

Don Miller #343005  
P.O. Box 4000  
New Lisbon, WI 53950

October 16, 2006

E. Lanny Robbins, M.D.  
4401 Yellow Birch Rd.  
Eagle River, WI 54521

Re: [www.freemyfather.com](http://www.freemyfather.com)

Dear Dr. Robbins,

I recently obtained your address. I am writing to you today to ask that you reconsider, then retract, an opinion you gave at my trial concerning a medical examination that you conducted at the Grand View Hospital on October 20, 1997. I am also writing to ask that you visit my son's website, [www.freemyfather.com](http://www.freemyfather.com).

On 12/4/97, you testified for the state as an expert witness at my criminal trial in the Iron County court where I stood falsely accused by my live-in girlfriend, Connie Vargovich. After several revisions to her story, she ultimately claimed that I had sexually assaulted her twice in two weeks, though her first written police reports had specifically *denied* any sexual assault. It was after she had already once failed to obtain my arrest that she changed her story to claim rape. You gave no testimony concerning the first sexual assault charge and I was acquitted by the jury. Concerning the second sexual assault charge, you testified that Connie was "sexually assaulted to a reasonable degree of medical certainty." I am respectfully asking that you please re-evaluate the evidentiary basis underlying your conclusion, then retract it. There was no sexual assault, no evidence of sexual assault, and your erroneous opinion caused my imprisonment.

Everything I say is proven true and supported by evidence published at my son's website. I am wrongly convicted and the unrefuted facts published at the website have rallied my community to my side. I am not the first one Connie has accused of rape and she has criminal convictions in Michigan that involve lying to police. Her prior boyfriend also fell victim to her rape charges and she has also accused others. Connie confessed my innocence to a witness soon after my trial, and his affidavit is on the website. Also on the website is proof that Connie and the judge who put me here, Pat Madden, were socially & sexually involved prior to and during my trial. Connie had been cheating on me behind my back with a prior boyfriend, Kim Aijala, and with Judge Madden, who I know now was on the Board of Directors at the Grand View Hospital during the time you examined Connie. Based on publication of much evidence on the website, this matter has become a huge scandal in Iron County and the community is shocked at the glaringly obvious injustice of my convictions.

My fate was sealed when you gave opinions that are forbidden by law because they usurp a lay jury's role and trigger convictions not resting on adequate evidence. You testified that Connie was 'sexually assaulted' and told the jury 'you believe her' story. Connie's very specific complaints were that I had repeatedly 'banged her head' into my truck and windshield; repeatedly 'punched her in the face'; had 'strangled and choked' her; that I 'bit her'; 'pulled her hair out'; that she had 'run barefoot down a gravel driveway' to escape; and was 'sexually assaulted'. Your medical findings REFUTED her specific allegations. The following are your answers to my attorney's questions as to your findings regarding Connie's very specific false allegations against me:

DEFENSE: Does your report show any bruising of her face?

DR. ROBBINS: **NO**, it doesn't.

DEFENSE: Does your report show any bruising or redness on her neck such as from choking or being strangled?

DR. ROBBINS: **NO**, it doesn't.

DEFENSE: Does your report show any bruises on her forehead or anywhere on her head such as being slammed into a window?

DR. ROBBINS: **NO**, it doesn't.

DEFENSE: Your report doesn't even make any indication as to bite marks, does it?

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DR. ROBBINS: I didn't make that judgment, **NO**... (Tr. 119-120)

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DEFENSE: Did she ever indicate to you that her hair was pulled out?

DR. ROBBINS: Yes, she did.

DEFENSE: Did you see any signs...that she was missing hair?

DR. ROBBINS: I could **NOT** say for certain one way or another. (Tr. 125)

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DEFENSE: you got photographs...did you take any of her feet? (Tr. 127)

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DEFENSE: There is no indication of cuts, scratches, bruising?

DR. ROBBINS: **NO**, there is not. (Tr. 128)

During your examination, you also obtained biological samples for a sexual assault kit and also sent samples (a wet mount vaginal slide) to the Grand View Hospital's lab for a microscopic survey. The lab found bacteria & squam epithelial cells, but no spermatozoa. The following are your answers to questions by the prosecutor regarding the sexual aspect of your physical examination of Connie:

PROSECUTOR: Did you do an investigation with regard to the vaginal or crotch area?

DR. ROBBINS: Yes, I did. I did both a vaginal and pelvic exam.

PROSECUTOR: Well, did you observe anything or any appearance of tenderness or difficulties in that area?

DR. ROBBINS: **NO**, there were no tears. There were **NO** lacerations and the exam was basically **NORMAL**.

(Tr. 113:15-22; 114:3-8)

Though your own medical findings failed to support Connie's **very specific** allegations she made against me, your examination also discovered that her sexual area was 'normal', and the hospital's lab found no spermatozoa. It is a fact that there was **NO MEDICAL EVIDENCE WHATSOEVER** of any sexual contact, yet you testified there was a sexual assault because you 'believed her story', which very specific "story" was refuted by your own medical findings:

PROSECUTOR: And on your report you have what's marked as an impression?

DR. ROBBINS: Yes, I do.

PROSECUTOR: And what did that...

DEFENSE: I'm going to object as calling for a legal conclusion from this witness.

COURT: Overruled. You may proceed, doctor.

PROSECUTOR: Do you...

DR. ROBBINS: My impression was that **she had a sexual assault**.

PROSECUTOR: **...to a reasonable degree of medical certainty?**

DR. ROBBINS: **Yes**.

PROSECUTOR: What led you to believe to have that impression and that opinion?

DR. ROBBINS: Her story and her bruises fit the story that she gave me, and I believe her report, and my exam.

