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PETITIONER'S EXHIBIT #60
1/11/07 letter to D. Horgan

004151



January 11, 2007

Donald M. Horgan
523 Octavia Street
San Francisco, California 94102

RE: State of Arkansas vs. Echols, Baldwin & Misskelley

Dear Mr. Horgan:

HISTORY

I was originally contacted by Ms. Lorri Davis via telephone on or about November 14, 2004. Subsequently, I received numerous e-mails regarding aquatic animals, a disc of wildlife in the area and a snapping turtle skull. Additionally, I received a disc entitled Echols containing over 1500 photographs, complete crime scene and evidence. On November 17th and December 19th I received letters from yourself including but not limited to:

- 1) Background Material and information on the case
- 2) Autopsy reports of all three victims (329-93-Michael Moore, 330-93-Steve Edward Branch and 331-93-Chris Beyers)
- 3) Trial testimony of Forensic Pathologist Dr. Peretti
- 4) Trial testimony of Dr. Duke Jennings
- 5) Excerpts of Prosecutions closing arguments
- 6) Dr. Werner Spitz four page report
- 7) CD containing photographs referred to in Dr. Spitz report
- 8) A DVD entitled "Paradise Lost"
- 9) Legal opinions issued by the Arkansas Supreme Court

From November 14, 2006 through January 10, 2007 all the CD's, e-mails, reports, photographs, court records, court testimony, Supreme Court opinion and DVD were reviewed and abstracted. My abstracts are enclosed with this report. To date I have spent a total of 19.75 hours of time and out of pocket costs of \$18.00 for preparation of photographs and disc (CD).

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OPINION

The Scene and Circumstances of the event:

From the CD, reports, photographs, court testimony and autopsy reports it can be concluded that the three eight year old white males were murdered, dumped in a ravine with a narrow canal/drainage ditch at the bottom. The water appeared to be from ankle deep to knee deep or higher in the area where the bodies were found. The bodies were alive at the time they were placed into the water. The cause of death was drowning, the manner of death was homicide. Although near an expressway, the heavily wooded and deep ravine is inhabited with animals including but not limited to insects, aquatic animals and mammals such as dogs, coyotes, cats, fox, etc. It is estimated that the bodies were in the water for approximately 17 hours before they were discovered and removed. At the time of removal there had been mutilation to the genital area on Chris Beyers and mutilation to the left side of the face, jaw and neck of Steve Branch. There was no blood or bits of tissue found at the scene.

OPINION

Medical Case#330-93 Steve Edward Branch

From my evaluation I selected four photographs marked 1B-4B and are enclosed with this report. These photographs are from the CD "Echols" that included 1500 more or less images. The CD is all crime scene and evidence. For orientation purposes

Photograph #1B Image #336
Photograph #2B Image #185,
Photograph #3B Image #167 and #474
Photograph #4B Image #1512.

Photographs 1B, 3B and 4B all depict injuries to the left side of the face of Steve Branch. These V shaped cuts in the cheek, the tearing of the flesh and mutilation observed in these photographs is consistent with animal activity and more likely than not in my opinion with an aquatic creature. The mutilation appears to be postmortem. Photograph #3 B shows intra oral injury to the mucco buccal fold and to the upper and lower lip area. These injuries in my opinion are perimortem. Photograph #2 B shows the right side of Steve Branch's face. There are scratches and gauges in this area consistent with animal activity.

Photograph #4 B is an extremely close up with the words "potential bite mark evidence" written on the photograph. This is consistent with my opinion that this is postmortem bite mark activity left by animals more likely than not, turtle activity or some other aquatic animal. None of the marks on the face of Steve Branch in my opinion are consistent with having been caused by a serrated knife.

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OPINION

Medical Case#331-93 Chris Beyers

The mutilation suffered by Chris Beyers was documented photographically. My evaluation is directed to the inner aspect of the upper legs (right and left), the groin and buttocks area. Some of the photographs I used for my evaluation were contained on the CD marked "Echols-all crime scene and evidence". The photographs that were used are as follows:

Photograph #1C- Image #258
Photograph #2C- Image #243
Photograph #3C- Image #002/252
Photograph #4C- Image #243
Photograph #5C- Image #295
Photograph #6C- Image #1212
Photograph #7C- Image #1211
Photograph #8C- Image #1207
Photograph #9C- Image #284
Photograph #10C-Image #285

Photographs 1C, 2C, 4C and 10C depict overall and close up of the pubic mutilation, scrapes and scratches to the inner aspect of the both legs, all around the pubic area. The genitals are missing. From the photographs, the mutilation appears to be post mortem activity especially to the inner aspect of the left leg. This injury is consistent with animal activity. Especially when the overall photograph 1C is compared with the close up. None of these marks are consistent with a knife when all of the photographic evidence is taken into consideration.

Photographs 7C, 8C and 9C depict the groin area and inner aspect of the legs photographed from the feet towards the head. The victim is on his back. There is perimortem and postmortem animal activity. None of these linear abrasions in my opinion are made by the serrations from the knife-Exhibit 27. The scratches and openings in the tissue are consistent with postmortem animal activity. The mutilation of the groin area is also consistent with animal activity-postmortem.

