



CRIMINAL CASE EXPERTS INC

Coercive Interrogation & Interview Expert

EXPERT REPORT

Type of Report: Examination : Video / Audio Interview / Transcripts

Criminal case Consultants Case File #: 238-F

Primary Examiner: Brian Leslie

Date of Report: September 24, 2024

Charge:

209(b)(1),264.1,264.1,288a(d)(1),288a(b)(1),311.4(c),667.61(a)(d),667
. (A)(1),667(a)(I)

Charged Person (s): Jose Juan Passalacqua

City: Los Angeles

State: CA

The Purpose Of This Report:

The purpose of this report is to conduct a forensic examination on audio / video interviews / transcripts / written statements & police investigation methods and provide expert opinion. Items examined are listed above.

Client's Specific Area of Concern:

Coercive questioning, investigative methods and interrogation techniques used

Name of Defense Attorney(s):

N/A

The Offense Occurred in the State Of:

California

Police Agencies Involved:

Los Angeles PD, Van Nuys Div

General Background Information on Interview and Interrogation Techniques Used by Law Enforcement Agencies:

The primary difference between an interview and an interrogation is as follows:

Interview:

- Non-accusatory
- Purpose is to gather information
- Interviews are conducted earlier during an investigation
- Interviews are free flowing
- Notes are usually taken during the interview
- Interview room is generally set up for building relationship
- Interviews can be conducted in both informal and structured settings

Interrogations:

- Interrogations are accusatory
- Involves persuasive techniques
- Conducted in a controlled environment
- Interrogations are conducted only when the investigator is reasonably certain of the suspect's guilt.
- Investigators are trained not to take notes until after suspect has told the truth.
- Interview room set up with the interrogator facing the suspect in the personal space

Coercive Techniques During Interviews & Interrogations:

False confessions can be directly attributed to coercive techniques that may have been used by law enforcement during an interview or interrogation. In some cases, untrained interviewers may not recognize their line of questioning or style as coercive. Coercive techniques used during questioning should not be confused with “misconduct” by the interviewer, however, can still be responsible ultimately for false confession. Below are some examples of coercive techniques that could be attributed to a false confession that are not necessarily misconduct issues:

- Trauma, lack of sleep, sleep disruption or highly aggressive manipulative interrogation techniques used by the interviewer
- Convincing vulnerable persons (alcoholics, drug users) that they committed the offense during a “black out”
- Confusing the accused with his/her own words (narrative traps)
- That there is trace evidence, witnesses or physical evidence that ties them to a crime.
- In sexual assault cases the crime maybe minimized and suggest that if the accused confesses it will save the victim from testifying and they will be forgiven.
- In sexual offenses where consent was an issue the accused may be convinced, he just did not see the signs the partner was attempting to convey
- Convincing an accused, he had culpability of a crime by simple proximity to where the crime took place
- Investigators improperly vetting eyewitnesses / victims

Below are examples of improper techniques that could be considered misconduct issues. These techniques would be if used outside of their training.

- Suggesting that if the suspects confesses to the crime, they will receive a much less sentence (something the investigator has no control or authority to authorize)
- Witnesses who wrongfully identify an accused by manipulated photo line-ups by investigators and/or purposely failing to disclose exculpatory information during witness interviews.
- Tipping suspected persons off or implanting specific evidence prior to an interrogation that was found at the scene but not released to the public. Then during the interrogation, in some cases days later, construct specific questions where the suspect reveals the information.

Definitions & Terms

- **Vulnerable Persons –**
 - Person's who are **alcoholics or drug users**
 - **Sleep deprived** – This may make an individual susceptible to the use of coercive techniques by the interviewer
 - Person's with **mental disabilities**
 - A person who maybe involved in a relationship and has an emotional connection to both the alleged victim or friends in common to the alleged victim. These friends may place pressure on a suspect to confess so that the alleged victim gets closure. This is in some cases used in connection with “minimization” of the offense first such as IE: tricking a suspect into writing a confession masked as an apology letter, when the suspect believes that's all that is required with no further action.
 - A person who may have **deep seeded religious or political belief(s)** may also be vulnerable to manipulative tactics or coercive questioning by the interviewer.
 - A victim in a historical child sexual abuse case who is also implicated in offenses as an adult may be vulnerable if

interviewers target their **child sexual trauma** to minimize their culpability.

