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January 10, 2011

Kathleen T. Zellner & Associates
Attorneys At Law
Drake Oak Brook Plaza
2215 York Road, Suite 504
Oak Brook, Illinois 60563

Re: Crime Classification for the Kent Heitholt case

Dear Ms. Zellner:

This report contains my classification of the Kent Heitholt homicide. I have had the opportunity to review the crime scene photographs, the police investigation interviews, depositions of key witnesses, affidavit of Dr. Larry Blum, media reports, the article, "A Father's Obsession" in the magazine Inside Columbia, and view the 48-Hour documentary of the trial of Ryan Ferguson.

The basis for the classification is the steps outlined in the Crime Classification Manual (Douglas, et al, 2006).

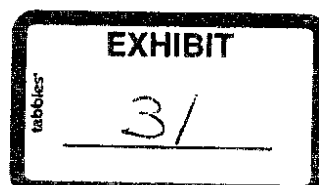
Crime Classification

Basis To classify a crime using the Crime Classification Manual, one needs to ask questions about the victim, the crime scene, and the nature of the victim-offender relationship. The answers to these questions will guide the analysis toward making a decision on how best to classify the offender. A cautionary note, however, the analysis will depend on the quality of the information available.

The following crime scene analysis will describe the key elements in classifying and solving the violent crime that befell Kent Heitholt. The key elements to be discussed are: victimology, crime scene indicators, staging, forensic findings and investigative considerations.

Victimology

Who was the victim? Kent Heitholt was the 46-year-old Sports Editor for the Columbia Tribune newspaper. He was married with a son and daughter. He was 6'4", 315 lbs, had



diabetes and high blood pressure that he controlled with medication. He was described as a workaholic.

Did the offender know the victim? The blitz style of attack suggests that Kent Heitholt did know his offender. His schedule of leaving early in the morning when the computers were turned off (around 2am) was known to all night workers at the newspaper. If this had been a robbery motive by a stranger, more likely than not, there would not have been a murder. The focus of the attack was to the neck and face. The intense beating to these areas more often than not implies both a personal relationship and a known angry offender. Also, the offender was aware of the area and neighborhood. He was in a comfort zone and knew the work ritual of the victim.

Risk of Kent Heitholt becoming a victim? Kent Heitholt would be considered a low risk victim given his size. However, he was also low risk given the fact that several workers would be leaving the building about the same time. And, the parking lot was well-lit.

What risk did the offender take in this crime? The risk was moderate for an offender; however, the risk is lower in that it was a nighttime crime with minimal opportunity to be observed by others except those leaving the building. It was Halloween which elevated the risk somewhat due to more people possibly being in the area.

Was there any victim-offender interaction? There is no evidence that people in the newspaper building heard any noise, yelling or screaming. Forensic pathologist Dr. Larry Blum's opinion is that the likely sequence of events in this crime is that the victim was brought to the ground by pressure on the neck resulting in a hyoid bone fracture with associated multiple blunt trauma. Dr. Blum continues to opine that the victim was then struck repeatedly on the head, by the rear wheel on the driver's side of the car, and then he was strangled with his own belt. The ligature strangulation quickly silenced the victim.

Crime Scene Indicators

How many crime scenes are involved in the offense? There were three locations of blood evidence: the inside of the victim's car, the hood of the car and the left rear tire area.

The first location was where Kent Heitholt encountered the assailant who struck him while he was inside the car. It was reported that Kent Heitholt opened his car door to get food for the stray cat he fed every night. There were drops of blood on the inside of the driver side window, on the window edge, and the bottom of the door jam. There was blood on the floor mat and appears to be a smudge on a piece of paper in his briefcase. The blow to the throat occurred while he was getting in or out of the car.

The second location was outside of the car where there were drops of blood on the outside window where he was hit on the head, rendering him to fall to the ground. There is evidence of defense wounds on his hands and evidence of abrasions on his face.

The third location was the murder scene where Kent Heitholt was strangled with the belt from his trousers.

