

March 1, 2011

Mr. Healy:

Enclosed you will find the list of inconsistencies that can be found through out Elicens' various statements. I am sending them because if it is OK I would like these to be mentioned during the meeting with attorney Woodcock so she will be aware of how f'!_& up this case was from the beginning.....

This is a list of 23, there are more and if you need to know then, let me know. I would like to point out NO. 2., after Elicen told my attorney that we laid on the bed talking or I sat in a chair and smoked, she was asked if anything else happened at that time and her answer was NO. Elicen was asked again, can you remember anything else happening at that time, her answer was, nothing is sticking out in my mind right now. Elicen at trial, could have been confronted with the fact that no phone call at any time that night listed as unknown name/unknown number ever came in. She could have also been confronted with the fact that during her deposition, she never mentioned that her phone rang, she was allegedly dragged to the answering machine and was threatened because no message was left. Instead, she said that we laid on the bed or I sat in a chair smoking. That's crazy, how can you forget something as terrifying as being dragged to the answering phone and being threatened to be killed if she doesn't tell me who is calling....THOSE WERE HER WORDS....

I highlited NO. 3, because it refers to the alleged incident in the parking lot the next day. Justin hit the nail on the head when he said that the kidnaping indictment matches what Elicen said about the 9:00pm phone call, the indictment does not match what Elicen said allegedly happened in the parking lot. The argument for ineffectual assistance of counsel for not cross examining Elicen about the 9:00pm

I realize that you do not have a copy of the discovery in my case. Therefore, I have put together this list of lies and inconsistencies that can be found in Elieens' statements, interviews with the police, her deposition with my attorney, the medical notes and in the trial transcripts.....

Before I begin, I would like to point out the following and ask that you keep this in mind while reading.

The first things Elieen did after her alleged 21 hour ordeal of being, as she described, brutally raped was drive to her mothers, took a shower, changed clothes, brushed her teeth, went to the bathroom, dropped her car off at the dealership to get it fixed, went to McDonalds to eat, then went to the court house and filed a stalking complaint, not a kidnapping/rape complaint.....

1. When asked how she thought I gained entry into the house that night, Elieen told the police that I told her I unlocked her back door by reaching up through the dog door. The police checked the door and the backyard. They stated that they only saw dog prints and a small childs prints in the snow and told Elieen that it was obvious to them that I had not gained entry through the back door. Elieen then told the police that I told her that I had messed with the lock on her garage door to keep it from locking so I could get into her house. The police checked the garage door, noticed no signs of tampering, the door was locked and there were boxes and junk leaning up against the inside of the door. They told Elieen that it was obvious to them that I did not come in through the garage. Elieen then told them that she now remembers loaning me her car one day and I told her that I made a copy of her house key because it was on the same key ring.

2. Elieen told the police that I forced her to do oral on me and while she was doing that, her phone rang at 9:00pm. She looked at the caller ID and it showed unknown name/unknown number, so I forced her out into the kitchen to listen to the answering machine but no message was left so I began to yell and threaten her. When the police checked her caller ID, there was no phone call. When she was asked (during the deposition, about what happened after she did oral on

me, she said that we laid on the bed talking or I was sitting in the chair smoking and talking.

3. Elieen told the police that at one time, she tried to escape from me but I had jumped into her car on top of her and shoved my hand into her mouth. I told her that if she tried that again, I would bust out her eyes with my fists. Her husband told the police that she told him I slammed her face against the steering column and told her that I would shoot her if she tried that again.

4. Elieen told the police that prior to that night, we had gotten into an argument one day and when she got home that night, I was in her house waiting for her, naked in her bed. I have a copy of her phone records that shows that, on the night she describes, she called me when she got home, therefore making it impossible for me to be in her bed naked waiting for her.

5. Elieen told the police that at one point, I forced her to call her husband to find out what time he would be home. She stated at trial "I needed to ascertain what time the husband would be showing up to free me and that he had me call Aaron...". Her husband at trial stated that he never received a call from her at the time or of the nature that she described.

6. Elieen told the police that I tied her wrists and ankles together with cable ties. The medical staff testified that she told them her wrists and ankles were bound with duct tape.

7. Elieen told the police that I was not wearing underwear that night, I was wearing a jock strap because I thought that she would try and kick me in the nuts. When the police searched her bedroom for evidence, they found my boxer shorts.

8. Elieen told the police that when she entered the house, I jumped out from behind an interior door but at first she thought it was her husbands yard tools because he puts them against that door. Her husband said that when he entered the house, he didn't notice anything out of place and that his tools were still leaning against the open door. Therefore, how could I jump out from behind the closed door if her husband said the door was open with his tools leaning against it as he had left them?

9. When Elieen was asked if I did oral on her, she said no. when she was confronted with the fact that she told the medical staff I did oral on her, she changed her story to I don't remember if he did or not.

10. Elieen told the police that I had choked her and she passed out only to wake to the warmth of her own urine. When the lab examined her sheets, no urine was found on them.

11. When Elieen was asked for the underwear she was wearing that night, she looked through a pile of dirty clothes on her bathroom floor, couldn't find any and pulled a pair out of a drawer on her bathroom sink.

