

Forensic Analytical Sciences, Inc.

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3 11-06-12

4 Walter Föger
5 Untergsteig 13 Top 5
6 6600 Reutte
7 Austria

LABORATORY REPORT

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9 Forensic Analytical Sciences Inc. Case #: 20120240
10 Client #: 17844

11 Decedent: Angelika Foeger
12 Convicted Culprit: Martin Kofler
13 Date of Death: June 9, 1990

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15 I, KENTON S. WONG, declare:

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17 1. I am a Senior Forensic Scientist at Forensic Analytical Sciences, Inc., an independent
18 full-service crime laboratory located in Hayward, California. I have been a Forensic
19 Scientist for over 20 years and hold my national board certification in criminalistics
20 as a Diplomate of the American Board of Criminalistics (#1030) and am also a board
21 certified Crime Scene Investigator (CCSI) with the International Association for
22 Identification (#1840), during which time I have examined and testified in crime
23 scene examinations on several occasions. If called to do so, I could and would testify
24 to the facts contained in this laboratory report from personal knowledge.

25 2. A copy of my Curriculum Vitae, which details my educational, employment and
26 professional history, is attached to this declaration.

27 3. Forensic Analytical Sciences, Inc. provides forensic services to district attorneys,
28 public defenders, independent law firms, law enforcement agencies, private
investigators, and insurance claim investigators.

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- 1 4. As Walter Foeger's representative, investigative journalist John Leake has
2 retained me to provide a forensic review of the case to evaluate the crime
3 scene and the blood stain patterns in order to determine whether they
4 comport with the official reconstruction of the crime involved in the death
5 of Mrs. Angelika Foeger which occurred on the second floor of a rural
6 cheese factory on June 9, 1990 in the country of Austria.

7 **Official Reconstruction of Crime:** Martin Kofler was found guilty of
8 attacking Angelika Foeger while she sat at her desk in her office.
9 According to the official reconstruction of the crime, Mr. Kofler indicated
10 that he stabbed her three times in the torso and one time in the left thigh.
11 Mrs. Foeger had also sustained a deep incision just above her right wrist
12 and a deep incision on her right hand, between her thumb and index
13 finger, consistent with defensive-type wounds. In addition to attacking her
14 with a knife (purportedly held in his right hand) Martin Kofler reported
15 strangling Mrs. Foeger to a state of unconsciousness with his left hand.
16 Immediately after Mrs. Foeger became still and silent from the combined
17 stabbing and strangulation, Mr. Kofler purportedly dragged Mrs. Foeger
18 (by her shoulders) from the floor where she laid underneath her desk,
19 across the floor of her carpeted office and down the hallway to his
20 bedroom, where he placed her on the floor. At the moment he placed her
21 on the floor in his bedroom, he noticed that she was still alive. Realizing
22 the terrible thing he had done, he ran to the neighbor's house and told
23 them to call emergency rescue services.

- 24 5. **Blood Stain Pattern in the Office, Hallway, and Mr. Kofler's**
25 **Bedroom:** Mrs. Foeger's stab wounds to her torso and incisions to her
26 wrist and hand resulted in a large amount of external blood loss, as
27 evidenced by the quantity of blood that had saturated into the carpeting
28 adjacent to her desk as well as into her blouse. Had Mr. Kofler, in fact,
dragged Mrs. Foeger from the floor adjacent to her desk out of the office
and down the hall immediately after the attack, her wounds would have
been actively bleeding, and this action would have resulted in a large trail
of blood deposited on the carpet surface of her office between her desk
and the office entrance. However, this expected blood trail was not
observed, as the only blood deposited in the office area away from Mrs.
Foeger's desk was limited to a few drops observed on the boxes (from a
location above #6 in the photos below) and on the wooden door threshold
to Mrs. Foeger's office. The same is true of the hardwood floor surface of
the hallway, where only a few drops are observed (at #9 and 10) and no
subsequent blood trail leading from the hallway into Mr. Kofler's
bedroom (see photos below).



Bild 15 und 16 - Spurenlage
 Bemerkenswert sind die Verletzungen, die sofort bei der ersten Betretung der Toten zu sehen waren. Stichtartige Verletzung im Bereich der rechten Brust, stichtartige Verletzung am linken Oberarmbereich und verwundartige Spuren am Hals.
 Hier wird nochmals deutlich sichtbar, daß Plastikspitzer die zerbrochenen Hände bis unter den Körper der Frau liegen - (dies wurde auch eindeutig beim Öffnen der Toten durch den Verbedirten festgestellt).

