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September 4, 2007

Mr. Martin J. Lipske  
Iron County District Attorney  
Courthouse – 300 Taconite  
Hurley, WI 54534

Re: Ongoing Perversion of Justice

Dear Mr. Lipske,

I am writing today concerning your actions in a recent matter involving charges of first degree sexual assault made against three local men. I would ask you to compare your handling of that case with your handling of my case. This letter will be published on two websites concerning my case, [www.freemyfather.com](http://www.freemyfather.com) and [www.freedonmiller.com](http://www.freedonmiller.com) so I therefore respectfully request that you please respond to this letter in a timely fashion.

In the recent matter mentioned above, a woman made allegations of rape against three local men, so they were arrested, jailed, and charged with 1<sup>st</sup>-deg sexual assault. However, after an initial investigation, you found her allegations were 'inconsistent' so motioned the court to drop the charges. These men have since been released and you publicly stated you may charge the complainant if any false information is discovered. This is all very interesting, Mr. Lipske, as your action in that matter clearly adds concrete support to my contention that you are INTENTIONALLY subverting justice in my case.

Not going forward with a prosecution due to inconsistent allegations is a proper exercise of the duties and discretion of a prosecutor. But you failed to take similar precautions in my case, and that failure caused my wrongful conviction and 42-year prison sentence. You were a new and inexperienced prosecutor when prosecuting me in 1997 on grossly inconsistent and now proven false allegations by Connie Vargovich, but your recent actions clearly demonstrate that you have learned a lot since the time you prosecuted me.

However, and as you well know, it remains your duty and responsibility to rectify the glaring injustice in my case and to obtain for myself and my family the long overdue and much deserved justice that everyone knows I am entitled to. Mr. Lipske, you clearly have an ongoing, very serious, and important responsibility to obtain justice in my case.

In this other recent case, you stated that your 'investigation did not end' with a complaint being filed. But, as a sheriff's deputy testified at my trial, there was **NO** investigation in my case! And in the years since my wrongful prosecution, I have provided you with voluminous objective evidence proving I am falsely accused and wrongfully convicted; yet still, to my knowledge, you have not investigated. Further, and as you know, Connie Vargovich did once again falsely accuse me in 2005, but prison officials investigated her complaint and discovered it was false. News reporter Levra has asked you about that false accusation and you told her: "Connie lied." Yet still no investigation in my case.

I'm sure it was not an easy decision for you to drop charges against the men in this recent matter, but you should be commended for exercising your discretionary duties in such a prudent manner. But where is that degree of precaution and concern in my case, Mr. Lipske? Not only have I been able to prove gross inconsistency in the accusations against me, but also that certain aspects of these accusations are a physical impossibility, and that much perjury was committed to obtain my convictions. And you absolutely know this!

The disparity in your handling of my case as compared to the other recent matter can only be explained by one differing circumstance: the female complainant in that case was not socially-sexually involved with Judge Madden; but my false accuser Connie Vargovich was. Three men accused of sexual assault are now free because the complainant's story was inconsistent, yet after 10-years I remain locked up despite the fact that I have proven **FAR MORE** than mere inconsistency in the allegations against me. Far more. Let's now review just some of the undisputed facts that I am able to share with you at this time.

1. Connie has a long history of violence; bar fighting; attacked a prior boyfriend with a hammer; has a long history of falsely accusing other men of crimes similar to those she accused me of committing; she put a prior boyfriend in prison for rape; has claimed other rapes; at the time of my trial had protection orders on various men; has documented psychiatric problems and was prescribed psychotropic meds; has many drunk-driving tickets; she beat up an elderly nursing home patient; has been investigated for credit card theft; has multiple criminal convictions for having lied to police; and has spent time in jail and accumulated many other charges.
2. Prior to my arrest multiple witnesses heard Connie threaten to make me 'pay' if I should ever decide to break up with her, and witnesses also heard her promise that I would 'never have another girlfriend as long as I live' and that the 'police always believe whatever she tells them'.
3. I am not the first person Connie has threatened with revenge. Her best friend came forward and swore out an affidavit concerning Connie's habit of threatening revenge against her prior boyfriends who had also decided to break up with her.
4. We received many e-mails and letters from people who either know Connie or who have had run-ins with her, including her own friends. All these communications consistently portray Connie as both a pathological liar and very violent person.

