

# Exhibit 6

FROM PAGE ONE

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# Killer

Continued from Page A1

grave, Howell started talking, records in the case show.

Prosecutors are expected to use these prison cell discussions between Howell and Mills as key evidence in a hearing next week to determine whether police had probable cause to arrest Howell. Howell, 46, is charged with murdering five women and a man in 2003 and dumping their bodies behind a New Britain strip mall. Howell is already serving a 15-year sentence for killing a seventh victim, whose bones were also discovered at the site.

Court filings show Mills is expected to testify about how Howell talked to him in detail about the killings, even drawing a map for Mills that showed where Howell allegedly buried the bodies of Nilsa Arizmendi, Diane Cusack, Joyvaline Martinez, Mary Jane Menard, Danny Lee Whistnant, Melanie Ruth Camilini and Marilyn Mendez Gonzalez.

In exchange for his testimony, the state will not go after the \$150,000 reward Mills is expected to receive for his cooperation and apply it to the costs of his incarceration, court records show.

In an April 25 letter to New Britain State's Attorney Brian Preleski seeking discovery, Howell's defense attorneys have asked for "a signed copy" of the state's cooperation agreement with Mills "if it exists" and "any documents or other information concerning the reward in this case."

The attorneys, William H. Paetzold and Jeffrey C. Kestenband, are asking Preleski for "the basis for the state's good faith belief that the statutory lien for Mills' receipt of the reward will be waived" and copies of other information "concerning this good faith belief," according to the letter.

Preleski, in an April 25 letter, responded to the attorneys saying he already has provided them with "the entire contents" of his file to date, and that "in terms of Mr. Mills' cooperation agreement, as I have indicated to you previously, the unexecuted copy you have is an accurate recitation of the representations that have been made to him."

Mills, 42, was convicted in 2005 of the stabbing deaths of Guilford mother Kitty Kleinkauf and her two children, Kyle Redway, 4, and Rachael Crum, 6, during a drug-induced robbery in December 2000, as well as the strangling two months earlier of 30-year-old neighbor Mindy Leigh. He now sits in prison for the rest of his life, without

possibility of parole. Mills had faced execution for his crimes, but jurors voted against it after trial testimony showed he endured a troubled childhood, suffering physical and mental abuse by an alcoholic father who taught him to get drunk and steal. A Superior Court judge also allowed Mills to make a rare, unsworn apology to jurors in which he said about the slayings: "I'm totally responsible for this. I just need to let you know that. I'm sorry."

Neither Paetzold nor Kestenband would discuss Mills' anticipated testimony at the hearing, but in a motion filed last week, asking the court to preclude prosecutors from using non-

**Court filings show**  
 Mills is expected to testify about how Howell talked to him in detail about the killings, even drawing a map for Mills that showed where Howell allegedly buried the bodies.

testimonial "habeas" forms and subpoenas to interview witnesses in the Howell case, the attorneys highlight Mills' involvement in the state's prosecution of Howell.

According to the motion, the attorneys said Mills gave a written statement to an inspector in the chief state's attorney's office at the New Britain courthouse in April 2015. In that statement, Mills said he was brought to the courthouse earlier to be questioned about Howell. The motion states that Mills was also brought to the courthouse recently "for the purpose of meeting with representatives of the state's attorney's office in advance of his testimony at the probable cause hearing."

Howell's attorneys say in the motion that there is no authority in Connecticut that allows the issuance of an investigative subpoena.

"In fact, the legislature has consistently rejected the Office of the Chief State's Attorney's repeated requests for the adoption of legislation that would permit such subpoenas," the motion states. It was unclear Tuesday if a hearing on the motion would be held before the May 11 probable cause hearing.

Howell faces multiple counts of capital felony murder, felony murder and murder. If convicted at trial, the maximum punishment he faces is life in

prison without the possibility of parole. If convicted, Howell would be one of the state's most prolific serial killers next to Michael Ross and Joseph "Mad Dog" Taborsky.

Ross admitted killing eight women, six in Connecticut and two in New York, and was convicted of killing four. He was executed in 2005. Taborsky killed five people and was executed in 1960. Howell might have faced the death penalty if convicted of the crimes, but capital punishment was outlawed in Connecticut in August.

For years, Howell was a suspect in the killings. Police arrested him last September after investigators said DNA evidence found inside his 1985 Ford Econoline van, the makeshift home Howell lived in for years in Connecticut that he nicknamed the "murder mobile," linked him to the killings, according to court records. Investigators also used information from four of Howell's fellow inmates, particularly Mills, to make the arrest.

