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Mr. James Villanova, Esq.
16 Chatham Square
Pittsburgh, PA. 15219

Re: The homicidal death of George Wilhelm

Dear Mr. Villanova,

I have reviewed and evaluated the voluminous documentation which you mailed to me regarding the above homicide case in which two men, Charles "Zeke" Goldblum and Clarence Miller were tried and ultimately convicted of first degree murder, Goldblum as being the assaulter stabber and Miller as a passive conspirator. The following documentary evidence was submitted for review:

1. Feb. 9, 1976 Initial Police report
2. Feb. 9, 1976 Mobile Crime Unit report
3. Feb. 10, 1976 Autopsy report
4. Feb. 10, 1976 Autopsy photos
5. Feb. 10, 1976 Police report on Clarence Miller's arrest
6. Feb. 10, 1976 Police report on witness, Richard Kurutz
7. Feb. 11, 1976 Mobile Crime Unit report
8. Feb. 13, 1976 a Police report on Goldblum's clothes
9. Feb. 11, 1976 Goldblum clothing photos
10. Feb. 14, 1976 Police homicide summary
11. Feb. 10, 1976 Crime scene photos
12. Feb. 10, 1976 Murder weapon photos
13. Feb. 26, 1976- Dr. Peter Marrone report of lab findings
14. Mar. 2, 1976- Miller interrogation (except re: murder's commission and clothing worn during the same)
15. Aug. 23, 1977 Dr. Joshua Perper trial testimony
16. Aug. 25, 1977 Det. Edward Hill (Mobile Crime Unit)- trial testimony re: crime scene
17. Aug. 23, 1977 Det. Ronald Freeman- trial testimony
Re: crime scene, evidence, blood spatter
18. Aug. 20, 1977 Clarence Miller- trial testimony re:
commission of the murder of George Wilhelm

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19. Aug. 24, 1977 Dr. Marrone (Chief Criminologist)- trial testimony Re: evidence
20. June 1988 affidavit of ADA F. Peter Dixon
21. Feb. 1994 commutation support letter of Cyril Wecht
22. Feb. 1996 affidavit of Cyril Wecht
23. Nov. 2012 interview with Cyril Wecht
24. Three (3) consecutive letters by the Judge Donald Ziegler, the sitting judge in Goldblum's trial to Pennsylvania Pardons Pardon Board
25. June 14, 2011 Forensic report of Herbert L. MacDonell
26. February 25, 1997 Report of Forensic Laboratory
27. Affidavit of Dr. M. Baden and Dr. B.C. Wolfe
28. Affidavit of John Balshy, Investigator
29. Report on psychiatric examination of Clarence Miller (02/17/1976)
30. Mobile Crime Unit report (02/11/1976)
31. Supplemental Police Report by detectives Condemi and Amiti, (02/10/1976)
32. Police report of Clarence Miller's arrest by detectives Condemi and Amiti, (02/10/1976)
33. Testimony of Clarence Miller at Coroner's Inquest (02/18/1976)
34. Clarence Miller's interview report by detective Ronald Freeman (03/02/1976)
35. Clarence Miller's interview report by detective Ronald Freeman (04/02/1976)
36. Clarence Miller's testimony at preliminary inquest re fraudulent land deal (04/26/1976)
37. Court testimony of Clarence Miller at trial
38. Court testimony of Charles Goldblum at trial
39. Psychiatric examination report on Clarence Miller by Dr. E.H. Davis (02/17/1976)
40. Police report re Miller's arrest (02/10/1976)
41. Coroner's inquest - Miller testimony: Direct (02//18/1976)
42. Interview of Clarence Miller by detectives Fred Cooper and Ronald Freeman (03/02/1976)
43. Interview of Clarence Miller by detectives Gorny and Freeman (04/02/1976)
44. Testimony of Clarence Miller at Preliminary Inquest, regarding the fraudulent land deal (04/02/1976)
45. Interview of Clarence Miller by detectives Gorny and Freeman regarding Goldblum's restaurant's fire. (05/25/1976)
46. Testimony of witness Cornelius Kelly
47. John Regan's statement to the police that he heard the

- 48. victim's (Wilhelm's) cries for help and approached him. Statement of Richard Kurutz who observed Miller and Goldblum at the homicide's scene.
- 49. Note on Commutation Request by Charles Goldblum

The responsibilities of forensic pathologists and a short description of my forensic practice and experience in general and as applicable in this case

The major function of forensic pathologists is the determination of the cause and manner of death of individuals dying as a result of violent physical or chemical trauma and environmental or industrial agents, and determining culpable or criminal actions by a person or legal entity under unclear or suspicious circumstance.

However, within the above universe of cases, forensic pathologists are required to evaluate and determine a complex arrays of findings including: the identification of whole or parts of human remains - relatively intact or decomposed, time of injury or death, post injury survival, the nature, severity and patterns of injuries, the significance of patterns of blood spots, whether a victim was conscious and for how long, whether there is evidence that a victim had the capability to protect themselves effectively during an attack, age of injuries, the time of death, how the clothing of the victim or assailant are congruent with the nature of the assault, their pattern as such and the evidence at the scene, whether the phenotype of the victim or the assailant may be pertinent in the case, determination of defense wounds on the victim and wounds of the assailant sustained during the attack, and whether statements of the victim, the assailant or neutral witnesses are congruent with the physical injuries.

For more than 40 years I was continuously engaged in the practice of forensic pathology and pathology, and performed thousands of autopsies. In the past I served as a Chief Forensic Pathologist and Coroner in Allegheny County for 22 years and for the next 16 years as Chief Medical Examiner of Broward County, Florida. During this period I was also active as a forensic and medico-legal consultant in civil and criminal cases.

During those periods I also served as a Clinical Professor in Pathology, Forensic Pathology and Epidemiology Public Health at the University of Pittsburgh, University of Miami, and SE Nova University. For a number of years I was an adjunct professor of law at Duquesne University and an adjunct professor of psychiatry at the University of Pittsburgh.

I published 10 book chapters or books in the field of forensic pathology and more than 120 forensic publications, the vast majority in peer review journals. I also received the Milton Helpern Award of the American Academy of Forensic Sciences *'In recognition of outstanding contributions to Forensic Pathology,'* as well as other recognition awards. (See attached CV for details.)

During my years of forensic practice I determined and continue to determine on the basis of objective forensic evidence not only the cause and manner of death, but all the related issues enumerated above, including whether criminal or civil charges are congruent with forensic evidence, or whether alleged statements of the defendant or accuser are congruent with evidence.

Initial investigation on February 9, 1976

On February 9, 1976, the initial report by Detectives Diggs and Carter indicated that they had been notified at 9:35 p.m. that a man had been stabbed at the Smithfield and Liberty Stanwix Parking Garage. Detectives Gorny and Freeman also covered the scene. At the scene Detectives Diggs and Carter were met by Medic 4 who was putting the victim in the ambulance. Also at the scene they met Officer Thomas Pobicki who told them that the victim had told him: "Clarence Miller done it." The victim had been transported from the roof outside of the parking area to the street level, and transferred to the Medics. The detectives were notified that the victim had been tossed over a wall from the 8th floor onto the 7th floor.

They proceeded to the 8th floor, where they identified a blue Plymouth Fury belonging to the victim. There was a brown corduroy waist length jacket rolled up laying in the left corner of the back seat, a wrench with no handle on the driver's front seat, and a brown fur hat on the middle front seat with a set of keys to the right. There were drops of blood on the dashboard on the passenger side, as well as on the inside of the front window on the driver's side, and on the rear on the left side and left side rear window. The report noted: "*There was nothing else remarkable in the interior of the car.*"

There were more drops of blood 3 ½ feet in the rear of the car on the ground, 6 ½ to the right of the car, and 29 feet away toward the west wall. The car was parked facing the east wall with the front just about touching the wall. There was blood on the ground by the east wall about 8 ½ feet from the right side of the car. The railing was measured at 3 feet 8 inches high. A black men's shoe was found 2 feet from the left rear tire. The handle of the wrench was wrapped with grey plastic tape and was found 1 foot in front of the east wall. There was blood at the level where the victim was found that covered 22 feet from north to south. There was a half of a pair of garden shears recovered at the 7th level at the rear of the car which was on the 8th level. There was grey plastic tape around the handle (of the same type as the tape on the wrench handle) with blood on it. About 8 feet from the shears was partial piece of a person's lower denture plate containing 4 teeth, located on the 7th level. The height to the 8th level was not measured at that time.

The detectives then interviewed John Regan, who was working at the garage. He stated that he was on the 6th level when he heard someone yelling "*Help me, help me.*" He stated he then ran to the 7th level and saw the victim lying on the concrete beyond the wall and the railing, and that the victim was almost going over the ledge. He instructed the victim not to move, and then went down to the lobby level to call the police. He then went back to the 7th level, removed the victim from the ledge,

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placed him in a station wagon, and drove him down to the street level where the victim was placed in an ambulance. He stated he did not see anyone near the victim, and did not see any cars leaving the garage in a hurry.

Officers Crisanti and Hill from the Mobile Crime Unit had arrived by then, and photographed the scene. Evidence was also collected by them and transferred to their office. The victim's car was removed to the Public Safety building for processing by the Crime Unit. The victim was seen in the hospital by Dr. Kapnakas and listed as critical.

Follow-up investigation by detectives Freeman and Lenz on February 10, 1976

On February 10, 1976, morning at 8:45 am, Homicide Detective Freeman came to the Crime Unit Office and requested that photographs be taken of the scene and to further the process now that it was daylight. At about 9:10 a.m., photographs were taken from the 8th level looking down to the 7th level, and the ledge where the victim was found. They were also given a pair of men's leather gloves turned in by employee Milton Loehner. The gloves were removed from a brown paper bag and were noted to have a large amount of blood on the outside and a small amount on the inside. Mr. Loehner claimed that they had been turned in by an unknown white male who claimed he found them in an alcove outside the garage. There was no description of the man available.

An examination of the stairwells showed that the fire door from the 8th level was the escape route used, and a small amount of blood was found on the door and knob and photographed. A small amount of blood was noted on the handrail on the 8th floor stairwell, and a sample was collected. At the street exit level, there was blood on the door frame, which was sampled and photographed. The detectives then returned to the Crime Unit office, where they also received the larger portion of the denture transferred by Detective Lenz. This was submitted for testing.

The samples obtained in the search included the lower denture plate, several paper matches, a small white box containing suspected tobacco, a small white box containing suspected blood and paint scrapings and scrapings from the inside door frame, a round box containing suspected tobacco found at the front deck passenger side of the car, and black vinyl gloves containing suspected blood and hair fibers. Also obtained were a man's black shoe, grass shear, black tape wooden handle, blood scrapings and hair from the blue Plymouth, a brown man's fur cap, and sweepings from the backseat of the victim's car.

On February 10, 1976, Officers Condemi and Amity were advised that the victim had been fatally stabbed, and conveyed to the Coroner's Office along with the suspected weapon (grass shears) at 10:00 am. They then obtained a search warrant for the home of Clarence Miller, who had been identified by the victim in his dying declaration. Mr. Miller was noted to be co-operative. There was a recently washed beige shirt in the washer with no stains noted, and no other items found in the remainder of the search.

Charles Goldblum

In an interview, Mr. Miller stated he had known the victim since 1968. He stated that he had been home until about 7:15 p.m., and then taken a bus downtown to meet Charles "Zeke" Goldblum. They had then walked to Wood Street to meet George "Dodo" Wilhelm for coffee. Wilhelm left alone at about 9:10 p.m. to meet someone. Miller claimed that he went into Wilhelm's car before he left to get some matches. He claimed that he and Goldblum then left together in Goldblum's car, and that Goldblum drove him home and dropped him off. He stated that his wife and daughter met him at the door. He claimed that Wilhelm was a homosexual but that he "never tried anything with me."

The detectives noted that Mr. Miller had some scratches on the inside of both wrists and on the forearm of the right arm, which he claimed he had gotten playing with his cat. They then called Detectives Cooper and Longacre who were interviewing Mr. Goldblum, and learned that Miller's and Goldblum's stories were not consistent.

The detectives then confronted Mr. Miller, and he stated that he did not stab the victim. He claimed that the victim was going to cause trouble for him and Mr. Goldblum, who hoped to get an appointment to become an Assistant DA. He stated that he and Mr. Goldblum decided the victim would have to be silenced, and met on February 8, 1976, and discussed that they would stab him at the parking garage. Mr. Miller called Wilhelm and they met him at 9:00 p.m. They then drove together in the victim's car with Mr. Miller in the passenger seat, and Goldblum in the rear. As soon as they parked, he claims that Mr. Goldblum struck the victim on the head with a wrench. The victim got out, and Mr. Goldblum began stabbing him with a shear type instrument. He claimed that he did not know that Mr. Goldblum was going to kill Wilhelm, and that had he known he would not have gone along. He stated that he knew the victim kept the wrench and shear in his car under the front seat, and that he saw Mr. Goldblum take these instruments from under the seat. He stated that he had gotten some blood on the cuff of his pants "from trying to help the victim," but that there was nothing he could do for him. He claimed that the black hat and black gloves belonged to him, but that Mr. Goldblum was wearing them at the time of the stabbing.

Mr. Miller was noted to have a scratch on his nose, a small laceration on his 2nd finger of the left hand, and several scratches on the arms and wrist. He claimed the scratches on his nose were due to psoriasis, and the other scratches were from his cat. He appeared to be very nervous during this second interview, and complained of a pain in his chest. While setting up to tape the interview, Mr. Miller was noted to pass out. He declined an ambulance, and was about to be interviewed when he passed out again. At that time, the ambulance arrived, and he was treated and transported to South Side Hospital. Mr. Miller's physician, Dr. Mamula stated that he was treating him for coronary disease and hypertension. He was admitted for observation overnight. Therefore he was not arraigned at that time. While he was being admitted, he stated that he thought Wilhelm and Goldblum were lovers. Also, the detectives were called by attorney Murovich, who claimed he was a friend of

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Miller, but not acting as his attorney. He stated that Miller had done some political work for him.

Autopsy findings

On February 10, 1976 at 11:00 am, an autopsy was performed on George Wilhelm at the Allegheny County Coroner's Office by associate pathologist Dr. F.A. Malak and myself and revealed the following findings:

General findings:

- The nude body of 42 year old white male, well developed in good nutritional state, weighing 170 pounds and measuring 5'8" in length.

Evidence of injury

The deceased's head, body and extremities were stained with blood and showed more than 20 stab wounds, four of them potentially lethal, particularly a stab wound lacerating the thoracic aorta:

Distribution of stab wounds

- There were nine (9) stab wounds on the front of the body, including a stab wound on the forehead reaching the bone, but not perforating it.
- There were nine (9) stab wounds on the back of the body.
- There were multiple defense incised wounds of the fingers of the left hand consistent with the victim trying to defend himself and grasping the blade of the stabbing weapon.

The fatal stab wounds included stab wounds of left external jugular vein, thoracic aorta, left lung, liver and transverse colon. There was severe internal bleeding with a hemothorax bilaterally of 1,500 cc's, and hemoperitoneum of 1000 cc.

Diagnoses included:

1. Multiple stab wounds of the head, neck, and body with:

- Avulsion of the lower portion of the nose
- Perforation of the left external jugular vein
- Perforation of the thoracic aorta, left lung, liver, and transverse colon
- Hemothorax bilaterally
- Hemoperitoneum of 1000 cc.
- Defense-type wounds of both hands
- Post-operative status - Thoracotomy, Drainage wounds
- Abrasions of both knees.

