

Matt Lait
California: Courts/Police
Los Angeles Times
202 W. 1st St. Los Angeles
CA 90012

Mr. Lait,

You may or may not know my name, so I'll take a moment to explain who I am.

My name is Amy Driver and I used to be a criminalist and firearms examiner with LAPD. I worked on the Suzie Pena/Jose Pena shooting which, as you probably remember, was a stand-off between LAPD officers and Jose Pena which resulted in the death of both Jose Pena and his daughter, Suzie Pena. One of your reporters, Joel Rubin, wrote a story about this case that was published a little over a year ago.

Mr. Rubin asked me to comment on the story late in 2008. After consulting with my attorney, I declined because of litigation which was pending at the time. The resulting article, while highlighting some actual facts, constructed a much different picture than what actually happened during that investigation. I am sure that this is probably due to the limited sources who were willing/allowed to speak to Mr. Rubin at that time.

Honestly, after working at LAPD for several years and seeing how very different press accounts often are from what has actually occurred in various crimes, I didn't think much of it. I'm not implying a pro- or anti-cop bias on the part of the Times or any other organization. There is simply a difference between the facts in many cases and what the media manages to glean from their sources. However, since I increasingly find myself being asked about this particular story as it was printed in the Times, I feel it necessary to approach you in order to "set the record straight", to put it in desperately clichéd terms.

Some of the major points of the investigation that were not covered in Mr. Rubin's first article:

- Dr. James Ribe, the medical examiner who performed Suzie Pena's autopsy, did not collect the bullet evidence from her body. The size of the fragments was substantial and would likely have provided conclusive evidence regarding who shot Suzie Pena. This bullet evidence, which was noted by the radiologist in the autopsy report, was in Suzie Pena's torso and lower face which contradicted Dr. Ribe's proposed trajectory. Dr. Ribe had the x-rays of Suzie Pena's body before conducting the autopsy. When asked why he neglected to collect any evidence during the autopsy Dr. Ribe responded that it was his "prerogative" whether or not to collect that evidence. Considering the fact that Dr. Ribe knows that he has sent at least one innocent person to prison (Eve Wingfield), I think this is especially troubling.
- DNA and blood spatter analysis of the firearm used by Jose Pena in the shooting concluded that Jose Pena's firearm was pointed at Suzie Pena, in contact or near-contact with her head, and in the act of firing when she sustained the gunshot wound to her head.
- Dr. Paul Toffel, a maxillofacial trauma surgeon at USC hospital and former Navy surgeon, reviewed the PowerPoint presentation I prepared for the Coroner's Office as well as the write

up I prepared and wrote a letter offering to testify in court supporting the exhumation of Suzie Pena in order to collect the evidence that Dr. Ribe neglected to collect at the time of her autopsy.

- Dr. Oliver, the gentleman in Georgia who was hired by someone at LAPD to provide his analysis of some of the autopsy photos as mentioned in Mr. Rubin's article, conducted his analysis (according to his own report) during a phone conference with Dr. Ribe. Also, Mr. Oliver's report simply compared the likelihood of Dr. Ribe's proposed point of entry versus what someone (I don't know who) indicated as the "alternate" proposed entry. The point he referred to as the "alternate" proposed entry was not the point of entry cited in my presentation or my report. I was not told that Dr. Oliver was being consulted and had no conversation with him. I do not know who indicated the "alternate" proposed entry cited in his report. Dr. Oliver's conclusions only addressed the probability of Dr. Ribe's proposed point of entry being correct versus some random point that was at no time actually considered a possible point of entry.

I am including a CD with a copy of this letter with my contact information removed and with a few additional items:

- **Pena Write Up NO PHOTOS** is the write up I prepared for the Coroner's Office (mentioned in this letter and in Mr. Rubin's article) with the crime scene and autopsy photos removed. It is somewhat technical, but I think you can probably follow it.
- **Pena Write Up Gun Evidence** is an additional document that I prepared after the blood spatter and DNA analysis of Jose Pena's firearm had been processed (not available at the time of the initial meeting with the Coroner's Office).
- **Pena Trajectory and X-Rays** contains 3 images
 - A textbook photo of the human skull with an arrow indicating the trajectory as proposed by Dr. Ribe
 - 2 images of x-rays taken at the time of Suzie Pena's autopsy.

Obviously, there is a lot more to this story than I can fit into this letter. There are major issues that this case showcases for both the Coroner's Office and LAPD that extend far beyond this one incident. I would be happy to discuss this and anything else you may have questions about with you or Mr. Rubin or anyone else at the Times.

Regards,

Amy Driver