

To whom it may concern,

In regard to the case brought against Jordan Holm, this was a he-said she-said case at best. Let's establish that from the beginning. There was no evidence that indicates a crime occurred that night. The evidence, in fact, pointed quite clearly in the opposite direction. It is essential that you understand the DNA evidence in this case. A DNA expert with a double doctorate from Johns Hopkins and Harvard testified that the DNA evidence was "absolutely inconsistent" with the crime that Jordan was accused of. He based this on the size of the DNA gathered and the location of where it was found given the nature of the crime that Jordan was accused of. It was a miniscule amount and it was found on her leg. How miniscule? The expert explained it would easily fit on the pointed end of a pin and that greater quantities are often transferred to a doorknob when opening a door or onto the surface of a pen when writing a short note. How did it get there? I cannot confidently conjecture as to exactly how but clearly there are many possible explanations. Both sides agreed that there was contact between them which was nonsexual in nature. Scientific studies have shown that DNA is transferred in a secondary fashion quite readily. In particular, she acknowledges running her hands through his hair, which was full of hair wax- a readily transferable substance. To put it plainly, the expert said, "There's no evidence that [oral sex] happened" (transcript pg 333)

The judge took the liberty to treat the DNA evidence in this case as an art when it is in fact entirely a question of science. How can you overlook science? By making up an artful hypothesis that needs no proof. I have to place some blame on science as well due to the obvious lack of study devoted to this crucial matter of forensic DNA. Victim's lives hang in the balance here, yet we rely on art and feeling over science and fact. I have a simple study in mind. Have a large population of women sign up for a study which will aid future victims of rape. After they have regular consensual intercourse, have them come in to undergo a rape kit exam (to my understanding the process is relatively painless). Have some women tested immediately, and have others tested an hour, a day, or a week later to see what residual DNA is present. Have some women take a shower and others use the bathroom a number of times. See what the general cutoff values are for when DNA disappears after intercourse. This wouldn't be an exact number and there would of course be outliers, but it would give us at least a sense of the amount of time in general that one could expect DNA to remain after intercourse.

The judge wanted nothing to do with science. He was frustrated by the expert's testimony because he wanted play the role of prosecutor (a role he played for thirty years). His solution was to concoct and run with an artful hypothesis to account for the

lack of Jordan's DNA on any vaginal swab. He determined on his own that Joe's DNA should have been present on a vaginal swab at the time Lindsay was tested. From a somewhat educated perspective (I am a medical doctor), I would expect the same thing- intercourse leaves evidence. Ask the majority of nonbiased scientists in the world who have experience with DNA and I would suggest that all of them would expect there to be DNA evidence of this intercourse having taken place at the time Lindsay was tested. This is especially true given that she denied having showered or performed any kind of act that would explain the removal of DNA evidence. The error lies in placing 100% faith in the testimony of two drunken individuals who claim they did have intercourse that night and that it came to completion. This is in spite of the fact that Lindsay reported a different story to the nurse who examined her (at that point she indicated that her most recent sexual encounter was the previous day). So the judge took the word of these two drunken individuals over the scientific evidence. Could it be that the DNA just disappeared or wasn't picked up? Sure, any good scientist would allow for the possibility, however slim, that the DNA testing wasn't done correctly or Joe's DNA was somehow missed. It seems there is a much higher likelihood that Joe and Lindsay were mistaken, or perhaps that the intercourse did not come to a completion, than the idea that the test was faulty or somehow missed something that was actually there. I know that it's tough, but we have to be objective and fair in these matters of scientific evidence. (If Joe had been accused of rape and Lindsay had been tested in the same timely fashion in which she was and Joe's DNA didn't show up at all, would we assume that the test must have been faulty or would we feel strongly that Joe must not have done it? I think we would feel strongly that intercourse never actually occurred, or at least understand that the physical evidence does not support the accusation. Of course, Joe could have been wearing a condom, but this would obviously have to be presented by the prosecution as a reason for the absence of DNA.) What happened in this case is that the lack of Jordan's DNA on the vaginal swab was felt to be consistent with the lack of Joe's DNA on the vaginal swab. Nobody was willing to suggest how it all disappeared but this was the assumption. The judge assumed that Joe's DNA had been there and Jordan's DNA had been there- the test just didn't pick it up. This warm, viscous region of the body which was designed for trapping DNA didn't capture any of Joe's or Jordan's DNA and somehow Lindsay's leg, which has an outer layer of dry, dead epithelial cells which are constantly turning over did capture DNA??? That doesn't make any sense. But wait, it makes perfect sense. Joe's DNA was not present on the vaginal swab and neither was Jordan's because neither of them had placed it there. Jordan's DNA however was placed on Lindsay's leg in some fashion, likely secondary transfer.

