

Apr-02-2004 03:01pm

From-LAW OFFICE OF LINDA KENNEY

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T-062 P.003/004 F-683

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COPY

1 April 2004

Via Facsimile 415-292-4878

Robert R. Bryan, Esq.
2088 Union Street, Suite 4
San Francisco, California 94123-4124

Re: People v. Hoonian Ashkan Panah
Nicole Parker, deceased

Dear Mr. Bryan:

I have reviewed the autopsy report, the neuropathology report, photographs, laboratory reports, the report of DNA expert Lisa Calandro, and the trial testimony of medical examiner Eva Heiser and criminalist Robert Monson that you sent to me relative to the death of Nicole Parker.

In this type of trial, which requires proper evaluation of highly-specialized forensic and autopsy evidence, it is, in my opinion, essential that a forensic pathologist be consulted by trial counsel well in advance of the trial so that counsel can understand the strengths and weaknesses of the forensic and autopsy findings; so that time of death and nature of sexual injuries can be independently evaluated; so that counsel can be advised as to whether other testing or contacting other experts is warranted; so that counsel can more intelligently evaluate the appropriateness of a negotiated settlement;

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so that counsel can properly cross-examine opposing experts; and so that counsel has available the expert to testify if appropriate.

In this matter, Nicole was 8 years old when her nude body was discovered wrapped in a white sheet in a suitcase in defendant's bedroom closet. The autopsy report concluded that the cause of death was "Traumatic injuries" which consisted of "Craniocerebral trauma, neck compression and sexual assault with anal lacerations." However, the neuropathology examination demonstrated that there was no injury to the brain - no trauma to the brain - and that Nicole's brain was entirely normal. Further, the full autopsy and the examination of the microscopic slides showed that the sexual assault did not produce injuries sufficient to cause death.

It is my opinion, to a reasonable degree of medical certainty, that neither craniocerebral injuries nor a sexual assault caused Nicole's death and a forensic pathologist expert would have been able to explain this to counsel and to the jury.

I declare under penalty of perjury that the foregoing is true.

Yours very truly,



Michael M. Baden, M.D.

MMB:ph