Photographs 3C, 5C and 6C depict the buttocks, anus and inner aspect of the legs. The victim is lying on his stomach and the photographs were taken from above looking down. The scratches are consistent with animal claws and appear to be both peri and postmortem. None of these scratches are from the serrated knife in my opinion.

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CONCLUSION

Based upon the facts of the event, the location of the bodies and all of the reports, it is my conclusion that the two victims #330-93 Steve Branch and #331-93 Chris Beyers show signs of both peri and postmortem animal mutilation. These opinions and conclusions are based upon my review of the above records, my training and experience which includes having seen similar cases of animal mutilation. This opinion is subject to modification should additional evidence be made available.

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard R. Souviron", followed by the letters "DDS" in a larger, bold font.

RICHARD R. SOUVIRON, D.D.S.

Chief Forensic Odontologist

Miami Dade Medical Examiners Department

RRS: nb

Enclosures

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January 11, 2007

References:

Bite Mark Evidence – Edited by Robert D.J. Dorion, Marcel Dekker-2005
Chapter 15 Animal Bites by: Richard R. Souviron, D.D.S.
Chapter 16 Dog Bite Marks by: Dorion
Chapter 18 Patterns, Lesions & Trauma Mimicking Bite Marks by: Dorion
& Souviron

Forensic Pathology-Principles and Practice Edited by: Dolinak, Matshes &
Lew-Published Elsevier Academic Press-2005
Chapter 27 Forensic Odontology-Souviron
Chapter 24 Postmortem Changes-Lew & Matsches

Medicolegal Investigation of Death, Fourth Edition, Edited by: Werner U.
Spitz
Cc Thomas-Publisher 2006
Chapter 6-Forensic Odontology Richard Souviron

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Typed on January 4, 2007

ARKANSAS VS. ECHOLS

12/31/06 16 photographs on a CD reviewed
Dr. Spitz photograph/Disc

03-001	331-93	Genital injury W/M
0072-001	331-93	Genital injuries
1163-01	329-93	Scalp injuries -3 pattern injuries
004-01	331-93	Genital-Anal area
83-01	331-93	Scalp injury
1169-01	330-93	Left side of face
Stevies face	330-93	Left side of face, neck and head area
0012-1	330-93	Chin, neck, face-left side
0084-1	329-93	Left head injury
0067-1	330-93	Left side of face, neck and head
106-1	330-93	Full face, head and neck
71-1	331-93	Anus, scrotal, buttocks, right and left side.
570-1	blank	All black-no value
Ear 2 PDF	330-93	Back of left ear, scratches
3 photos-2 shoulder- 1 knife	329-93	right shoulder scrapes and knife
1396, 1380, x1969, 1398	329-93	same three photos-knife and shoulder

ME Case #

331-93= Chris Bowers (C)

329-93= J. Michael Moore (A)

330-93= Steve Edwards Branch (B)

Laceration = cut, contusion = bruise

Abrasion=scrape

December 27, 28, 29, 30, 31 2006. Reviewed

January 3, 4 2007

Dictate and transcribe notes

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331-93=Chris Beyers- (C)
329-93=Michael Moore- (A)
330-93=Steve Edwards Branch (B)

Laceration=Cut
Contusion=Bruise
Adhesions=Scrapes

Dates Reviewed December 27, 28, 29, 30 and 31 2006

ARKANSAS VS. ECHOLS et al

- A) 3 page letter reviewed from attorney Horgan- December 19, 2006
- B) Item #5 (Horgan's letter) Dr. Spitz four page report
- C) Item #1 (Attorney Horgan's letter) Autopsy reports-cases 329, 330, 331-93-Dr. Sturner-Chief Medical Examiners
Dr. Perettie Associate Medical Examiners

Autopsy Report-331-93 (Chris Beyers)

Page #2-Bite Marks cheeks right and left side
Multiple facial abrasions and contusions
Multiple fractures base of skull

Page 4 skin of Penis, scrotal sac missing and testes missing-multiple linear superficial cuts

Pages 8-9 conclusions and pathologic diagnosis.

Autopsy Report-329-93 (J. Michael Moore)

Page 2 Linear scratches on mandible, right ear, multiple lacerations superficial

Page 4 Linear abrasions-spacing 1/16 by 1/8 inch- (my note-same distance as scratches on body 331-93).

Page 5 Multiple bite marks-tip and lateral margins of tongue (my comment-self inflicted)

Pages 7 & 8 Conclusions

Autopsy Report-330-93 (Steven Edward Branch)

Page 2 Scratches right mandible, multiple abrasions

Page 3 multiple gouging irregular cutting wounds, many terminating into oral cavity, multiple scratches/contusions to lower extremities.

Page 6 Penis injury, head and shaft-(human bite mark?)

Page 8 Conclusion cutting, gouging and abrasion involving facies, contusions, abrasions, lacerations of torso and extremities, injury to penis.