I could talk forever about the horrendous way in which the evidence was handled in this case by both sides of the court as well as (or especially) by the judge but for the

sake of brevity I only wanted to establish this one point in regard to the evidence- this is a he-said, she-said case at best. Why then was Jordan found guilty and Lindsay found to be honest in her accusation?

One of the basics of criminal law as far as I understand it involves establishing motive. I think that one of the best ways to do this and one which the court uses very frequently is by examining the past. Is the nature of what this person is accused of consistent in any way with how they have acted in the past? The question isn't, "Have they done this same thing in the past?", but rather, "Have they done anything which is consistent in any way with what they are accused of?" In other words, is it even conceivable that the person could commit such a crime?

There are two accusations in this case. Jordan is being accused of performing oral sex on a stranger. Lindsay is being accused of lying about a stranger performing oral sex on her. Both of these sound pretty absurd when you read them over again. Who would do either of those things? Aside from the physical evidence, this is the matter upon which the case hinges. This is the central question. You absolutely have to answer this question. Sadly, neither the prosecution nor the defense provided an answer to this question. The reason the prosecution didn't try to answer this question is because they had nothing they could say about Jordan and so they just allowed him to be clumped together with all of the sexual predators out there who do such things. Nothing needed to be said. We hate sexual predators because we all have mothers or sisters or wives, or girlfriends or girls who are friends.

Why do sexual predators act in the way they do? For self-satisfaction. It goes without saying, right? No matter what form it takes, it's all about sexual gratification. This comes in many different forms that we don't understand but we can safely assume that these guys are out to please themselves no matter what the cost. One hundred percent of the time, however, these guys didn't first learn sexual gratification through rape. Ask any psychologist in the world. Even if these guys seem like the nicest next door neighbors, friends, or family-men a person could want, they have built up to the point of rape in their own secret worlds of lust. They have progressed along a continuum of sexual gratification until their inhibitions have lessened and their desires have increased. So Jordan's alleged motive goes without saying, right? The prosecution never needs to mention it. It is just assumed that he's another one of these predators who has finally reached the point where his desires have conquered his inhibitions.

It shouldn't be so simple for the prosecution to allow these underlying assumptions to exist. We should have to examine in detail the nature of the crime of which Jordan has

been accused and then we should determine if Jordan is capable of committing such a crime.

How could a person possibly notice someone in her room, sit up and run her fingers through his hair and then come up with a story about him performing oral sex on her? That just doesn't seem logical, right? No, it seems completely illogical. But then, I'm not sure if this isn't more illogical- a sexually inexperienced young man somehow deciding that he would get kicks out of performing oral sex on a girl who is at the end of her menstrual cycle and lying next to her boyfriend in bed. In addition, if Lindsay's account is accurate, he would have had to make a split second decision to perform this act and then perform it so well in a matter of one to two minutes (without alarming her or waking up Joe) that she was "getting into it" and desiring more. This sort of thing would obviously have to be premeditated to occur in such rapid fashion, and this was simply not the case as Jordan had specific permission to go upstairs to find some place to sleep. He entered the only unlocked room. He there found that two people were lying on the bed with a sheet covering them. He didn't know if it was a guy and a girl, two guys, or two girls. He just knew that he was tired and this was the only room available. What is being suggested by the court in a very presumptuous manner, having never been verbalized directly, is that a young man with no history of sexual deviance walked into a room, noted the two obvious people in the bed, one being a girl, immediately decided to further explore this girl's vulnerable state and decided to do so through oral sex.