An arrest warrant affidavit highlights parts of those chilling discussions. Three women were raped, one with a shock absorber; the arrest warrant affidavit states. Some bodies were mutilated and others were strangled. One woman was beaten in the face with a hammer, a part of her jaw apparently buried somewhere in Virginia. If Howell had not been caught, "he was going to go cross-country and kill others," the affidavit said.

Howell told an inmate that "there was a monster inside of him that just came out," the affidavit said. Howell described himself as a "sick ripper" and said when he went to sleep, "he was going to dream about his seven" victims buried in what he called "his garden," the affidavit said.

Howell said he wrapped one victim's body in plastic for two weeks because it was too cold to bury her, according to the affidavit. He said he kept the badly beaten body inside his van, sleeping next to the corpse — which he referred to as "his baby" — for days.

Following the 2007 discovery of the remains of three women in woods behind a New Britain strip mall and the belief that they all died at the hands of the same killer, police in September 2014 announced a \$150,000 reward. The reward is believed to be the largest the state has offered for information in a criminal investigation that leads to the capture of a killer.

State law gives the state a claim for the costs of incarceration against an inmate's property. Sources said the attorney general is not expected to bring an action in Superior Court seeking to get any of the reward money from Mills.

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### If You Currently Subscribe to Cablevision Cable Television Services, or If You Subscribed at Any Time Since April 30, 2004, You Could Benefit from a Class Action Settlement.

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There is a Settlement in a class action lawsuit against Cablevision entitled *Marchese et al. v. Cablevision, et al.*, 10-cv-02190 in New Jersey federal court that claims that certain business practices of Cablevision's subscribers paying higher prices for Cablevision's cable TV set-top boxes. The Settlement provides benefits to current and former Cablevision customers. Cablevision denies all of the claims in the lawsuit and asserts it did nothing wrong.

#### Who is included?

The Settlement Class includes, subject to certain exceptions, all persons in New Jersey, Connecticut and New York who subscribed to Cablevision's video services and paid a monthly fee to Cablevision to lease a Set-Top Box at any time from April 30, 2004 to March 9, 2016.

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The Settlement provides benefits for Current Subscribers and Former Subscribers:

- Current Subscribers** will automatically receive access to a free four month subscription to the Internet-delivered SundanceNow service from AMC. In addition, Current Subscribers who file a Claim Form can choose either (1) a one-time credit off their bill (ranging between \$20-\$40), or (2) one of several Cablevision services (ranging between \$50-\$140 in value), including an additional free Set-Top Box, free multi-room DVR service, or free access to certain premium channels for a limited time, subject to restrictions. The amount of the one-time credit and your eligibility for the Cablevision services will depend on how long you have been a Cablevision cable TV subscriber and on your current services.

**Former Subscribers** who file a Claim Form can receive a cash payment of \$20 to \$40, plus access to a free four month subscription to the Internet-delivered SundanceNow service from AMC. The amount of the cash payment will depend on how long you were a Cablevision cable TV subscriber.

Cablevision has also agreed to certain changes to its business practices. More information can be found in the Settlement Agreement.

#### How do you ask for benefits?

You must submit a Claim Form online or by mail by **September 23, 2016**. Claim Forms are available at [www.cableboxsettlement.com](http://www.cableboxsettlement.com) or by calling 1-888-760-4871.

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# Whole Foods coming to Jersey City

BY **TERRENCE T. McDONALD**  
JOURNAL STAFF WRITER

Whole Foods is coming to Jersey City.

The upscale supermarket announced Wednesday that it will open a market near the Grove Street PATH station in 2020.

Plans are for a 45,000-square-foot Whole Foods Market on the site of Metropolis Towers, at Columbus Drive and Marin Boulevard. That's more than twice the size of the Whole Foods in Montclair, one of Whole Foods' 15 New Jersey locations.

Count Sarah Karp Ward, 32, of Warren Street, among those excited by the news. Two years ago, Ward lived in Manhattan near the Whole Foods at Columbus Circle and has been hoping for one near her new home.

She was heartbroken, she said, when she discovered that a sign that popped up in the spring of 2014 touting a Whole Foods at



AN ARTIST'S rendering of the Jersey City Whole Foods set to open in 2020.

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Warren and Bay streets turned out to be a false rumor.

"When we moved here we knew all there was that sad ShopRite," she said. "My husband and I try to eat as much organic and GMO-free food as possible."

The Jersey City location is roughly the size of Whole Foods' newest stores in New Jersey, and those generally employ about 200 people each, according to Whole Foods spokesman Michael Sinatra.

This will be the first Whole Foods in Hudson County. The new location will have on-site parking.

Sinatra noted that the Jersey City location will not be a 365 by Whole Foods Market, a new Whole Foods offshoot being rolled out this year in Los Angeles. It will also not sell alcohol, he said.