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TRIAL TESTIMONY-DR. PERETTI-Associate Medical Examiner

Photograph-59A=right shoulder, caused by knife blade (serrated)

Photograph-66B=serrations from knife across the skin

Photograph-71B, 72B= knife injuries

Photographs 62B & 63B= knife injuries

Photograph 71C= cuts from knife-hundreds of them-not measured

Page #11 Description of genital injury from knife

Court testimony-state photographs

59A

61-61A

70-73A

86= 329-93 (J. Michael Moore) (A)

59B

60-72B=330-93 (Steve Edward Branch) (B)

59C-

61-73C=331-93 (Chris Beyers) (C)

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COURT TESTIMONY DR. PERETTI (ASSOCIATE MEDICAL EXAMINER)

Page 22-Superficial cuts photos 65A-P 23
Hands defense wounds photo 73A

Page 24-Fractures top and back of head.

Page 25-Multiple injuries and drowning-homicide

Page 27-Photo 72B-irregular gouging cutting wounds face area consistent with knife gouging-knife in and twisting.

Page 28-Photo 66B caused by serrated knife -
Photos 64-65 Penis, this is a human bite mark, scratches caused by teeth. Injuries in victim A & B are similar.

Page 29-Photo 78-small abrasions, scraping of back-left side of face, caused by knife or sharp object (victim 330-93 Steve Edward Branch)

Page 30-Photo 69 C groin-genital mutilation.
Photo 70C-scrotal sac-tested gone-serrations
Photo 71 through 73C-gouging inner aspect thighs, alive when done.

Page 33 Photo knife connected to injuries based on Dr. Peretti. States Exhibit #77.

Important Page 35-no evidence of insect or animal bites, no evidence of mosquitoes or insect bites show after death.

Page 44-No evidence of strangulation on any victim.

(Note: no intra oral photographs of palate for trauma indicating oral sex)

Page 44-injuries to mouth from a punch/slap or gag (internal)

Page 47-No injuries to back of mouth

Page 49-No trauma to anal area.

Page 52-53 Serrated knife caused the linear scratches-scrapes.

Page 54-Describes penis injury

Page 56-57 Discusses lot of blood loss, no blood found on bank.

Page 58- No blood, done elsewhere or in the water.

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Page 62- Head of penis, skin scrotal sac and testes removed.

Page 63-Injuries consistent with three type of weapons, sharp knife, large blunt round instrument such as a broom handle.

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12/16/06 Notes from Review of CD Disc containing more or less 1500 photographs.

Photo#2 Case 93-331 trauma to the buttocks, anus area, genitals missing.

Photo #15 Case 329 right face, ear, trauma,

Photo #19 left side of head

Photo#62 Lower lips internal? No trauma.

Photo #70 Upper lip with internal trauma

Victim 330-93

123& 125 left side face, chin and neck.

Photo#141 & 142- post mortem left side of face.

Photo#138-139- penis trauma-bite??

Photo# 166-post mortem inner of the inner aspect of upper lip, trauma to the left side,

Photo# 167-Post mortem inner or lower lip, trauma right and left side.

Photo #186 post mortem, trauma to lips face on the left side.

Scene Photographs-Crime Scene- black and white 2 bodies photograph #204

Photo# 215, 302, 332-woods and creek area.

Photo #208 trauma to the genital area post mortem

Victim 331-93

Photo# 239 243, 244, 246, 247 injuries to the genital area – post mortem trauma to inner aspect, both legs, genital and anus area.

Photo # 258- genital area

Photo#260-261, 262- lip trauma,

Photo#274, 281- 282-284, 286

EXHIBITS

Photo #300 left forehead, pattern injury, not teeth:

Photo #306 left forehead, the head and black pen (overlay?)

Photo# 308-310, 312-red pen?

Photo# 314, 316, (ABF Ruler-Marks?) exhibit 55

Photo #320-teeth marks in wax.

Photo #338-Forehead marks, above eyebrow, left side.

Photo# 354 Left ear, post mortem.

Photo#343, 345, circular patterns

Photo# 346, 348 overlays

Photo #349, 351, 352

Photo#1158 (body 330) Pattern, left eyebrow

Defense/States Exhibits 300-481 Pictures, Clothes, Knives, Shoes and print mold.

Photo #482-614 Evidence bags

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Photo #615-619 black and white photographs?

Photo #620-655 and 683-1117- Evidence bags.

Photo # 615-619 black and white photographs

Photo # 656-682 Scene photographs

Photo#1112-1157 Scene photographs

Photo#1171-Rope & screw top

Photo# 1173-1174, 1178-Rope & screw top?

Photo# 1175-1176, 1177 Serrated knife.

Photo #1206-1281, 1286-1291

Photo# 1305-1334, 1520 More scenes and victims

Check out 1428-1444 #330

Photo #1444-1445 trauma to the penis #Case #330 bite marks?

Need prints of more important photographs

1444, 1445 - Penis

Also photographs 300,306, 308, 310, 312, 314, 316, 320, 338, 1206, 243, 239, 246, 247

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