Let's explore more fully what must absolutely be assumed in order for this to be true. It must be assumed first of all that Jordan has a sexually deviant mind. No effort was placed into providing some sort of evidence to suggest that this was a possibility. This is not shocking, because it couldn't be done and would be too difficult to find the evidence to suggest it even if it were out there. What is shocking is that no evidence was provided to the contrary. This would not be hard evidence, but fairly strong evidence in Jordan's case as many men and women would testify that Jordan has never acted or even spoken in such a way as to suggest that he would not treat a girl with the utmost respect and act in a dignified manner around them. Since he was found guilty, many girls have come to me and told me that Jordan could not possibly have done this. There are girls who have known Jordan their whole lives, and there are girls who have been romantically involved with Jordan and there are girls who only briefly knew Jordan, all of whom say the same thing. And ask the guys- Jordan was very well known for demanding clean conversation and not participating in talk demeaning toward girls. And this was in the presence of a pretty tough crowd of wrestlers. It was not ever in any part of his vocabulary to do so much as swear, much less to talk in a dirty manner or any kind of sexual manner about girls. And this is the kind of man who is assumed to be

sexually deviant? I'm not an expert in the field of sexual predators, but let's find someone who is. Let's ask the court or this expert or any other man in the world if this seems consistent. Let's present this information to the judge and see if he still believes it to be possible that Jordan's mind swayed so far, so rapidly in a "moment of weakness."

And make no mistake about it, this is a deviant crime that he is accused of. I know that court records aren't always direct as to the matter of what form of assault took place in every sexual assault case, but if there is any way of finding out, I'd like to know if a crime such as this has ever taken place given the circumstances. Why oral sex? Has it ever been a primary sexual interest of men to perform oral sex on strangers? Perhaps I'm just naïve and this sort of thing truly does happen all over the country as the judge would have us to believe. Let's go to the fraternities all around the country to see if men are interested in this sort of thing. Let's ask the sorority girls if they have ever been abused by a random guy in this way. Sure, you'd find hundreds and probably thousands of girls who have been raped by guys they never knew who found them in vulnerable situations. But, oral sex? If a man were looking for pleasure and he was trying to trick a girl into accepting this, would he really go for oral sex? Sadly, records show that oral sex assaults do in fact take place. These crimes are particularly deviant.

A lot of the details that would have had to happen for Jordan to perform oral sex on her that night (the things most people subconsciously ignore) make her story seem absolutely absurd when one forces him or herself to think about them. For instance: imagine the exact and specific actions Jordan would have had to make and thoughts he would have possibly been thinking if Lindsey's story is true. Picture the situation. An attractive, popular, young man passes up on the opportunity to have consensual sexual relations of any sort with any number of the drunk girls at this party but rather walks into a random dark room in an attempt to find a vulnerable girl. There he finds two people lying covered in bed and somehow determines that one of them is a girl. He decides that he would like to be further aroused through this situation he has found himself in. He assumes that the one who is a girl must be naked. He uncovers her to see that she is in fact naked. He must not throw the covers all the way off so as to disturb the man lying next to her. He is not aroused enough by the fact that she is naked. She must still be sleeping or she would have recognized a foreign man. For his own sexual pleasure, he has the options of looking at her, touching her, rubbing up against her..... and probably many other perverted options, all of which should be crimes in and of themselves. He however, bypasses all of these options and decides that he would be most pleased through performing oral sex on her. I apologize for the graphic pictures that nobody likes to ponder, but it's crucial to not skip over small

things like how a 200 lb. man could uncover and gingerly climb onto the bed of a woman (who was allegedly sober enough at the time to give a credible testimony) and her boyfriend (also allegedly sober enough) without waking them. That's not very likely, but I guess it's possible. Now imagine this tired, groggy man positioning himself and the woman (her body and legs, etc.) in such a way as to make vaginal-oral sex possible without waking either of the relatively sober people on the bed. Immediately, he must then notice through consistency of fluid or through taste that she is at the end of her menstrual cycle. This must be of no concern to him as he continues until she is "getting into it." Even if this crime has actually been committed by some horribly sick individual, I would be willing to bet anything that it has never occurred on a girl who is in the presence of another man who would object. And then, on top of that, it is suggested that he was not hindered in any way by the fact that she was bleeding. Now imagine him putting his mouth on the vagina of a woman he doesn't know who is laying next to a man he doesn't know without startling either of them. This would have to be the well thought-out work of a completely alert, insane man. He's definitely coherent enough to be careful and quiet and perform good oral sex. By the way, he's also stupid. Who, aside from a total idiot, unnecessarily takes their shoes and shirt off before committing a crime they will have to run away from? Continue to imagine that this pre-med student with a good knowledge of human biology would disregard all of his senses and risk possibly licking another man's semen, fluid from the girl's period, or any number of possible STDs for some incomprehensible gain of pleasure. And all of this is without even mentioning the very obvious criminal repercussions. The man described must be a sick and demented (and whatever other adjective you can come up with, I'd probably agree with you) person. It should be easy to come up with corroborating evidence of other similar bizarre behavior.

