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July 9, 2015

Via Email and U.S. Mail

Michael O. Freeman
Hennepin County Attorney
C-2000 Government Center
300 South Sixth Street
Minneapolis, MN 55487

Re: *Mark Lanterman and Computer Forensic Services*

Dear Mr. Freeman:

I am writing on behalf of my clients Mark Lanterman and Computer Forensic Services ("CFS"). It has recently come to our attention that certain members of the Hennepin County Attorney's Office (the "Attorney's Office") have made inaccurate and disparaging remarks about Mr. Lanterman and CFS in an apparent attempt to cast doubt on Mr. Lanterman's fitness to serve as a forensic expert. These false statements are deeply troubling, particularly in light of Mr. Lanterman's and CFS's long history of public service for the Attorney's Office and their otherwise upstanding reputation in their field. In the interest of preventing any further disparagement, and in hopes of potentially mending relations, this letter seeks to correct those inaccuracies and clarify some of the misconceptions that seem to exist within the Attorney's Office about Mr. Lanterman and CFS.

To begin, I would like to address some of the inaccurate statements that have originated from within the Attorney's Office. Many of the most troubling statements have accused Mr. Lanterman of perjuring himself as part of his lawsuit against Michael Afremov ("Afremov"). Most recently, for example, we were informed that Assistant Hennepin County Attorney Therese Galatowitsch told a public defender that Mr. Lanterman had committed perjury and was therefore not qualified to serve as an expert on a criminal matter.

These allegations are entirely false. As you have previously discussed with my colleague Eric Magnuson, Mr. Lanterman did not perjure himself in the Afremov case, nor has he perjured himself in any other case. To the extent the

court in the Afremov matter expressed skepticism towards Mr. Lanterman's testimony, that skepticism was based on several factual and logical errors underlying the court's ruling—a ruling that both parties have appealed and which both parties have sought to vacate. Indeed, CFS has prevailed in every other billing dispute in which it has been involved.

In any event, the dispute with Mr. Afremov was just that: a *billing* dispute. It has no bearing on Mr. Lanterman's credibility as a forensic expert. Many other public and private entities have looked into the Afremov matter and have reached the same conclusion, continuing to employ Mr. Lanterman as a forensic consultant. The Attorney's Office's apparent decision to not only distance itself from Mr. Lanterman and CFS, but to also actively badmouth them, is therefore both perplexing and unsupported by actual events.

Unfortunately, this is not the only issue Mr. Lanterman has faced from individuals at the Attorney's Office. At the end of last year, Mr. Lanterman was working on a case with Assistant Hennepin County Attorney Deborah Russell when Ms. Russell raised the issue of the Afremov matter. Ms. Russell asked if someone else from CFS (other than Lanterman) could testify on the case. In what was a pleasant conversation, Mr. Lanterman obliged and agreed to assign the case to a different CFS employee. Shortly thereafter, the defense attorney on the case left a voicemail for the newly-assigned CFS employee. The defense attorney stated that he was in trial and had a few technical questions that needed to be answered immediately. Because the newly-assigned CFS employee was unavailable at the time, Mr. Lanterman returned the defense attorney's call. The defense attorney asked Mr. Lanterman a few technical questions and Mr. Lanterman responded in kind.

Mr. Lanterman then received an email from Ms. Russell accusing him of being untruthful and interfering in the case. These accusations were false and unprofessional. Mr. Lanterman did not interfere in the case, nor was he untruthful. He was simply trying to ensure that the defense attorney received the technical information he needed under the time constraints. Mr. Lanterman explained this in an email to Ms. Russell, but he never received a response.

Mr. Lanterman has also faced a history of disparagement from Assistant Hennepin County Attorney Judy Johnston. According to multiple sources, Ms. Johnston has denigrated Mr. Lanterman on several occasions to other professionals in both Hennepin and Washington counties. By way of background, Ms. Johnston's hostility towards Mr. Lanterman stems back to a disagreement about evidence that occurred while Mr. Lanterman was still employed as a police

officer with the Hopkins Police Department. Accordingly, her recent attempts to smear Mr. Lanterman appear to be little more than unprofessional retaliation. We have also heard reports that Ms. Johnston accused Mr. Lanterman of leaking sensitive information to the media on a case involving the Edina Police Department. When investigated, those documents were found to have been leaked by Ms. Johnston's own assistant, not Mr. Lanterman.

What is most unfortunate about this pattern of disparagement – apart from its blatant falsity – is that it jeopardizes the otherwise positive and socially-beneficial working relationship that has existed between Mr. Lanterman, CFS, and the Attorney's Office. The vast majority of Mr. Lanterman's interactions with the Attorney's Office over the years have been positive. And even with the recent wave of disparagement, Mr. Lanterman continues to view his relationship with the Attorney's Office and other law enforcement agencies as a valuable means of serving the public interest.

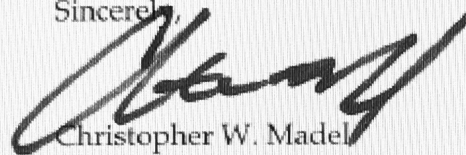
Indeed, CFS's work on behalf of law enforcement is nearly unparalleled in Minnesota. Since the beginning of 2014, CFS has preserved and analyzed nearly 600 electronic devices on behalf of law enforcement and has provided in-service training for over a dozen agencies. In return, several Twin Cities area police departments have recognized CFS for its contributions. Notably, CFS often performs work that other agencies are unable to provide. For example, during the investigation into the murder of a Cold Spring police officer in 2012, the Minnesota Bureau of Criminal Apprehension ("BCA") hired CFS after the BCA was unable to access the suspect's password-protected cell phone. CFS was able to extract critical geo-location information from the device. Similarly, during a child molestation case in early 2015, CFS successfully extracted vital information that the BCA had been unable to identify. Simply put, CFS possesses unique expertise and prides itself on using that expertise for the benefit of law enforcement and prosecutors.

As evidence of this, consider that CFS has performed much of its work for law enforcement for free or at a substantially reduced cost. CFS has provided over 2,000 hours of pro bono assistance to law enforcement organizations every year since 2004. And while CFS does have an annual paying contract with the Hennepin County Sheriff's Office valued at \$50,000, that contract comes at a significant financial loss for CFS, which has two full-time employees and one part-time employee assigned solely to law enforcement cases. Recently, CFS also agreed to fund five \$1,000 student scholarships through the Hennepin County Sheriff's Office Scholarship Fund.

Mr. Lanterman and CFS have every intention of continuing to perform this work for law enforcement, including for the Attorney's Office. However, the recent disparagement against Mr. Lanterman has forced him to reconsider how to best use his expertise. To be sure, Mr. Lanterman would much prefer to continue working with the Attorney's Office, but the current state of the relationship simply cannot continue. Accordingly, it is Mr. Lanterman and CFS's sincere hope that the Attorney's Office will cease any further disparagement, and that, in time, the relationship between CFS, Mr. Lanterman, and the Attorney's Office will improve. Mr. Lanterman is committed to working with the Attorney's Office to achieve this end, and he welcomes any input as to how to best proceed.

Please don't hesitate to reach out if you would like to discuss.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Madel", written over the printed name.

Christopher W. Madel