



Written by [C. Mitchell Shaw](#) on November 16, 2017

Bias on the Bench: Magistrate in Children’s Hospital Hacking Case Has Financial Conflicts of Interest

A young man accused of hacking Boston Children’s Hospital to save the life of a teen girl claims that court documents show that he is the victim of persecution by prosecution. The documents — provided to *The New American* — also certainly show that the federal magistrate in his case has a severe conflict of interest and yet has not recused herself.



The case stems from what can only accurately be called the medical kidnapping of 15-year-old Justina Pelletier by the staff of Boston Children’s Hospital and their accomplices in government.

In February 2013, Justina — who had been diagnosed with (and was being treated for) mitochondrial disease, a rare genetic disorder — was taken by her mother from their home in West Hartford, Connecticut to Boston Children’s Hospital (BCH) to be treated for flu-like symptoms. Justina’s diagnosis of mitochondrial disease — made by Dr. Mark Korson, the chief of metabolism at Tufts Medical Center in Boston and one of the leading experts in the field of metabolic disorders — was set aside by a BCH doctor in the seventh month of his internship in favor of somatic symptom disorder, a mental illness.

The new diagnosis was rubber-stamped by BCH psychologist Dr. Ioana Simona Bujoreanu after one 25-minute examination of Justina and without consulting any other physicians. Bujoreanu — far from objective in this case — researches somatic symptom disorder under a grant from the National Institutes of Health. As investigators say, follow the money. As her funding depends on the grant, Bujoreanu conveniently “found” a case of the disorder to study. If the only tool in your toolbox is a hammer, you will see every problem as a nail.

On Valentine’s Day 2013, when Justina’s parents attempted to discharge her from the hospital, BCH staff sought and received the “help” of the Massachusetts Department of Children and Families (DCF) which took Justina into custody as a ward of the state. DCF justified the action by accusing the Pelletiers of “medical child abuse.” Justina was transferred to “Bader 5,” BCH’s psychiatric ward and all treatment for her disease was stopped. She was held there and at another facility for 16 months, during which time she was in constant pain and her health declined to the point that the girl — who was in competitive ice skating before her incarceration at BCH — was bound to a wheelchair and unable to use the bathroom without assistance.

When Marty Gottesfeld — a senior systems engineer with extensive knowledge of computer networks — heard of Justina’s case, he decided to do something about it. BCH had been able to weather the storm of bad press and appeared to have enough pull to avoid being investigated, so Gottesfeld — who was an activist working to expose the “troubled teen industry” — decided to [take a different approach](#). As this writer wrote in a [previous article](#):



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When Justina Pelletier's parents took the sick teenager to Boston Children's Hospital in February 2013, they had no idea the trip would result in a nightmare: the medical kidnapping of their daughter. They also had no idea that a man they had never met would later risk his own freedom to help Justina gain hers. That man — Marty Gottesfeld — believed he needed to act to save Justina's life. So as a senior systems engineer, he decided to apply his knowledge of computer systems to hit the hospital where it would hurt the most: On April 20, 2014, he knocked them off the Internet during a major fundraising drive.

As that article explains, investigators looking into the attack homed in on Gottesfeld because of a [video he had posted on YouTube](#) calling attention to Justina's plight and imploring viewers to do all in their power to "save Justina's life." Using the video (which should reasonably be protected by the First Amendment), investigators filed for and received a ["Tap and Trace" order](#) to get records related to Gottesfeld's Internet traffic. Based on the information gathered by executing that order, investigators filed for and received a [search warrant](#) for Gottesfeld's home.