The questions that arise are numerous. If there was enough light for him to see her and her to see that he didn't have a shirt on later, why couldn't she immediately just tell that it wasn't her boyfriend by looking down at him or over at her boyfriend? Is her argument that she kept her eyes closed the entire time she was really getting into it even though she was awake? Wasn't the door still partially open letting light in? Were they on a queen-size or single bed? What was the layout of the room? How could a man who is sexually aroused leave a room so quickly that he didn't have time to "pull up his pants" and have none of the eye witnesses at the bottom of the stairs notice anything? Any man understands that erections don't just go away in a matter of a few seconds, and any observant person would have noticed that, especially if his "pants were down." Why weren't things like this addressed? Sadly, these issues were not addressed because it was felt so strongly that the DNA evidence would stand on its own. This was a hard way to learn about the art of law.

Next, it must be assumed that Jordan is extremely bold, cocky, and completely carefree in his decision-making abilities. It must not only be assumed that he made the choice to pleasure himself through performing oral sex on her, but also that he felt he would be able to perform such an act without being caught or at least without concern for the consequences of such an action. I've played cards with Jordan and it takes him longer than anyone I know to make the easiest decisions. The more difficult decisions are always extremely well thought out and made after weighing every last pro and con and seeking extensive counsel. In this case, however, it must be assumed that he made a split second decision to whip the covers off this girl, see that she was naked, climb his 200+ pound body up onto the bed without waking the man next to her, reposition her legs in such a way as to expose her vagina and commit the crime. Anyone who thinks there is an ounce of logic in committing an act such as this is a sick, perverted man who has developed a twisted sexual thought pattern that has developed over time. That is not a natural human instinct- just like it's not natural for men to rape women with no premeditation and no prior sexual violence, or at least some progressive fantasies, and just like it's not natural for men to rape little boys because that's just the kind of thing they have always found to be attractive. I'm not a psychologist or psychiatrist but I'm sure there are plenty out there who would back me up. We are not talking about just "some sex act" as the judge so passively referred to it. No, speak boldly judge- "some sex act" occurs every night across college campuses all over the US, and "some sex act" probably occurs quite often in "a moment of weakness" even by those who hold to a high moral standard, but acts of a sexual predator stalking his prey are only done by sexual predators! A moment of weakness is choosing to enter a room where a girl is lying in the bed. A moment of weakness is turning to look at what all of the moaning is about. Jordan was not accused of "some sex act." The court is accusing him of being a sexual predator and you had better stand up and boldly state the crime for which you are finding him guilty. What a complete shameful cop-out for the judge to generalize this accusation. It isn't very difficult to accuse somebody of "some sex act." It is extremely difficult to look Jordan and his family and his friends or anybody he has ever known for more than a day (that includes you judge, look in the mirror) in the eyes and call him a sexual predator.

I'm tired of referring to all of this sexual perversion. I want people to understand who Jordan is. I realize that Jordan isn't perfect. I understand this probably more than most people because I'm his brother and we share everything- weaknesses, struggles and mistakes included. But Jordan is a man of integrity and character. Jordan is someone who I have always known to stand up for his beliefs. Jordan is one who is willing to live by his principles no matter what other people say. Jordan has the courage to do what is right. Jordan has been very careful to build and guard his reputation. Jordan is