The autopsy report noted 1) asphyxia due to compression of the neck by strangulation with fracture of the hyoid bone; 2) ligature mark of the neck; 3) blunt impacts to the head with lacerations of the scalp; 4) abrasions and contusions of both hands.

Environment/Place The environment of a crime scene refers to the conditions or circumstances in which the offense occurs. The Kent Heitholt crime starts outdoors, in his own car, in the early morning hours. The location was a well-lighted parking lot for the newspaper in a medium sized city. The victim was killed quickly, within 5-10 minutes, as opined by Dr. Blum. There was no evidence that the offender stayed longer at the crime scene.

The assailant methodically planned the timing of the crime, being aware that Kent Heitholt left the building every night around 2am.

Criminals who plan crimes typically commit them in areas whereby they feel comfortable. An assailant who has works or lives in the area would develop a certain level of comfort prior to the crime. He would be familiar with the victim's habits and learn the routine of his workplace.

Time The time element is extremely important in this case. The newspaper computers were turned off at 2:08am. Kent Heitholt was seen leaving by Shawna Ornt around 2:10am. Michael Boyd is the last known workplace person with the victim. Boyd said he left the building at 2:00am, although others say it was earlier, between 1:00am and 1:45am. Boyd, in a telephone interview with Detective Short states he was standing by Kent Heitholt's car talking to him from 2:10-2:20am. Kent Heitholt's body was noted at 2:26 and 911 was called. Attempts to revive him made by paramedics at the scene were unsuccessful.

How many offenders? There is no evidence at the crime scene to suggest more than one offender. There was testimony that two white young men were observed near Kent Heitholt's car with one stating that there was a man hurt. The two men walked to the building, called out to the cleaning staff and then walked away from the scene.

Organized/Disorganized/ Physical Evidence/Weapon The amount of organization or disorganization at the crime scene will tell much about the offender's level of criminal sophistication. It will also tell how the offender was able to control his victim. It is rare that the crime scene will be completely organized or disorganized but more likely to rest on a continuum between the two extremes of the orderly to the disarrayed crime scene.

The crime scene was organized. There was minimal forensic evidence available at the crime scene. There was no weapon found. The stealth of the offender shows he had planned the crime and was well organized and struck quickly.

Was a weapon of choice brought to the scene by the offender or was it a weapon of opportunity acquired at the scene? There was no weapon found for the blunt head trauma suggesting that a weapon of choice was brought to the scene. Dr. Blum opines that the absence of skull fractures would reasonably rule out a tire iron as the murder weapon.

The ligature used to strangle Kent Heitholt was acquired at the scene suggesting the offender was determined to kill the victim. Both types of injury indicate this was a personal type crime and that the offender was known to the victim.

Body Disposition

Was the body openly displayed or otherwise placed in a deliberate manner to insure discovery?

The body was meant to be found. It was not concealed but left openly after the death. The body was not covered in a deliberate manner but just discarded. There was no remorse to the act.

Items left/missing

Were any items missing? Victim's wallet was untouched in his car as were packaged coins in full view. The car keys, a Timex watch, and part of a belt were missing. The offender took items that could have contained fingerprints to hide the evidence.

Staging

Staging is the purposeful alteration of a crime scene. The missing items that have never been found can be evidence of staging to make the crime appear to be a robbery or to hide evidence.

Forensic Findings Forensic findings include the analysis of physical evidence pertaining to a crime. This evidence offers objective facts specific to the commission of a crime. The primary sources of physical evidence are the victim, the suspect, and the crime scene. Secondary sources include the home or environment. Medical reports and autopsy reports are critical evidence.

In this case, the most critical forensic finding is the DNA analysis. FBI Lab reports were negative for 2 suspects. Nothing matched - not hair in victim's hands, nor fingerprints on the victim's car, nor shoe print at scene.

Cause of Death The mechanism of death is often a determining factor when attempting to classify a homicide. Strangulation is common to the more personal crimes where there is a relationship between offender and victim.

