclosed with other experts. You will find that law enforcement and regulatory authorities accept this method and often use it.

Federal prosecutors have used the same law of independent events to prove patterns of stock option back dating. In these cases, the dates of grant for stock options always took place on a day when the stock price was the lowest during the accounting period in question. There was no direct or express proof of back dating. The corporations claimed that the dates of grant corresponding to the low stock price was just a random coincidence. The government argued that the law of independent events proved intentional acts, and prevailed.

This same rule of independent events proves that the police and coroner files disappeared as a result of intentional acts and were not random events. Professor Feinberg's report makes this conclusion. My presentation is more case specific.

Our system of justice usually treats people fairly and gives them their day in court. Petitioners are allowed to present valid claims and call their witnesses. That did not happen in this case. First, the police and prosecutors ignored the obvious. Then, the evidence and files disappeared. Finally, when petitions were filed, the case was never given the fair hearing it deserved. This case history is too unusual, too far from typical or routine. Based on the record, I ask the following questions:

1. Miller testified that he watched as Zeke assaulted the victim. When the prosecutor had Miller give this testimony, he was aware that the dying declaration named Miller, Miller had failed a polygraph, had discarded his bloody clothes, and that the forensic evidence strongly pointed to Miller as the assailant. The prosecutors and police took the position that the dying

declaration meant that Miller set the victim up. Did the police and prosecutors honestly believe that? Did they believe that Goldblum did the assault? (See 1-12 of the Chronology.)

2. How did the records disappear, and more importantly, why did the authorities not investigate how the records left their archives? (See 13-17 of the Chronology.)
3. Why were the forensic experts not allowed to testify at the post conviction hearing? How was this deemed to be proper, when their testimony dealt with the central question of who committed the assault?
4. When my brother last applied to the Board of Pardons, he was granted a public hearing. ADA James Gilmore openly admitted that no one in the DA's Office believed that the victim George Wilhelm had anything to do with the arson. By way of background, the main prosecution witness, Clarence Miller, testified that Wilhelm was the arsonist, which they claimed was an important part of my brother's motive for the killing. This means that the Commonwealth presented testimony they believed to be untrue. Then, they openly admitted it. Why was this considered proper? Why was this tolerated?

When it was discovered, after my brother's trial, that Miller was a confabulator, the courts decided that it would not have made a difference if the jury were apprised of this important fact. Note that Miller's testimony was key to the prosecution's case, the only thing that directly incriminated my brother. The DA will deny this, but the trial record will verify that this is true. When asked if he had any medical problems, Miller lied at my brother's trial, denying that he had been hospitalized or injured. Later, at his trial, Miller admitted to his injury to support his claim concerning his confession.

Like most people, I do not easily question the decisions of people in authority. From my background as a government engineer and a military officer, I normally trust those in power to do their jobs honestly and without personal agenda. But this case has too many questionable decisions followed by a complete disappearance of records. The Commonwealth's claim of random coincidence is too unlikely. This case history clearly shows questionable conduct by the police and prosecutors.

In 2004, I wrote to Dr. Wecht concerning the files missing from his office. He wrote back as follows:

I do not believe, for one moment, that the missing files were happenstance. Nor do I believe that you need a statistical analysis to prove your theory. Quite simply, **both files were stolen from this office for purposes known only to the thief, but most likely to prevent my administration or any other person or agency from scrutinizing any misconduct, which had most likely occurred in**

these cases (one of them was my brother's case). The odds of this scenario being accidental are infinitesimal!!! (emphasis supplied)

Dr. Wecht is right. The law of independent events confirms the obvious. Ask yourself, what most logically and realistically explains the history of this case? What does your every day common sense tell you? How many dubious circumstances should be accepted without asking questions?

The enclosed analysis provides a true perspective and realistic context. It is based on four missing records when in fact a fifth file also is missing; that being County Police investigation of the missing records from the Coroner's Office. It also does not take into account other important factors such as the failures to take a picture of the blood spatter or analyze the material under the victim's fingernails. Only undisputed facts, not open to alternative interpretation were used.

The facts of this case, objectively analyzed, legitimately raise the question; what the authorities honestly believed when they presented their case? My brother's mistakes should not relieve the police and prosecutors of their obligation to explain themselves. Their duty to be honest and impartial cannot vary from case to case.

My brother's mistakes were serious and cannot be taken lightly. But he did not commit murder, nor did he participate in the land fraud. He had nothing to gain by the death of the victim. He has served more than 33 years, a very long time for the crimes he actually committed.

This is not a case where a guilty petitioner claims his rights were violated. It is a credible claim of innocence that has never been given the review it deserves. Both the lead prosecutor and the trial judge have written on behalf of my brother's innocence and called for his release. In what other case has this happened? I ask you to give this case the attention that it deserves.

In view of all of the above, I ask that you grant our request. Zeke's prison record is good. He was recommended positively by the Superintendent and Deputies of his institution, which rarely happens. Please release Zeke for whatever life he has left. We need him to be free so he can be with us and my parents in their declining years. With Zeke's physical limitations, he is certainly not in any shape to hurt anyone. The Commonwealth gains nothing by keeping him confined.

Thank you.

Respectfully yours,



Dr. David K. Goldblum, PE, CHHM