forthright and candid. Jordan honors his word and his commitments. Jordan is dependable. Jordan does what he is supposed to do. Jordan is the best kind of friend and brother. Jordan is loyal. Jordan stands by and protects his family and friends. Jordan does treat others the way he would like to be treated. Jordan does respect the dignity, privacy and freedom of other people. Jordan does respect other people's property. Jordan is tolerant, respectful, and accepting of people who are different from him. Jordan acts peacefully and is quick to turn the other cheek in spite of his physical presence. Jordan does accept responsibility for the consequences of his choices. Jordan does think long term. Jordan does set an example. Jordan works hard. Jordan is diligent. Jordan is prudent and takes pride in being self-disciplined. Jordan sets lofty goals and reaches them. Jordan has always believed in fighting for justice. Jordan does know the difference between what he has a right to do and what is the right thing to do. Jordan is compassionate and empathetic. Jordan is kind, loving and considerate. Jordan does play by the rules. Jordan is quick to obey his parents, teachers, coaches and others who have authority over him. Jordan does have moments of weakness- we all do.

Jordan is not prone to lying, cheating, tricking, or being deceptive. Jordan doesn't betray a trust. Jordan does not use or manipulate others. Jordan does not have a tendency to abuse, demean or mistreat anyone. Jordan does not rely on threats of physical force to get what he wants. He is not quick to insult, ridicule or intentionally embarrass someone- even if they are a stranger. Jordan puts forth great effort to not make excuses or blame others for wrong actions. Jordan certainly does not take advantage of other people in their weakness. Jordan is not a mean, cruel, or insensitive person. In the weakest of moments, Jordan would never, ever sexually violate anyone.

That's a brief glimpse of the kind of person Jordan Holm is- and I chose my words carefully. I don't believe there to be a single person in this world who has known Jordan on any kind of personal level who would disagree with these statements in general. I encourage and challenge any reader to prove me wrong. Ask if Jordan is loyal. Ask if Jordan is prone to lying. Ask if Jordan is impulsive. Ask if Jordan is violent. Ask if Jordan is self-disciplined. Ask if Jordan is well thought out. I'm not an idiot and of course there are exceptions when Jordan has lied or has even been impulsive but these are the exceptions to who Jordan is and he has been very intentional about never straying far from the kind of person he holds himself to the lofty standard of being. I, of all people, am keenly aware of Jordan's weaknesses but I stand by the portrayal of the person I feel he truly is. My point is, I know Jordan very well, but don't just take my word for it. Ask around. I encourage you to read the letters that people have written about who they see Jordan to be.

Jordan is a man of integrity and character who would have had to do a complete 180 degree turn with the direction that he has been headed his entire life in order to commit the crime of which he is accused. Now I wouldn't begin to pretend that I know Lindsay Dodds, but based on the very limited glimpse of what she has been portrayed to be, I don't imagine that she would have to take a complete 180 degree turn in order to commit the crime of which she is accused.

Herein lies a monumental problem- the court did not hardly begin to consider whether there was any question as to Lindsay's truthfulness. I don't place much blame on the court for this error. It isn't the job of the court to explore Lindsay's credibility but rather to make a decision about her credibility based on the facts that are presented. I understand that I'm talking about a difficult task to undertake for the lawyer representing Jordan. I understand why the rape shield law exists and the law should not be thrown out as it serves a very important purpose. Poor choices made in the past should not hinder victims from receiving justice (as best the courts can provide justice) for the horrible way in which they have been abused. However, if there were ever a case where some huge red lights were flashing as to the necessity of exploring the character of the accuser, this is it. But that's a lot of work for a lawyer and it requires time, energy, money, and most likely would lead to increased press time and public outcry. It's a tough battle because all of the sudden we're suggesting that perhaps the accused could be the victim. That's a hard one to swallow for the public, especially in the state of Iowa where they are proud of the way in which women are protected. And they should be. But I really don't care that much about the public outcry, I care about the difference between right and wrong and the truth and lies.

Most people just wrote Kobe Bryant off right away as a rapist, but his lawyers fought long and hard and they exposed the rape shield law for its weakness in that particular case, and it then became clear that she most likely wasn't a victim of force. And Kobe would probably be in prison right now if she were a perfectly upstanding citizen in a committed marriage relationship, having never strayed outside of it. If her character was found to be outstanding and witnesses were able to honestly testify on her behalf in a way that would suggest that she would never dream of having sex with some guy she just met, whether he was a superstar or not, the case would have been over quickly. How sad if Kobe were in prison because his lawyers didn't have the time or resources to explore every avenue of defense in his case in spite of his pleading. I'm guessing that 99% of the public believes that Kobe is guilty of adultery and innocent of rape. Why? Not because we think Kobe is a fantastic guy who has never cheated on his wife and not because we can't fathom that some big shot would believe that he should have anything he wants and shouldn't be denied. In fact, a large portion of the public would probably

rather see it that way. We'd like to see a superstar take a fall. The reason that the public believes him is because the accuser was exposed. In addition, she had a big money motive.