The conclusive opinion was that the deceased was a 42 year old white male, who died of multiple stab wounds of the head, neck, and body. The manner of death was

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deemed homicide. Multiple photographs were obtained of the body, face, neck, and back. Multiple photographs were obtained of the stab wounds with rulers included for measurement.

Supplemental Police reports

On February 10, 1976, a supplemental report by Officers McKay and Gorny noted their interview with Mr. Kurutz, who had been in the garage the previous evening at about 9:20 p.m. after leaving night school. Mr. Kurutz claimed to have heard a "thumping" sound to his left, and observed two white males about 30 yards away. Subject 1 was about 30 years old, 6 feet, 190/200 pounds and wearing dark rimmed glasses, a Russian fur hat, and a black overcoat. Subject 2 was about 40/45 years old, 5 feet 9 or 10 inches, with a stocky build and thinning hair, wearing a gray overcoat. The subjects were walking leisurely and looked at him. He felt he could identify subjects.

On February 10, 1976, detectives Condemmi and Amity went to Miller's home and interrogated him about the murder. Miller initially lied claiming that Goldblum took him home and was not aware of Wilhelm's death. However, after told by the police that his story and that of Goldblum "were not consistent" he related that Wilhelm drove Miller and Goldblum to the top floor of the parking lot and that *"no sooner that they stopped the car when Goldblum struck the victim with a wrench. The victim opened the car's door and fell to the ground. At this Goldblum got out of the car and began stabbing the victim with a shear type instrument. The victim kept calling for Miller to help him but Miller did not. After Goldblum stabbed the victim he through (sic) him over the railing and then he and Goldblum left through the stairway."* Miller emphatically stated that he did not know that Goldblum intended to kill or stab the victim and if he would have known he would not have gone along. Miller stated that he knew that the wrench and the stabbing shears were kept in Wilhelm's car under the front seat. Miller had a scratch on his nose, a small laceration on the second finger of the left hand and several scratches on the arms and wrist. Miller stated that he got the scratches playing with his cat. Miller was very nervous during the interview and then started to complain of chest pain, and then appeared to pass out. The detectives then called for an ambulance who took Miller to South Side Hospital's emergency room. The E. R. doctor told the detectives that he treated Miller *"for coronary, and also hypertension."*

On February 11, 1976, Detective Lenz searched a yellow Ambassador sedan. The interior was negative for blood results. The search produced several burnt matches and suspected tobacco. There was no other evidence of value noted.

On February 13, 1976, Officers Hennigan and Watson requested that Detective Cotter of the latent print section take photographs of the outer garments that Mr. Goldblum had allegedly worn on the night of the murder. His wife provided a black topcoat, navy blue blazer, pair of grey slacks, and multicolored tie. There was evidence that the slacks had been recently cleaned or not worn, since they were pressed. Photographs were obtained with attention to the inside pockets.

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On March 2, 1976, Mr. Miller was questioned by Detectives Freeman and Cooper, Miller repeated his story that as soon as he and Goldblum went into Wilhelm's car Goldblum asked if he could use Miller's gloves, which the latter used to keep in the back seat of George Wilhelm's car. Miller stated that *"as George went the car I heard a thump and Zeke (Goldblum) hit him on the head with a wrench of some type. Then George fell and his nose was bleeding, up against ah, the car's steering wheel. Zeke came out and started to stab him and he was saying 'This will shut you up, you faggot!'. 'He (Goldblum) kept stabbing him and stabbing him. George kept screaming and hollering as he was going around the garage. 'Help me Clarence, help me! Please help me! Please help me' And I was so scared I couldn't – I could do nothing."* But then Miller added that he tried to help Wilhelm *"a couple of times but Zeke (Goldblum) pulled me away"* stating that Wilhelm was dragging himself and crawling all over the garage. Then Miller said that Goldblum must have hit Wilhelm as he backed him against the wall. Wilhelm started to fall over and as he was falling Goldblum grabbed him by the belt buckle, Wilhelm's pants fell off, and he fell with a thump. After that Miller stated that he and Goldblum left the garage. Miller related that he took the top coat which he wore at the time of the assault, put it in a bag and discarded it in a city garbage truck. When asked why, Miller responded *"Wee I was – I don't know why I did it. I just threw it – and ah, I just did it, that's all."* Miller claimed that he said nothing to Goldblum because he *"was frightened."* Miller indicated that the grass shear used in the stabbing had only one blade (half of the grass shears), which Wilhelm had made, about two years before, and Miller and Wilhelm used to pull down signs of political opponents. Miller also stated that while in the process of leaving the garage he saw a guy standing at the left of the elevator.

Miller also stated that Goldblum owed Wilhelm a lot of money and Wilhelm was *"bugging him"* and that Goldblum had asked Wilhelm to put fire to a restaurant he owed.

When the detectives confronted Miller and asked why the dying Wilhelm would tell the police: *"Clarence Miller did this to me,"* Miller replied:

"That I don't know. The only thing I could figure is George figured that I- because I didn't help him, I just stood there and let, let, let Zeke stab him."

On April 2, 1976, Detectives Gorny and Freeman questioned Clarence Miller about the fraudulent land deal in which George Wilhelm paid money for getting land which was never acquired, and then Wilhelm tried unsuccessfully to have the moneys he repaid. Miller claimed that Goldblum had participated in the land fraud, however he acknowledged that that the contact with Wilhelm was made only by him and an associate of his.

During his re-direct testimony of Cornelius Kelly (an acquaintance of Miller) by Mr. Dixon – the County District Attorney, Kelly was asked whether *"did anyone suggest to him that he should testify falsely."* He replied:

"Well let me think a second. Yeah. Clarence said once 'I'll tell you what to say.' I said 'You ain't tell me nothing to say, I'm going to say it the way it is.'"

Crime Lab report

On February 26, 1976, the Confidential Report of Laboratory findings of the Pittsburgh and Allegheny County Crime Laboratory were released by Director C. McNerney. Hairs recovered from a hat from the Ambassador sedan were compared to Miller and Wilhelm, and could have come from Wilhelm. The rectal swabs of Wilhelm showed numerous spermatozoa heads. Red crusts on the grass shears were human blood group A, PGM type 2-1. The whole blood of George Wilhelm was group A, MN, PGM 2-1. The fingernail scrapings of Wilhelm were negative. Three hairs from the inside the gloves were collected, and one was of animal origin. The two remaining hairs were compared to samples from Wilhelm, Goldblum, and Miller. The hairs exhibited the same microscopic characteristics as Miller's and could have come from Miller. The hairs were different from Wilhelm and Goldblum. The whole blood of Goldblum was group A, MN, PGM 2-1. The tobacco found inside the fire exit on the 8th floor was pipe tobacco and appeared to be the same type as the blend found in the Ambassador. A small smear of Goldblum's clothing found blood on the right sleeve cuff of a yellow shirt. However, not enough material was present for further testing. The clothing of Miller was examined. No significant stains were noted on any of the articles.

Statement of Clarence Miller to the Police

On March 2, 1976, Detective Freeman and Cooper took the recorded statement of Clarence Miller. He had been arrested and kept in the County Jail, and charged with the murder of George Wilhelm. His attorney, Mr. Murovich was present. Miller stated that he would answer all questions without his attorney present. He stated that:

- Goldblum had told him that Wilhelm was shaking him down for some money, and he wanted to meet with George on Monday night (Feb. 9, 1976).
- Goldblum had called him Monday morning to set up the appointment, and Mr. Miller called George.
- Wilhelm picked him up and dropped him off at the McDonald's, where they met with Goldblum at about 8:45 p.m.
- Miller stated that he was under the impression that Goldblum was just going to beat up Wilhelm. He stated he did not know that Goldblum was going to stab George.
- Goldblum asked George to give him a ride to his car. As they got into Wilhelm's car, Goldblum asked Miller if he could use his gloves.
- On the 8th floor, as George went to stop the car, Goldblum hit him on the head with *"a wrench of some type."* Then George fell and his nose was bleeding, *"and musta hit is nose on the steering wheel."*

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- Miller stated that Wilhelm fell out of the car, and Goldblum "Zeke", got out and started to stab him, saying, *"This will shut you up faggot."*
- Miller stated that Wilhelm was yelling for help, but that he was too scared to help him and couldn't do anything.
- Miller stated that Goldblum had Wilhelm backed up against the wall, and then as Wilhelm started to fall over, Goldblum grabbed his belt and he went over the edge and his pants fell off.
- Miller stated that he and Goldblum then walked down the stairs and ramp and walked out. Goldblum then returned to him his gloves and *"he (Miller) threw them away."*
- Miller stated that they walked to Goldblum's car and that Goldblum took off his overcoat and pants and put them in a garbage bag. Miller also stated that he took his overcoat and also put it in the bag which he threw into a garbage truck.
- Miller stated that Goldblum told him *"keep quiet about it. We'll have an alibi that we three left and George went his way, and I took you home...They'll believe me before they believe you because my father is a Jewish Rabbi and I'm a lawyer."*
- Miller stated that he asked Goldblum what he was going to do, and that Goldblum said *"I'm just going to put a Jewish curse on him...I'm going to beat the hell out of him."* He stated that Goldblum offered him *"fifty bucks for this."*

Testimony of Clarence Miller at Coroner's Inquest

At the Coroner's Inquest, Miller testified to similar events as to the police, except that he added a number of details, claiming again that Goldblum first hit Wilhelm on the head with a hard object, possibly a wrench, Wilhelm then fell out of the car and Goldblum started to stab him. Miller stated that he then went out, *"shook up"* and that Wilhelm then asked him for help saying *"Help me Clarence. Help me. Help me Clarence."* When Miller was asked why then he did not assist Wilhelm and he responded, *"I don't know why. I was scared."* Miller claimed that when Goldblum entered Wilhelm's car he was wearing gloves, but he then asked Miller for an additional pair of gloves, which Miller kept in Wilhelm's car.

When asked whether he had blood on his clothing, Miller answered: *"I don't know. No, no."*

Testimony of Clarence Miller at trial

On August 20, 1977, Mr. Miller testified at trial that;

- Miller stated that he left Wilhelm at the McDonald's to meet Goldblum in an alley by Smithfield and Grant Street. When Goldblum arrived, Miller stated that he saw him putting on another pair of trousers over top of his other trousers.
- Miller stated that as they walked to the McDonald's, Goldblum told him *"He's going to beat the hell out of him."*

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- Miller stated that they were sitting in a booth when Wilhelm asked Goldblum (Zeke) *"You got my damn money?"* Goldblum answered, *"Yeah I got your money. Don't you worry about it; I have your money for you."* This made Wilhelm happy.
- They talked about politics, and then Miller states that Goldblum said, *"How about you guys taking me up to the garage and getting my car? It's parked up in the garage."* They then left in Wilhelm's car, a blue Plymouth, with Wilhelm driving, Miller in the passenger seat, and Goldblum *"right in back of George."*
- Miller stated that Goldblum directed Wilhelm to keep driving until they got to the very top of the garage, 8th level floor. There were no other cars in that area that night.
- Miller stated that when the ignition turned off, he heard a thump, and saw Wilhelm lean forward and fall out of the car. He stated that Goldblum then began stabbing him. He claimed he had no advance notice that was going to happen.
- Miller stated that Wilhelm was screaming *"Help me Clarence, help me, help me Clarence"* but that he (Miller) just *"froze."* Miller stated that while stabbing George, Goldblum angrily screamed *"like he was crazy," "This will shut you up faggot; this will shut you up faggot."*
- Miller stated that Wilhelm was *"leaning up against the car door, and Zeke was just stabbing him. Then George was on the ground, crawling sideways, dragging his back leg."*
- Miller claimed that Wilhelm *"crawled around the car, then to the far wall, then back to the right front side of the car,"* while Goldblum kept stabbing him. He stated that when Wilhelm got back to the wall by the car, *"he managed to pull himself up"* only *"partly"*. He was then struck by Zeke (Goldblum) around the chin or chest, and fell over backwards. Miller stated that he is not sure if Goldblum hit Wilhelm with his fists or a weapon, but thought it was a weapon that *"looked like a pipe wrench or something."*
- Miller stated that: *"As he (George) went backward, Zeke grabbed him by his waist trying to pull him up, and as he pulled, his (George) pants came down, and all of a sudden I heard a thump"* when Wilhelm body hit the lower floor.
- Miller stated that what Goldblum used to strike Wilhelm *"looked like a pipe wrench or something. I don't know if it was a wrench or not, it looked like it."*
- Miller stated that he tried to help Wilhelm who was about 2 feet from the rear of the car and *"got down and started to, or he (Wilhelm) started to reach my wrist and I pulled him, I pulled my hand away."* Miller claimed that he was scared and that's why he did not help Wilhelm better. When asked why he did not stop Goldblum, Miller said that he was *"scared and did not try to stop Goldblum "because I (he) never seen anybody do anything like that."* Miller said that he did not know beforehand that *"Goldblum was going to hit him (Wilhelm) with a wrench and stab him and throw him over the wall."*
- Miller acknowledged that he knew for some time that the sheers and wrench used in the attack, had been *"always in Mr. Wilhelm's car"* and were located *"right in back of the front seat, like in the back, in the front"*, Miller stated that in the in the past the shears had been used by him and Wilhelm *"to tear [campaign] signs*

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down" of political opponents. Miller said that George had modified the shears by discarding one blade of it, and leaving the other with handle intact, in order to make their work easier.

- He stated that after Wilhelm went over the wall, he and Goldblum walked down a couple of stairs, and then took the ramps down to the Liberty street level.
- Miller stated that while Goldblum was stabbing Wilhelm, that he saw someone standing by the elevator. *"Right then Zeke started to stab George right by the car...and he was just looking straight at us."* He stated the man appeared large, and thought he recognized him as a friend of Tony Franz. He stated that the man was about 20-30 feet away, and that he had *"a good enough look."*
- Miller stated that he attempted to find this man, and asked about him, but was unable to find him, and had not seen him since then.
- Miller stated that after they exited the garage, as they were walking to Zeke's (Goldblum) car, Zeke said *"just handed me my gloves...and I (Miller) threw them away."* He claimed he threw them down on the sidewalk beside the parking garage. He claimed that he kept his gloves in the back of Wilhelm's car to use for campaigning, and that was how Goldblum had them.
- Miller stated that he had known about the shears used that night, that *"they were always in Mr. Wilhelm's car...George and I used them to tear signs (campaign) down."* He claimed that Wilhelm had taken the other blade off to make it easier to knock signs down. Miller stated that tape was kept on the handle so that it could be wrapped around a pole to use.
- Miller stated that Wilhelm kept the shear in back of the front seat, as well as a hammer, a staple gun, and an old monkey wrench.
- Miller stated that when they returned to Zeke's (Goldblum's) car, that Goldblum opened the trunk, took off the pants he had on, and put them in a plastic garbage bag. He state Goldblum also put his overcoat in the bag.
- Miller stated that he noticed blood on his own raincoat.
- Miller stated that as they were driving, Goldblum told him, *"Look, if anyone asks you what happened that night, you tell them that we met together at McDonald's restaurant downtown, you and I, we left there and George was still there...Stick with that story."*
- Miller claimed that he was scared, and Zeke (Goldblum) said, *"Just keep your mouth shut and don't tell anybody because it will be my word against yours."*
- Miller admitted that he had cheated, planned, and schemed against George Wilhelm during his lifetime. He denied any feeling of hatred or revenge against Wilhelm, and stated that they were pretty close.
- Miller stated that he had given Wilhelm's phone number and address to Goldblum in the past. He stated that Goldblum had never told him any reason why he could not set up a meeting with Wilhelm himself.
- Miller stated that he had lied to the police about wearing a topcoat the previous night of the murder, and had found blood on the topcoat and disposed of it in a garbage truck in his neighborhood.