Kent Heitholt died from asphyxia, due to compression of his neck by strangulation.

The manner of death was ruled a homicide.

Trauma The type, extent, and focus of injury sustained by the victim are additional critical factors used to classify a crime. Overkill, facial battery, torture, mutilation, bite marks are examples of forensic findings that can point to a specific type of homicide and thus, a possible motive for the offense.

There was additional trauma to the victim. There were abrasions and lacerations to his head, bruising around the face and eye suggesting 11 separate strikes to the head. There was a large contusion to his kneecap that could have been caused by a blow or a fall to his knees. There are multiple injuries on the tops of both hands. The pathologist, Dr. Adelstein, suggested it could be consistent with dragging of his hand along the ground, being hit on the hand, or from self-defense wounds.

The linear marks to the neck match to a fragment of a partial leather belt that was found at the scene. There were broken cartilages that extended from the victim's larynx and the hyoid bone was broken.

There were petechial hemorrhages in the victim's eyes which is indicative of people who die of asphyxiation. Dr. Adelstein's opinion was that someone sitting on the victim, asserting force on the neck, had the victim lying face down.

Classification

The classification of this crime is a Revenge Killing

According to the Crime Classification Manual, a revenge killing involves the murder of another person in retaliation for a perceived wrong, real or imagined, committed against the offender or a significant other. This type of crime generally involves a strong personal relationship whereby a great deal of conflict develops between the victim and the offender. The extensive damage to the victim's face and neck implies not only a personal relationship but deep seated animosity, anger or revenge.

When revenge is the motive, the victim usually knows the offender, but something in the victim's life is related directly to the actions of the offender. There is a significant event or interaction that links the offender to the victim. The revenge motive generated by this event may be unknown to the victim or to the victim's family or friends.

An offender who has brooded over the victim's affront very often demonstrates a less spontaneous crime that is reflected by the well-ordered crime scene. However, the mission oriented offender may not be experienced in criminal activity. Some offenders are often in a highly charged emotional state due to extensive fantasizing about the act of vengeance. The crime scene may reflect this inexperience, with a clear shift from an organized to a disorganized behavior; the offense is well planned up to the point of killing. This may be manifested by a skillful approach to the crime scene (leaving no physical evidence) then a blitz style of attack followed by a rapid exit, with the offender leaving an abundance of physical evidence. The amount of physical evidence left by the

offender is related to the degree of offender sophistication, state of mind, use of drugs/alcohol, and other similar factors.

The weapon is most often a weapon of choice, brought to the scene.

The killing is close range and confrontational. The offender derives satisfaction of witnessing "justice" rendered. Contact wounds are prevalent. The presence of defensive wounds is possible and are related in part to the offender's skill.

After the offense, there is often a sense of relief on the part of the offender. The mission has been accomplished. He may even stay to savor the achievement. The death of the victim is justified in the eyes of the offender: it is restitution.

The precipitating event that links the victim and offender is the key point of the investigation. However, this event may hold significance only to the offender and may not be obvious to those associated with either the offender or the victim. It may not be obvious to the investigator either. In this case, there had been a company gathering that day of Kent Heitholt's 5th anniversary as Sports Editor. It was not investigated as to who did not attend.

The offender may have kept the weapon and his clothing from the offense as mementos from which renewed satisfaction that justice has been served can be derived. There may be newspaper accounts and other items at the offender's residence.

The police, early in their investigation, had focused on identifying any enemies that Kent Heitholt had. His wife and daughter said that he would receive phone calls from people disagreeing with his column. However, this line of investigation did not extend to employees at the newspaper who may have had conflicts with the victim.

For example, police never investigated or collected DNA evidence from the last person who saw Kent Heitholt alive. They had conducted a telephone interview of Michael Boyd the night of the murder even though he had traveled back to the murder scene after being called by a newspaper employee.

What aspects of the crime scene point away from the Ryan Ferguson? The police investigation focused on Ryan Ferguson as the suspect and he was eventually arrested, charged and convicted. However, the crime classification points away from Ryan Ferguson for several reasons.