Many people immediately wrote off the Duke Lacrosse team as a bunch of rapists (at least those named directly.) The case never made it to court in very large part because of the exposed character of the accuser. I think it rather sad that poor choices she has made in the past were exposed nationally. I think it would have been much more sad if three young men's lives were torn apart in prison for years because nobody was willing to put in the effort to determine whether there was any part of this women's character that would allow at least the consideration that she may have been lying. While the media was so frequently criticized for jumping to conclusions in this case, it was in fact in large part the curiosity of the media that kept these gentlemen out of prison. I certainly wish we had the opportunity to allow the media to do some exploring into who Jordan and Lindsay are. Jordan would gladly accept the judgment and false accusations for a time while the truth developed. Ideally, the character of the Duke accuser would have been developed so as to establish motive in a courtroom setting (in a best case scenario, closed to the public). Instead she was tried in the court of public opinion by thousands upon thousands of bloggers and millions of espn.com readers. So what was the Duke accuser's motive? Some have gone so far as to suggest that she still truly believes and feels that these events did in fact happen to her.

I can't say for sure what Lindsay's motive was but I can suggest based on the very little that I know about her that it was about grasping for attention and about playing the victim. She's very accustomed to these roles. It's obviously not without precedent. People will do and say just about anything for attention when they feel like they're not getting it. How about the girl in Wisconsin who faked her kidnapping purely for attention? Attention seeking is clearly the number one reason behind the majority of suicide in this country. "You're not understanding how I feel, and you don't understand the degree to which I need help, and you're not willing or able to provide it so I'm going to shoot myself in the head. Maybe now you'll pay attention to me." Or in Lindsay's case it seems more along the lines of, "You don't love me enough to stand up for me. I'm being hit-on here. I'm being abused here. Don't you even care? You care more about how other people feel than how your own girlfriend feels. I'm not just a nobody who is going to always be there no matter how you treat me. You can't just win me without putting some effort in. I'm worth something. You have to earn me and you have to fight for me. In fact, if you really cared about me and if you really appreciated my body, you'd be upset when some other guy is hitting on me. And if that doesn't do it, I know that you'll be upset if I have sex with another guy- especially if it's my ex-

boyfriend. That should really light a fire under you. I really love you. Don't you care about me at all? Don't you want to protect me and to be with me? Aren't you jealous yet? I can see that you're bothered, but I want you to be angry, to show some passion. I'll keep scheming until I get what I want. What I want is 100% of your attention." So how could a person possibly scheme up such an accusation in a matter of seconds? How could a person possibly wake, run her fingers through another man's hair and then come up with a story about him performing oral sex on her? That just doesn't seem logical, right? No, it seems completely illogical. But then, I'm not sure if this isn't more illogical- a young man somehow deciding that he would get kicks out of performing oral sex on a girl who is at the end of her menstrual cycle and lying next to her boyfriend in bed.

So now that we have the illogical nature of both sides established, (granted, this was not done in court) we have to make the decision about 1. who was more motivated to make an illogical decision and then 2. who is found to have a more credible story and 3. in which direction the evidence (physical, testimonies, etc.) is pointing. This was not done. Only the last of these three means of defense was addressed during the trial with perhaps some weak references to the first two. The other lines of defense were most likely pondered by Jordan's attorney, especially since Jordan requested that character be a part of the case from the very beginning. His lawyer did not deem them to be necessary for victory and certainly not worth all of the time and effort. This was to be an open and shut quiet case before a judge in which obvious lack of physical evidence was the entire foundation for acquittal. It was very ignorant and naïve of us to trust the insistence and professional leverage of Pederson in this regard. It is absolutely essential to the defense that Lindsay's testimony be placed in doubt. Let's refer back to the previous statement by the district court which the appellate court affirms.