Set aside for the moment that the [affidavit for the search warrant](#) is rife with errors, misstatements, exaggerations, and outright falsehoods — the main point is that the "judge" (she is actually a federal magistrate) who signed off on the search warrant has direct ties to BCH and its parent organization, Harvard University. Magistrate Marianne Bowler [is married to Dr. Marc Pfeffer, a professor of medicine at Harvard Medical School, which oversees BCH and was herself employed as a research assistant in biochemistry at Harvard Medical School prior to starting her legal career.](#)

In fact, Bowler was aware — assuming she actually read the affidavit for the search warrant before signing off on it — that the case was a conflict of interest for her, since FBI Special Agent Michael Tunick made the connection to Harvard explicit in the document. In paragraph 8, Tunick wrote:

The incoming traffic resulted in significant disruptions to the BCH website and additional disruption to the network on which BCH and other Harvard University-affiliated hospitals communicate.

In a statement provided to *The New American* in April, Gottesfeld wrote, "Magistrate [Marianne] Bowler's deep personal connection to Harvard Medical School and therefore its affiliated pediatric teaching hospital, Boston Children's call into question every aspect of her involvement with her case." He added, "From her original approval of the search warrant for my residence to her five month delay in issuing a bail finding to my detention over the last 14 months. I am deeply concerned about her ability to remain impartial."

The affidavit for the search warrant — showing that Bowler knew about the connection between BCH and Harvard — seems to bear out Gottesfeld's claims about Bowler's lack of "ability to remain impartial." But what of his claims that he is the victim of persecution by prosecution?

Well, it turns out that Bowler connections to Gottesfeld's case run deep and wide. For instance, the search warrant affidavit signed by her also mentions Wayside Youth and Family Support Network (the BCH-affiliated facility to which Justina was transferred after months at BCH). Paragraph 27 says:

Since the attack against BHC in April 2014, the FBI has learned of other DDOS [distributed denial of service] attacks against entities associated with BCH, the Justina Pelletier custody battle, and the troubled teen industry. Additional victims include: NSTAR (which has a relationship with BCH), Wayside Youth and Family Support Network, Judge Rotenberg Educational Center, Greatschools.org, Sorenson's Ranch, and Logan River Academy. These victims all experienced



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similar attacks.

And here is where Bowler's next big conflict of interest comes into play. Because Bowler is an emeritus member of the Board of Directors of The Boston Foundation, [which raises money for Wayside Youth and Family Support Network](#). She is listed as such on page 18 of [this report](#).

It is not every day that a federal magistrate is given the opportunity to abuse her power by bringing the full weight of her bench against someone who is accused of attacking something near and dear to her. When that does happen, she is supposed to recuse herself. In fact, procedure requires it. And yet, Bowler, who worked for Harvard, is married to a Harvard professor, and is a director emeritus of a foundation that raises money for Wayside Youth and Family Support Network not only signed off on the search warrant (with an affidavit listing Harvard and Wayside as victims of attacks), but continued to preside over the case and has denied Gottesfeld bail though he has been in prison awaiting trial since February 2016. To put that in perspective, Marty Gottesfeld has already been in prison longer than Justina Pelletier was locked away in "medical prison."

Considering that Bowler came under fire when she [bent over backward to make sure Boston Marathon bomber Dzhokhar Tsarnaev knew his rights](#) (which resulted in his refusing to continue talking to investigators), and [ordered the release of his friend, Robel Phillipos — who was accused of lying to investigators — on \\$100,000 bond, on the conditions that he remain in his mother's home and wear an electronic monitoring bracelet](#), her handling of Gottesfeld's case smells of a personal vendetta. Her allegiance appears divided between justice and Harvard with justice getting the short end of the stick. Granted, she was right to make sure Tsarnaev was aware of his rights and she had the legal authority to release Phillipos on bail. But given the difference in the way she has handled the Gottesfeld case, it is clear that he is right to be "deeply concerned about her ability to remain impartial." It appears that Gottesfeld's rights would be better protected by Bowler if he were a terrorist. At least then, he'd probably be out on bail and home with his wife.

America does not need those who abuse power to sit in places of power. Magistrate Marianne Bowler needs to be removed from this case — if not the bench.

More information about Marty Gottesfeld and his defense can be found at www.freemartyg.com.

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