Terrence T. McDonald may be reached at [tmcdonald@journal.com](mailto:tmcdonald@journal.com). Follow him on Twitter @terrencemcd.

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**PUBLIC INFORMATION CENTER MEETING NOTICE  
COUNTY OF HUDSON  
JFK BOULEVARD (CR 501)  
INTERSECTION SAFETY IMPROVEMENT PROJECT  
FROM COMMUNIPAW AVENUE TO SIP AVE  
CITY OF JERSEY CITY, NEW JERSEY**

Hudson County, together with the North Jersey Transportation Planning Authority, will be hosting a Public Information Center meeting to inform local residents, officials, businesses and the general public of the intersection safety improvement project for JFK Boulevard (CR 501) in the City of Jersey City. The project includes 17 intersections from Communipaw Avenue to Sip Avenue and is being funded through the North Jersey Transportation Planning Authority using the Federal Highway Administration's Highway Safety Improvement Program Funds.

The purpose of this meeting is to inform the public and solicit input and comments on the proposed improvements. This meeting is open to all members of the public. County engineering staff, a NJTPA representative and the consulting design engineer will be available to answer questions.

**Date:** **Tuesday, May 17, 2016**

**Time:** **6 pm – 9 pm (presentation followed by Q&A at 7 pm)**  
**Place:** **St. Paul's Church, 38 Duncan Avenue, Jersey City, NJ**

Written comments will be accepted through Friday, May 27, 2016. Comments may be mailed, faxed, or emailed to:

Jose M. Sieira, Director of Traffic and Transportation  
Department of Roads & Public Property  
Division of Engineering  
830 Bergen Avenue, Floor 6B  
Jersey City, NJ 07036  
201-369-4340  
[isieira@hcnj.us](mailto:isieira@hcnj.us)



# Capital Subway System Has Failed to Learn From Safety Lapses, Report Finds

By NICHOLAS FANDOS

WASHINGTON — The capital region's subway system has failed to adequately learn from a series of dangerous and sometimes fatal episodes in recent years, making "little or no progress" toward instituting a culture of safety, the National Transportation Safety Board concluded on Tuesday.

The assessment came as the board discussed the findings of a more than yearlong investigation into a fatal instance of smoke filling a tunnel in January 2015.

Its conclusion painted the most complete picture to date of how the aging infrastructure, flawed safety response and inadequate local and federal oversight combined to cause the event, which killed one person and injured 91 others.

But the investigation also allowed the board members to express concerns about how the nation's second busiest subway system has acted — or not acted — to address prominent safety lapses.

"When the N.T.S.B. finds itself issuing a continuous stream of accident reports to address the basic safety management of a single transit rail system, something is fundamentally flawed," Christopher A. Hart, the board's chairman, said. "Here, that something is safety oversight."

The report came as the newly installed managers of the transit agency, known here as Metro, grapple with several high-profile setbacks and continuing funding woes facing the system.

The N.T.S.B. members acknowledged that Metro, under that leadership, appeared now to be taking steps in the right direction and offered more than 30 recommendations to the authorities involved in the incident, primarily involving maintenance and safety training.

They also renewed their criticism of the Federal Transit Administration, which has overseen the system's safety since October, arguing that it does not have the ability, the experience or the disciplinary authority to do its job adequately.

Instead, Mr. Hart and other board members said, Metro should be reclassified as a commuter rail system and its oversight moved to the better-established Federal Railroad Administration until authorities here conclude their long-stalled efforts to create a federally approved local safety oversight body.

That suggestion prompted a response after the meeting from Secretary of Transportation Anthony Foxx, who defended the F.T.A. in a letter released to the board and said it would continue its oversight of Metro.

Though many of the investigation's findings were forecast in a preliminary report in the days af-



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MANUEL BALCE CENETA/ASSOCIATED PRESS



PAUL J. RICHARDS, A.P. — GETTY IMAGES

Christopher A. Hart, head of the National Transportation Safety Board, spoke to reporters Tuesday about the Jan. 12, 2015, accident at a Metro station, far left, which killed one person and injured 91, including the man at left.

ter the smoke event and during investigative hearings last June, the final report gave a step-by-step account of what went wrong and who was to blame.

Investigators concluded that the Jan. 12, 2015, episode was caused by "a prolonged short circuit that consumed power system components" that had been al-

lowed to lapse under "ineffective inspection and maintenance practices." Water that contaminated the faulted cable, a dearth of smoke

detectors in Metro's tunnels, ventilation fans that did not work properly and staff that was not trained in how to use them exacerbated the problem, the N.T.S.B. said.

The board also said that city fire and emergency services were not expected to respond to such an event.