Charles Goldblum

- Miller stated that he had gotten blood on the topcoat by the pocket when Mr. Goldblum had handed him the bloody gloves, and he had gotten blood on his hands which he then wiped onto the topcoat.
- Miller stated that when he got home, he was shaking and when his wife asked what was wrong, he replied, *"I seen a man get killed."*
- Miller stated that he had not told the police there was blood on his pants, and that *"I don't know if they put that in their report, but they made a mistake."*
- Miller stated that the police collected the pants that he had been wearing that night, his shirt, and a blue winter jacket.
- Miller stated that the overcoat that Mr. Goldblum was wearing that night had a spot of blood around the belly by the button hole.
- Miller stated that the railing was about up to his waist high.
- Miller stated that when Goldblum handed him his gloves, nothing was said, and then he (Miller) threw the gloves along the street going up Seventh Avenue.
- Miller stated that on February 18th, he appeared at the Coroner's inquest under oath. At that time, he stated that he did not know where his overcoat was, and answered yes to the question, *"Did somebody take it from you?"* And then he said, *"I misplaced it somewhere."* Then, when the next question was asked, *"Nobody took it from you, you just mislaid it?"* he answered *"Yes."*
- On March 2nd, when he was interviewed by the police, he was asked why he threw the coat into the garbage truck. He replied *"I don't know why. I just did it."* He admitted at trial that he had lied that he did not know why he had thrown the coat away.
- Miller stated that the first time he told anyone that blood got onto his coat because it was on the gloves that Goldblum handed to him was sometime in July of 1977, to Detective Freeman at the Public Safety Building. He stated that had been a verbal statement that he decided to make after talking to his priest and his attorney.
- Miller stated that after George Wilhelm parked the car with him and Goldblum inside, *"a few minutes"* passed before Wilhelm was struck.
- Miller stated that he had been sitting turned a little bit toward Wilhelm, and was able to see Goldblum in the back seat.
- Miller stated that as soon as Wilhelm parked and turned off the ignition, without forewarning, *"All of a sudden I heard a thump, George fell forward, fell out of the car and Zeke (Goldblum) started to stab him."* Miller stated that previously Goldblum, who was sitting in the back of the car, had exited the car from driver side and proceeded to stab Wilhelm shouting to him, *"This will shut you up, faggot; this will shut you up, faggot."* Thereafter Miller elaborated and said that when Wilhelm fell forward and hit his head on the steering wheel, he started bleeding from his nose. Initially Miller said that he could not identify the stabbing weapon but thereafter described it as grass shears.
- Miller stated that as Goldblum was stabbing Wilhelm, Wilhelm was *"hollering"* crying: *"Help me, Clarence: Please, for God's sake, help me Clarence, help me."* Miller stated that he *"froze."*

- Miller stated that, "*Wilhelm was first leaning against the car door, like this (demonstrating) and Zeke (Goldblum) was just stabbing him*" and thereafter Wilhelm was "*crawling sideways*" towards the ramp, to the "*far wall from where he parked,*" while Goldblum continued to stab him. Then Wilhelm crawled back towards his car as he "*crawled from one side of the garage to the other, on the opposite side.*" Then Wilhelm "*managed to get up, get himself up partly, and he got partway and Zeke hit him somewhere up around here (indicating) and he over and started to fall backward.*"
- Miller stated that he is 5 feet 11 inches tall, and weighed about 210 pounds on that night.
- Miller stated that he and Wilhelm were close friends, and admitted that he had "*fleeced him*" and "*set him up to be beaten up for \$50 dollars.*" He stated that the lack of money was important to him, and that he was upset that he had never been paid the \$50 dollars.
- He stated that the police had first told him that the last words spoken by Wilhelm were, "*Clarence Miller did this to me,*" on February 10th, and that's why he was being arrested for murder.
- He admitted that he had lied to the police when, after he had been informed of Wilhelm's dying declaration, he had stated that he had parted company with Goldblum and Wilhelm around 8:30 pm."
- Miller then testified extensively how he and two of his associates (Fred Orlosky and Ted Dedo) concocted a plan to defraud Wilhelm by claiming that they had the political influence to facilitate the sale of a public land to Wilhelm. Wilhelm gave them \$20,000 dollars as a first payment for the land and then the land acquisition did not materialize. Miller did not claim that Goldblum was involved directly in the fraud, but claimed that he went to him for advice and also shared with him some of the profits.
- Miller also claimed that Goldblum asked Wilhelm to burn down his restaurant, which Wilhelm did, but then declined to pay Wilhelm for the arson, because Goldblum claimed that did not have available money.

Testimony of Charles Goldblum at trial

On August 20, 1977, Mr. Goldblum testified at trial that;

- He had not known George Wilhelm in 1974 and 1975 and while Miller mentioned his name to him beforehand, he did not meet Wilhelm until the day before the assault (Sunday, February 8th, 1976). Wilhelm, Miller and Goldblum met at a McDonald's restaurant.
- Goldblum stated that he never showed Miller holes in the wall of his restaurant, as Miller claimed, which allegedly would have facilitated the arson.
- In December 1974 or January 1975 Miller mentioned the name of George Wilhelm to him, because Miller told him that he and another person by the name of Dedo, "*bilked*" and defrauded Wilhelm of \$22,000 dollars, by promising to use political influence (which Miller did not have) to approve the purchase a piece of

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public land, in which Wilhelm was interested. Miller stated that he did not know what to do, as Wilhelm asked for his money back and asked to meet Goldblum for advice. Miller was concerned because apparently he devised the fraud, and was concerned that the FBI may investigate him, as he been previously investigated by the FBI for committing perjury in an affidavit. Goldblum met with him but advised him to seek the help of another lawyer, and told Miller that he had two options, either to return the money or to hire a good criminal attorney. Miller stated then that he would return the money to Wilhelm.

- Goldblum was not aware of what Miller did for a living, except that the latter told him of being very involved with the Republican Party.
- Goldblum stated that he did not have anything to do with the land fraud.
- Goldblum stated that Miller had told him that he saw another attorney who drafted for him a letter in the land fraud case.
- Goldblum stated that on the day of the assault, February 9, 1976, about 9:00 p.m., he met with Mr. Miller in front of a bank outside of the office where he was employed, and thereafter went with him to a McDonald's restaurant where Wilhelm was waiting for them.
- At the restaurant, Goldblum introduced himself to Wilhelm as being Miller's attorney, and Wilhelm looked disturbed about it, probably because he saw bringing an attorney to the meeting with Miller as an unfriendly act. Goldblum stated that at the restaurant Miller did not follow his advice to repay the money to Wilhelm, declining to return the money, and putting the blame on another participant in the land fraud, who fraudulently had represented himself to Wilhelm as being Manella, a person connected politically to a U.S. Senator. Miller stated that he repeatedly tried unsuccessfully to telephone and contact Manella, who Wilhelm had met, in the belief that the impersonator was indeed Manella. (Goldblum had previously told Miller that if he was not prepared to make an arrangement for returning the money to Wilhelm, there was nothing that he (Goldblum) could do). Wilhelm then got upset but Miller pacified him by insisting that they are friends and that eventually he would reach Manella by phone, as the latter had Wilhelm's moneys for the land. The meeting lasted about 5-10 minutes, and was interrupted by Wilhelm who, realizing that the meeting is not going to be short, stated that he must go and move his car as it was parked illegally. As Wilhelm was going out of the restaurant, Goldblum took Miller aside, telling him that he did not follow his advice. Goldblum and Miller then accompanied Wilhelm to his car, which was illegally parked on the street. The car was parked a few minutes away and after reaching it, all three entered the car to continue their meeting, with Wilhelm being the driver, Miller in the front passenger seat and Goldblum in the back seat. Wilhelm drove his car to the 8th floor, the roof of the garage *"and just -- just before the -- the car was parked on the roof a --um—um Miller pops a surprise on both Wilhelm and myself (Goldblum) and that he can't pay Wilhelm immediately but is going to take me (Miller) – take me a few years,"* apparently in installments over the next few years. Then Wilhelm became very upset and he and Miller started a heated argument with Miller starting to yell while Wilhelm very angrily accused Miller that he has done

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something wrong with the intended acquisition of the land. (While in the car, Goldblum did not observe anything being placed on the back seat).

- The heated argument ignited a fight between Wilhelm and Miller and *"they were hitting each other and they were grappling in the front seat"* and Goldblum recalled that Wilhelm hit Miller in the face, at least one time. Then Wilhelm fell on the floor of the parking garage, and started to yell for help. Miller also exited the car at about the same time, and then Goldblum saw that Miller *"had what appeared to be a big knife"* with some blood on it. Goldblum stated that he did not see Miller stabbing Wilhelm in the car. (When Goldblum was shown the stabbing weapon he stated that he never held it in his hands). After exiting the car Miller went behind the car and *"ran around to where Wilhelm was lying, right by the driver's door."*
- As Wilhelm was yelling for help, Miller told him, *"Shut up you faggot,"* while either stabbing or hitting him. Goldblum was in the car and could see Miller but not Wilhelm, as the latter was on the ground. Seeing that, Goldblum decided to get away, and when exiting the car saw Wilhelm and Miller toward the rear of the car, *"grappling and Mr. Wilhelm getting from him (Miller) again."* Then Miller put the victim down and sat on the victim, stabbing him 10 and possibly 20 times. Goldblum then stood there watching the stabbing. After the stabbing, *"Mr. Miller got to his feet and starts dragging Mr. Wilhelm to the another (opposite) wall."* Goldblum recalled that he saw that Miller *"had one hand on his (Wilhelm's) collar and one on his pants was dragging him."* During this time Wilhelm was *"twitching his arms and his head was twitching."* Then, Goldblum saw Miller placing Wilhelm, whose face was very bloody, on the ledge by the North side, reaching down and picking Wilhelm's legs up and quickly flipping them over the railings. Wilhelm fell and hit a lower floor with a thump. When he heard the thump Goldblum stated that he went back to the wall and saw Wilhelm and turned around and as was walking away he saw a man by the elevators (Mr. Kurutz) who had exited from an elevator, and apparently saw them. Goldblum stated that he was filled at the time with fear, disgust and shock. Goldblum walked then to Miller, stood next to him, and Miller turned to him and extended his hands which were gloved. (Apparently to convey that was not putting Goldblum in danger because he did not hold any more the stabbing weapon). Goldblum joined Miller and both looked over the fence and saw the non-moving body of George Wilhelm down on the roof of the passage way. Then Goldblum ran away.
- Goldblum stated that when he walked up to look where Wilhelm went over, he may have got a spot of blood in the shirt's cuff, from the railing on which Wilhelm was placed prior to his fall. Goldblum saw a lot of blood on the roof at the South wall and deliberately tried not to step on it. Goldblum testified that he saw blood stains on the front of Miller's clothing (both matching trousers and jacket of an overcoat gray checkered leisure suit, as well as on Miller's raincoat).
- As Goldblum was running desperately away from the scene, down 3-4 flights of stairs, Miller was *"chasing"* after him. When Goldblum reached his car which was parked nearby on the alley, Miller was there having entered uninvited, and proceed to sit on the front passenger side, very much against Goldblum's wishes.

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Goldblum told Miller to get out of his car, but Miller started begging him to help, claiming he could not take a bus home. Then Goldblum, who was afraid of Miller, agreed. Miller then stated *"You've got to help me"* and Goldblum's initial reaction was that he did not want to see him again. Miller then continued to say: *"No, you have to help me, you have to help me"; "Look you are a lawyer, they'll believe you"; "Neither one of us want to be placed up there, so let's just say that we both left him at the restaurant"; "Let's tell the police that we left him at the restaurant and that you took me home."* Goldblum then relented and went along and agreed to lie to the police if questioned.

- After taking Miller to his home, Goldblum returned to his home. Miller called Goldblum in the early hours of morning asking him again, whether Goldblum will help him or not, saying, *"You won't hurt me? You're going to help me?"* Goldblum assented. After this conversation, at about 9:00 a.m. Goldblum went to his regular work. When Detectives Cooper and Longacre came initially to question him, Goldblum did not tell them the truth but the story concocted by Miller.

Note of Commutation Request by Charles Goldblum

In a Note of Commutation Request, Goldblum confessed that he *"planned the arson, made the preparations and hired Clarence Miller to set the fire."* He stated that the reason for the arson were financial problems with a restaurant of his in which parents invested \$100,000 dollars. Goldblum recognized that he had wrongfully acted, *"immaturely and impulsively"*, but firmly denied that George Wilhelm had anything to do with the arson, that the arson was done by Miller, and that he (Goldblum) at the time of the arson did not know even know Wilhelm.

Goldblum stated that in February of 1976, Clarence Miller told him about George Wilhelm, and disclosed to him, that in 1973 and 1974, he (Miller) defrauded Wilhelm of several thousand dollars, by pretending to sell Wilhelm land in North Carolina which was in fact owned by the Federal Government. At that time in February 1976, Goldblum did not know Wilhelm.

Goldblum stated that Miller had asked him to meet with him and Wilhelm, as he (Miller) would be prepared to *"make Wilhelm whole"* (i.e. to return the money). However at the meeting Miller reneged on his promise, and as a result Miller and Wilhelm begun to argue and then fight. During the fight, Miller stabbed Wilhelm to death. Goldblum stated that before dying, George Wilhelm told a policeman, *"Clarence, Clarence Miller did this to me."*

Goldblum claimed that the evidence of the trial pointed to Miller as being Wilhelm's attacker.

He stated that initially he did not report the truth to the police incriminating Miller, because he was concerned over their previous involvement in the arson of Goldblum's restaurant.

Testimony of Dr. Joshua Perper at Goldblum's trial

On August 23, 1977, I was questioned at trial on Direct by District Attorney, Mr. Dixon. My testimony included;

- I stated that I had performed the autopsy of George Wilhelm on February 10, 1976.
- I stated that there were wounds or incisions present, some of which were performed at the hospital, and other types of wounds which were clearly distinguishable.
- I stated that there were a total of 25 wounds located both on the front and back of the body. The location of each wound was stated and each wound described. This included a severe stab wound of the nose which almost completely amputated the lower part of the nose, and the segment which measured 2 x 1 ¼ inches.
- There was a stab wound present on the left side of the neck which measured 1" in length and slightly more in depth, which penetrated the muscles of the neck and one of the major superficial veins of the neck, which was the left external jugular vein.
- There was a deep stab wound which penetrated to a depth of 6 inches and perforated the sternum, the right 7th and 8th ribs, and perforated the liver close to the gallbladder.
- I stated that such a stab wound in a downward direction toward the liver would have had to have been a powerful blow.
- There was a deep wound in the space between the 6th and 7th ribs which penetrated the left lung. There was also a stab wound in the left upper quadrant of the abdomen which penetrated the muscles and just perforated the underlying intestines.
- There was a deep wound of the palm of the right hand called "defense wounds." There were also multiple incised wounds on the fingers of the left hand in a transverse manner along the fingers also consistent with "defense wounds."
- I also demonstrated the wounds found on the back of the body, on the back of the head behind both ears, and those which ran obliquely across the blade of the left shoulder. There were multiple stab wounds in the lower part of the right back, in the left-lower back, and the mid-lower back, some in groups. These were indicated on a body diagram in the autopsy report.
- There was also an irregular bruising on the right side of the forehead caused by blunt force trauma, possibly due to a fall or blunt instrument. There were abrasions on both knees consistent with either a fall or crawling on hands and knees on a hard surface.
- I noted that one of the left lower back wounds penetrated 7 inches from the skin to the abdominal cavity and cut the aorta.
- I noted that an examination of the grass shears was consistent with the injuries that were produced on the body, and that there were stab wounds

with a "back," with an incised end and blunt end which fit and corresponded in measurement with the back of the shears. Most of the wounds were consistent with that type of instrument.