5. Connie testified at trial that I had been abusive for months. But just weeks prior to my arrest, Connie had visited her personal physician who asked Connie how I was treating her. Connie's medical records prove she answered the doctor's question by saying that I was treating her so well she didn't know how to deal with me because she simply wasn't used to this kind of treatment from her boyfriends.
6. Because Connie repeatedly cheated on me with Mr. Kim Aijala, I asked her to move out of my home. She threatened to make me 'pay' if I didn't let her stay, and I told her to do what she wants, as long as she moves out that day. She called her sister Michelle and mother to ask them to help her move. They declined. She also called her sister Heather and indicated to her that she wanted the police called. Heather called the police; and, as she admitted at trial, gave them false information. Deputy Robinson arrived but refused to arrest me because Connie made no claims warranting an arrest. He advised her to finish packing and go. Thus Connie's first and very aggressive attempt to have me arrested had failed.
7. Connie then went to the Sheriff's Dep't. They gave her a MULTIPLE CHOICE domestic violence worksheet and she circled nearly all suggested answers on that form, now making claims she had not made earlier when trying to obtain my arrest and made claims she would never make again in any subsequent statement or testimonies. She had simply taken the suggested answers and ran with them.
8. Along with this worksheet, Connie also submitted her first written complaint wherein she explicitly DENIED any sexual assault. However, I was now arrested because she was making a new claim that I had pointed a red-laser sighted pistol at her, which gun I never owned and none were ever found. Remember that her original complaint was that I had 'guns in my house'. Knowing Connie was lying, Deputy Robinson once again refused to arrest me, and so other police arrested me.
9. Shortly after my arrest, Dan Clemens told Connie I was about to obtain bail and go home. Connie now quickly CHANGED her denial of rape to now claim rape. Already within the first 24-hours, Connie's story had changed 3-times.
10. Connie also made statements upon which search warrants were based. She said I had 'explosives', 'automatic weapons', and 'drugs' at my store in Michigan. Police converged on my home, business, and vehicles while I sat in jail. No laser sighted guns were found, nor were explosives, automatic weapons, or drugs found at my business. Everything Connie said was being proven false and your initial investigation ended. There would be no further investigation into anything at all.
11. In her written reports, Connie claimed she was assaulted "from shortly after midnight until 4am when Don finally fell asleep." From the moment of my arrest I began telling you and police that Connie couldn't have been assaulted from midnight until 4am, because she was in town at 4am, calling me from the Citgo station asking me to come and pick her up. You refused to obtain these phone records; but I did, and they conclusively prove that **Connie was in town at 4am.**

12. Connie was also sent to the Michigan hospital where Judge Madden was, at that time, sitting on the Board of Directors. She had a physical exam and biological samples were obtained from her for a 'sexual assault test kit'. The hospital's lab performed its own analysis of the biological samples, but was unable to find any male biological material present. In fact, the examining physician's own medical findings ascertained during his physical examination of Connie Vargovich entirely **disproved** the specific allegations Connie had made in her complaints:
- a. Connie claimed she had been 'sexually assaulted'. But the doctor found **NO** evidence of any sexual contact, sexual area injury, or any other sexual aspect anomaly. Nothing.
  - b. Connie claimed she had been 'repeatedly punched in the face'. But the doctor found **NO** injury, bruising, or swelling on her face. Nothing.
  - c. Connie said she had been 'strangled and choked'. But the doctor found **NO** injury or bruising to her neck. Nothing.
  - d. Connie claimed her 'hair was pulled out'. But the doctor found **NO** area of her scalp missing any hair or showing irritation. Nothing.
  - e. Connie said she 'ran barefoot down a long gravel driveway'. But the doctor found **NO** bruising, scratches, or swelling on bottoms of her feet. Nothing.
  - f. Connie said her head was 'repeatedly slammed into a truck'. But the doctor found **NO** swelling, bumps, or bruising on her head. Nothing.
  - g. Connie said she had been 'bitten'. But the doctor's medical report makes **NO** mention of any 'bite mark' having been observed. Nothing.
13. All of the above is well established and is part of the official record in my case. The specific details of Connie's accusations against me are medically disproved and are thus shown to be absolutely false. And you know it, Mr. Lipske.
14. You also know that, just as soon as I was arrested, I began making demands for lie-detector testing and have since then continued to demand lie detector testing for the last 10-years, including my repeated offers to subject myself to the so-called truth serum, sodium pentothal. You refused to allow any of this, though you have allowed others to take such tests.
15. While I sat in jail awaiting trial on Connie's false accusations here, she proceeded in Michigan's 98<sup>th</sup> District Court with allegations of crime against an Ironwood man, Mr. K. Grenfell. She claimed he was trying to kill her, threatened to kill her family, claimed he would shoot up their house, and claimed he told her he would kill them all in 72-hours. And for good measure, she threw in a claim that he said he wasn't afraid to go to jail. She sure loves to use the justice system for revenge!

