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Per your request I am forwarding this list that catalogs my ~~defense~~ defense counsel's ineffectiveness. Note: I used the State Appellate Defender's Office book, Issue Spotting and Strickland v Washington, 466 U.S. 668; 104 S. Ct. 2052 (1984) as my guide.

- Failure to discuss with defendant IV Amendment issues; search & seizure
- Failure to discuss with defendant pro's and con's of testifying
- Failure to discuss with defendant the proffer of an alibi
- Failure to discuss with defendant the waiver/forfeiture of MCR 6.414 (J)
- Failure to include defendant in trial court discussion of forclosure of MCR 6.414 (J)
- Failure to consult with defendant on decisions, i.e., retention of Dr. Krane as a DNA expert
- Failure to heed defendant's directive to not have Dr. Krane testify
- Failure to object to admission of .22 cal. bullets into evidence
- Failure to rebut prosecution's impeachment of defendant's DNA expert
- Failure to rebut prosecutor's impeachment of defendant's handwriting expert
- Failure to object to prosecution's prejudicial display/parading of victim's clothing
- Failure to object, to trial court, the DNA data that was not turned over "forthwith" as ordered by the court
- Failure to object to, or request a Daubert hearing on, the unreliable DNA evidence
- Failure to object, pre trial and during trial, the unreliable handwriting evidence/testimony
- Failure to object to prejudicial words "angry" and "lonely"
- Failure to object to lack of chain of custody of towel
- Failure to explore Dr. Krane's testimony, i.e., defendant's DNA vs. victim's absent DNA
- Failure to extensively & aggressively cross examine prosecution's handwriting expert
- Failure to submit timely alibi defense
- Failure to give a clear, concise and organized closing argument
- Failure to point out, in his closing argument, key evidence that exonerated defendant, i.e., lime green station wagon

This list is not inclusive. Some of the aforementioned may need more details. For example, Gabry's failure to extensively & aggressively cross examine the prosecutor's handwriting expert. After asking Lt. Riley if he could show the jury the letter "K" in defendant's handwriting, that was similar to the questioned letter "K", Lt. Riley asked "which one were you talking about?" Gabry said "well which one were you talking about?" Lt. Riley replied "which one are you talking about?" To which Gabry finally said "OK, let's forget it, It's late."

The most grievous inadequacy was his failure to read the DNA discovery data that clearly demonstrated Milligan's contamination error (in addition to Ruelas) that occurred when processing the Mixer evidence.

Regards,  
*Gary Leitman*

## Addendum

The words "angry" and "alone" were probably taken from a spiral bound notebook. This notebook had originally been Solly's, which she used to make notes from her work.

I was enrolled in two separate drug treatment programs at the same time, i.e., WEMAC in Grand Rapids and the drug court program program in Kalamazoo. I had the same therapist for both programs. The therapist required me to keep a journal that chronicled my emotions from day to day, week to week. I used my wife's spiral notebook for my journal.

It was from this journal that the State's forensic document examiner, Lt. Riley, identified some of the writing as a "subset" of my writing. From this "subset" writing he identified the letters "U" and "K" that were similar in formation to the questioned letters "U" and "K".

The expert retained by Gabry, Robert Kullman, was confused when reviewing Riley's notes. He called Gabry who called Solly. Solly confirmed that the "subset" writing was hers. Gabry so informed Kullman, who informed Riley of this mistake. It was at that point that Riley ordered the county jail to intercept Solly's letters to me. He thereupon confirmed that, yes indeed, the "subset" was Solly's writing.

The spiral notebook was lost by det. Schroeder. Gabry objected to evidence from the notebook being admitted into evidence on the grounds that we didn't have the original to examine, only photocopies. Judge Sheldon allowed it in evidence.

During deliberations the jury asked to see the copied pages. I believe Gabry objected because of the content. Judge Sheldon overruled him and allowed the jury to see the content of all my journal notes, with an instruction from him to not pay attention to the content.

The Bill of Rights? Fair trial? Due process? Privacy? To this lay person ALL of my rights were trampled on by our criminal justice system.