

DW
Cary W. Hartmann

BOP
9 December 1991

President George Bush
The White House

Dear President Bush:

I am incarcerated in The Utah State Prison system in Cedar City Utah, and I have been incarcerated since November 3, 1987. I **HAVE PROCLAIMED MY INNOCENCE FROM DAY ONE!**

I was convicted of AGG. RAPE, AND AN ASSOCIATED BURGLARY that goes along with such crimes. On explicit instructions from my attorney I have pled to one simple RAPE IN EXCHANGE FOR DROPPING TWO MORE CHARGES. there were four (4) victims in all.

I am from Ogden, Utah and I am 43 years old. I was a Reserve Police Officer for Ogden City Police Department from 1980 to 1982. I am a VIETNAM VETERAN.

I currently have a Public Defender here in Cedar City, his name is JAMES M. PARK. He has done a good job for me so far. He has been effective and he believes in me, and that is a big item. Mr. Park has some limitations via his contract at this facility, and that is why I am writing this to you at this time. I need someone to pick up the ball and run with it while Mr. Park does his best to win my freedom.

JUDGE JAMES L. SHUMATE, was my attorney before he was awarded a judgeship in St. George, Utah. He was very effective and he also believed in me and my innocence. Through him I won a court order to get the **PHYSICAL EVIDENCE TESTED FOR DNA GENETIC CODE COMPARISONS THAT WOULD HAVE PROVED MY INNOCENCE.**

I am going to enclose a packet of documents that will explain to you my efforts in pursuing **DNA TESTING TO PROVE MY INNOCENCE.** The physical evidence that was to be tested, was in the possession of THE WEBER STATE CRIME LABORATORY IN OGDEN, UTAH, UNDER THE DIRECTION OF JAMES GASKILL. It took me three and one half (3 1/2) years, to get the court order from the court in Ogden, Utah to allow me the right to get this testing done by the **F.B.I. LAB.**

After another four (4) months of stalling, Mr. Gaskill stated to my attorney, and the press, and my father, that he had indeed **LOST THE PHYSICAL EVIDENCE** in my case. He also stated that he has not lost any other evidence in over twenty (20) years of working at that position, and this is an incredible source of embarrassment. Isn't this a coincidence, that as I am about to prove my innocence

unequivocally, the crime lab lost the evidence.

The odds of the DNA TESTING being wrong are 1 in 10,000,000,000. Why would I go to all of the trouble of having this testing done; with the great expense, with the tremendous amount of the effort involved. Just to have the results come back saying that he is GUILTY!? That just doesn't make sense, and I am not a fruit cake, I've had all kinds of tests to establish my sanity and I am as sane and level headed as you are, with an I.Q. OF 135.

MY RIGHTS HAVE BEEN ABUSED AND DENIED ME AS FOLLOWS:

1. At the time of trial I **was not** picked out of a line-up. Either a visual or an audio (phone) line-up.
2. The victim stated on the stand that she saw me on the television the night after the line-up at the trial, and come in and picked me out of the courtroom the next day.
3. The proposed confessions were as follows:
 - a. Officer Chris Zimmerman, took me driving around to the victims houses, apartments, neighborhoods, etc, that the rapes had happened. He would read from his notes and case reports and then ask me if I had been in this house, apartment, etc.
 - b. Having been in construction all of my life, I have been in a lot of houses both under construction and to do repairs. So I have a very good working knowledge of housing construction and general home dwelling formats.
 - c. Officer Zimmermen would state, "have you been in this one, and where do you think that the bedrooms are?" Well, I would say that in my estimation the bedroom is in the rear of the place in the corners maybe. So Officer Zimmerman would write down, "Hartmann told me that he had been in this house, and that he knew exactly where the bedroom was."
 - d. All of these reports are absolutely untrue. Later on in the week, about three (3) days later, Zimmermen came into the courtroom with the proposed confessions.
 - e. I made statements that I felt certain, would prove to him that I did not have anything to do with these crimes, or any others.
 - f. **THERE ARE NO TAPED, WITNESSED OR SIGNED CONFESSIONS.**
4. I had a vasectomy fifteen (15) years ago. Mr. James Gaskill, The Director of The Weber State University Crime Lab. Reported on

the stand that Mr. Hartmann had indeed "No sperm within his ejaculate."

5. He also reported that "All four victims had sperm in their examinations. (lab reports included)"

6. The county attorney stated, that I had a rare blood type that put me in the category of only a few men within the confines of Weber County. My blood type is B+, that is not a rare blood type. He also stated that I am a secretor; well, 85% of the population of the United States are secretor's, men women and children.

7. Mr. Blaine Hogge Nelson, is the man that has been caught and confessed to the crimes that I am serving time for. He has been directly linked to over 74 sexual assaults, the Ogden City Police cleared up 600 burglaries when they caught him. These statements came out at The Utah State Board of Pardons at Mr. Nelsons hearing in October of this year.

a. Mr. Nelsons blood type is A+, and that was present in the examination of [REDACTED], the person that I was convicted of raping.

I am asking that you please consider my case, and the possibility of your involvement with my attorney and myself. I have been incarcerated for over four (4) years now for crimes that I didn't commit. I have a very strong case and I need some help desperately. To pick up the ball and run with it, to assist my attorney and myself in winning my freedom. I am appealing to you for your consideration.

Possibly contacting the Utah State Board of Pardons and asking them to take a much closer look at my case, and to examine the reasons the crime lab lost the evidence. There have been gross improprieties in my case and they need to be corrected. **I AM AN INNOCENT MAN IN PRISON, AND I NEED HELP!** The Attorney General here in Utah, has been sent a letter by Senator Jake Garn as to my situation; but by the time he gets around to my case I will be have been in here for five more years. I need help now before my life has been wasted away in prison for nothing.

Thank you for your most valuable time and attention.

God Bless you always.

Respectfully,

CaryW.Hartmann

