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Sergeant John Fanning
State Police Detective Unit
45 Shawmut Road, Second Floor
Canton, MA 02021

Re: Sandra Birchmore Death Investigation

Dear Sgt. Fanning:

I am writing to follow-up on our recent conversations and prior interviews you have had with my client, Matthew Farwell. As you know, Mr. Farwell has been cooperative with your investigation, including participating in interviews with you and permitting you to download certain information from his mobile phone.

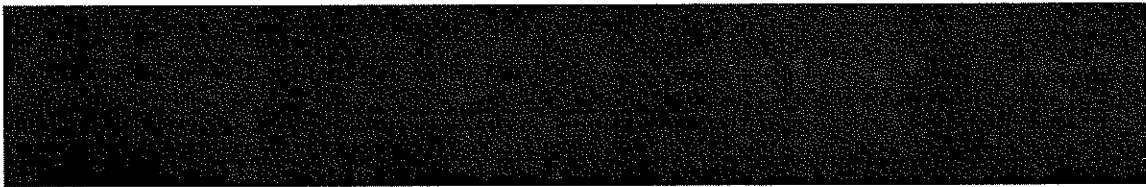
Throughout your conversations with my client, and later with myself, you have indicated that you view him as a witness in your investigation. This is consistent with reality. Mr. Farwell has committed no crime. Like many, he is saddened by Ms. Birchmore's death.

During our recent conversations, you asked Mr. Farwell to submit a DNA sample and participate in a polygraph interview. Although I appreciate your diligence, I advised my client to decline these requests and the request for further interview (traditional/non-polygraph) that accompanied them. I did so because they are far outside the norm for mere witnesses in an investigation. I was a prosecutor for 14 years and participated in hundreds of interviews with State Police detectives like yourself. I cannot recall once seeking a polygraph interview. And I can only recall seeking DNA of persons that the investigators and I considered targets.

There are good reasons for anyone to chafe at a request for DNA and polygraph and for an attorney to advise his client to decline the request. Compiling Mr. Farwell's DNA profile would be highly invasive. It would yield genetic markers and highly personal health and family information. Based on the information he has already provided to you that I will not restate here, I expect his DNA profile would reveal nothing of value to your case. Mr. Farwell has already provided highly personal information. In my opinion, providing DNA is a step too far.

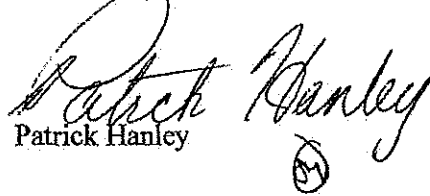
A polygraph raises similar concerns about invasion of privacy. The topics of questioning would be highly invasive. Furthermore, the results of a polygraph are inadmissible in court because courts have concluded that polygraph results are unreliable. See *Commonwealth v. Mendes*, 406 Mass. 201 (1989). Under the circumstances here, there is no reason for the State Police to conduct a polygraph examination of my client.

I write not only to explain my response to your request for DNA and polygraph of my client, but also to briefly address two points that may be underlying your requests. First, my client had no role in Ms. Birchmore's death. He certainly never encouraged her to take her life, nor did he have any reason to fear that she would take her own life. He was shocked and saddened when he learned that she had taken her own life.



If possible, please inform me when your investigation closes and of any conclusions (if any) that you draw with respect to Mr. Farwell. Please contact me if I may provide additional assistance to you or if you would like to contact my client.

Yours Truly,


Patrick Hanley