- I noted that scrapings are routinely taken from underneath the fingernails. The scrapings from this case were sent to the Crime Laboratory. It was noted that the responsibility of the Coroner's Office to take the specimens, preserve them, and transfer them for analysis.
- I explained the findings of photographs taken of the head showing the wounds to the nose, the laceration of the back of the head extending into the right ear, and the stab wounds of the back.
- I opined that the cause of death was due to severe internal bleeding due to stab wounds of the liver and aorta.
- The superficial wounds were not a significant contributory cause of death.
- On cross-examination, I noted that the abrasion of the head and knees were wounds that would not have bled.
- I opined that the blood spatter observed inside the car could have been caused by a penetrating injury that occurred inside of the car, and that a very sharp movement of the victim's head would have squirted the blood. It could also have been caused by flicking blood off the weapon itself.
- I noted photographs of the "defense wounds" of the left hand, although there were also defense wounds on the right hand which was not photographed.

Testimony of Detective Freeman at trial

Also on August 23, 1977, Detective Freeman testified at trial. He stated that;

- The general area of the wall over which Mr. Wilhelm fell measured 3 feet 8 inches, and was 15 feet above the area where he landed.
- There were "drag marks" indicating that either the victim's feet or trousers were actually slid across the snow.
- He had the impression that somebody may have been crawling, but this was unclear due to the snow.
- There was a horizontal blood stain on the driver's side window on the inside window.
- He did not observe any blood on the steering wheel.
- He did not observe any blood on the back rest of the driver's seat or the driver's seat itself.
- There were no discernible fingermarks on the shears visible.
- There was no blood seen on the outside of the car itself.
- There was blood by the left rear corner of the car, and then going down to the south wall in a very heavy concentration, and moving back to the north wall some on top of the concrete itself, and then a lot of blood down where he was found.
- There was a small line of blood droplets on the dashboard, each with a "tail" facing toward the passenger side, indicating that the blood came from the driver's side to the passenger side.

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- There was no close up photograph of the dashboard taken.
- There was no blood visible on the wrench found in the car.
- There was clearly blood visible on the shears found on the 7th floor level.

Peter Marrone's testimony on Crime Lab's findings

On August 24, 1977, Peter Marrone testified at trial as the Chief Criminologist of the Allegheny County Crime Lab. He stated;

- A hat recovered from the car of Charles Goldblum contained hairs that could have come from George Wilhelm. They were different from the hair from Clarence Miller. (In subsequent testimony, it was revealed that this hat was actually found in the victim's (George Wilhelm's) vehicle, not Charles Goldblum's).
- He had examined the grass shears for blood stains. Some stains were on the blade, but *"most of the stains were on the taped portion of the handle."*
- The blood was human, type A, PGM 2-1. This was compatible with the whole blood of George Wilhelm.
- There was no evidence of significance in the fingernail scrapings obtained by the Coroner's Office. He stated that if the victim had imposed long scratches on the hands or arms of his assailant, that there could have been tissue or blood or hair, but not necessarily so.
- He had examined a pair of vinyl black gloves. The right hand glove in particular showed a dark brown stain inside the lining; the left hand glove had some staining but not to a great extent.
- The blood from the gloves was human, type A, PGM 2-1.
- Three hairs were recovered from inside the gloves. One was an animal. The other two were consistent with Clarence Miller, and were different from Charles Goldblum, and different from George Wilhelm.
- He stated that the hair samples indicated that Miller had actually worn the gloves.
- He stated that it was possible for different people to wear and even to do heavy physical labor and leave no sample behind.
- He had examined some matches from the 8th floor exit to matches from an Ambassador automobile. Two of the matches were the same. There was also a comparison made of some pipe tobacco, which was also the same as that from the Ambassador.
- He examined clothing belonging to Charles Goldblum, including a yellow shirt, which had no stains or hairs on it. Another shirt, yellow and blue, had a very small reddish smear on the right cuff of blood. There was not enough of a sample for further analysis. Also examined were a black topcoat, a navy blue blazer, gray slacks, and a multicolored tie. No stains of significance were found.
- He examined clothing belonging to Clarence Miller including a pair of shoes, tee shirt, red blazer, red shirt, blue jacket, and plaid slacks. No stains of significance were found.

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- He stated that there was no evidence of recent washing of the slacks belonging to Miller. It was noted that Miller had told Detectives Amity and Conдеми that he had washed the blood off the cuffs of those pants. However, he stated that depending on what was used to wash them, it might not show.
- He stated that neither he nor anyone else from the Crime Lab had examined the crime scene.
- He stated that the blood type and PGM of Wilhelm and Goldblum were the same.
- He stated that the hat found on the front seat of Goldblum's car had hair fibers of the same characteristics of Wilhelm. (It was later reported by Mr. Dixon and verified by Officer Hill that the hat was found in the victim's car on the front seat and not in Mr. Goldblum's car as mistakenly repeated.)
- He had examined the wrench found at the scene at the garage, and stated there were no traces of blood or hair on the wrench.
- He stated that normally speaking in the performance of his duties, he is not generally called to all homicide scenes to make an investigation. He stated that the lab has a service agency respond, and that the city itself has its own mobile unit crew. He stated that the city's mobile crew assists the investigating officers in collecting evidence and photographs of the scene. Then the lab performs tests and makes analysis of the reports, rather than travel to crime scenes.
- He stated that you wouldn't necessarily find hair on an instrument such as the wrench striking someone on the back of the head. He stated that it was unlikely to find residue of skin if the victim were struck on the forehead or head.
- He stated that slacks from Mr. Goldblum's home were picked up February 10th, and submitted to the lab on February 13th. He had no knowledge of where they had been stored in the interval.

Testimony at trial of Officer Edward Hill

On August 25, 1977, Officer Edward Hill of the Mobile Crime Unit testified at trial. He stated that;

- The Crime Unit is a technical service for the detective division for obtaining photographs, fingerprints, and collecting evidence and transporting it to the crime lab.
- Officer Hill stated that a half of a shear was found at the 7th floor. The victim's car was on the 8th floor. A wrench was found inside the car on the front seat. The handle of the wrench was found on the ground near the wall. Photographs were obtained of all evidence that was collected.
- The victim's car, a Plymouth, was towed to the Public Safety building and examined after being allowed to dry out. Blood scrapings were obtained from the dashboard. Blood and hair were also obtained from the left front and rear doors. The back seat was vacuumed for fibers or hair. No

other photographs were taken of the inside of the car besides those taken initially at the crime scene.

- No attempt was made to obtain fingerprints from inside the car due to severe cold and damp and a high degree of humidity.

Sworn Affidavit by Mr. Peter Dixon

On June 17, 1988, attorney Peter Dixon made a sworn statement that he was the trial prosecutor in the case of Commonwealth of Pennsylvania v. Charles J. "Zeke" Goldblum and the companion case of Commonwealth of Pennsylvania v. Clarence Miller. He stated that he had recently been exposed to new information concerning the case against Mr. Goldblum which was not available to him at the time of trial.

He stated that that new information caused him to go back and carefully review and study the trial transcript in this matter. Based on this review, he came *"to the very firm conclusion that Charles Goldblum had nothing to do with the murder of George Wilhelm other than being a frightened witness to that murder and an accessory after the fact."* He also stated that *"it is very unlikely that Charles Goldblum participated in the land fraud perpetrated against George Wilhelm, or that George Wilhelm participated in the arson of Mr. Goldblum's restaurant."*

Peter Dixon concluded his affidavit stating:

"Despite my best efforts in trying these cases, a miscarriage of justice has occurred."

Letters of Judge Donald Ziegler to the Clemency Board

Judge Donald Ziegler wrote no less than three (3) consecutive letters to the Board of Clemency, pleading for the release of Charles Goldblum, because the crime was committed by Clarence Miller, as the victim clearly asserted in his dying declaration.

1. On January 5, 1989, U.S. District Judge Donald Zeigler, the Judge that had presided over the case of the Commonwealth v. Charles Goldblum wrote a letter to the Board of Pardons. He supported the application for clemency, and stated that substantial leniency should be granted in this case, and Mr. Goldblum should be released from confinement within the foreseeable future. He noted Mr. Goldblum's education and lack of any previous criminal involvement, a stable and supportive family, and Mr. Goldblum's exemplary record while confined. He stated that *"I have been troubled for years by the dying declaration of the victim, 'Clarence Miller did this to me.' It is a moral and legal precept that a person is presumed to speak the truth when he is faced with death. The victim knew that he was dying and he never mentioned the name of Charles Goldblum. In short, the conviction was based on the testimony of Miller, and the jury's apparent dislike for Mr. Goldblum. In my opinion, Mr. Miller's testimony was suspect and quite frankly, if I was the fact finder, I would have rejected as unpersuasive much of the testimony of this individual."*

Considering these factors, *"I recommend that the request be granted and urge that Mr. Goldblum be released from prison without undue delay."*

2. On January 14, 1994, U.S. District Judge Donald Zeigler wrote another letter to the Pennsylvania Board of Pardons. He stated that Charles Goldblum had served over 17 years of confinement, and no citizen should be confined for a greater period of time for acts which, while criminal, amount to stupidity. *"Charles Goldblum does not constitute a threat to this or any other community, and I am confident that he has the intelligence and ability to become a productive citizen."*
3. Judge Ziegler stated that Goldblum had only witnessed and did not participate in Wilhelm's homicidal stabbing by Miller. Judge Ziegler emphasized *"Mere presence at the scene of a crime does not constitute evidence of complicity in a homicide."*
4. Judge Ziegler stated that Goldblum's involvement in the arson of his restaurant was the product of financial desperation and a fear of embarrassing his parents and family.
5. The Judge concluded by stating that Charles Goldblum is *"a man with potential who deserves a break at this point of his life. Seventeen years of confinement is sufficient to repay the people of this state for crimes for which he was convicted."*
6. In additional letters to Pennsylvania Board of Clemency, Judge Ziegler reiterated his pleas to release Goldblum from prison, because the stabbing homicide was perpetrated by Miller and Goldblum was only passive observer, and the conviction was based on jury believing the suspect testimony of Miller and their dislike of Goldblum. The dates of those additional letters are: January 5, 1989, January 14, 1994, and December 14, 1998.

Evaluation report of Dr. Cyril Wecht

On September 1, 1994, Dr. Cyril Wecht, a well-known forensic pathologist, wrote to the Pennsylvania Board of Pardons Re: Commutation Petition of Charles Goldblum. He had reviewed the autopsy report by the Coroner's Office on February 10, 1976, and numerous police and other investigative reports, statements, interrogatories, and various court documents.

Dr. Wecht concluded: *"It is my professional opinion, based upon a reasonable degree of medical certainty, that Mr. Goldblum was not the individual who inflicted the fatal stab wounds on Mr. George Wilhelm."*

This determination was based on the following findings evaluated by Dr. Wecht:

- The nature, extent, and direction of the various stab wounds.

- The blood spatters found on the dashboard of the car had a left to right direction, indicating that the individual sitting in the front passenger seat would have been the person who inflicted the fatal wounds.
- Mr. Miller admitted to being in the front passenger seat and to changing his clothing following the event and destroying the clothing he was wearing during the stabbing.
- There was no blood found on the clothing that Mr. Miller stated Mr. Goldblum was wearing.
- The victim's unambiguous dying declaration, namely, that "*Clarence Miller did this to me.*"

Sworn affidavit by Dr. Cyril Wecht

On February 7, 1996, in a sworn affidavit, Dr. Wecht stated that no pre-trial inquiries were made of the Coroner's Office concerning the significance of available forensic evidence by defense counsel, and thus, he was not called upon to review the evidence or offer an opinion at trial. Also, he stated that, Dr. Perper, the prosecutor of George Wilhelm's autopsy was not asked during his court testimony by the prosecutor to give his expert opinion concerning the likelihood of Mr. Goldblum's role. Dr. Wecht stated that the presence of blood spatters on the dashboard of Mr. Wilhelm's car established that the stabbing began while he was in the car, by the individual in front of or immediately to the right side of him, Clarence Miller.

Given the number and severity of the stab wounds, "*it is unimaginable to me that Mr. Wilhelm's assailant would not have gotten a significant amount of blood on his clothes. Yet, Mr. Wilhelm's blood was not found on the clothes seized from Mr. Goldblum.*" Mr. Miller admitted that he had attempted to dispose of his own clothes which were stained with blood. Additionally, "*Mr. Miller testified that Mr. Goldblum wore his gloves while committing the murder. The only person that has been linked to the gloves through scientific evidence is Miller himself.*" Finally, Dr. Wecht considered the dying declaration of the victim, and the "*great weight that the law puts upon such statements as a strong presumption that someone about to die will truthfully identify his killer.*"

Affidavit of John Balshy, Crimes Investigator

On March 15, 1996, John Balshy submitted an affidavit. He stated that;

- He is a private investigator who specializes in criminal investigations, police procedures, evidence, and forensics.
- He found errors and oversights inconsistent with sound forensic and homicide procedures including;
 1. Not all of the evidence collected at the crime scene was analyzed by the crime lab, and critical photographs were not taken.
 2. The vehicle was impounded by the police, but no photographs were taken of its interior.

3. The splatters on the dashboard were scraped without first being photographed.
 4. The scraped blood was removed from the surface without being photographed using a measurement scale to indicate the length and width of the blood pattern in relation to the surface on which it was found.
 5. An attempt to type the scraped blood removed from the dashboard was not made until two hours before Peter Marrone of the Crime Lab was to testify at the Goldblum's trial, making blood typing impossible.
 6. Fingernail scrapings taken from the victim were not thoroughly analyzed.
- He stated that if the evidence had been preserved properly, if a photograph with a scale present had been taken of the blood spatters, and if the blood spatters had been precisely measured for size, length, and width, a forensic criminologist could have determined the angle of impact of the blood, which could have illustrated to a fair degree of precision where the victim and the assailant were positioned at the time of the assault, and how the spattering of blood on the dashboard occurred.
 - There is no evidence that the Police attempted to gather as much evidence as possible to determine which of the two defendants was the assailant who wielded the grass shears.
 - That the Police, after learning that Miller had discarded his clothing, did not further investigate who the assailant was.
 - That the fingernail scrapings were read as "negative" and did not describe the composition or ingredients of the scrapings.
 - That Goldblum's counsel, David Rothman, did not conduct a private investigation of the crime scene.
 - That a private investigation would have assisted the defense and raised serious doubts as to the Commonwealth's theory of the case.