16. Let's now look at Connie's sworn testimonies at my prelim hearing and trial. Connie testified that in the weeks prior to my arrest, she had been making plans to move out of my home because I was abusive. But just prior to my arrest she told her doctor I was treating her like a queen. Connie also testified she had planned a 'house-warming party' during this time, and had this party on the night before my arrest. Further, though she testified she had made plans to move out, she admitted that she ordered and installed a new satellite dish, paid for a year of satellite programming, and ordered and installed a new phone line for her private use. The facts prove she wasn't planning on leaving. She was making plans to stay.
17. At the preliminary hearing, Connie also testified that during this house warming party, I had become belligerent so she decided to get away from me. She testified that she then left the house and went to town with her sister. And, to make me look more sinister, she then testified that I had 'followed them' to town in my truck. At trial however, Connie finally admitted that her prelim hearing testimony was FALSE, admitting that she had in fact left with ME to go to town, not with her sister, who left the house before Connie and I did. She **admitted** perjury.
18. At the prelim hearing and trial, Connie also testified that she and Deputy Robinson returned to my house after my arrest, where she said she obtained some clothing in evidence off the bathroom floor and had handed them to the deputy, further testifying that the deputy then placed them into a bag. Well, Deputy Robinson said NOT SO! He testified instead that he recovered no clothing at any time from my house, and Deputy Wicklund also testified he had not, either. Connie lied under oath as to the source and location of clothing in evidence.
19. Connie also testified that I had bruised her, but from the moment of my arrest I told you to speak to Mr. Kim Aijala about her bruising because Connie told me Aijala bruised her when she spent the night at his home 2-weeks prior to my arrest; and she was there again just hours prior to my arrest, yet you never spoke to Aijala. Just after my arrest, and for the first time in his life, Aijala moved out of town and didn't return until I was in prison. And also for the first time, and despite the active protection order she had on Aijala for HIS HAVING BRUISED HER MANY TIMES, Connie admitted at trial that she had in fact been inside Aijala's home in the middle of the night just hours prior to my arrest.
20. Though Connie has 3-versions to her story regarding this following particular claimed event, the gist of her testimony is that, during a claimed assault, her sister Michelle Vargovich arrived at my home. Connie testified she felt like she was being saved but claimed I then held her down and yelled to the sister to 'go away'. She claimed the sister then left and that an assault continued. From day one I told you there was no assault and that this sister is an EYEWITNESS to the fact there was no assault because Michelle did come to my house, did knock, but guess what? I did not send her away but had instead INVITED HER IN, where she then spent the next 10-minutes inside my home and observed no assault or any other commotion. Connie had also testified falsely about all of this.

21. But Connie is not through lying under oath yet. She testified at both the prelim hearing and trial that I had followed her to town (which she later admitted was false) and followed her around town 'all night' calling her names and harassing her. She claimed she did not want to return to our home that night so wanted to go to her mother's house instead (her testimony shows she refused offers for a ride to her mom's house). Connie testified that while I was 'harassing' and 'calling her names' she used the Hurley Citgo station payphones to call her two sisters, mom, and friend Cathy Rock for a ride to her mom's house. She gave the names and numbers of those she called, and even testified that she had to go inside the Citgo station to obtain change to make additional calls.
22. Connie then testified that while she was making all these telephone calls, I had pulled into the Citgo station and convinced her to get into my truck. She claimed we went home where I then assaulted her from midnight until 4am, when I then 'finally fell asleep'.
23. All the above is proven to be fabricated and perjured testimony. My attorney obtained certified Ameritech telephone usage research records relating to the only two payphones at the Hurley Citgo station, which were accepted by the court, and they conclusively prove that:
  - a. Connie DID NOT call her mother as she falsely testified;
  - b. Connie DID NOT call either of her two sisters as she falsely testified;
  - c. Connie DID NOT call her friend Cathy Rock as she falsely testified;
  - d. Connie DID call Don Miller at home;
  - e. Connie DID make this call to Don Miller at 3:49am.
24. Therefore, certified phone records conclusively prove Connie committed perjury for 6-pages of trial transcripts, during a prelim hearing; prove I was not in town harassing her or calling her names while she used these phones, and prove it impossible that I was assaulting her from midnight until 4am because she was in town at 4am, calling me at my home, and the records prove that this call was answered. The only other person living in my home besides Connie was me.
25. Connie also testified that on the morning of my arrest I had 'allowed her' to make only one phone call and testified that she spoke to her sister, Heather. However, my home phone records will prove she originated and received multiple calls that morning, to and from her son and different sisters. Because I was having Connie move out, she and Heather had decided to call the police as an act of revenge. At trial, this same sister, Heather, even admitted that she had in fact given the police false information about me when she called them.
26. Connie also admitted at trial that she was suffering from psychiatric problems, consulted doctors for treatment, and was prescribed psychotropic medications. She also admitted at trial that she had not been taking this critical medication.

