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December 24, 2006

Honorable Duncan Hunter
U.S. Representative
52nd Congressional District
2265 Rayburn House Office Building
Washington, D.C. 20515

Re: Colonel James E. Sabow, United States Marines;
circumstances of his death, January 22, ~~2000~~ 1991

Dear Congressman Hunter,

I am presently an attorney in private practice in Santa Ana. In February, 2006, after twenty-nine years of service, I retired from the Orange County District Attorney's Office. During the years I worked for that agency, I spent fifteen years assigned to the Homicide Trials Division and supervised that unit for just under three years. I also initiated and supervised an unsolved homicide project for five years.

In 1999, in my capacity as supervisor of the Homicide Trials Division, I met with a Dr. David Sabow, the brother of the deceased Colonel James E. Sabow. He provided me with a number of forensic medical evaluation reports, x-rays, and autopsy and coroner reports pertaining to his brother's death. Although I have publicly given statements regarding my opinions/conclusions drawn from reviewing such reports, it is my understanding that you wished to have something in writing from me pertaining to such matters.

To be very succinct here and to get right to the point, without reviewing any records or notes, I distinctly recall that there were two very important factors that I felt controlling; and, in fact, likely to be dispositive in regards to the classification of this death. Those factors were (1) the compressed fracture to the right rear occipital skull of Colonel Sabow and resulting hemorrhaging beneath the scalp; and (2) the large amount of aspirated blood found in the alveoli of Colonel Sabow's lungs. I will briefly elaborate upon each:

The compressed fracture to the occipital skull: this was a inward or compressed fracture that could not have been caused by the shotgun blast to Colonel Sabow's mouth. From the autopsy photographs, this injury entailed significant bleeding beneath the scalp which resulted in the formation of a large blood clot. This is particularly significant as it indicates that the Colonel had to be alive at the time this blow was inflicted and for some time period thereafter. This type of injury could only have been inflicted by blunt force trauma. I see no explanation as to how this injury could have been self-inflicted.

The aspirated blood in the lungs: although I don't recall the exact quantity of blood found, this was in a significant level and could not have been the result of drainage as the blood had been inhaled and was present microscopically in the alveoli of the lung tissue. The shotgun blast to Colonel Sabow's mouth blew away his brain stem, meaning that there could not have been any breathing by the Colonel after that injury was inflicted. The only reasonable and logical explanation of the blood in the Colonel's lungs is that he was seriously injured by the blow to the rear of his head, was able to breathe for some period of time, very likely while being unconscious, and then suffered the shotgun blast to the mouth. This, of course, would have had to have been caused by the hands of another person or persons.

I realize that there have been a number of conflicting reports generated regarding Colonel Sabow's death, a number of which I have read. There are numerous facts and circumstances that have been analyzed and dissected, resulting, at times, with what would appear to me to be some rather illogical and questionable hypotheses advanced with little or no supporting scientific or medical basis.

I do not profess to be a forensic expert of any experience or degree. I have, however, reviewed probably well over three to four hundred homicides, including probably a dozen cases which were classified as suicides. From my experience, I do not see a logical, or more importantly, a scientifically acceptable medical explanation of the above facts other than what I have indicated.

There are many other factors/circumstances that have been evaluated and may also be important in determining the exact scenario of what happened to Colonel Sabow. Just some of those additional factors include the fingerprint evidence (or lack thereof), gunshot residue test results, blood splatter evidence, and the positioning of the Colonel's body, the shotgun, and chair found at the scene. From what I have read and seen, all of these factors also lead to the very serious,

but inescapable conclusion that Colonel Sabow's death could not have been a suicide but had to have been a homicide inflicted by the hands of another.

I hope this letter is sufficient for your purposes. If you should require anything further from me, please feel free to contact me at any time.

Sincerely,

Michael A. Jacobs