Affidavit by Dr. Michael Baden and Dr. Barbara Wolf

On November 25, 1996, Dr. Michael Baden and Dr. Barbara Wolf, both experienced forensic pathologists, submitted an affidavit based on the autopsy report and forensic evidence in the murder of Mr. Wilhelm.

They stated that;

- Based on the autopsy report, autopsy photographs, police reports, crime lab reports, transcripts from trial, and Chrysler Motor Corp. specifications of the 1966 Plymouth Fury (victim's car), they opined to a reasonable degree of medical certainty that Mr. Goldblum was not the individual who inflicted the fatal stab wounds to Mr. Wilhelm.
- The positions of the passengers in the car, the crime scene evidence, and the autopsy report are not consistent with the testimony of Mr. Miller.

- Blood spatters on the dashboard indicate that the stabbing occurred in the car, and is not consistent with the testimony of Mr. Miller that no stabbing occurred in the car.
- The left to right direction of the blood spatter on the dashboard is consistent with Mr. Wilhelm being stabbed by a person sitting to his right in the front passenger seat- the uncontested position of Clarence Miller.
- The lack of blood on Mr. Goldblum's clothing, and the admission of Mr. Miller that he disposed of his clothes which were stained with blood from Mr. Wilhelm.
- The black vinyl gloves recovered from the garage with blood stains were linked through forensic evidence only to Mr. Miller by hairs taken from inside the gloves.
- The dying declaration of the victim identifying Clarence Miller as his murderer is supported by the forensic evidence.

Report of Dr. Henry Lee, criminologist

On January 17, 1997, Dr. Henry Lee, Director of the Forensic Research Training Center, issued a report after reviewing the autopsy report, autopsy photographs, portions of transcripts of the trials of Charles Goldblum and Clarence Miller, the deposition of Pittsburgh Police commander Ronald Freeman, the affidavit of Dr. Cyril Wecht, the affidavit of Dr. Barbara Wolf and Dr. Michael Baden, and the letter from Isobel Storch, Assistant City Solicitor of Pittsburgh. His report included the following statements of fact:

- A summary of the death scene and body findings: the fact the Mr. Wilhelm, the victim of a homicide, drove his car shortly prior to his death to a parking garage, with the front passenger being Mr. Miller and the back passenger Mr. Goldblum.
- That the autopsy report and photographs indicated that Mr. Wilhelm had been inflicted approximately 25 stab wounds/injuries.
- That according to the testimony of Detective Freeman the following blood stain patterns were observed at scene:
 1. Blood smears were found on the interior of the driver side window.
 2. Blood spatters on the dashboard with a left to right direction.
 3. Bloodstains on the outside of the driver door.
 4. Bloodstains on the ground at the left rear of the car, and bloodstains on the wall.
- An examination by the Allegheny County Forensic Science Laboratory examination of Mr. Goldblum's clothing showed a marked lack of blood stains except for a small indistinguishable stain on the left cuff.
- A wrench found on the front seat inside the vehicle had no blood like materials on it.
- Handprint type of impressions was observed on the "packed snow" surface at the crime scene.

- According to Mr. Freeman, the investigation file of this case was missing.
- According to Attorney Storch, the crime scene photographs were also missing.
- According to U.S. District Court Judge Donald Ziegler, he stated that the dying declaration of Mr. Wilhelm indicated that Clarence Miller did this to him.

Dr. Lee concluded:

- Without the crime scene reports and crime scene photographs and crime scene video tapes available, a reconstruction of the crime is almost impossible.
- Based on the limited information available, a partial reconstruction was made by Dr. Lee which indicated that there are many scientific facts indicating that Mr. Goldblum was not the individual who committed this crime, including:
 1. The blood spatter of the dashboard was consistent with a medium velocity cast-off pattern, from left to right.
 2. The location of the spatters was inconsistent with Mr. Wilhelm being stabbed by a person in the back seat of the vehicle.
 3. The number of stab wounds and locations of those wounds strongly indicate that there was a struggle between the victim and perpetrator.
 4. The amount of blood lost (by the victim) further supports that there should have been a significant amount of blood on the assailant's clothes.
 5. Mr. Goldblum's clothing revealed a marked lack of blood. Mr. Miller admitted that he disposed of his clothes which had become stained with Mr. Wilhelm's blood.
 6. The absence of a laceration from a blunt force injury, indicate that a stabbing occurred in the car. This is inconsistent with Mr. Miller's testimony that there was no stabbing occurred in the car.
 7. The blood spatters and blood smears inside the car indicate that the scientific evidence is consistent with Mr. Goldblum's testimony that he saw Mr. Miller with the bloody grass shears or murder weapon while still in the car.
 8. The only person to whom a pair of bloody black vinyl gloves recovered from the parking garage was linked through forensic evidence was Mr. Miller.
 9. Examination of the wrench found no trace of blood, bone, tissue, or hair. This scientific fact is clearly inconsistent with testimony by Mr. Miller that Mr. Goldblum clubbed Mr. Wilhelm on the back of the head with a wrench.
 10. There were no fingerprints or any body fluid from Mr. Goldblum on the knife or wrench. These facts further support that there is no physical evidence to link Mr. Goldblum to this crime.

11. The dying declaration of the victim identified Clarence Miller as his murderer before he died.

Based on all the above facts, Dr. Lee opined that to a reasonable degree of forensic certainty, Mr. Goldblum was not the individual who inflicted the fatal stab wounds to Mr. Wilhelm.

Letters of Judge Donald Ziegler to Clemency Board

On December 14, 1998, U.S. District Judge Donald Zeigler wrote to the Lieutenant Governor's Office, Board of Pardons, with respect to clemency for Charles Goldblum. He had received a copy of the affidavit executed by Peter Dixon, the prosecutor in the Goldblum case. Mr. Dixon concluded that "*Charles Goldblum had nothing to do with the murder of George Wilhelm other than being a frightened witness to that murder and accessory after the fact,*" based on new information presented to him.

Judge Ziegler noted that Mr. Goldblum had been confined for over 20 years, and his "*uneasiness with the verdict of the jury has been expressed to the Board of Parole and a former Governor on several occasions.*" He felt that clemency should be granted at this time due to: the length of incarceration, the affidavit of the prosecutor, the dying declaration of George Wilhelm, the questionable credibility of Clarence Miller, the written requests of the trial judge, and the exemplary prison record of Charles Goldblum. Judge Ziegler had previously submitted two more such letters.

Blood spots pattern report by Herbert MacDonnell Director of Laboratory of Forensic Sciences

On December 13, 2000 Herbert Leon MacDonell, Director of the Laboratory of Forensic Science, a well-recognized blood spots expert, released his forensic report. He had reviewed the testimony of Ronald Freeman regarding his description of apparent bloodstains on the dashboard within the vehicle in this case. He stated;

- The description was sufficiently detailed for him to be able to form a qualified opinion regarding the blood stains on the dashboard.
- There were a "*line of droplets*", "*not a lot of blood*", and "*discerned droplets and they started on the -towards the driver's side was the largest spot, and then they descended into smaller circles.*"
- Each circle had a "*tail*" and the "*tail*" was facing toward the passenger side.

Based on the description of the above findings the forensic scientist with known expertise in analysis of blood stains patterns, concluded:

- The description by Detective Freeman of blood spots arrayed in a line and not randomly was an accurate classical portrayal of cast-off bloodstain pattern, with the droplets' tails pointing towards the passenger's side which

were ejected from left to right (from the driver side to the passenger side) and Detective Freeman recognized them as such in his testimony.

- The source of the cast-off blood spots with the above-oriented tails was some type of object such as a finger, a small club, a knife or a screw driver. The object would have to have been close to the dashboard when it was swung as the blood spatter could not have originated from such an object if it had been swung very far away from the dashboard, such as in the back seat area.
- The December 18, 2000 transcript of Toby Wolson describing repeatedly the pattern blood spots as "*low force*" is incorrect both in term (the correct term is "*low velocity impact*") and in essence as "*low velocity*" impact could not likely have produced the bloodstain pattern that was described by Mr. Freeman. Low velocity impact describes an "*impact spatter*" which occurs during a beating or simply clapping the hands together when they are wet with blood, has a random distribution of spatter, and not a line of bloodstains as described by detective Freeman.
- It is almost a certainty that the blood stains pattern described by detective Freeman did not result from an impact to "*a source of blood*"

Transcript of interview of Dr. Cyril Wecht by attorney Villanova

On November 22, 2012, Dr. Wecht was interviewed by attorney James Villanova, and James Ramsey, the head investigator for Zeke Goldblum. Dr. Wecht stated that;

- He was never contacted by the district attorney's office, the defense attorney, or anyone else, and was not involved in the case as Dr. Perper performed the autopsy and testified at trial.
- He states that around January of 1996, he was contacted by the attorney representing Charles (Zeke) Goldblum about records at the Coroner's office pertaining to the case, and it was then for the first time, that it was brought to his attention that the records were no longer there, they had disappeared. He stated that in his experience, that was very rare.
- He stated that the files are ordinarily kept at the Coroner's office and that there was no explanation at all as to what happened. He stated that he believed that it should have been pursued in a more serious nature to find out who was the most likely person responsible.
- He stated he could not recall an entire file missing, and certainly not a case of a controversial nature that was being pursued by attorneys and which required a revisiting of files to wind up missing. He recalled that the same file was missing from the District Attorney's office, and the Pittsburgh Police. He had never heard of any other file being missing from three separate places like that.
- He stated that the missing files included photographs of the blood spatter, and more importantly, statements that were made and obtained in the original investigation. Things which, with regard to Miller, allowed him to totally walk away and to a very great extent dump everything on Goldblum.

Charles Goldblum

- He stated that *"it's just impossible with repeated stab wounds, especially instrumentality of that size producing very substantial wounds,"* that someone would not have blood come back on them. He notes that there was no blood on Zeke Goldblum's clothes, and that Miller admitted that there was blood on his clothes and that he changed out of his clothes. Also, the blood spatters *"definitely move from left to right,"* so it fits with Miller sitting to the right of Wilhelm, as he's stabbing him, left to right.
- He stated that the blood spatters were more consistent with the movement of the shears in and out of Wilhelm's body, than aortic spurting from the wound itself.
- He stated that it was inexplicable that the defense attorney, Mr. Rothman, though he had not contacted the Coroner's office to further question Dr. Perper or himself, would not have consulted with other criminologists or blood spatter experts or forensic pathologists.
- He noted that the trial became an even bigger cost of labor, much bigger, with the son of a very distinguished Rabbi and an attorney on trial, than if it had been Clarence Miller on trial. *"There's no question that anybody, if you don't recognize, then you are being deliberately choosing to ignore the realities of this case...now I've got myself a big case, this is something special."*
- He stated that the photographs of the blood spatter on the dashboard, which were suddenly missing at the time of trial, would absolutely have been of assistance to anyone to show that those blood spatters could not have occurred from a person in the back seat.
- He stated that the defense attorney not raising the question at trial where are the photos, was *"totally, totally, totally incomprehensible and unacceptable, and from the standpoint of a criminal defense attorney, unforgiveable. It is gross, gross malpractice; there is no other way to say it, gross incompetence."*
- He stated that this case *"was truly unique..."* in which the trial judge, a very distinguished judge who went on to become the Chief Judge of the local Federal Court, wrote a letter saying that he doesn't believe that Goldblum was the murderer. And that Peter Dixon, a veteran trial attorney and assistant DA who tried the case, had written a letter. He stated that *"I must truly say that this is the greatest travesty of justice that I have ever experienced not only in cases in which I have been involved, but cases I have followed, cases I am aware of..."*
- He further added that it was astounding that there had been no post-conviction hearing, and that the sentence was life without parole, and that the Pennsylvania Supreme Court had not heard the case, given the gross incompetence of the defense attorney.

Answers to Medico-legal questions

Based on the materials reviewed and to the best of my medical knowledge within a reasonable degree of medical certainty I am replying to the following medico-legal questions, posed to me by attorney James Villanova:

1. Do you recall being assigned to carry out the autopsy of George Wilhelm in relation to his February 9th, 1976 homicide, in furtherance of your duties as the Chief Forensic Pathologist of Allegheny County?

The answer is affirmative, and the review of the performed autopsy report and my testimony transcript has refreshed my memory as to the details of the case.

2. Miller testified that Goldblum initiated the assault by striking Wilhelm in the back of the head with a wrench. An abrasion was found on the right forehead of the victim. Considering that Goldblum allegedly attacked Wilhelm from the rear seat, is this not an incongruous location for the blunt force abrasion? Generally speaking, what would be the most likely location for a blow to land on a victim's head if a blunt instrument was being swung from directly behind in an enclosed space, such as a vehicle?

The most likely location of a blunt force injury on the head of a driver, assaulted by a rear seat occupant with a blunt force object, would be on the victim's back of the head or side of the head. An attack on a driver sitting in a front seat by an attacker sitting behind the victim in a rear seat, would be extremely unlikely to produce only a single blunt force injury, a minor abrasion (scratch) on the right forehead of the victim. In the case of Mr. Wilhelm, an attack from the back would have required at least one single contusion or abrasion on the back of the head, and no such injury was observed. Furthermore it is highly unlikely and there is no good reason why a back seat assailant would hit the forehead area of the driver rather the exposed back of the latter's head.

Furthermore, in the police report, Miller claimed that Goldblum hit George Wilhelm in the head with the wrench "*as soon as the ignition was turned off.*" At trial, he claimed that "*several minutes passed*" before Zeke hit George. Furthermore, as I testified at the trial on Mr. George Wilhelm's autopsy, the victim had multiple stabbing and cutting wounds, and only a minor bruise of the forehead, consistent with contusion/abrasion with no disruption of skin (laceration) which could not have resulted in significant bleeding within the car.

However, he had a small stab wound of the forehead which in view of the drop-off blood pattern in the car, and Goldblum's testimony that after Miller exited the car, he was holding bloodied shears, are an indication that Wilhelm started to be stabbed by Miller while he was still in the car, because of the line of drop-off blood stains was horizontal and from left to right.

3. When a blunt force instrument, such as a wrench or a bat, is used to strike a victim in the head, how common is it for that instrument to have no blood, hair or skin tissue on it?

When an individual is struck on his head with a significant force with a blunt force instrument, such as a wrench or a bat, is very common to observe on the weapon, blood and/or hair of the victim or fragments of crushed tissue.

4. According to Freeman's cross-examination by Rothman, Freeman noticed a line of horizontal blood inside the driver's side window, about half way up the window (pages 1236-1238 of the trial transcript). What sort of weapon would most likely produce a horizontal line of blood? A blade? A blunt instrument? A wound gushing blood?

The pattern of blood spattering described by detective Freeman is a "Cast-off Pattern", a blood stain pattern resulting from blood drops projected or thrown onto a surface by a bloody object in motion. Other names used are:

- a) Spatter Family- Linear- Cast-off
- b) Spatter – Projection mechanism – Cast-off
- c) Spatter Groups-Cast-offs-Swing

Cast-off blood spattering is typically linear and therefore can indicate the directionality of the moving object causing them, *i.e.* vertical, horizontal or oblique, and at the end of the trajectory there is a "tail pattern" of smaller blood spots. So, for example, if an assailant is swinging a bloody weapon from side to side, horizontally, he will create an horizontal linear pattern of blood drops and if the "tail" (of smaller drops) is on the right this would indicate that the moving bloody object that created the drop-off pattern, moved horizontally from left to right. From the drop-off blood pattern one cannot deduce what was the moving object, except through circumstantial evidence. In Mr. Wilhelm's death case, most likely the drop-off blood pattern was from the bloodied shears, as also indicated by Goldblum's testimony, that as soon as Miller exited from the car he was holding bloodied shears. The fact that eventually Miller confessed to have actively participated in the attack on George Wilhelm by holding him down, supports the veracity of Goldblum's observation, and is consistent with the drop-off pattern of blood inside the car.