In making its credibility determination, the district court stated:

No evidence was presented which placed serious doubt on the truthfulness of [Lindsay's] testimony. Without a firm reason to believe [Lindsay] was lying or had been dreaming, the verdict in this case cannot be not guilty.

This is an incorrect statement in that there was, in fact, a lack of physical evidence which did place Lindsay's testimony in serious doubt, but the court is correct in that there is so much more that could have been explored as to why Lindsay's testimony contained lies. I see this as absolutely essential to the defense, not optional. Essential, not optional. Without this emphasis the burden is placed on the judge to make his own conclusions in

regard to who is more credible based on virtually nothing aside from gut instinct and past experience with respect to sexual assault cases. And I would venture to say that our court systems are not set up in such a way (and nor should they be) as to eliminate human nature's desire to protect people from predators if given even a window of opportunity. In addition, the judge can choose to see the physical evidence as meaning something entirely different than how it is presented, or can simply choose to throw it out along with the expert witness if he just flat out doesn't believe Jordan's testimony and does believe hers. For this reason, although it sufficiently supports innocence, the physical evidence should not just be left to stand on its own. In dealing with such an emotionally charged accusation in the eyes of the public (especially in the state of Iowa), the judge must be given very strong evidence and motive as to why Lindsay's story is inaccurate. Without it, he will easily default to the choice which would avoid public questioning of his decision; that is- to convict the "perpetrator." It is a bold decision, on the other hand to call Lindsay a liar, or someone who was confused, and to stand up for a man who is a division one athlete. This would no doubt be seen by those less familiar with the evidence in the case as a blow to the protection of women, and a favor to a more prominent individual. The timing of this case could not have been any worse in this regard as a division one basketball player had been recently accused of sexual assault and found guilty. {State of Iowa vs. Pierre Pierce (University of Iowa), he got a whole year of probation for rape.} Picketers were present at every basketball game that year protesting the fact that he was even allowed to sit on the bench. This was recently reported as one of the top ten stories of 2005 in Iowa. For the judge to rule on Jordan's behalf would have been difficult for him to defend to the public, especially considering the lack of information that was presented to him. There was significant potential for his re-election to be hindered if he were to find Jordan not guilty.

A motive was never fully explored or suggested by the defense attorney. In this case, the court had to choose between Lindsay as the victim or Jordan as the victim. The court should have been given a better understanding as to why Jordan was in fact the victim in this case. My understanding of criminal law leads me to believe that establishing motive is essential for prosecuting crimes. Lindsay had a strong motive- a motive much more powerful than money or fame- that could have obviously been drawn out through exploring past behavior and interviewing friends, etc. What was Jordan's motive? This sort of thing is normally just implied in sexual assault cases- the man must have been seeking sexual pleasure. It's always a selfish act and the unspoken motive in this case is that he must have been sexually arousing himself through arousing her. This unnatural manner of sexual arousal was previously discussed (although, once again, not in court).

The court was not given nearly enough evidence as to why Jordan's testimony was more consistent with the truth than Lindsay's. A psychologist would probably have little trouble picking up on the major theme in Lindsay's behavior pattern over a long period of time and more importantly, over that previous day, presenting this as evidence that would suggest she is very capable of making such an illogical intentional or mistaken accusation even in a short amount of time. If a thought pattern is ingrained into someone's brain over a long period of time, the actions which result happen as an instinct. This is basic human nature. A reputable schemer is decisively good at scheming. And then there are other questions to explore in regard to the consistency of Jordan's testimony. Was she in fact masturbating or dreaming? Let's talk openly about this. What about the fact that Joe's DNA was not found in her genital region? Could they have been planning on having sex and instead fallen asleep? This is not without precedent as her ex-boyfriend claimed this is exactly what happened earlier in the evening when the two of them were making out. This would be the second time in the evening then that she had been sexually aroused but not fulfilled. I'm not a woman, but I could see that this would lead to some sexual tension and could perhaps increase the likelihood that she was having a fantasy dream of some sort and possibly masturbating without being fully consciously aware of it. Who knows, maybe she was fully aware. She was obviously at the point of "getting into it" with all of her moaning and was probably not in a state where she was highly attentive to her surrounding environment. To then wake up in a dazed state, further enhanced through excessive alcohol and perhaps other substances which were at the party, and see a man's hair somewhere down below you, would be extremely frightening and embarrassing at the same time- especially after having mistaken this man for your boyfriend and pulling him closer toward you. This is the stuff of the worst kind of nightmares, such intense fear and embarrassment all at the same time. This must have been a very frightening and confusing moment- obviously enough to make a person scream, which just ends up further adding to the embarrassment. Why in the world was a man's head somewhere down by my feet and why am I aroused? There are only so many explanations for that. Hers must have seemed like a logical one at the time, and one that easily could have popped into her head. "I can't believe I pulled him toward me, sick". The scheme didn't start there. If there was a scheme it began when she came out of the fog and confusion and stepped easily into her comfortable role as the victim. The confusion and fog were repressed as this conclusion seemed best. All of the sudden, her illogical decision seems to be quite plausible. I wasn't there of course, and I certainly don't know what was going on in her head, and nobody can provide inconclusive evidence that she was dreaming unless she had a polysomnograph hooked up, but it sure doesn't seem like a far-fetched story that she would make this up. In fact, after Jordan's character,

