

Cyndy Solon Pryor
5286 Sugarpine Circle
Eugene, OR 97402
January 10, 2009

The Hon. Clarence A. Brimmer
2120 Capitol Ave – 2nd floor
Cheyenne, WY 82001-3658

Re: Sentencing of Nathaniel (Ned) E. Solon, January 21, 2009

Dear Judge Brimmer:

My name is Cyndy Solon Pryor. I am Ned's sister. I wrote you over a year ago when you were about to sentence Ned and now I am writing you again. First, I want to thank you for giving Ned the opportunity to withdraw his guilty plea and for making sure he had a great attorney and a very competent computer expert. For that this family will always be grateful.

I don't even know where to begin. Or maybe I do know where to begin. Ned is innocent. I know families say that all the time, but in this case, it is true. The Solons are not a delusional family and there are many innocent men whose lives are being wasted away in prisons across this country.

But now isn't the time to argue his guilt or innocence. That time has passed and now you must hand out judgment. I will try to put myself in the shoes of someone who believes Ned is guilty and think about what I would consider to be fair punishment for such a crime.

I think the severity of a crime should be taken into consideration during sentencing. In Ned's case, the only evidence found was trace evidence that child pornography had existed on the hard drive at one time. And as far as that trace evidence, the prosecution's own computer expert, Special Agent Huff, testified Thursday, November 6, 2008, between 10:35 a.m. and 11:10 a.m. that even the trace evidence was not pornographic.

Since Ned's arrest I've done a lot of research on the behavior of child predators and Ned doesn't fit the profile. Even the prosecution's expert, Special Agent Huff, testified to several of these behaviors and then testified that no evidence of those behaviors was found in Ned's case.

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My notes indicate that on Wednesday, November 5, 2008, between 4:25 p.m. and 5:05 p.m. Special Agent Huff testified that it is fairly common for child predators to engage in communication through chat rooms and other types of interaction, such as e-mail and instant messaging. He also testified it is fairly common for them to save files – lots of files. None of this evidence was found on Ned's computer or anywhere in his home.

Since the prosecution's own expert testified this behavior is fairly common in these type of cases, and then testified that no evidence exists attributing that type of behavior to Ned, it is only fair that Ned's sentence be far less severe than a person who has amassed the typical evidence found in these cases.

I also think the guilty party's potential contribution to society should be taken into consideration. There are those people who refuse to work and are generally a drain on society and then there are those people who work hard and are an asset to society because of their contributions through the taxes they pay and the businesses they patronize. Past history shows Ned has always had a job. Once he is released from prison, he will most likely have a job within a week. He has a reputation for being an excellent worker.

It should also be taken into consideration that when Ned was released from prison in 2004 he immediately got a job. He stayed away from illegal drugs (which got him into trouble in the first place) and was clean right up until the day he was arrested.

During that same time Ned was buying a home. Granted he was buying it from our mother, but legal documents were drawn up and he was paying a monthly mortgage. The home was initially Ned's before he went to prison in 2001. My mother took it over while Ned was in prison and did extensive remodeling. She sold the home back to Ned and from then on he was faithfully paying the mortgage, taxes and insurance.

No matter how long Ned remains in prison for this crime, once he is released he will be supervised the rest of his life. It makes no sense for him to not be a contributing member of society, sooner rather than later, when restrictions can (and will) be put in place that prevent him from owning or having access to computers and that will also prevent him from being alone with children.

Another important factor I think should be taken into consideration when handing down fair punishment would be the motivation behind the crime. On Thursday, November 6, 2008, sometime between 11:25 a.m. and 11:55 a.m. Special Agent Huff testified they do find illegal evidence during the majority of the searches for this type of material. However, he also testified there have been several cases

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where they have found no illegal evidence at all during the initial search, which is true in Ned's situation.

Mr. Smith furthered questioned Special Agent Huff by asking him if in those cases where no illegal activity is initially found, did further investigation usually point to stronger evidence than what was found in Ned's case?

Agent Huff responded it has happened both ways. If there is a small amount of evidence later found, then the downloading of illegal material was accidental. If there are large amounts of evidence found, then usually the reason investigators aren't able to see it initially is because the files are hidden in Window system files and/or are encrypted.

Special Agent Huff offered only these two explanations for finding no illegal activity during an initial search. It was either/or. Putting myself in the shoes of an outside observer who believes Ned is guilty, my question would be, "which category does Ned fit into?" I do not have the transcript of Ned's trial, but my notes clearly state that Special Agent Huff's words were to the effect, "If there is a small amount of evidence, then the downloading was **accidental**."