In Mr. Wilhelm's case, the pattern of blood spot present in the car was in a line of horizontal blood spots with "tails" oriented to the right, clearly indicating a pattern of cast-off blood spots, flung from the left to right, either from a fling of the weapon, the victim's or assailant's hand or from an injury of the victim body. However, in my opinion and in the opinion of the renowned blood expert (Mr. MacDonell), with which I agree, the cast-off blood pattern was very close to the front of the vehicle, and could not have originated from an assailant seated in the back of a car. Furthermore, drop-off blood stains are, as noted above, produced by a moving or swinging object or weapon and not by a wound gushing blood.

5. **According to Freeman's testimony at trial, he noted "discernible droplets" of blood, which "...descended into smaller circles..." in "...what is called "a tail" and the "tail" was "facing toward the passenger side of the automobile and that indicated that the blood came from left to right... or traveled from the driver's side of the automobile to the passenger's side of the automobile." (Pages 1218-1219 of the trial transcript). Based on your past experience, what is the most likely cause of such a blood pattern? A blade being flicked? Blood spurting from a wound? Is it likely that such a blood pattern could be caused by a blunt force blow?**

(See also answer to question number 4, above). The very small amount of blood present and its pattern is consistent with cast-off drops from a sharp wound caused by a cutting weapon, and not by a significant blunt force trauma that would cause bruising and not a cast-off blood pattern, as long as the skin and underlying tissues were not lacerated. In this case no blunt force lacerations of skin of the head were seen. The pattern of the blood spots was that of cast off-blood from the flicking weapon and not from blood spurting from the wound originating from an artery. As no blood or hairs were found on the wrench it is very unlikely that the cast off originated from it, unless the weapon was wiped.

6. **Can you draw any conclusions as to who the most likely assailant was based on this tailing blood spatter pattern and its location?**

The most likely source of the blood would be from an assailant using a sharp weapon seated in the front passenger seat because if the right front passenger struck the driver to the left, then the bleeding in the impact area will smudge the weapon with blood and when the bloody weapon is flung backward and horizontally, it would create a drop-off pattern from left to right.

7. **Miller testified that Goldblum initiated the assault with a single strike of a monkey wrench to the back of the head, and then stabbed Wilhelm to death outside of the car. If this is true, would you expect to see the blood spatter described by Detective Freeman "inside" of the vehicle?**

The answer is negative (See answers above to question number 4, 5 and 6). Furthermore, the pattern of cast-off blood on the dashboard could not have originated from a back assailant located significantly away way from the dashboard.

8. **On page 5 of his March 2nd, 1976 interview with Detective Freeman, Miller stated "that Wilhelm fell forward after Zeke (Goldblum) struck him and hit his nose on the steering wheel of the car, causing it to bleed." If an individual were to forcefully strike their nose on the steering wheel of a car, thus causing it to bleed, would the steering wheel reasonably be expected to have blood on it?**

An impact on the back of the head propelling a victim to fall forward, striking his nose against the steering wheel would have resulted in substantial nasal bleeding, and such bleeding was not observed on or around the steering wheel.

9. **Freeman testified at trial that he observed no blood on the vehicle's steering wheel (page 1238 of the trial transcript). In your opinion, does this observation cast doubt on the validity of Miller's recollection of the assault? If not, could you please explain why?**

Freeman did not see any significant amount of bleeding on the steering wheel and therefore this negative finding clearly casts a doubt on the veracity and validity of Miller's story. See answer to question no. 8, above.

10. **According to Miller's testimony, Wilhelm fell from the vehicle after being struck with a monkey wrench, and Goldblum began to stab him as he leaned against the driver's side door, before sliding to the ground (trial transcript page 675, Miller- direct). If, while leaning against the driver's side door of the vehicle, Wilhelm was repeatedly stabbed with the 7-inch blade of the murder weapon, would you reasonably expect blood to be present on the driver's side door?**

The answer is affirmative. If Wilhelm would have been stabbed while leaning against the driver's door, one would have expected to see at least some blood smudged, smeared or cast-off on the door.

11. **During Detective Freeman's cross-examination, he testified that no blood was observed on the outside of the car (trial transcript page 1201, Freeman- direct, and pages 1242-1243, Freeman- cross). Does the absence of blood on the outside of the driver's side door conflict with Miller's contention that Wilhelm was stabbed repeatedly while leaning against the door? Would it be reasonable to say that Detective Freeman's testimony casts doubt on the factual validity of Miller's version of the assault? If not, please explain why?**

As noted above, the absence of any blood on the driver's side door while Wilhelm was stabbed repeatedly while leaning against the door conflicts with Miller's version of the assault that Wilhelm was stabbed repeatedly while leaning against the door, and therefore Detective Freeman's testimony invalidates Miller's story. Most likely, Miller concocted this story in order to exculpate himself and to place the murder far away from his front passenger seat. However, Miller's version of the attacks was eventually totally invalidated by his confession after the trial that he was physically involved in the attack and stabbing death of George Wilhelm.

12. During this murder, both of the primary suspects were located in an isolated space (the vehicle where the assault occurred), with the suspects in two distinct positions (Goldblum in back behind the victim driver and Miller in front right passenger seat). In similar cases, can you recall if it was standard practice by the prosecuting attorney to ask who you thought committed the assault during your testimony at trial as the pathologist?

Prosecuting attorneys do not commonly asked me (or any forensic pathologist for this matter) who specifically committed the murder, although it may happen. However, they may ask whether, in view of the forensic evidence, an assailant located in a particular position or place might have physically committed the criminal act or were more likely to commit it.

13. Were there ever any circumstances that caused you to testify at trial as to who a likely assailant was after your autopsy examinations? If so, what were they?

The answer is affirmative: both in term of confirming a specific assailant or excluding a specific innocent person. For example such cases which I worked on included:

In confirming a specific assailant:

- Matching an irregular finger nail mark on the neck of a strangled victim to a partially broken finger nail of the assailant.
- Matching -like in a puzzle- a skin fragment found at the scene of murder, to a lacerated wound on the suspect's thumb.

In excluding a specific accused as being the murderer:

- By proving that a father accused of homicide for assaulting his baby child who had only minor injuries (alleged to have been from a fall) and a severe concussion, was innocent. My examination and evaluation of the case substantiated that the child died of myocarditis and sickle cell anemia, which were missed by the initial forensic pathologist that performed the autopsy. The initial pathologist acknowledged his mistake.
- By showing that an 11 year old young girl accused of assaulting and killing a baby brought in her home for babysitting was innocent and the baby had prior old abuse injuries and healing injuries which could not have been developed during the babysitting stay, and that some bruises on the body, claimed to be acute were no so, and did not result in blood staining of the child's clothing.

14. Is it common practice, generally speaking, for prosecuting attorneys to ask you general questions on the phenotype of the likely assailant (i.e. tall or short? Physically powerful or average in build? Left or right-handedness?)

It is common practice for prosecuting attorneys to ask me the height and weight of the victim, and less common to ask me the size and weight of an assailant,

unless during a hypothetical, addressing whether the phenotype was reflective of the capability or lack thereof for the defendant to carry out a homicide. Left or right handedness of an assailant was asked from me very rarely.

15. If it was uncommon for you to testify as to the identity, location, or phenotype of the assailant at trial, did you ever advise the police or prosecuting attorneys on these matters before trial, during the investigation? If so, how common was this practice?

It was uncommon for me to testify as to the identity or phenotype of an assailant at trial. I may be asked hypothetically whether an assailant of a certain body build might have committed the criminal assault, or whether an assailant by virtue of medical conditions or drug intoxication could have committed the criminal assault. I may be asked for the likely location of a defendant during a criminal assault or whether the age of injuries were consistent with a defendant's alibi.

On the other hand, police, prosecutors and criminal investigators very often discussed with me before trial matters relating to the identity, location or phenotype of a specific assailant.

16. Did either Dixon or Freeman ask you specifically who (front passenger or rear passenger) would have most likely inflicted the wounds inside the car?

This is a very, very old case, and I do not have any recollections about specific discussions in the above case either with Detective Freeman or Mr. Dixon, the prosecuting attorney.

17. If so, do you remember advising them whether the more likely assailant was sitting in the back or the front of the vehicle?

See answer no. 16 above.

18. If so, can you recall what reason they may have had for not asking you this question in front of a jury during the trial itself?

Obviously, I do not direct my examination or cross examination in criminal trials and I do not speculate what was the reason of the parties for asking or not asking a specific questions. In this case, I do not recall what the reason for Detecting Freeman or the prosecution for not asking the above question. However, in many cases I pondered why not either the prosecution or defense asked better probing questions. Clearly in this case both the police investigation and the prosecution's preparation and questioning were wanting, as they resulted in the wrongful conviction of Goldblum for murder instead of Miller, the belatedly confessed murderer who was named by the victim as being the assailant. The detectives failed to ask Miller salient questions, for example how it was possible for Goldblum to retrieve the murder weapons from below the front seat, when he was seated in the back seat of the car for the first time and was not

Charles Goldblum

aware of the location of the weapons, did not attempt to verify Miller's gratuitous claim that the murder happened as a result of a monetary conflict between Goldblum and Wilhelm, because of money owed to Wilhelm. The police investigators' shortcomings were implicitly recognized (after the trial) in the sworn affidavit by Mr. Dixon, the prosecuting attorney at trial who characterized Goldblum's conviction as a "*Miscarriage of Justice.*" Judge Ziegler, the sitting judge at the trial in his three letters to the Board of Clemency also asserted that Goldblum did not commit the murder but was only a passive observer, and that the jury wrongfully opted to convict Goldblum in spite of the victim's death declaration that Clarence Miller had attacked him, based on Miller's testimony. Judge Ziegler at the time of the trial, considered Miller's testimony highly "*suspect*" and non-credible, and clearly stated that if he would have been the trier of fact and not the jury, he would not have considered it. In retrospect, Judge Ziegler proved to be right in his assessment that Miller's testimony was suspect and not credible in claiming innocence in George Wilhelm's murder and accusing Charles Goldblum of having perpetrated it, as ultimately Miller confessed that he was directly and physical involved in the assault on Wilhelm, though, true to form, he still pushed blame onto Goldblum and claimed he was involved as well. A claim disputed by the available evidence.

19. Based on your experience with similar cases you have dealt with in the past, namely, a violent and prolonged struggle in an enclosed space, how common is it for an assailant to escape such an assault with no defensive wounds?

In my experience as a forensic pathologist I found that it is very uncommon in cases of a violent and relatively prolonged struggle in an enclosed space, when the assailant and the victim are close to each other, for an assailant to escape such an assault with no defensive wounds of his own, when grappling with and/or stabbing a victim.

20. When Clarence Miller and Charles Goldblum were arrested, it was noted that Miller had a number of scratches on his arms, hands, and face (Feb. 10th, 1976, Supp. Report by Condemy & Amity, page 4, para. 4). Such scratches are consistent with defensive wounds resultant from a struggle. Goldblum had no such wounds. Based on your past experience, is it rationally sound that Goldblum committed a violent and prolonged assault without receiving any defensive wounds? Is it rationally sound that Miller, if he was an innocent bystander as he claims, received such wounds?

In my opinion the multiple scratches on Miller's hands, arms and face were highly consistent with defense wounds resulting from a fight or physical assault, and the investigators and prosecutors failed in their duty to confirm them, document them photographically, and ensure their evaluation by a forensic pathologist.

Charles Goldblum

In view of the victim's (Wilhelm) dying declaration that very clearly designated Clarence Miller as the only stabbing assailant, coupled with fact that Miller eventually confessed to his direct physical involvement in the killing, makes the injuries present on Miller very likely to have been defense wounds. Miller's claim that those injuries were inflicted on him by a playful cat was very suspicious because playful cats may cause scratches (abrasions) but not also actual lacerations (tears of the skin), like the laceration present on Miller.

The lack of similar injuries on Mr. Goldblum (as well as his clothing that were not stained with blood, except in a minor spot of blood on a shirt cuff) is consistent with him not being the homicidal assailant of Wilhelm, but only a passive observer.

21. Based on the defensive wounds, who was the more likely assailant in the vehicle on February 9th, 1976?

Based on the presence of defense wounds on Mr. Miller and their absence on Mr. Goldblum, the more likely assailant in the vehicle on February 9, 1976 was Mr. Miller. This is certainly reinforced by both the death declaration of Wilhelm designating Miller as his assailant by his full name without mentioning at all Goldblum, and by Miller belated confession that he homicidally assaulted Wilhelm.

22. What quantity and type of blood release occurs when the jugular vein has been stabbed? (A slow leak? spurts?) Please give amount and rate.

It takes about 5 minutes to die from a cut of external jugular vein, 2 minutes from a cut of internal jugular vein and about one minute if both are cut. The fairly rapid blood loss from the jugular veins is due to their relative large size and the reflux of blood flowing back the other way because the valves in the jugular veins don't prevent the reflux of blood. The flow of blood is continuous and not in spurts. The total loss of a pound of blood from such injury is fatal. Lacerated or cut veins do not spurt like arteries, but result in a continuous flow leak, depending on the size of the involved vein. The loss of a pound of blood from a major vein such as the external jugular artery is fatal, unless timely stopped. Obviously, additional internal bleeding wounds may further accelerate the death. In this case, Mr. George Wilhelm had stab wounds injuries of aorta, lung and liver with significant bleeding, both within chest and abdomen.

23. Having read relevant reports and testimony to the injuries suffered by the victim, would it be reasonable to say that the victim would have bled profusely during the assault?

The answer is affirmative, as also confirmed by the blood at the murder scene and by autopsy findings showing marked internal bleeding.

24. In dealing with similar cases in the past where a violent assault occurred in an enclosed space, did you find that the assailant's clothing usually ended up bloodied?

The answer is affirmative. In stabbing homicides, particularly but not exclusively in an enclosed spaces, in which the assailant and victim are close to each other, like in the case of Wilhelm's stabbing, the clothing of the assailant would be blood stained or smudged.

25. Having read the extent and violence of the injuries suffered by Mr. Wilhelm, would it be reasonable to say that an assailant in an enclosed space, such as the vehicle where the initial assault occurred, would have been covered in a fairly significant amount of blood?

The answer is affirmative, especially in this case in which Mr. Wilhelm had multiple stab wounds which bled not only internally but externally, leaving substantial trails of blood at the scene.

26. The clothes Goldblum wore the evening of Wilhelm's murder were identified by Clarence Miller, Goldblum's wife and by Richard Kurutz (the eye witness from the parking garage who saw both men at the scene). They independently gave statements to the police as to what Goldblum was wearing that evening, and it was stipulated at trial that the clothes recovered by the police, were in fact, the clothes he wore the evening of the murder. They were one black topcoat, one navy blue blazer, a yellow dress shirt, one pair of grey slacks, one multi-colored tie. Considering the bloody nature of the assault, can you reasonably account for the absence of blood on Goldblum's clothing, in light of Miller's accusation that he was the assailant?