- A **low (IQ) Intelligence Quotient** may also affect a person's ability to articulate answers or not fully understand the questions asked. This may also be the case for persons that speak English as a second language.
 - Someone with an extreme emotional connection to family members or persons of authority over that person may also be vulnerable to manipulative tactics or coercive questioning by the interviewer when used as leverage.
-
- **Minimization** –is when an interviewer minimizes a suspect's culpability or involvement in a crime or provide less culpable reasons why to make it more likely for a suspect to confess. Treating a potential suspect as a witness is one tactic used. Another tactic used is when the interviewer suggests that by admitting to specific information it will be helpful for the suspects case.
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- **Maximization** - Overstating Strength of Case Against Suspect
 - Techniques to motivate the suspect into confessing by interrupting denials, accusing suspect of lying, false evidence ploys.
 - Conveying the interrogator's absolute certainty of the suspect's guilt.
-
- **Deductive Method of Investigation** - Deductive Method of Investigation refers to a model used when investigators only accept information that fits the initial theory, they have formed of how the crime occurred and who the prime suspects are. In this investigative method, adverse or exculpatory evidence is potentially ignored thus creating the framework for a specific

narrative the investigator is attempting to achieve. Public pressure to solve a case can also influence how investigators conduct an investigation potentially targeting wrong suspects due to lack of vetting information and the sources that provide this information.

- **Inductive Method of Investigation** - Inductive Method of Investigation refers to a model used when investigators accept all information during an investigation vetting and the source of the information for credibility as well as the information the source provides. If the information provided is credible but the source may not be due to conflict or may have an interest in the result of the investigation, a second source should be sought to corroborate the provided information.
- **“Predisposition”** – This is when an interviewer or investigator, due to the nature of a crime (personal distaste), misinformation or a personal belief disallows the possibility of an alternative narrative purposed by the suspect being interviewed. Conducting an interview having predisposition disallows an interviewer to be open to potential exculpatory facts that may dispute the original narrative provided by witnesses or victims.
- **“Narrative Trap”** where the question or series of questions that are asked are constructed in such a way by the interviewer that the context or purpose may not be understood completely by the suspect who provides an answer that may later become incriminating.
- **“Word Integration”** is when the interviewer integrates words that are more dramatic in nature or fit a specific narrative the interviewer is attempting to achieve. An example of this would be integrating the victim’s usage of the word “hit” to “wacked” or “gun” to “weapon”.

- **“Narrative Integration”** is when an interviewer attempts to feed specific words, phrases, or ideas masked through structured suggestive questioning to the subject.
- **“Narrative Compliance”** is when an interviewer attempts to control a specific narrative and line it up with the investigators theory of how the crime occurred. To do this the interviewer may use coercive techniques such as word integration, maximizations, minimizations or target vulnerabilities of the individual
- **Confession Compliance** is when a suspect concedes to the interviewers suggested narrative by the overwhelming use of coercive methods.
- **“Blackout Confession”**- Is a coercive line of questioning that attempts to solicit a confession targeting the vulnerability of person’s who are alcoholics or drug users, suggesting they committed the crime during a “blacked out”.
- **“Timecode Burns”** - Timecode burns on video is method of transparency to ensure that the video has not been tampered with or altered. Although this is just an indication, as audio / video editing software is now affordable and accessible to the average individual. A true test would be to have the video output forensically examined for an “edit footprint”.
- Examples of Enhanced Interrogation Techniques: ***(Generally not used by military or civilian law enforcement in the United States or Canada)***
 - beating,
 - binding in contorted stress positions,

- hooding,
- subjection to deafening noise,
- **sleep disruption,**
- **sleep deprivation to the point of hallucination,**
- **deprivation of food, drink, (Common in non-military interrogations)**
- **withholding medical care for wounds,**
- waterboarding,
- wall standing
- sexual humiliation,
- subjection to extreme heat or extreme cold,

Enhanced interrogation techniques (above) are for the most part never used by law enforcement agencies throughout the United States. The exception to this, in specific cases, is “sleep deprivation”. This may be an issue for example, if an interrogator knowingly wakes a suspect, who may be in lock up, in the middle of the night while in deep sleep. This may also apply if an interrogation commences after a suspect is detained ending a night shift for example or excessive unreasonable periods of interrogation style questioning.