The facts in Ned's case show there was a small amount of evidence on his computer and that that small amount of evidence (or trace evidence as it was labeled by prosecution experts during testimony) which was found had **not** been hidden or encrypted.

Taking Special Agent Huff's testimony into consideration along with the facts surrounding Ned's situation, a person would have no choice but to deduce the files were **accidentally** downloaded to Ned's computer, which obviously doesn't show much motivation on Ned's part. That fact alone should have given the jury reasonable doubt, but since it didn't, I think it only fair that it be taken into consideration during sentencing.

There is another matter I respectfully ask you to take into consideration when sentencing Ned. I do not understand the prosecution's request to have Ned incarcerated for 15 to 20 years. Is that justice or revenge? I watch and read news across the country on a daily basis. I consistently read about men who have done far worse than what Ned is convicted of, and I've also read a lot of news stories about men who have a whole lot more evidence against them for the same crime for which Ned has been convicted. In either case the sentences they receive are nowhere near 15 to 20 years.

In fact, most of the sentences I read or hear about are less than the six years the prosecution first offered in a plea deal. It doesn't make any sense to me why the prosecution would request 15 to 20 years when they themselves offered six

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years at one time. Obviously they didn't think Ned was that much of a danger to society then. What has changed? Ned's been in jail for two years. He hasn't committed any more crimes since they offered him the deal of six years.

Which brings up another point: Why, after Ned was allowed to withdraw his guilty plea, were more charges filed against him? If the prosecution felt he was guilty of more crimes, why didn't they file the charges to begin with? Why on earth would they wait two years? It appears to me more charges were filed out of spite. I'm trying very hard to look at this as an objective observer who believes Ned is guilty, but even then I don't think revenge and spite should be considered in seeking or handing out justice.

I don't wish to "bad-mouth" Mr. Anderson. I actually admire Mr. Anderson. We need passionate people like Mr. Anderson working for justice. He's very good at what he does. Before this ordeal my thoughts were that prosecutors and law enforcement needed to do whatever needed to be done to get the scum who are hurting our children off the streets. If innocent men were caught up in the pursuit of the guilty, then that, of course, is very unfortunate.

But now the innocent man caught up in this pursuit is a man I would give my life for. It is no longer "unfortunate." It is devastating. I've been able to mentally deal with Mr. Anderson's tactics by giving him the benefit of the doubt that he truly believes Ned is guilty. And if he truly believes in someone's guilt, then he should go after that person with gusto. Which is exactly what he did in Ned's case. And he won! So why pile on more charges and more punishment? That I don't understand.

To summarize my thoughts on fair justice, I believe all of the above should be taken into consideration:

1. The severity of the crime and the evidence against the guilty party (in Ned's case hardly any evidence at all);
2. The guilty party's potential contribution to society and the likelihood and opportunity a guilty person would have to commit the crime again (in Ned's case he would be a working, tax-paying citizen and he would be supervised to prevent further offenses);
3. The motivation behind the crime, (in Ned's case the prosecution's own expert witness testified that small amounts of evidence in these type of cases means the material was accidentally downloaded); and
4. The motivation behind the prosecution's pursuit and request for additional punishment (in Ned's case, is that really justice?).

You are a busy man and I truly appreciate the time you are taking to read my letter, but since this is a very important matter to my family and me I respectfully

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request just a little bit more of your time to bring up other matters we consider important. I appreciate your patience with me.

I would like the evidence in Ned's case to be preserved. Not only the hard drive confiscated by law enforcement, but also the other computer components that were voluntarily turned over by the defense team.

This family wants Ned exonerated one way or another. It would be nice to have that happen sooner rather than later, but if we have to, we will work on this for decades if that is what it takes. Our main goal is not to free Ned from prison, although it would be wonderful to have that happen before he has to serve out his sentence. Our main goal is to clear his name.

Even if Ned were to tragically die before we find out what happened on his computer, we would continue to work to clear his name. This family will be working on this until Ned is exonerated or we are all dead and buried. Everyone who truly knows Ned knows he is innocent of these charges. Therefore, there is an explanation for how this happened. We just need to find it.

Both Special Agent Huff and Ned's computer expert, Ms. Loehrs, testified it could take thousands and thousands of hours to find the truth. We will have to figure out how to get those thousands and thousands of hours, but when we do figure it out, we will need all the computer components.