integrity, and sexual history in previous relationships is fully explored, it would seem far and away more illogical for him to make the decision to commit the crime of which he is accused. The lawyer failed to provide any of this essential information.

So now this is where we stand- Jordan Holm, a pre-med student with a 3.9 GPA, a national champion wrestler, an Olympic hopeful, an all around solid guy with aspirations for fulfilling a calling that is greater than anything to do with sport or medicine with his life has spent the last three years in prison. Now prison isn't such a bad place for people who have no goals in life. I wouldn't mind spending a week in prison if I could take all of my buddies in there with me for a nice vacation. We'd work for a while, eat together, lift some weights, shoot some hoops, watch some TV and then do it all over. But for someone who has been running his life at a dead sprint from accomplished goal to anticipated goal with the loftiest ones still in the future, more than a week in prison is just that- prison. It's death to so many goals and dreams. It's forcing a painful shift and a slow rebuilding of new goals. It's cutting your legs out from under you and forcing you to learn to walk again- just never in the same way. The pain isn't the day to day grind. The pain isn't the loss of freedom. The excruciating pain is letting your dreams slowly fade behind you as they are ripped from your tightly clenched fists. The pain is watching the world move ahead without you. The pain is missing 3 of your brothers' weddings. The pain is missing all of your little sister's high school experience. The pain is having your reputation dragged down. The pain goes on and on for someone like Jordan. But I only know that because I know Jordan, not because he wallows in it. I've sat visiting with Jordan in prison many times and he always has a smile on his face and a story to tell. He's excited about life. He's still achieving what little things he can. He's the ping-pong champion, the weight lifting champion, the punt, pass and run champion, quarterback and captain of the winning football team, the handball champion, member of the three-on-three bball championship team, member of the five-on-five bball championship team, member of the two-on-two bball runner-up team, the softball captain and all-star team third baseman and the 13 mile run champ at a 6:30 pace. He has re-earned the nickname that he had on the outside- he's the "champ."

Nearly four years down and he isn't half done. Sure, he could be out in about a year from now if he really wanted to. When he first went in he was told he could be out in 18 months. All he would have to do is lie. All he would have to do is admit that he committed the crime of which he was accused. He would just have to undergo a few weeks of sexual offender treatment. But I already said that it's not the time that's painful. To ask him to commit the crime which was committed against him is a cruel punishment. Call him stubborn. Call him a fool. Many people have. I call it integrity. And for that, he faces another 5+ years.

So what can you do to help? Consider who Jordan Holm is, consider who Lindsay Dodds is, and be honest about these people. Tell the truth. I'm not concerned with Lindsay Dodds. I hope she is leading a fine life and I hope that she will continue to do that in the future. Maybe she's a professional or maybe she's married and is thinking about having kids. I hope she will be a fine wife and mother. I hope that she doesn't have to face the court of public opinion. Vengeance will accomplish nothing and is not on our agenda in any sense of the word. Vindication is what we seek. We are not trying to pry false information out of anyone. We only want the truth in whatever form it is you may have to offer. Please put some thought into the events that took place the night of the party. Please search for the truth and encourage others to do the same. Jordan did not commit the crime of which he was accused and you can help to end this tragedy and restore his life.

Sincerely, brother Jason

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