

District Attorney
Raul E. Bucher

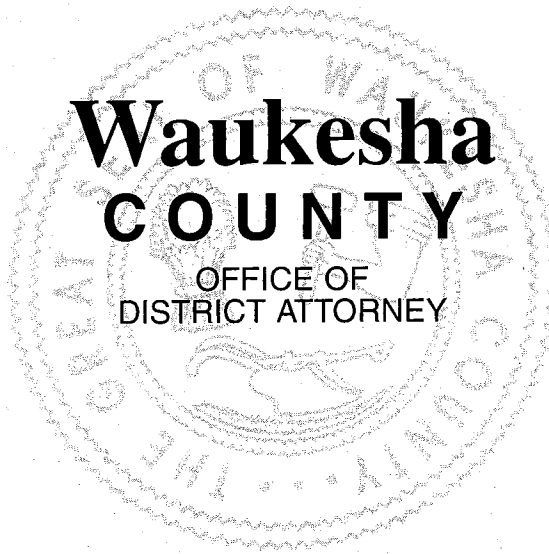
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April 1, 2002

Ms. Amy Jabloner
Trial Attorney
U.S. Department of Justice
Criminal Division
Office of Enforcement Operations
Task Force on the FBI Laboratory
10th & Constitution Avenue, N.W.
Kenney Building
Washington, D.C. 20530

Dear Ms. Jabloner:

I am contacting you in response to your letter dated March 11, 2002, relative to the cases of State of Wisconsin vs. Lee Roy Broussard and Clarence Broussard. I am enclosing the memos indicating that the work of FBI Lab Examiner Michael Malone was not material to the guilty plea in this case. The reason I can say that is there was an overwhelming amount of evidence identifying these individuals as the persons responsible for the armed robbery that occurred. They were positively identified by the victims in this case. In addition, the evidence found upon them after being captured also was positively identified as the evidence being used in the armed robbery. In addition, the circumstances surrounding their capture were such that it indicated consciousness of guilt on behalf of both defendants.

Finally, Analyst Malone simply indicated that they found hair that matched one of the suspects apparently on several items of clothing that were recovered from the car from which they fled. That evidence, in my opinion, was cumulative to the evidence the State already had in its possession, custody and control that would have served to convict these defendants. There is absolutely no doubt in my mind that these defendants would have been convicted and/or plead guilty even if Analyst Malone had not analyzed the evidence. In addition, these defendants also requested to consolidate additional charges from the neighboring county, Milwaukee County, in order to resolve

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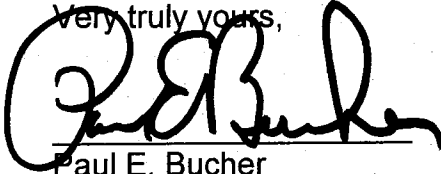
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all matters together. Therefore, I believe while Analyst Malone's testimony would have been relevant, it was not material to the overall conviction.

I hope this addresses your concerns. If you need further information, please don't hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Paul E. Bucher". The signature is written in a cursive style with a large initial "P" and "B".

Paul E. Bucher
District Attorney
Waukesha County

jad

enclosures



U.S. Department of Justice

Criminal Division
Task Force on the FBI Laboratory

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March 15, 1999

Paul E. Bucher, Esquire
District Attorney
Waukesha County District Attorney's Office
515 West Moreland Blvd. Room G-72
Waukesha, WI 53188-2486

Re: Wisconsin v. Broussard, Lee Roy and Clarence

Dear Mr. Bucher:

As you may be aware, in April 1997 the Department of Justice Office of the Inspector General (OIG) completed an investigation of the Federal Bureau of Investigation (FBI) Laboratory and issued a report entitled *The FBI Laboratory: An Investigation into Laboratory Practices and Alleged Misconduct in Explosives-Related and Other Cases*. The OIG investigation focused on three units of the FBI laboratory: Explosives, Materials Analysis, and Chemistry-Toxicology. The OIG report criticized 13 FBI laboratory examiners for the quality of their scientific work, inaccurate testimony, testimony beyond their expertise, scientifically flawed and improperly prepared reports, as well as other problems.

The purpose of this letter is to request your assistance in determining whether certain FBI forensic work was used by the prosecution or the defense at trial or in connection with a guilty plea in the above-referenced case. (You may have already received a similar package of materials with regard to other cases prosecuted in your district.) Please give this matter your immediate attention and provide the information requested on the enclosed case review form as soon as possible.

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