PROSECUTOR: I don't have any further questions. (TR. 114:23-25; 115:1-16)



I have a son, siblings, parents, and friends. I am a human being suffering consequences of false accusation and your medical opinions that would not be supported by your medical peers. The jury acquitted me of the first charge that you did not comment on. The jury deferred the question of sexual assault on the second charge to you. I now have a 42-year sentence based on your medically unfounded opinion. On behalf of my son, my family, and myself, I ask that you please reassess your erroneous conclusion.

In addition, please review documents on the website. Note that the story Connie told you was one of *six* now on record. Note also that she told you she was sexually assaulted from midnight until 4am. Review the certified phone records. They prove she called me from the Hurley Citgo at 3:49 am, asking me to come to town to give her a ride back home. There could have been no assault from midnight to 4am. Telephone records prove she was in town at 3:49 and could not have even arrived home before 4:20am. The phone records also prove over 6-pages of her trial testimony was fabricated. The state does not contest any of this, and there is much more proof at my son's website. Please carefully review the material published there.

Additionally, you collected biological samples for a sexual assault kit. I demanded that this kit be tested. But prior to my trial, the prosecutor asked the court's permission to "dispose of the *remainder* of the kit" but was denied. We asked to see it so were brought to the Sheriff's office. The kit was in a refrigerator; it was a clear plastic box, not in any evidence bag, and both seals on this kit were torn through. I said to my attorney "look, the seals are broken, the DA has already tested it." As soon as I said this, the DA ushered us away. By the time of trial, the DA said the kit had been 'misplaced', yet witnesses heard him say he threw it away. The fact that the kit's seals were broken, and the DA reference to a 'remainder' of the kit, both indicate it was tested. The state has withheld the test results and purposely destroyed the kit before trial.

Under Wisconsin law, a prosecutor must retain the kit for as long as I remain in prison and I have an absolute right to test it. Ray Dall'Osto, my current attorney, wrote to DA Lipske and asked for the photos used at trial and for the sexual assault kit so that we can conduct our own tests. The DA wrote back to say that the photos and kit were 'lost', but claimed he had ordered Sheriff's Deputy Roy Foryan to investigate their 'disappearance'. The DA said the investigation was unsuccessful, and there was nothing else he could do. I wrote to the court clerk and asked what she believed happened to the photos. She wrote back and said they were not lost. I wrote to Deputy Foryan to ask him for the details of his investigation into the 'missing kit', asked where he had looked, who he spoke to, etc. Deputy Foryan wrote back 2-days later and said he had no involvement in any such investigation or any other aspect of my case. The DA has repeatedly and profusely lied.

My girlfriend and the judge were sexually involved before my trial and we obtained affidavits of 5-witnesses who observed them 'hugging and squeezing' each other in a courthouse hall during a break in my trial. Mutual friends of Judge Madden and Connie recently came forward, submitted to interviews and gave sworn statements that they often 'partied' with the judge and Connie, and observed Judge Madden "tongue kissing" and groping Connie in the bars on many occasions prior to my trial.

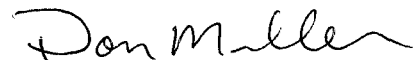
The judge concealed this from me so that he could assist in removing me from the picture and as a favor to Connie, and DA Lipske knew your opinion was inadmissible under law yet used it because he knew it would sway a jury to convict. False accusations did not stop at trial. In Sept. 2005, the DA and Connie were once again caught falsely accusing me. The DA and Connie retaliated for my son's new website that exposes their lies and this scandal. DA Lipske called the prison and falsely accused me of having been calling Connie to threaten and harass her, a felony. Fortunately, the prison officials investigated thoroughly before punishing me. All inmate telephone calls are logged, recorded, and prove that the only person I ever call is my mom, once a week. Officials then dismissed DA Lipske's allegations as 'baseless'. News reporter Margaret Levra asked the DA why he falsely accused me. He said that "Connie lied." Also since trial, the judge has denied my access to the court with legal pleadings and has repeatedly acted to protect Connie from prosecution for her proven perjury and false swearing, even though she already admitted my innocence. Connie's greatest critics now are her closest friends. The entire community is demanding justice for me.

When I went to prison, my 16-year old son was left to fend for himself. I lost my business of 17-years. Lost my home and life savings. My mom has Parkinson's. My dad has a bad heart. My sister Tracy is deaf. I have always been the supporter and core element of my family but have now been in prison 9-years for non-existent crime. Please visit my son's website. If you have questions please contact me. Please revisit your opinions and recognize the utter lack of any medical evidence of sexual contact, and lack of first hand knowledge concerning consent. Once you face the facts, Dr. Robbins, your opinion of sexual assault must fall. If you do not retract it, then a wrongful conviction will be perpetuated. Retracting your medically unfounded opinion will allow me a new trial. If you would rather contact my attorney, his address is:

Attorney Raymond M. Dall'Osto  
Two Plaza East, Suite 1170  
330 East Kilbourn Ave.  
Milwaukee, WI 53202

I urgently request your most serious reconsideration and re-evaluation in this case. Thank you for your time and consideration in this extremely important matter, Dr. Robbins.

Respectfully,



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LAW: An expert witness must not be allowed to convey to jury his or her own beliefs as to veracity of a complainant with respect to a sexual assault. *State v. Jensen*, 432 N.W.2d 913, 147 Wis.2d 240 (Wis. Sup. Ct. 1988). Expert's opinion that a complainant has been sexually assaulted is inadmissible. *State v. Jensen*, 415 N.W.2d 519, 141 Wis.2d 333 (Wis.App.1987)