1. Ryan Ferguson, at age 17, was a junior in high school and had been partying at a nightclub, By George. The club closed at its required time of 1:30am. Although a motive was ascribed to Ryan Ferguson as needing money for more partying, he would not have been able to return to the club as it was closed. There was no motive for him to intentionally kill someone in such a personal crime or with such anger. There is no evidence of a weapon. And he did not know Kent Heitholt or have any interactions with him.

2. Ryan Ferguson drove his car to the club. There is no evidence of his car being near the newspaper office. Telephone records report he called his sister at 1:19am and that he made a series of calls between 1:41 and 2:10am. This left no time for him to commit a murder. Also, Kimberly Bennett's affidavit states that she saw Ryan Ferguson and Charles Erikson leave the club, enter Ferguson's car, and depart the area northbound.
3. Ryan Ferguson had been drinking at the club. It would have been a disorganized crime scene with far more evidence found at the crime scene.
4. Ryan Ferguson had no prior record of any type of antisocial behavior.
5. The time line of 2:10am - 2:26am to commit a 5-10 minute murder is too tight a time period for Ryan Ferguson to have committed the crime and leave no evidence.
6. Ryan Ferguson's DNA did not match the evidence found on the victim.
7. If he had been one of the two young men seen around Kent Heitholt's car, teenage behavior dictates that he would have run away when called out by people at the newspaper building.
8. Ryan Ferguson was half the size of Kent Heitholt in terms of height and weight.

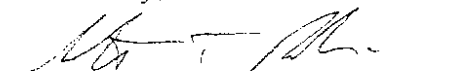
I will update this report should additional materials become available.

Sincerely,

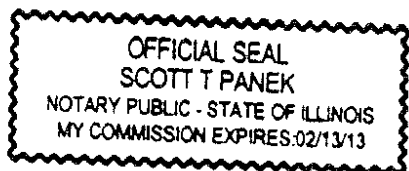
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SUBSCRIBED and SWORN to
before me this 8th day
of February, 2011



NOTARY PUBLIC



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Curriculum Vitae

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Academic Address:

Boston College School of Nursing
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EDUCATION

Bachelor of Science

Master of Science.

Doctor of Nursing Science

Doctor of Humane Letters (Hon)

Boston University

University of Maryland

Boston University

University of San Diego

REGISTRATION AND CERTIFICATION

Registered nurse/PC: Massachusetts license #:71027; Controlled Substances Practitioner #:MB0204115L; Pennsylvania license RN-258646-L

American Nurses Association Certification as a Clinical Specialist in Psychiatric-Mental Health Nursing #6057, 1980-

Sexual Assault Nurse Examiner, 1995-

PROFESSIONAL EXPERIENCE

Academic Appointment

2001- Professor of Psychiatric Nursing, Boston College

1983 - 2000 van Ameringen Professor of Psychiatric Mental Health Nursing, University of Pennsylvania, School of Nursing; Chair, Psychiatric Nursing 1990-1995; Professor Emeritus, 2000-

1979 - 1982 Professor and Director of Nursing Research, Boston University School of Nursing;

1976 - 1979 Adjunct Assistant Professor (1966-1969); Instructor (1961-1962)
Professor of Nursing, Boston College

Associate Professor and Coordinator of Graduate Community Health Nursing (1975-1976); Associate Professor (1971-1975);

Adjunct Assistant Professor (1969-1971)

Research positions

1981 - 1993 Associate Director of Nursing Research, Department of Health and Hospitals, City of Boston

1965 - 1966 Research Nursing Supervisor, Metabolic Depression Unit, Mass. Mental Health Center, Mass.

Administrative positions

1976-1980 Chairperson, Department of Nursing, Graduate School of Arts & Sciences, Boston College

1980 - 1981 Dean ad interim, Boston University School of Nursing

1990 - Chairperson, Division of Psychiatric Mental Health Nursing, University of Pennsylvania

