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April 2, 2008

To whom it may concern:

I represented William Thornton on the appeal of his conviction in Berkshire Superior Court. In that regard, I investigated the possibility of filing a Motion for a New Trial pursuant to Mass.R.Crim.P. 30 in advance of filing his direct appeal of his conviction. The Motion for a New Trial would be premised upon either ineffective assistance of trial counsel or newly discovered evidence.

In my investigation, I learned that my client had been using his computer on the night of the alleged incident, and that a computer expert should be able to prove that he was using the computer during that time, giving him a complete and perfect alibi. I also learned that the Pittsfield police had seized my client's computer after his arrest from a friend's house, without a warrant or any legal authority whatsoever.

I asked the District Attorney if she would facilitate the return of the computer to me, and she wrote a letter to that effect to the Pittsfield Police Department. I telephoned the police department and arranged to pick up the computer the morning of May 9, 2007.

I went to the Pittsfield police station to pick up the computer on May 9, 2007. When I arrived, I was told that they had tried to call me to tell me that they could not locate the computer. I waited for about an hour and a half while they tried to locate the computer, and they could not find it. When I returned to my office, my caller ID had no indication that a call had been received from the Pittsfield Police Department.

Eventually, in late May or early June, the computer was located. By that time, the District Attorney also sought to have the computer examined. Because of a conflict of interest that I learned that I had in this case, I moved to withdraw, and Attorney [REDACTED] took over representation of the Defendant.

Very truly yours,

[Handwritten Signature]
[REDACTED]