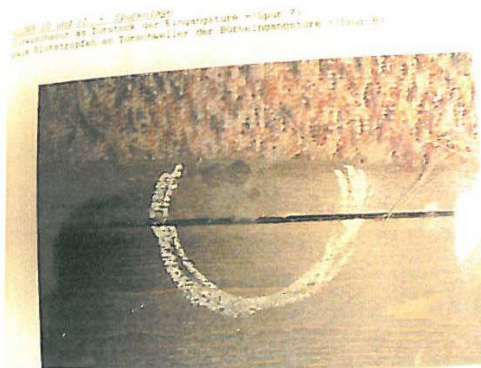
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Bild 1 - Spurenlage
 Ansicht von Büro im 1. Stock, aufgenommen von Eingang in den Raum.
 Bemerkenswert ist die Spurenlage in diesem Raum.
 (1) -> Blutspitze (Einblutung) am Teppich, unmittelbar vor dem Schreibtisch.
 (2) -> Blutspitze an der Wand und am Bürostuhl, rechts neben dem Schreibtisch bis in eine Höhe von ca. 130 cm.
 (3) -> Blutspitze, die hier die Blutspitze von oben nach unten verläuft aufgetragen wurden.
 (4) -> Blutverschmierung an der Toten des PC.
 (5) -> Blutverschmierung am Schreibtisch, sowie Blutspitzen am Fuß der Schreibtischkante.
 (6) -> Blutspitzen auf einem Pappekarton unter dem Schreibtisch.
 (7) -> Blutspitzen auf einem Karton in Richtung Eingangstüre.



Bild 9 - Spurenlage
 Blutspitzen auf einem Karton vor dem Wandregal in Richtung Eingangstüre.
 (Spur 6)



SPURENLAGE Seite -12-

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BILDER 7 und 8 -
Urspr. Lage

Ursprüngliche Situation im Zimmer des Martin Kofler bei Beginn der Tatbestandsaufnahme

In dieser Lage wurde die Frau, laut Zeugenaussagen, aufgefunden und notärztlich versorgt - (unterlegen eines Polsters, öffnen des BHs, hinaufschieben der Bluse, aufreißen und hinaufschieben der Strumpfhose).

Additionally, no blood trail was deposited from the hallway onto the carpet in Mr. Kofler's bedroom. As the photograph below demonstrates, even the deep incision to Mrs. Foeger's right wrist did not result in any blood deposition onto the underlying carpet.



BILD 17 - Urspr. Lage

Weitere Verletzungen (augenscheinlich Abwehrverletzungen) im Bereiche der rechten Hand der Toten.

Weiters wurden in dieser Hand der Toten blonde Haare festgestellt, die augenscheinlich nicht von der Toten stammten.

- 1 **6. Location of Mrs. Foeger's Shoes:** It is clear that had Mrs. Foeger been
2 dragged by her shoulders down the hallway with her heels dragging
3 behind, her slip-on high heel shoes would have fallen off from her feet as
4 a result of the dragging action. If her high heel shoes had fallen off almost
5 immediately from the dragging, they would have been recovered in Mrs.
6 Foeger's office area and had they somehow managed to stay on long
7 enough through the dragging action, they may have even been recovered
8 near her feet in close proximity to the entryway of Mr. Kofler's bedroom.
9 However her high heel shoes were recovered (at #4 in the photo below)
10 within Mr. Kofler's bedroom, atop clothing/bedding on the floor near the
11 edge of the bed, which strongly suggests that they had to have been
12 moved/placed at that location.



23 When questioned about the location of Mrs. Foeger's shoes, Mr. Kofler
24 stated that he had retrieved Mrs. Foeger's shoes from her office and placed
25 them near his bed. However, since Mr. Kofler initially attempted to deny
26 responsibility for the crime, his subsequent self-incriminating statement
27 that he retrieved the shoes and placed them next to his bed is highly
28 questionable. The proposition that he retrieved Mrs. Foeger's shoes and
placed them next to his bed is also inconsistent with his statement that he
immediately ran to the neighbor's house to call an ambulance after he
noticed that Mrs. Foeger was still alive.