The virtual absence of blood spots on Goldblum's clothing, except for a spot of blood on his shirt that was so minimal that it could not have been further serologically analyzed, is definitely inconsistent with Miller's accusation that Goldblum was the assailant, and consistent with Goldblum not being involved in a criminal assault of Mr. Wilhelm. Furthermore, Mr. Goldblum did not try to get rid of and dispose of his clothing worn during the attack. On the other hand, Mr. Miller precipitously and expeditiously disposed of and washed some of the clothing he wore at the time of the assault.

Miller's above actions (especially in view of his belated confession that he was physically involved in the stabbing of Wilhelm), raise a very strong presumption that he did so because his clothing was extensively stained with Wilhelm's blood, and perhaps some of his own from the defense wounds Miller had.

Miller's belated acknowledgment that he was physically involved in the stabbing Mr. Wilhelm implicitly substantiates that his clothing were significantly smeared with blood. His lying about the disposal of his clothing during the attack and his

attempt to submit to the police other clothing than the one he was wearing at the time, make this determination even more substantial.

On the other hand, during Dr. Peter Marrone's (the Crime Lab director) direct examination at trial by ADA F. Peter Dixon, he clearly stated that he observed only a small blood smear on Goldblum's right sleeve, about one inch up from the cuff (trial transcript, Marrone direct, pages 1798-1800.) This was the only bit of blood found on Mr. Goldblum's clothes.

27. Considering the nature of the assault, the victim's wounds, and the amount of bleeding one would expect this one small blood smear be consistent with what you would expect to find on the assailant's clothing?

Considering the nature of the assault, the victim's wounds and the resulting amount of bleeding, one would expect significant blood staining on the assailant clothing and not just the small blood smear on Goldblum's right shirt sleeve, above one inch from the cuff, which was even insufficient for laboratory testing. (See answer #26 above).

28. In light of Clarence Miller's ultimate admission that he disposed of his topcoat on the evening of the murder since it was stained with blood, does this not cast suspicion on him and raise doubt as to the validity of his testimony that Charles Goldblum committed the assault?

Definitely so. Clarence Miller's ultimate admission that he disposed of his topcoat on the night of the murder since it was stained in blood and subsequently washed his trousers, coupled with the dying declaration of the Wilhelm that only Miller assaulted him- without mentioning Goldblum at all, made when Wilhelm was clearly lucid (as he complained about pain and ask what was his condition), should have cast heavy suspicion at trial that indeed Miller was the killer and not Goldblum, who did not discard his clothing worn at the time of the assault and had only a small blood spot on a cuff of his shirt. In retrospect, the ultimate admission of Miller definitively determines that his accusations against Goldblum were false, and Miller's claims to have been an innocent bystander trying to help the victim were clear, unadulterated and brazen perjury. Furthermore, Miller not only initially lied to the police that his clothing was not bloody, but compounded the lie by giving to the police clothing he did not wear on the night of the murder, stating that he wore them at the time.

Miller's ultimate admission of his involvement verifies the assumption that should have been raised the trial that Miller's prompt disposal and discarding of his clothing at the time of the assault indicated that they were substantially or extensively stained with the blood, considering the multiple stab wounds sustained by Wilhelm, his extensive and severe external bleeding and the proximity of the assailant to the victim.

Charles Goldblum

Viewed in retrospect, the above findings coupled with Miller's belated confession of being physically involved with the murder of George Wilhelm, do not only cast suspicion on him and the validity of his testimony that Charles Goldblum committed the assault, but totally demolish the foundation of Miller's testimony and makes it clear it was perjury.

Unfortunately at the trial the jury was swayed by the perjured testimony of Miller and by its antipathy for Goldblum in voting for Goldblum's conviction. It should be noted that a number of years after the trial, Judge Ziegler, who was the sitting judge at the trial, wrote no less than three consecutive letters to the Pennsylvania Board on behalf of Charles Goldblum in which he emphatically stated among other reasons for releasing him from prison:

- *"Although the jury chose to believe Clarence Miller, and convict Mr. Goldblum of murder, I have been troubled for years by the dying declaration of the victim, 'Clarence - Clarence Miller did it.'"*
- *"The victim knew that he was dying and he never mentioned the name of Charles Goldblum."*
- Judge Ziegler chose to *"emphasize that the victim's dying declaration namely, 'Clarence...Clarence did this to me,' is the most unique dying declaration that I have encountered..."*
- *"In my opinion Mr. Miller's testimony was suspect and frankly, if I was the fact finder (and the Jury) I would have rejected as unpersuasive much of the testimony of this individual."*
- *"In short the murder conviction was based on the testimony off Miller and the jury's apparent dislike for Mr. Goldblum."*

29. According to the prosecuting attorney at the time of the Wilhelm murder trial, the assault on George Wilhelm was planned by Charles Goldblum. According to the trial testimony, the grass shears used in the assault was from the floor of the victim's vehicle (transcript page 691, Miller- direct), the gloves Goldblum allegedly used during the assault belonged to Miller and were found in the rear of the victim's car (transcript page 691, Miller-direct), and the assault occurred in a well-lit area (trial transcript pages 1188-1189, Freeman- direct) near the elevator bank in a public garage, which was attached to Gimbel's, a department store open for evening shopping at the time of the assault. Based on your experience with thousands of prior homicides, are these the hallmarks of a planned, calculated assault?

No. The assault on Wilhelm is clearly not consistent with a planned, calculated attack because it occurred in a public garage, during shopping hours, when the victim's cries for help could be heard by the public, the victim may be promptly found and the assailant observed. As a matter of fact this was actually what happened; Wilhelm's cries for help were heard by a garage worker (John Regan), who went to help him, and Miller and Goldblum were seen at the scene by another witness (Richard Kurutz).

Miller's confession after the trial that he physically participated in the stabbing attack on Mr. Wilhelm makes ludicrous his trial testimony that his gloves, which had some hair of his inside (and no hairs of Goldblum), were given by him to Goldblum shortly before the attack. In view of the belated confession of Miller that he physically participated in the stabbing attack against Wilhelm, it is very likely that he was wearing his gloves. It would be absurd to conceive that when Miller carried out the assault, he would give his gloves to Goldblum, instead of protecting his own his own hands.

- 30. Out of the thousands of cases you worked throughout your career, can you recall, generally, how many times photographic evidence was not available at trial due to its being misplaced? If you cannot, would it be fair to say that it is so rare you cannot recall any instances specifically?**

I do not remember the number of times but it rarely happened, and I do not remember any specific case.

- 31. Is it standard operating procedure for the on-scene Crime Lab technicians or forensic examiners to photograph all blood stains and spattering at the scene of the crime?**

The answer is affirmative. Police investigators and detectives, and the forensic examiners at a murder scene mark routinely the location and presence of blood spots at a murder scene and document them by both descriptions and photographs. Failure to do so is clear professional negligence.

- 32. If there were blood stains or spatters present at the scene that were not photographed, would you consider this an inadequate cataloguing of the physical evidence?**

The failure to photograph blood stains or spatter found at the scene of a homicide constitute a clearly inadequate cataloguing of physical evidence.

- 33. In your opinion, is it harmful to a defendant's case to not have access to photographic crime scene evidence at the time of trial?**

Clearly, yes. Lack of access to photographic scene evidence may result in misinterpretation of the blood spattering's findings and may substantially or fatally undermine the chance of a credible defense, and cause or contribute to a miscarriage of justice.

- 34. Would you classify the losing of key photographic evidence in a capital murder case to be sloppy or unprofessional work by the prosecuting body whose task it was to maintain critical evidence?**

Unexplained loss of key photographic evidence in a capital murder case is clear evidence of sloppy, unprofessional or negligent work by the legal custodian of such critical evidence.

35. Throughout your career, were you ever involved in a murder case in which, absent photographic evidence, interpretations or analysis of blood spatter evidence was given based on written or verbal description?

Yes, but very rarely.

36. Do you recall working with Dr. Cyril Wecht during your time at the Allegheny County Coroner's Office?

Yes. I closely worked with Dr. Wecht between 1972-1980 years, I was the Chief Forensic Pathologist and he was the elected Coroner of Allegheny County.

37. In your opinion, was Dr. Wecht a qualified, reliable and trustworthy professional during your common work at Allegheny County Coroner's Office?

In all cases whether criminal or civil in which I worked with Dr. Wecht during my tenure as Chief Forensic Pathologist (1972 -1980) when he was the Coroner, I found him to be a qualified, reliable and trustworthy professional.

38. Would you agree with Dr. Wecht's assessments as to the relevance of the blood evidence both found in the vehicle and the absence of blood on Charles Goldblum's clothes, found on pages 11-13 of Dr. Wecht's November 22nd, 2012 interview? If not, please explain why?

My independent review on the relevance of blood evidence found in the vehicle and the absence of blood on the Charles Goldblum's clothes is congruent and consistent with above noted Dr. Wecht's statements, findings and opinions.

39. In light of the case materials provided and the affidavits and letters of F. Peter Dixon, Judge Donald Ziegler, and Dr. Cyril Wecht, would you feel comfortable agreeing with their assessment that Charles Goldblum was likely innocent of the stabbing death of George Wilhelm? If not, why?

The answer is affirmative. I do agree with F. Peter Dixon's, Judge Donald Ziegler's, and Dr. Cyril Wecht's assessments and statements included in their affidavits and letters, that Charles Goldblum was likely innocent of the stabbing death of George Wilhelm. As a matter of fact I do not ever recall a case in which both the prosecution and the sitting judge disclosed belatedly after the trial, in public documents, that the prosecution and the conviction of a homicide defendant by a jury was wrong. Mr. Dixon, who was the prosecutor at the time of Goldblum's trial, explicitly stated in his sworn affidavit that the jury's conviction of Goldblum in Wilhelm homicidal death was: "*a miscarriage of justice.*"

40. In your time working with law enforcement, how many times have entire investigative files turned up missing?

Very rarely, if ever. It is not impossible, because if, for example, a law enforcement official legitimately takes an entire investigative file out of his office, this file may subsequently be lost or stolen. However, during my years as a

forensic pathologist, I do not recall any such particular case whether explainable or not. Misplaced or missing files or documents are usually retrieved.

41. Throughout your career working on murder investigations, how many times have files from the Coroner's office, the Mobile Crime Unit and the Police department turned up missing on the same case?

Never, to my recollection, was I aware of a case in which files of a homicide were simultaneously missing from the files of the Coroner's Office, the Mobile Crime Unit and Police Department.

Discussion of evidence

After reviewing the above summarized documentation and evidence it is my professional opinion within a reasonable degree of medical certainty that the stabbing murder of George Wilhelm was not committed by Charles Goldblum but by Miller alone for the following reasons:

I. Physical evidence exculpatory of Goldblum and inculpatory of Miller:

Miller testimony at trial was inconsistent with physical evidence, because of the following findings:

1. Blood spattering in the victim's car inconsistent with Miller testimony at trial that the assault was initiated by Goldblum hitting Miller with a blunt object and subsequently stabbed him outside the car, while Miller observed helpless the stabbing. The relatively minor injury to Wilhelm's forehead is also inconsistent with a significant blunt force injury from a rear seat assailant or with dropped-off cast blood pattern. Furthermore Miller changed repeatedly his statement about the wrench in the police report, Miller stated that he knew that George kept the wrench and shear in the car under the front seat. He specifically mentioned: the grass shears were used several times, prior to the attack, by him and Wilhelm for putting up political signs, and *"it was right in the back of the front seat, like in the back in the front."* At the trial, he initially said he wasn't sure if it was a wrench in Goldblum's hand, and then later said, it was the same wrench that George kept in the car. Miller never explain how it came that the murder's weapons (shears and wrench), whose location under the car's front seat he knew, could have come into Goldblum's hands, who was for the first time in Wilhelm's car. Before Goldblum's trial the investigators should have asked Miller this obviously important question.
2. Goldblum was for the first time in Wilhelm's car, and obviously did not know the location of the shears and wrench and could not see them because they were under in the front sitting area of the car.

Charles Goldblum

3. It would be absurd to believe that when he carried the assault, Miller would give his gloves to Goldblum, instead of concealing his own hands.
4. Miller stating that Goldblum stabbed repeatedly Miller while the latter was positioned against the car door, while there was no expected blood smearing at all on the driver outside the door or on the car anywhere.
5. Miller's statement that he gave Goldblum his own gloves to wear before the assault, is clearly a lie as the gloves contained hair from Miller and not from Goldblum, and in view of belated post-trial confession of Miller that he was indeed physically involved in the stabbing of Wilhelm. It would be absurd to conceive that when he carried the homicidal assault, Miller would give his gloves to Goldblum, instead of protecting his own hands.
6. Goldblum had a minimal amount blood on his shirt's cuff which was inconsistent with a close-by assailant stabbing a victim who bled profusely, especially from a cut of the jugular vein, known to cause massive bleeding. On the other hand, Mr. Miller, who confessed after the trial that he was physically involved with the stabbing of Wilhelm, hurried to destroy his clothing because they were bloody as he clearly admitted to the police, and were likely to likely have been markedly soiled with blood.
7. The presence of wounds on Miller face, hand and arms which could have been very well defense wounds (especially considering his belated confession of involvement) and which unfortunately were never photographed and assessed by a forensic pathologist.
8. Miller's claim that Goldblum stabbed Wilhelm repeatedly who was leaning against the car driver's door is non-credible as the car's door didn't have even a minimal smudge of blood.
9. Furthermore, Miller's claim that Goldblum repeatedly stabbed George, as George Wilhelm was crawling and dragging his leg on the ground, but there was no blood trail around the car to the far wall, while the victim bled profusely from multiple stab wounds. There was only a small amount to the rear of the car, then a much larger amount by the wall where Wilhelm fell to the level below. Most likely this was the place Wilhelm was additionally stabbed by Miller.
10. Miller contended that what precipitated the murder was the fact that Goldblum owed Wilhelm money, but according to Goldblum the opposite was true, and the fateful meeting on the day of murder and the murder of Wilhelm that followed were because of money owed to Wilhelm by Miller who had defrauded Wilhelm in an acknowledged fraudulent land deal.

Charles Goldblum

The police never questioned relatives, close associates or friends of Wilhelm to determine the actual truth. This was a crucial failure, because in accepting Miller testimony that Goldblum had been the attacker (now evident to have been perjurous because of Miller's confession of his involvement in stabbing Wilhelm) the jury implicitly accepted Miller's testimony of alleged Goldblum's motivation for the murder, which was equally perjurous.