12. Elieen told the police that I tied plastic ties around her wrists and a plastic tie between them (like handcuffs). I tied plastic ties around her ankles and a plastic tie between them (legs together) then tied her to the bed with rope. She told the police that once she was bound, I sodomized her with the vibrator. When she was confronted with the fact that it was physically impossible to be sodomized after she was bound as she described, she changed her story and said that she was tied to the bed spread eagle.

13. Elieen told the police that I sodomized her "forcefully, savagely and viciously", so much to the point that she noticed blood on the toilet paper after going to the bathroom. During the deposition with my attorney, Elieen said that even though she told the medical staff that she was having bleeding from her rectum, they didn't examine her rectally. She also said that rather than examining her physically fully, they asked her where her injuries were. In the medical reports, it states that a full body exam was done for injuries. It states that Elieen told them she was penetrated rectally with implement. It says nothing about Elieen telling them she was having bleeding from her rectum. The medical reports state that the rectal exam showed that the rectum was intact, no tears seen and no traumas seen. The reports also state that the patient was not bleeding from any wounds inflicted by the perpetrator.

14. Elieen stated that I had forcefully choked her many times that night. The medical reports say nothing about strangulation marks on her neck.

15. Elieen said that while she was tied to the bed and I was choking her, she was fighting for her life against the bindings. The medical reports state that no marks were found on her ankles and only a small 3cm red line was found on her right wrist.

16. In her written statement Elieen said that I sodomized her after she was bound. In her interview with the police she told them that I sodomized her twice, both before she was bound. When Elieen was confronted with these inconsistencies, just before testifying before the grand jury, she told the assistant county attorney, Kathleen O'Reilly, that her written statement was true, not the interview.

During the deposition with my attorney, at a later date, she stated that I sodomized her twice, once before she was bound and once after she was bound.

17. In her written statement she describes the events as follows, we had sex, I tied her up, I sodomized her with the vibrator, and had sex again. In her interview she describes things this way, I penetrated her vaginally with the vibrator, then I sodomized her with the vibrator, then I had sex with her, then I forced her to perform oral on me, then I sodomized her again then tied her up. In her deposition she described things this way, I had sex with her, I penetrated her vaginally with the vibrator, then I sodomized her with the vibrator, then forced her to do oral on me, then I tied her up and sodomized her again with the vibrator.

18. Elieen told the police that during the night there was a lot of conversation between the both of us. She later stated, at the end of her interview, that it was a long, long night and that she wasn't permitted to speak that night. So it was just hours and hours of verbal abuse.

19. Elieen, in her deposition with my attorney said that her husband never saw me that day when he arrived. She is asked, "and Aaron does not walk into your bedroom at all." she answered "at all."

Elieen was then asked "He only goes directly to the kitchen." she answered "yes." When she was asked if Aaron sees me at all, she answers "no." When Elieen was asked how Aaron knew that I was there, she said that she told him it was me. In his interview with the police, her husband told them that he walked down the hall and glanced into Elieen's bedroom and saw me sitting next to Elieen.

The light was dim and she was working on the computer. He made the comment "Oh, he's here" then turned and walked away.

20. When Elieen was asked questions about the vibrator being part of our sexual play, she said that it wasn't because she didn't like the feel of anything unnatural being inserted. She stated that she had taken the batteries out of it to put them in her daughters Easy Bake Oven, three years earlier. Easy Bake Ovens run off of electricity, not batteries. When the police took the vibrator as evidence, it had batteries in it. What, did I break in with a pocket full of batteries!

21. Elieen told the nurse during her exam that she was penetrated rectally with the vibrator. She told the doctor that she was penetrated rectally with the vibrator and with my penis.

22. In Elieen's written statement she said "I arrived home and let myself into the locked basement door". In her interview and in her deposition she stresses the point many times that she entered into the house by herself. At one point in her interview she used the words "when we came in."

23. Elieen denied twice that she asked to file a stalking complaint once at the court house. She stated that she wanted to file a stalking complainant because she was to afraid to break-up with me.

In the statement by the police, they state that they were contacted by the court to come see a woman who wanted to file a stalking complainant.

These are just some of the many other lies and inconsistencies through out her statements. Everything that I have mentioned above can be supported by paperwork in my discovery. She is a pathological liar and the analysis of her written statement proves that fact and supports what I have been saying from the beginning, **I AM INNOCENT OF ALL CHARGES.....**

phone call can be supported by the fact that she was never confronted with the caller ID information or what she said during her deposition with my attorney.

Mr. Healy, all this is one of the many reasons why I had included prosecutorial misconduct in my original filing. These are 23 RED FLAGS that the police and prosecutor should have seen, maybe they did and ignored them, (I think that's obvious) and if so, that is pretty s%!'_£ police work and prosecutorial misconduct.

Yes, I was acquitted on 10 of the 11, but if the investigation was done correctly and if the prosecutor did a little more digging into Elieens' story, this should have never seen the inside of a court room. These 23 facts, your analysis of Elieens' statement and my truthfulness through out the entire polygraph exam support the above statements.

Enclosed is the originals, please photocopy and forward to Justin. If OK and Mr. Bantz would like to read, please forward a copy to him as well.....

Thank you again for everything.

Sincerely



Brian Chevalier 68651
Northern Correctional Facility
138 East Milan Rd
Berlin, NH C3570