If I have to do it myself, I'll do it myself. I live in Eugene, Oregon where the University of Oregon is located. I've already checked into their graduate programs and they offer a Masters Degree in Information and Computer Sciences. I currently hold a Bachelor of Science degree with majors in Finance and Accounting, but I have four decades of in-depth computer experience under my belt, which will be a tremendous asset to me in this endeavor.

Which brings up another important point – the jury didn't understand computers. Even the computer experts **on both sides** admitted no knowledge in several instances that arose in Ned's case. In the same way that DNA was a new field of science a decade or two ago, comprehending evidence related to computer crimes is a new, evolving, field that hasn't yet been fully developed, especially when it comes to the defense side of the equation. If computer experts aren't clear about how certain things happen, then how on earth is a jury to understand the complexities of a particular case?

DNA is now freeing innocent men who have been locked up for decades. I'm confident that sometime in the future some type of computer "DNA" will be developed that will allow us to quickly determine what has happened with a

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particular computer. When that happens, we want Ned's entire computer system to have been preserved and available.

As far as the jury not being able to understand the complexities of this case, it was my hope they could at least understand enough to comprehend the large amount of reasonable doubt that was presented to them by the **prosecution's** own experts, which included:

1. On Wednesday, November 5, 2008, Special Agent Huff testified it is **possible** Ned knew **nothing** about the files on his computer.
2. On Wednesday, November 5, 2008, Special Agent Huff testified he could tell illegal activity took place by looking at the link files. He also testified the link files only occurred at the exact same times law enforcement just happened to be looking at Ned's computer. During the long time periods that occurred between law enforcement looking, there was **no** link file activity.
3. On Wednesday, November 5, 2008, Special Agent Huff testified that another person looking at the same evidence could come to a different conclusion.
4. On Thursday, November 6, 2008, Special Agent Huff testified there was **no** indication anyone had ever viewed the images shown in court.
5. On Thursday, November 6, 2008, Special Agent Huff testified that if small amounts of illegal files were later found on a computer, then the conclusion is that the files were **accidentally** downloaded.
6. On Tuesday, November 4, 2008, Special Agent Balliett testified the IP Address being used by Ned's computer when they saw illegal activity being offered, came up again in a separate investigation. Again that IP Address was offering to distribute child pornography. But this time Ned's computer wasn't using the IP Address; a computer in Rawlins was using it. I still wonder to this day what happened with the computer in Rawlins. Was that investigated? It raises the question, "Could it be someone was using a particular **IP Address** to distribute child pornography rather than a particular **computer** (such as Ned's)?"
7. Special Agent Huff testified there was 46 files indicative of child pornography downloaded and deleted the evening of September 20, 2006. He also testified that when a file is deleted it is **not** removed from the computer until it is overwritten. Yet remnants of only eight (8) files were recovered the next day. Since the computer had not been

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used in between the time illegal activity took place and the time the computer was seized, all 46 files should have been present on Ned's computer. **Neither** computer expert on either side could explain why the files were not there or how they could possibly *disappear*.

8. The default port on Ned's Limewire program had been changed. Neither computer expert **on either side** could explain the meaning of "Forced" port, which is the term that appeared on Ned's Limewire settings.
9. The computer experts **on both sides** testified there were Trojan viruses present on Ned's computer, which could easily allow unauthorized remote access to Ned's computer.

Ned's own computer expert, Tami Loehrs, presented a lot more reasonable doubt, which I won't bother to include here since it has been insinuated by the prosecution she is an advocate for child predators and will say whatever she is paid to say. But I would like to point out it was established during testimony that Ms. Loehrs is much more qualified than the prosecution's computer expert. I would also like to clarify she **is** an advocate -- for the **truth**. And if you think about it, her testimony shouldn't have been needed at all considering the large amount of reasonable doubt presented by the **prosecution**.

I am not blaming the jury. When they were being seated they were all asked if they would be the type of person to ask for computer help or would they be the type of person who would give computer help. Each and every one responded they would be the type of person to ask for computer help.

If I were asked that question my response would be, "I am the type of person to give computer help." Not only am I that type of person, but also that is exactly what I do. I continuously help people with both hardware and software problems. Perhaps that is why I am able to see all the reasonable doubt, while the jury could not.

I've said what I had to say. I apologize for being so long-winded. In the end, my simple request is that Ned be sentenced (and jailed) the least amount of time possible and that the evidence all be preserved. I truly appreciate your time and consideration.

Sincerely,

Cyndy Solon Pryor