11. Miller lied repeatedly to the police investigators regarding his clothing he wore at the time of the assault, and unreasonably denied that his gloves were not worn by him during the assault.
12. Miller very likely lied in claiming that Goldblum was involved in a fraudulent land scheme, when he and an associate of his defrauded Wilhelm, and then they declined to return the moneys. Miller acknowledged that they were the only ones who spoke with and contacted Wilhelm, and then refused to return the money given to them by Wilhelm. Wilhelm was obviously very upset with Miller because of that. There was no reason for Wilhelm to be upset with Goldblum as Miller claimed. There is no evidence at all implicating Goldblum in the fraudulent scheme except for Miller's statement that he shared some of the profit with Goldblum. Furthermore Goldblum testified that he never saw Wilhelm prior to the day of the attack. Mr. Dixon who had been the prosecutor in Goldblum's trial, in his signed affidavit after the trial specifically stated: *"I have also concluded that it is very unlikely that Charles Goldblum participated in the land fraud perpetrated against George Wilhelm or that George Wilhelm participated in the arson of Mr. Goldblum's restaurant."*
13. After his arrest Clarence Miller underwent a psychiatric examination and was diagnosed as having *"a personality disorder"*. It is well known that people with personality disorders have little concern for truth and no reluctance for lying and some are inventive pathological liars. Miller definitely fits the profile of a pathological liar as his above lies, as documented by the following findings:
 - i. Miller acknowledged that he defrauded prior to the trial at least two people, Charles Goldblum, and George Wilhelm and a Federal Agency and was investigated by the FBI. Miller admitted to police investigators that "he had cheated, planned, and schemed against George Wilhelm during his lifetime."
 - ii. On the day of the assault Miller lied to Wilhelm that the money would be returned to him by Manella, a fictitious person impersonated by one of Miller's co-conspirators in the fraudulent land deal. On the day of the murder, Miller lied and

told Wilhelm that he tried repeatedly to telephone Manella and was unsuccessful to contact him, and thereafter that he will pay the owed money in 2-3 years. Wilhelm was very upset at Miller. Miller reversed the roles and falsely claimed that the debt was due to Wilhelm, when indeed Miller has been the arsonist.

14. Before belatedly confessing to his involvement in the murder of George Wilhelm, both during the police investigation before Goldblum's trial and in his trial testimony, Clarence Miller constructed a web of lies, apparently based on three cardinal principles: primarily, that he will assign his own criminal actions to others, he will alter crucial evidence or make it unavailable, and either claim having a poor memory of the events or that he did not know why would he do some actions incriminating him, which could have incriminated him. In addition to the lies noted above there many more lies, some which are listed below:
15. Miller lied that Wilhelm did the arson for Goldblum, when in fact he, Miller, carried out the arson of Goldblum's restaurant. (As Goldblum clearly stated that he did not know Wilhelm at the time of the arson and met him for the first time the day before the murder).
16. Miller lied that Goldblum shared in the money from the land deal fraud on Wilhelm, when in fact Miller inadvertently acknowledged that the fraud was perpetrated by him and two of his associates, without Goldblum's participation.
17. Miller lied in his statement that the meeting between Miller, Wilhelm and Goldblum, was scheduled because Wilhelm demanded money owed from Goldblum when in fact the meeting was done because of Wilhelm's demands to Miller to pay back the money which Wilhelm paid him for the fraudulent land deal which never materialized.
18. Miller most likely lied when he stated that Goldblum asked him for his gloves and was wearing them while attacking Wilhelm: a claim which became ludicrous in view of Miller confession that the indeed was physically involved in the stabbing death of Mr. Wilhelm.
19. In view of Miller's belated confession that physically participated in stabbing Wilhelm to death it is clear that he perjured himself during his sworn testimony at trial that he had only been a frightened passive observer, that he responded to the cries of Wilhelm, the victim for help and even tried somehow to help him.

20. Miller further lied when he stated that his trousers happened to be blood-stained *"from (him) trying to help the victim."*
21. Miller claimed that he saw Goldblum taking out the shears and the wrench from under the front seat: How this could happen?
 - i. Miller was in the front passenger seat and did not claim that he turned back his head to see Goldblum. It was the first time that Goldblum was in Wilhelm's car and did not know where the shears and wrench were stored, and if those objects were under the front seat, they were unlikely to be detected from the back seat, and furthermore Miller did not testify that he gave Goldblum instructions to find them.
22. In view of Miller's confession, and his blood soiled clothing, it is most likely that Miller lied when he claimed that his scratches and finger laceration had been caused by a playful cat. Cats may scratch but do not cause skin laceration unless they bite, and most cats don't have rabies so they don't bite their owners.
23. Miller lied when he stated that he believed that Wilhelm and Goldblum were lovers, when in fact Goldblum met Wilhelm personally for the first time at their meeting the day before the homicide on February 8, 1976.
24. Miller stated initially that he saw Goldblum hitting Wilhelm but was unaware of the nature of the hitting object. Why would it be so when Miller previously testified seeing Goldblum retrieving the wrench and shears from underneath the front seat? Clearly it was much easier for a front occupant to retrieve those objects.
25. Miller's statement that Wilhelm was hit by Goldblum and fell forward against the steering and hurt his nose, that started to bleed is also very likely a lie, because blow impacts to the nose cause rather copious bleeding and no blood spots or smears were seen on the steering wheel or in its vicinity.
26. In view of Miller's belated confession that he was physically involved in the stabbing of Wilhelm, it is clear that Miller lied when he responded to a question during the investigation: "Why would Wilhelm the victim, solely designate in his dying declaration only Miller, by his full name - *Clarence Miller*- as being the assaulter," Miller's answer was clearly a lie, when he stated: *"That I don't know. The only thing I could figure is George figured that I- because I didn't help him, I just stood there and let, let, let Zeke (Goldblum) stab him"* The truth was that Miller knew very well why Wilhelm designated

him as the attacker; Miller confessed later belatedly that indeed he had assaulted Wilhelm and therefore Wilhelm's dying declaration was true when it designated him as the murderer.

27. Miller obviously lied by claiming ignorance when he was asked by the Police why he discarded his topcoat he wore at the time, throwing it in a in a garbage truck following the homicidal attack on Wilhelm. He disingenuously answered: *"Wee I was – I don't know why I did it. I just threw it – and ah, I just did it, that's all."*

28. In view of the belated confession of Clarence Miller that he *was involved in the stabbing of Mr. Wilhelm*, it is crystal clear that Miller lied repeatedly to investigators and to the examining psychiatrist and then perjured himself in court stating that he was only a passive observer and that Goldblum committed the assault. He embellished his lies by stating that he did not intervene because he *"had never seen anybody do anything like that before"* and *"was scared."* He further lied, stating in court testimony that he tried to help the victim and that after the murder piously claiming he *"had difficulty sleeping (because I seen a man getting killed, Sir."*

29. Miller attempted to suborn a trail witness, Cornelius Kelly (an acquaintance of Miller) to commit perjury. As noted above when Kelly was asked during the re-direct examination by Mr. Dixon – the County District Attorney- whether *"did anyone suggest to him that he should testify falsely."* He replied: *" Well, let me think a second. Yeah. Clarence said once "I'll tell you what to say." I said "You ain't tell me nothing to say, I'm going to say it the way it is."*

II. Uncontested declaration or statements

1. The death declaration of Mr. Wilhelm to the emergency medical team that he had been attacked by Miller, mentioning twice his name: *"Clarence...Clarence Miller did that to me,"* without mentioning at all Goldblum's name as an attacker. The first time after being found following the stabbing Wilhelm stated just *"Clarence did it"* and when asked to repeat, Wilhelm repeated that Clarence Miller had done it. It was clear that at the time of his death declaration's statement Wilhelm was lucid, as subsequently before dying he complained of pain and inquired about his medical condition.
2. The belated confession of Miller while imprisoned that in fact he was physically involved in stabbing Wilhelm although he claimed that Goldblum participated in the assault, although that had been only one stabbing weapon (then grass half shears shears) that was

used in the attack and Miller did not claim that he passed the weapon to Goldblum or that Goldblum passed the stabbing weapon to him.

3. Well-reasoned reports by recognized national and international forensic experts: Dr. Cyril Hecht and Dr. Michael Baden – forensic pathologists, Dr. Henry Lee – a criminalist and Mr. Herbert MacDonell – an authority in the field of blood patterns interpretation, documented that the physical evidence point to Miller as the assailant and not to Goldblum. The findings observed independently by the forensic experts are consistent with my findings and conclusions as outlined in this report.

III. Failures of the investigating and/or prosecuting authorities including:

1. Failure to evaluate thoroughly the reliability of Miller's statements, and ask him critical questions e.g. Miller acknowledged knowing that the grass shears and wrench were under front seats of Wilhelm's car but was never asked how come that they ended, as Miller claimed in the hands of Goldblum, a rear seat passenger.
2. Failure to verify the truth of Miller statement that Goldblum committed the murder at the fateful meeting on the murder's day and Goldblum's motivation for murder were moneys owed by Goldblum to Wilhelm, which Goldblum was unwilling to repay. Miller was in fact the one that owed money to Wilhelm for the fraudulent land deal and was unwilling to repay him. The police failed to question relatives or friends of Wilhelm to verify what the reason for the meeting was, and who owed money to whom at the time.
3. Failure to document photographically blood patterns at the murder scene. Failure to examine Goldblum's car to check whether there was blood smearing spatter inside it, and if yes, whether it was more on Goldblum's side (the driver) or on the Miller side (the front passenger).
4. An unusual and inexplicable occurrence of disappearance after the trial of important documentary evidence off all three investigative custodian agencies: Coroner's Office, Police Department and Mobile Crime Unit's Office.
5. Failure of the initial Defense attorney at trial to secure expert forensic opinion in the evaluation of forensic evidence.

Charles Goldblum

6. A sworn affidavit by Mr. Dixon the prosecuting attorney at Goldblum's trial stated that he was convinced based on additional evidence to which he had access after the trial, that Goldblum was innocent of the murder, was not involved in the land fraud and that his conviction was in truth "*a miscarriage of justice.*"
7. Judge Donald Ziegler, who was the sitting judge (and became subsequently a Federal judge) in Goldblum's trial, wrote no less than 6 consecutive letters to the Clemency Board in January 1989, January 1994, December 1998, January 1989, January 1994 and December 1998. In his letters Judge Ziegler clearly stated that he intervened in Goldblum's case because:
 - Judge Ziegler stated: "*Although the jury chose to believe Clarence Miller, and convict Mr. Goldblum of murder, I have been troubled for years by the dying declaration of the victim: "Clarence -Clarence Miller did that to me". The judge added: "It is a moral and legal precept that a person is presumed to speak the truth when he is faced with death. The victim (George Wilhelm) knew he was dying and he never mentioned the name of Charles Goldblum."*
 - Judge Ziegler characterized the death declaration of George Wilhelm as being "*the most unique dying declaration that he encountered*" during his career.
 - Judge Ziegler unambiguously stated: "*In short the murder conviction was based on the testimony of Miller and the jury's apparent dislike of Mr. Goldblum.*"
 - Judge Ziegler stated: "*In my opinion, Mr. Miller's testimony was suspect and quite frankly, if I was the fact finder (and not the jury) I would have rejected as unpersuasive much of the testimony of this individual.*"
 - Judge Ziegler stated that both the evidence in the case as well as an affidavit received from Mr. Dixon, the prosecutor at the trial, clearly indicated that Mr. Goldblum did not commit the murder. In his December 14, 1998 letter to the Board of Clemency, Judge Ziegler literally quoted the statement in Dixon's affidavit: "*Charles Goldblum had nothing to do with the murder of George Wilhelm, other than being a frightened witness and an accessory after the fact.*" Judge Ziegler added that the "*mere presence at the scene does not constitute evidence of complicity in a homicide and there may be merit to the version of homicide as stated by Mr. Goldblum.*"

In fact, the Judge's letters proved correct in retrospect labeling Miller testimony as "suspect" and non-credible in the view of Miller's belated confession that he indeed was involved in the stabbing of George Wilhelm. The occurrence of such public post-trial admission by both the prosecutor and the trial judge is rather unheard of, and is great testimony to their conscience and moral integrity. The clear implication of the documents submitted by Mr. Dixon and Judge Ziegler, the prosecution and conviction of Goldblum for error were a grave mistake, for which they felt bad, and I am sure if they would have been able to go back in time, they would undoubtedly correct it.

Conclusion:

After reviewing the voluminous documentation listed at the beginning of my report, it is my professional opinion within a reasonable degree of medical certainty that Mr. Goldblum did not commit the stabbing assault of Mr. George Wilhelm, that Clarence Miller who was named by the victim in a dying declaration, indeed carried out the homicidal attack on George Wilhelm, who ultimately confessed that he was involved in the murder, and that indeed Mr. Goldblum had been a passive observer during the homicide and that conviction of homicide, based on the perjury testimony of Clarence Miller. Goldblum's trial and conviction for the stabbing murder of George Wilhelm were as frankly characterized in Mr. Peter Dixon's, the prosecuting attorney in Goldblum's trial, a clear "miscarriage of justice"

As discussed in detail in my report above, a confluence of all the forensic findings in the case unequivocally support this conclusion, some of the most salient including:

- The death declaration of the victim, Mr. George Wilhelm who was clearly lucid and asserted twice that Clarence Miller was the assailant.
- Miller's significant and recurrent pattern of lying both to police investigators and during his trial testimony.
- Ultimately, the belated admission of Clarence Miller that he indeed was physically involved in the stabbing death of Mr. Wilhelm, uncovered that Miller's trial testimony in which he claimed being a frightened passive observer of the homicide and even tried to assist the victim, was very clearly a perjury.
- The testimony of Charles Goldblum fit the forensic evidence and was consistent with a fight between Miller and Wilhelm in the car, with the scratches on Miller which could very well have been inflicted during the fight, the laceration on the finger on Miller's finger which could well have been a cut from his own weapon during the attack (a common defense wound seen on the hand of attackers with a sharp edge weapon), and

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although Goldblum did not see Miller stabbing Wilhelm in the car, he saw him immediately after exiting from the car holding a bloody knife, consistent with the stabbing occurring in the car and accordingly consistent with the drop-off pattern of blood on the car's dashboard from the bloodied stabbing weapon.

- The forensic evidence exculpatory for Charles Goldblum.
- Reports of three eminent forensic scientists that are independently consistent with the findings and conclusions of this report that the evidence pointed to Wilhelm as having been the homicidal attacker of George Wilhelm, and not Charles Goldblum.
- The multiple failures of police investigators including: questioning vigorously Miller and verifying some of Miller's crucial statements, including the ones blaming Goldblum for the stabbing of Wilhelm because of allegations that Goldblum owed money to Wilhelm and was unwilling to pay, when the converse was true and Miller was the one owing money to Wilhelm. This issue could have been easily resolved and the truth found out, if friends or relatives of Goldblum would have been questioned whether they know who owed money to Wilhelm. This never happened. Another failure was to press Miller how Goldblum, who was for the first time in Wilhelm's car on the night of the murder, could have known that the shears and wrench were concealed under the car's front seat.
- Unexplained loss of significant entire case files, including blood stains photographs by all three custodian agencies of records (The Police, Mobile Crime Unit's Office and the Coroner's Office) is another significant and unprofessional failure.
- The repeated three letters to the Clemency Board, sent by Judge Donald Ziegler, the sitting judge at Goldblum's trial that Mr. Goldblum should not have been convicted, because of the clear death declaration of the victim pointing to Miller as his assailant, and that the conviction of Goldblum by the jury had been based on Miller's testimony, (now proven to be perjurous) and which the judge considered at the time of the trial to be suspect and non-credible, and which the judge would not have accepted if he would have been the trier of fact and not the jury.
- The affidavit of Peter Dixon, the prosecuting attorney in the Goldblum's trial that after reviewing additional evidence he unequivocally concluded that Mr. Goldblum was in fact not guilty of homicide, and had not been involved in the fraudulent land deal, and that Goldblum's conviction for murder in the death of George Wilhelm, was in fact: ***"a miscarriage of justice."***

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