

ST. CLAIR & ROSENBLUM

ATTORNEYS AND COUNSELORS AT LAW

2317 East Little Creek Road

Duncan R. St. Clair, III *
Kelly B. St. Clair
*Also admitted in NE and IA

Norfolk, Virginia 23518-3205
Telephone 1.757.480.9510
Facsimile 1.757.480.9537

Michael C. Rosenblum
Kyle P. Roof
mrosenblum@stclairlawfirm.com

April 27, 2007

Governor Tim Kaine
Patrick Henry Building, 3rd Floor
1111 East Broad Street
Richmond, Virginia 23219

Dear Governor Kaine:

My name is Michael C. Rosenblum and I have the pleasure of being defense counsel for Shawn Gianforte. Shawn recently received a general discharge from the Marine Corps. Previously he served with distinction in Mosul as well as two tours in Iraq and numerous other countries. He is highly decorated for his service and valor in combat and served with the 1/8 Bravo Company in the battle for Fallujah in November of 2004. As you are certainly aware, this was some of the most intense fighting our troops faced in the current conflict with Iraq. Shawn was actually promoted in the field which is extremely rare. Bravo Company lost thirteen young men during this confrontation.

After Shawn returned home, he signed up for a counterintelligence unit. Two days before his graduation with honors from the program, Shawn was involved in the following incident. Shawn went out with a few of his classmates to celebrate their upcoming graduation. After having a few drinks, Shawn left the restaurant/bar with a fellow marine. This is the last event of the evening that Shawn recollects. It has since been determined that Shawn suffers from post traumatic stress disorder and he tested positive for five of the six symptoms of this awful affliction. After leaving the bar, Shawn blacked out. He broke into the home of an elderly couple that he had never met before. He proceeded to assault and interrogate the couple about their identities and any terrorist affiliations they had until the police arrived and subdued Shawn. Shawn entered the home without any weapons and without any criminal motive. He did not try to steal anything

from their persons or their home. The other individual who was with Shawn fled the scene after an alarm was sounded and lied to the police afterwards. When the police arrived, Shawn was still in the throes of his blackout and delusion that he was interrogating terrorists. Prior to this night, Shawn had never had an episode of post traumatic stress disorder and he was unaware that he suffered from the syndrome or that alcohol could trigger an episode. The victims in this case were traumatized by the episode and now have trauma and stress of their own; however, they voiced their sympathy for what Shawn had been through during his very painful sentencing.

When Shawn finally regained his senses, he found himself handcuffed to a bench at the police station. He thought he had been involved in an alcohol related incident such as drunk in public because he had been physically beat up. He did not realize that he had received his injuries as the police were attempting to subdue him the night before. He had no recollection then and does not up to this day have any recollection of the events from that evening. Shawn has been continuously incarcerated since August of 2006. He has not received any treatment for his post traumatic stress disorder. Prior to this incident, he had no criminal record.

In typical Marine fashion, Shawn accepted responsibility for his actions and waived his preliminary hearing and pled guilty to all the charges when he was told that he was responsible. Unfortunately, the other marine involved tried to avoid responsibility. Shawn has since been discharged from the military and his immediate family has fallen apart. He has a tremendous support network and the courtroom was filled with family, friends and military support including two gunnery sergeants that testified in his behalf. The Honorable Judge Bonwill Shockley sentenced Shawn to two years of active incarceration with a substantial sentence suspended over his head and indeterminate supervised probation.

I have full respect for Judge Shockley and the Court; however, I believe an injustice has been done to Shawn Gianforte. This marine is a true life hero. He literally saved his captain's life in the streets of Fallujah after he went down with a bullet wound to the leg. He secured his captain in a building, attempted to treat his injury and successfully evacuated him with the help of another marine to safety, all the while facing heavy and constant enemy gunfire. He risked his life everyday to secure our freedom in this country. He had no idea that he brought back a ticking time bomb from Iraq called post traumatic stress disorder. He is devastated by his actions of last August when he caused this couple to suffer at his hands. He thanks god they were not physically injured worse than bruises and scrapes.

I am humbly requesting on behalf of Shawn, his family and friends, as well as, every marine who has had the absolute privilege of knowing Shawn, that you

make inquiry into this matter and ultimately pardon this fine man. Shawn Gianforte has been done an injustice. He has a wife and a five year old daughter who have lost everything because of the after effects of the time Shawn spent defending this great country. We all owe him a debt of gratitude. It is not within my power to do more than put paper to pencil on his behalf; however, you have the power to right an injustice in this case. Please consider doing the right thing for Shawn Gianforte.

Sincerely,

A handwritten signature in black ink, appearing to read 'MCR', written in a cursive style.

Michael C. Rosenblum

MCR:ger