

May 4, 1999

Pennsylvania Board of Pardons  
Fifteenth Floor  
333 Market Street  
Harrisburg, PA 17126-0333

Re: **Commonwealth of Pa. vs. Charles Jacob Goldblum**  
**S.S.#: 167-38-7680**  
**SID#: 11905439**

To the Distinguished Lieutenant Governor and Members of the Board:

Regarding the captioned case, I represented the Commonwealth and prosecuted the case as an assistant district attorney for Allegheny County. I likewise prosecuted the trial of co-defendant, Clarence Miller. Those defendants were found guilty and given life sentences.

In the intervening twenty-three (23) years since this case was tried, I have become aware of the concerns of the Honorable Donald E. Ziegler, now Chief Judge of the United States District Court for the Western District of Pennsylvania, then trial judge in this case. The dying declaration of the victim who had been stabbed repeatedly about the face and body was: "Clarence Miller did this to me."

The reason for this letter is that I have recently been asked to review the transcript of the trial and to render my opinion as to whether the Defendant received a fair trial. Charles J. Goldblum did not have a fair trial, being deprived of his only and most important witness for the defense, a witness who was not a co-defendant nor a participant in this murder. In support thereof, I submit:

1. Charles Goldblum did not have a fair trial twenty-three (23) years ago for the reason that the trial court denied his motions presented to the Court in the alternative to permit the securing of the testimony of a vital witness for the defense namely, one Thaddeus Dedo. The record reflects that defense counsel moved the Court to exercise its inherent and King's Bench Powers and grant immunity to Thaddeus Dedo. Mr. Dedo had been subpoenaed by the Defendant, was present in Court, and willing to testify if he was granted immunity by the Court. Dedo represented to defense counsel who in turn represented to the Court on the record that his testimony would fully support Goldblum's testimony to the effect that he, Goldblum, did not participate in any way in the land fraud.

This is precisely why Dedo was a critical witness to the Defendant in this particular case. The Commonwealth's case was that Goldblum was involved in the land fraud and in fact the fraud was the basis for the motive for Goldblum to participate in the murder of George Wilhelm. It is my opinion that the Court could have granted immunity to Dedo without causing any prejudice to the public interest because Dedo was not involved in the murder and was, comparatively speaking, a lesser figure in this case which at the time was a capital murder case. Since Goldblum's liberty and life were at risk, this presented an additional reason which I consider persuasive for the Court to have granted the motion to immunize. Consider also that at the time this motion was presented to the Court, neither the Court nor counsel asked my opinion as attorney for the Commonwealth with regard to the motion for immunity. The Commonwealth had not offered nor was asked to grant immunity at that point and in fact had also subpoenaed Dedo even though it was not known precisely what his testimony would be. Therefore, the record does not contain any objection on the part of the Commonwealth to the granting of this motion and the Commonwealth subpoena implies agreement that the testimony was necessary and proper, in the interest of justice and not adverse to justice or the public interest. All these factors are held by our courts as favoring or requiring court-granted immunity.

2. Defense counsel also moved, in the alternative, if the Court should not see fit to grant immunity, that the Court direct the taking of the testimony of Dedo and further order that said testimony be sealed and its existence and effect limited to this particular trial and, further, that the Commonwealth not be permitted to use any part of the testimony itself nor any information developed from said testimony in the subsequent trial of Dedo on his own charges arising out of the land fraud. This was a brilliant and creative suggestion by defense counsel as it was perhaps the perfect solution to the problem raised by immunity namely, to escape liability for his actions.

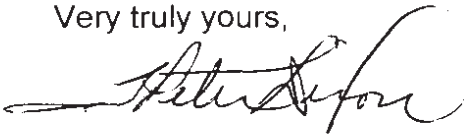
At the same time an "under seal" approach would permit the Defendant to have the full use of Dedo's testimony in his capital murder case, the Commonwealth would have its previously developed information and evidence available to it at a subsequent trial of Dedo and without prejudice in any way by the inability to use the testimony under seal. This solution would allow an enormously important witness to the Defendant without any prejudice whatsoever to the public interest or to the Commonwealth and frankly, although I was not asked my position on this motion as I evaluate the situation now, I believe I would have agreed to this approach so that I might also have the benefit of his testimony even if under cross-examination. I strongly believe and have always practiced in some 100 murder cases during my seven (7) years as an assistant district attorney and my thirty (30) years at the practice of law prior to my illness that my function as a prosecutor was to insure insofar as it was possible that the Defendant receive a fair trial. It now appears very clearly that this Defendant in this case under these circumstances should have been either granted the opportunity to have the testimony of Thaddeus Dedo under grant of immunity or by taking the testimony under seal. The denial of such a critical witness, who had indicated on the record that he was present and with counsel that he would testify in support of Goldblum's contention that he was not involved in the land fraud thereby substantially undermining the Commonwealth's theory of the case, was error so grievous as to affect the outcome of this case, in my opinion. Charles Goldblum was denied a fair trial in a capital murder case in contravention of the due process clauses of the Constitutions of the United States and Commonwealth of Pennsylvania.

3. The witness thus denied to Goldblum was the only witness available to support his testimony and contradict the testimony of the only eye-witness against him, co-defendant Clarence Miller, a witness who even I admitted to the jury, was difficult to believe. This is the final and devastating reason for the Court and now this Board, to grant relief.

4. Charles Goldblum, in my view, having served some twenty-three (23) years in jail has paid his debt to society for the crimes that he has admittedly committed and in view of the dying declaration which identifies Clarence Miller only as the wielder of the blade, the petition for commutation submitted by Charles Goldblum should be granted.
  
5. In addition to the foregoing, I believe the following facts provide further support for the granting of the petition for commutation as they establish the limited participation of Charles Goldblum in the actual killing. It is fundamental that the dying declaration is the one statement given most time honored credit in the Courts of this Commonwealth. If Charles Goldblum had participated in the deadly assault upon George Wilhelm, even if he were not the wielder of the blade but simply participated by holding the victim or in some way aiding and abetting the wielder of the blade and in further view of the fact that it was established that the victim knew the name and identity of the Defendant Goldblum prior to his assault, the dying victim would have named Charles Goldblum or the "attorney" or the "tail guy" or any other such characterization. After stating that "Clarence Miller did this to me" the victim had time to add comments and did remark that he couldn't feel his nose and he knew he was going to die. This was such a powerful piece of evidence that my recollection is that I did not even address it in my very lengthy closing argument, confounded as to explain it.

In view of the exemplary life of Mr. Goldblum prior to this incident and as I understand his positive conduct while in jail, I submit to the Board my recommendation that his petition for commutation be granted.

Very truly yours,



F. PETER DIXON

Counsel for the Commonwealth in the case of *Commonwealth v. Charles Goldblum* (now retired on inactive status)

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