

***and M Matley***

*Examiner of Documents & Handwriting*

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**FAX TRANSMISSION  
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DATE. September 10, 2004

TO. Yvonne Miller

AT. 212-975-1998

FROM. Marcel B. Matley

RE. Killian Signatures

PER. Your request

TOTAL PAGES. Cover page plus two (2) page.

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The message begins on the next page.

Dear Yvonne:

Here is an exact reproduction of the handwritten notes I showed the staff at 60 Minutes Wednesday. Square brackets, [], indicate added clarifications.

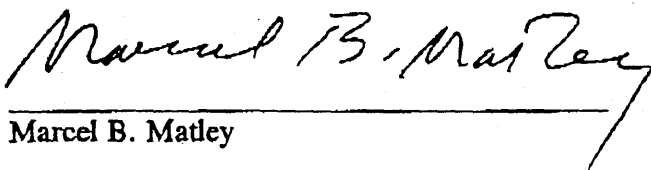
1. Poor copies:
  - could not authenticate documents themselves
  - Therefore, assume reliable copies of authentic documents.
2. Re signatures: Limited amount documents.
  - Therefore, define questions: What is preponderance of available and reliable handwriting evidence?
  - Therefore, did one or more persons write the seven signatures?
3. One "signature" is initials, so technically cannot address.
4. 4 signatures: All reliable indicators are one writer. No contrary indicators.
5. "New" signature. [Meaning one shown when I first got to your office.] Only capital "J" differs.
  - Not significant feature. Therefore, preponderance of available handwriting evidence is one writer of 5 signatures.
6. 06/24/03 letter:
  - Conspicuous differences.
  - Inconspicuous similarities.
  - Therefore, need reasonable explanation to identify.
7. Hypothesis: Stress: undue influence, pressure or some such.
  - If so - reasonably explains differences.
  - Content of documents supports hypothesis. [Re situation of pressure to accommodate individual failing to fulfill military obligations.]
8. Presumption of inference: Party who could produce or make available best evidence and does not, realizes it would be against [such party].

END OF NOTES WRITTEN AT 60 MINUTES OFFICES.

Subsequent to writing out the above notes, I was shown several more documents. The signatures on them were consistent with observations and conclusions made previously.

One signature fit the hypothesis of stress as did that on 06/24/03 letter, since it had conspicuous differences and inconspicuous similarities. Contents of the documents supported hypothesis of stress at the same period of time. Further, the two signatures fitting hypothesis of stress were on documents addressing the pressure to accommodate. All the other signatures, excluding the initials which were not addressed, were on documents addressing routine matters.

We discussed issue that we deal in probabilities. That was covered in item 2 above: "What is preponderance of available and reliable handwriting evidence?" And also in last item 8 regarding any party withholding evidence or not making it available, where we recognize full revelation of all pertinent evidence could alter our opinion. If one who has key to more evidence attacks our opinion but does not offer the key, it can reasonably be presumed that the attacker knows the withheld evidence is against the attacker.

  
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Marcel B. Matley