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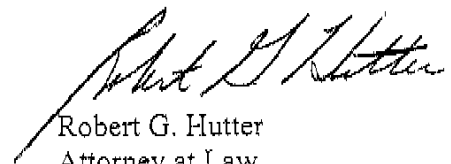
August 7, 2004

To the Editor of the Wellsville Daily Reporter:

I am writing this letter to correct some inaccuracies and clarify some misconceptions of the law contained in the article about Dr. Kenneth Berry written by John Anderson on August 6, 2004. The article states that "Dr. Berry was accused of signing a fake will of the late Dr. Andrew Colletta..." Dr. Berry acknowledged he witnessed the signature of Dr. Colletta on a will. The document offered for probate was not the same will Dr. Berry recalled witnessing. Neither will provided any bequests or benefits to Dr. Berry.

The article further states that on March 17, 1999, Dr. Berry "entered a guilty plea to a violation, a misdemeanor". There is a huge difference between a misdemeanor and a violation. A misdemeanor is a crime and conviction on a misdemeanor charge results in a permanent criminal record. A violation conviction does not result in a criminal record. Examples of violations include open container violations, seat belt violations, driving while talking on a hand held cell phone (are these violations ever enforced?), noise ordinance violations, minor traffic ticket convictions and parking tickets. Dr. Berry entered a guilty plea to a violation in order to move on with his life. At no time did he plead guilty to knowingly witnessing a fraudulent will nor were any of the charges ever proven.

In these Post 9/11 times, an FBI search is a serious issue, especially in a small town like Wellsville. However, unless and until there is literally more "substance" to the story, shouldn't we accord our neighbor the benefit of the doubt?


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