



**Dr. McDonnell Issue**

Saturday, February 28, 2009 12:27 AM

**From:** "Roberts, Erwin CPT RES USAR FORSCOM" <erwin.roberts1@us.army.mil>  
**To:** ted.dixon@us.army.mil  
**Cc:** jbzlaw@swbell.net, kramp@swbell.net, thomas.clark1@iraq.centcom.mil, nicholas.anderson@iraq.centcom.mil, megan.poirier@us.army.mil, jason.elbert1@us.army.mil  
**Fwd:** Trial Expenses.eml (11KB)

-----Inline Attachment Follows-----

COL Dixon:

I have attached an email that the government forensic expert sent to CPT Poirier this afternoon for consideration.

v/r,

CPT Erwin Roberts

**Forwarded Message: Fwd: Trial Expenses**

Friday, February 27, 2009 11:07 PM

**Fwd: Trial Expenses**

**From:** "Poirier, Meghan M CPT MIL USA FORSCOM" <meghan.poirier@us.army.mil>  
**To:** erwin.roberts1@us.army.mil, bzlaw@swbell.net  
**Cc:** jkrsamp@swbell.net, thomas.clark1@iraq.centcom.mil  
Trial Expenses.eml (9KB)

APPELLATE EXHIBIT LXXVI  
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-----Inline Attachment Follows-----

Mr. Zimmerman,

I received this email this evening. I am not sure that I believe that Mr. MacDonnell's new opinion is exculpatory, but I wanted to send it to you in an abundance of caution.

CPT Poirier

Forwarded Message: Trial Expenses

Trial Expenses

Friday, February 27, 2009 4:07 PM

From: "Forensic Laboratory" <forensiclab@stny.rr.com>

To: "Poirier, Meghan M CPT MIL USA FORSCOM" <meghan.poirier@us.army.mil>

Dear Captain Poirier,

I came home to an incredible pile-up of work but I shall try to send an invoice to you within a few days. On that issue I should advise you that I may have exceeded what was appropriated because of staying two nights rather than one. My estimate for total cost was based upon one night there but I shall still try to keep the total within your budget even if I have to reduce the number of hours I spent here in preparation for my testimony.

On another issue I am somewhat concerned that I did not testify and have a chance to inform the court of the only logical explanation for this shooting. As I demonstrated to you and to the other two prosecutors, Dr. Berg, Sgt. McCaulley, and Sgt. Rogers?, from the evidence I feel that Ali Mansur had to have been shot in his chest when he was standing. As he dropped straight down he was shot again at the very instant that his head passed in front of the muzzle. Admittedly, this would be an amazing coincidence, however, it fits the facts and as I told you on Wednesday, it fits the facts and I can not think of a more logical explanation.

This scenario is consistent with the two shots being close together, consistent with their horizontal trajectory, consistent with the bloodstains on the floor, and consistent with the condition of the 9 mm flattened out bullet which was tumbling after leaving Ali Mansur's head or body. I do not know where this bullet was recovered but I would expect that after impact to the concrete wall it fell very close to that wall. The other bullet should have been close to the first and there should have been two impact points on the wall.

On Thursday afternoon when I heard Lt. Michael Behenna testify as to the circumstances of how the two shots were fired I could not believe how close it was to the scenario I had described to you on Wednesday. I am sure that had I testified I would have wanted to give my reenactment so the jury could have had the option of considering how well the defendant's story fit the physical facts. This, of course, would not have been helpful to the prosecution case. However, I feel that it is quite important as possible exculpatory evidence so I hope that, in the interest of justice, you informed Mr. Zimmerman of my findings. It certainly appears like Brady material to me.

It was a pleasure meeting you and your team and I learned one thing; the military life is not for me. You guys are getting up about the time we go to bed.

Respectfully Submitted,

Dr. Herbert Leon MacDonell, Director  
**LABORATORY OF FORENSIC SCIENCE**