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7. **Light Blond Hairs Found in the Victim's Right Hand:**

Approximately 20 light blond hairs were recovered in Mrs. Foeger's right hand during the crime scene investigation as a result of her obvious unsuccessful attempt at fending off her assailant (as evidenced by defensive wounds on both hands) which may have originated from the head of Mrs. Foeger's assailant. However, a forensic examination and comparison of Mr. Kofler's hair revealed that they did not match the hairs found in Mrs. Foeger's right hand, which strongly suggests that Mrs. Foeger was attacked by an assailant other than Mr. Kofler. *Proper case investigation demands subsequent DNA analysis of those 20 light blond hairs which may definitively identify Mrs. Foeger's assailant.* The contention of the acting forensic pathologist that Mrs. Foeger ripped the lock of hair out of her own head during the attack is questionable since Mrs. Foeger clearly had dark brown (and not light blond) hair as evidenced by the photo below:



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8. **Location and Condition of Mrs. Foeger's Belt:**

The photograph below shows the condition and position of Mrs. Foeger's accompanying belt to her (white with black polka-dotted) blouse, which had been completely separated from her blouse (which was still worn by Mrs. Foeger at the time emergency personnel had arrived at the scene). As evidenced in the photograph below, one can observe that only a small section of the belt had been stained with blood, indicating it had to have been removed from her blouse prior to the time that her blouse became entirely blood-soaked. Moreover, it appears to be partly under a plastic

1 bag, part of which is closed inside the cupboard door. This strongly
2 suggests that the belt was somehow removed from Mrs. Foeger's blouse
3 prior to the time that she started to bleed substantially from the stab
4 wounds sustained to her torso. The belt was then subsequently placed
5 partially into the plastic bag, and then the plastic bag containing the belt
6 was somehow moved into Mr. Kofler's bedroom where it was later
7 recovered.



18 *BILD 24 - Urspr. Lage*
19 *Nochmalige Aufnahme von blutverschmierter Kleidung vor dem Wandschrank im*
20 *Zimmer des Kofler Martin -(separate Auflistung der Sachen)-*

21 9. Blood Stain Pattern on Martin Kofler's Shirt:

22 Review of the photograph of Mr. Kofler's shirt (which was purportedly
23 recovered on the floor of his bedroom and which he purportedly wore
24 during his attack on Mrs. Foeger) revealed that the blood stain patterns
25 observed on the shirt were not consistent with those typically associated
26 with active blood spatter deposition while being worn by an assailant in
27 cases involving multiple stab wounds. Rather, examination of the blood
28 stain pattern located at the area of the front upper right chest region of the
shirt suggests that it was not worn and instead had been held/bunched
together from the back of the garment (with the front area of the shirt
facing outward) while it was subsequently utilized to wipe a bloody area
in some fashion, which resulted in a contact transfer pattern exhibited on
the shirt (see photo below).




13 **10. Conclusions:** Review and examination of this crime scene revealed
14 elements of crime scene staging as well as a potentially altered crime
15 scene via crime scene clean-up. The large blood stain on the carpet
16 adjacent to Mrs. Foeger's desk indicated that she was at that location for
17 some period of time to allow for the observed blood deposition (while
18 possibly unconscious) following the knife attack. At the time she was
19 moved from her office to Mr. Kofler's bedroom, either her blood pressure
20 had already dropped considerably, or her wounds were covered with
21 additional clothing or material to prevent them from leaving a blood trail
22 or some attempt at crime scene clean-up may have occurred.

23 The aforementioned observations made during my review and
24 examination of this case are inconsistent with the official reconstruction of
25 the crime (that was based on Mr. Kofler's confession) and strongly
26 suggest the involvement of an additional assailant, who was either
27 partially or fully responsible for the crime and also suggests elements of a
28 staged crime scene in Mr. Kofler's bedroom.

25 I declare under penalty of perjury that the foregoing is true and correct, except as to the
26 matters stated on information and belief, and as to those matters, I believe them to be
27 true. Should additional information become available in the future, I will consider such
28 information's significance and may choose to revise my final analysis.

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2 Executed on November 6th, 2012 at Hayward, California.

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8 KENTON S. WONG, D-ABC, CCSI
9 Senior Forensic Scientist
10 Forensic Analytical Sciences, Inc.
11 3777 Depot Road, Suite #403
12 Hayward, CA 94545-2761, USA
13 510) 266-8132
14 510) 887-4451 (fax)

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Forensic Analytical Sciences, Inc.
3777 Depot Road, Suite 403 • Hayward, California 94545-2761 • Telephone: 510/266-8100 800/827-FA51 Fax: 510/887-4451