"Whatever could go wrong that afternoon did go wrong," Robert L. Sumwalt, a member of the board, said, while questioning N.T.S.B. investigators. "To quote a Shakespearean play, it was a comedy of errors. Except, it was not funny."

N.T.S.B. members made fre-

quent comparisons to conclusions reached in a similar investigation after a 2009 train collision that killed nine people near the city's outskirts.

Top Metro officials attended Tuesday's meeting. Paul J. Wiedefeld, its new general manager, is expected to announce a systemwide maintenance plan in the coming weeks.

And on Monday, in advance of the safety board's report, Metro took steps to address at least one of its concerns, announcing that it would station a fire department official at all its operations control center at all times to help coordinate emergency responses.

## Best-Selling Author Now Doubts His Father Was in Famed Iwo Jima Photograph

From Page A1

the newspaper article because he was working on a new book in Vietnam, and then became ill. He did not come forward with his belief that his father was not in the photograph, he said, because there was little interest from the news media and the Marines.

"It wasn't top of mind," Mr. Bradley said in the interview. "It wasn't a priority. I was overseas, and this past fall I was recovering from a disease I got in New Guinea that almost killed me. Now there's interest in this, and I'm talking about it. I didn't have the energy to carry the water all by myself."

The photograph, taken during one of the bloodiest battles of the war, was splashed across the front pages of newspapers throughout the country less than 48 hours after it was taken, exceptionally fast for the time. It was an immediate source of patriotism and controversy.

President Harry S. Truman used it to sell bonds to fund the war, and Mr. Rosenthal brushed back accusations that it had been staged. And two years after the image was taken, one of the men identified as being in it hitchhiked to Texas from Arizona to tell the family of a man who died on Iwo Jima that the man had been incorrectly named as one of those depicted. That spurred a congressional investigation that led the military to acknowledge that it had misidentified one of the men.

"Flags of Our Fathers," first published in 2000, was on best-seller lists for nearly a year. It was later made into a movie directed by Clint Eastwood. The photograph was also the inspiration for the Marine Corps War Memorial in Arlington, Va., a statue in which six 32-foot-tall figures are depicted in the positions captured by Mr. Rosenthal. Mr. Bradley said that his father had met with the sculptor of the memorial, who based some of the figures on his body.

All of the men identified in the photograph are dead. Three of the men died fighting the Japanese on Iwo Jima. John Bradley died in 1994.

The 2014 article in the Omaha

newspaper detailed how Stephen Foley, a man in Ireland who worked at a building supply company, and Eric Krelle, an Omaha-based historian, had concluded that Mr. Bradley was misidentified after poring over the images and studying uniforms worn on the island.

At the time, however, the Marines and James Bradley discounted the research.

"Listen, I wrote the book based on facts told to me by guys who had actually been there," Mr. Bradley was quoted saying in the article. "That's my research. That's what I trust."

He added: "At the end of the day, the truth is the truth. Everything is possible. But really?"

The Marines said at the time that they "firmly" stood by the established accounts of who was in

### The Marines are officially revisiting a narrative that they have stood behind.

the photograph.

Last year, Dustin Spence, a historian from California who made a documentary about the flag-raising, and Mr. Foley approached the Marines with findings that they said showed problems with the identifications. Mr. Spence said in a telephone interview. The Marines, Mr. Spence said, did not seriously look into their claims. "I believe it's something difficult for some in the Marine Corps to swallow," Mr. Spence said.

The Smithsonian Channel said it had gone to the Marines after "months of thorough, scientific analysis" and had since been working closely with the service. It added that it would broadcast the findings this year.

The Marine Corps acknowledged the inquiry in a statement, but provided few details.

"Our history is important to us, and even today, this iconic image still represents the fighting spirit of Marines and is a symbol of the tremendous accomplishments of our corps," the Marines said. "As such, with the information and research provided by the Smithsonian Channel, who used advanced digital technology to examine battle footage, the Marine Corps decided to review their photo enhancements, film analysis and findings."

It added: "Joe Rosenthal's photo captured a single moment in the 36-day battle during which more than 6,500 U.S. servicemen made the ultimate sacrifice, and it is representative of the more than 70,000 U.S. Marines, sailors, soldiers and Coast Guardsmen that contributed to the battle."

A summary on the paperback edition of "Flags of Our Fathers" reads: "Here is the true story be-

hind the six flag raisers and the immortal photograph that came to symbolize the power and courage of America during World War II. In "Flags of Our Fathers," the son of one of the flag raisers captures the glory, the heartbreak, and the legacy of the six ordinary boys who came together at a crucial moment in one of history's bloodiest battles — and lifted the heart and spirit of a nation at war."

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