27. And talk about 'inconsistency' in a complainant's story! Connie has **SIX** versions of her story on record and she herself even admitted at trial that her accusations against me were very inconsistent and that the charges for which I was on trial were **NOT** the original complaints that she had initially submitted to police!
28. Also very revealing is the fact that Connie was unable to answer **70%** of material questions asked of her by my trial attorney regarding her own story! Connie could not answer seven out of ten material questions regarding her own accusations! And of the three out of ten she did answer, these all conflicted and contradicted with prior statements and testimonies given by her.
29. Connie claimed 'loss of memory' as the reason why she was unable to answer seven out of ten questions as to details of her own accusations. How convenient.
30. I could go on to detail multitudes of inconsistencies in her 6-different stories, but that would take 10-pages, and inconsistency is the least of what has already been presented as proof that I am falsely accused and wrongfully convicted.
31. Also, Connie's own mother asked police not to charge me with anything (she knew Connie was lying) but police told her it wasn't up to her to decide. When trial came, I noticed that not one member of Connie's family was there, and they lived but 10-miles away. They knew she was lying and didn't want any part of it. But my family attended, and they drove 350 miles each way to do so.
32. Connie also refused to respond to a pre-sentence investigator's multiple letters and phone calls asking for her input and statements. Since Connie had already fulfilled her promise to 'make me pay', she saw no need to cooperate further.
33. Shortly after I was sent to prison 1,200 miles away from family, Connie was out partying with her sister, Heather, and spoke to a man about my case, telling him, "I don't know why I did this to Don. **He didn't do anything wrong to me.**" Connie was crying when she said this and her sister intervened, yanking Connie away and saying, "Come on Connie, let's go; you're hanging yourself." This man swore out an affidavit as to all this. Connie herself has confessed my innocence.
34. Since my trial, Connie went on with the same pattern of bar fighting, drunk driving, car accidents, even beat up and bit a bartender and had a recent boyfriend thrown in jail after he too had decided he had enough of her antics.
35. In August 2005, my son created [www.freemyfather.com](http://www.freemyfather.com) to publish proofs of an intentional perversion of justice in my case and publish information kept from the jury, including results of an investigation that uncovered an undisclosed social-sexual relationship between Connie and Judge Madden prior to and during trial.
36. Because the website is much talked about and turned the entire community against her, Connie became angry. And we all know what she does when angry!

37. Right after the website started, I again became a victim of Connie's retaliation. I was called into the prison captain's office and told that YOU called the prison and accused me of calling Connie to threaten and harass her. By falsely accusing me again, Connie had once again used the legal system as a personal tool of revenge.
38. Since all inmate phone calls are logged and recorded, it was easy for the prison administrators to conduct an investigation into my telephone usage, and it was conclusively determined that the only person I ever call is my mom, once a week, and that there were no calls whatsoever to Connie. When reporter Levra asked you about this incident, your response was that "Connie lied". YOU finally admitted that Connie **DOES** falsely accuse me! That's a good start, Mr. Lipske.
39. Also, Michelle Vargovich, the eyewitness inside my home on the morning of my arrest who knows I'm falsely accused and wrongly convicted, has been telling people she knows Connie falsely accused me and stated she doesn't like it.
40. Finally, before trial and on the record, **you yourself admitted** that there is "falsely accused information" in Connie's police reports.

**Face the facts** Mr. Lipske. If Connie were a true victim, I would have none of the above, and the above barely scratches the surface. Due to ongoing investigation, I can't reveal more. Nonetheless, the above comprises conclusive proof that I'm falsely accused and wrongfully convicted. You recently let three men out of jail due to 'inconsistent statements' in a sexual assault complaint, yet 'inconsistent statements' are well proven in my case and is the least of voluminous evidence I've acquired proving a miscarriage of justice here. Because this is obvious to everyone, and you take no action to assist me while letting other similarly situated persons out of jail, your failure to assist me can only be explained as a breach of trust and an intentional, premeditated and willful perversion of justice.

You also made a veiled threat against the complainant in that other case, yet though you admitted Connie falsely accused me, take no action against her. The disparity in your handling of my case as compared to this other case where you released men on a fraction of the evidence I have, adds concrete support to my contention that the glaring perversion of justice in my case is **PREMEDITATED** and **INTENTIONAL**.

This letter will be published on the internet. Therefore, please provide a reason(s) as to why there was, and still is, no investigation in my case and why you won't assist me though you do assist other persons similarly situated. Thank you, Mr. Lipske.

Sincerely,



cc: Special Agent in Charge James E. Finch; U.S. Attorney Erik C. Peterson; Attorney Gen., J.B. Van Hollen; Judge Patrick J. Madden; Attorney Ray Dall'Osto; Administrator for websites [www.freemyfather.com](http://www.freemyfather.com) and [www.freedommiller.com](http://www.freedommiller.com).