

March 15, 2005

Senator:
ATTN:
RE: Thomas R. Theodore, M.D.
: Wrongful Conviction/Unconstitutional Incarceration

Dawn Sawyer
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Dear Senator

This letter is to follow up on my discussions with

In March 2001, Dr. T. Ronald Theodore was wrongfully convicted of mail fraud and FDA violations in Federal District Court-Boston. The trial was held despite the objections of Dr. Theodore and that of his lawyer, who vehemently declared his incompetence to the court prior to trial. The court ordered the defendant go to trial with the incompetent attorney anyway! After a lengthy appeal process, the case was remanded for an evidentiary hearing. The trial judge recused himself and became a witness at the hearing last June 2004.

At the hearing, the trial judge (Reginald Lindsey), "as a witness"- testified/admitted that he had incarcerated Dr. Theodore, and that the trial had NOT been a meaningful test the adversarial process (i.e.: unfair trial)! The court also ruled that Dr. Theodore had valid credentials, contrary to the government's assertions, and that a government confidential informant had lied to the court. The new trial motion was granted on November 22, 2004.

Dr. Theodore had filed his own briefs in the case, and a bail motion. He received a court appointed lawyer, (Eugene P. McCann), who did NOT re-file the bail motion "timely", as ordered by the court. As a result, he remains incarcerated, (now OVER FIVE WEEKS!) since the bail hearing in Feb. "05"!!!

Dr. Theodore was serving a sentence in a Federal Prison Camp (Duluth, MN). He has "Community Custody" status, THE lowest security level of the BOP. This certainly reflects an absence of concern with a prisoner, of such a low status. Yet, upon his return to Boston, Dr. Theodore was placed in a level "6" (high security facility-Walpole!) while awaiting bail!

It should be noted that Dr. Theodore was awarded U.S. Patents reflecting significant findings. A substance commonly used in cell culture work is an active agent as a biological response modifier. The substance (HEPES) stimulated the bone marrow and appears to have a positive effect on many cells, including STEM CELLS. Dr. Theodore had started to collaborate with Walter Reed Army Research Center on his research. He was indicted several months after the FDA was notified of his discovery. The indictment, not related to his research, related to a company he had consulted with five years earlier. The owner was charged with misdemeanors.