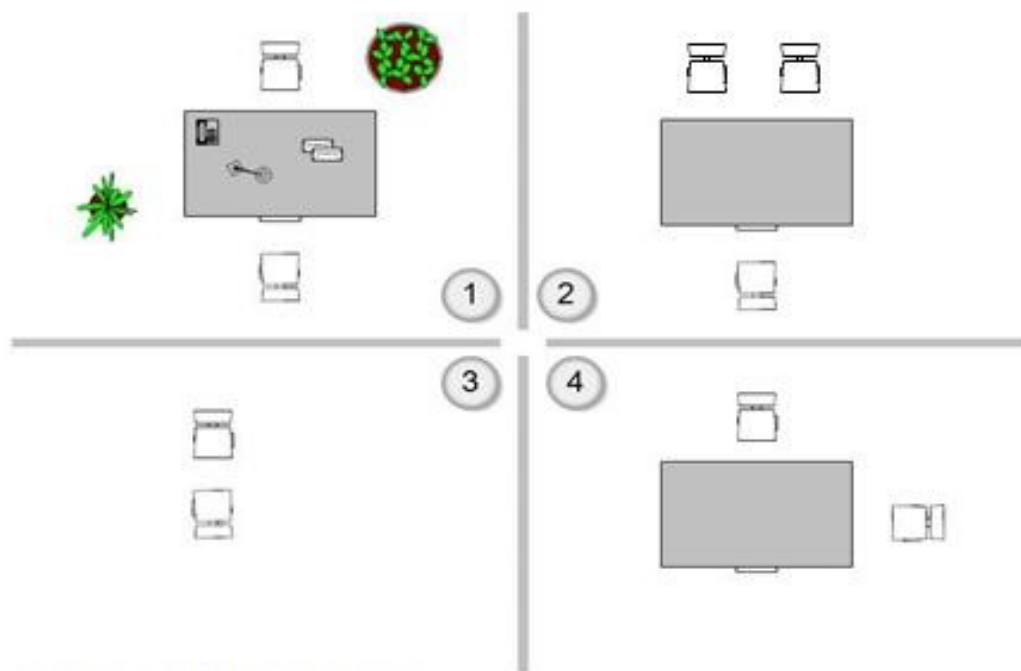
NOTE: THE ABOVE DEFINITION SECTION IS GENERAL IN NATURE AND SHOULD BE USED AS A POINT OF REFERENCE ONLY. NOT ALL INFORMATION STATED ABOVE APPLIES TO THIS REPORT.

How To Read This Report

Each interview is broken into sections called ITEMS. Each interview will have a technical breakdown which will include relevant technical

information on audio or video. You will notice in the report that there are different sizes of underlined text **BOLDING**. The purpose of this is to draw attention to specific area's of the text. The larger the text the more important the relevance to the examiners notes.

INTERVIEW ROOM CONFIGURATION



1. Informal Interview Setup
2. Formal Interview Setup
3. Interrogation Style
4. Intimate Interview Style (Witnesses / Victims)

NOTE: A soft interview room used specifically for women or children victims may contain living room style furnishings.

Examiners Notes & Opinions:

ITEM # 1 – EXAMINATION POLICE REPORT

PAGE 2 – “When Ashley's mother Monica arrived, she became angry accusing her of making up stories”

PAGE 6 -- When the officer spoke to Ashley's mother Monica she advised him that that an order was filed against her boyfriend Donald to keep him away from Ashley. She knew that Donald was too old for Ashley and did not want her getting pregnant. The officer writes: " Although her recollection was vague my partner and I along with Ashley checked all surrounding areas where she could have possibly been running from."

They also reveal they took a S.A.R.T rape kit recovered by Stotts and placed in evidence.

Report reveals that they transported Ashley to the S.A.R.T center where she was interviewed and examined by R.N. Marilyn Stotts.

Officer states that Ashley originally told him and his partner she was going to visit a friend named Caitlin. When confronted she then changed her story that she was visiting her boyfriend Donald and lied because her mother would have been mad knowing she was visiting Donald.

Ashley states to police that as soon as she felt safe she called her boyfriend Donald and his friend Josh which drove her to the Van Nuys police station.

NOTES & EXPERT OPINIONS

It is my expert opinion that Ashley had a motivation to not tell the truth about what had occurred. Documentation in the police report verifies this was the case. It is also my expert opinion that investigators based on this deception should have taken further precautions and vetted future information provided to them by Ashley unless corroborated by credible information.

ITEM # 2 – FORENSIC DOCUMENTARY EVIDENCE PROVIDED

STOTTS MEDICAL REPORT - FINDINGS

ITEM 1 - Assault Related Findings: - **No Findings**

ITEM 5 - Examine Vagina and Cervix - **No Findings**

ITEM 11 - Rectal Injury - **No Findings**

KEIR FORENSICS -- FINGERPRINT - EXHIBIT 1 - FINDINGS

1. The three camera's were examined for any preexisting latent prints.

Result: **There were no preexisting latent prints**

2. The latent was compared with the exemplar of Jose Juan Passalacqua Cil #09831275

Result: **Jose Juan Passalacqua was not the contributor to the latent.**

GORDON PLOTKIN REPORT – EXHIBIT 2 - FINDINGS

In the report Dr. PLOTKIN makes reference to the alleged victim Ashley O testimony in the preliminary transcript where she admits to lying voluntarily stating that she went in the car. She reported that she didn't get pulled in and didn't jump out of a window as she initially stated.

In the , SARTS examination, there is a report of some self cutting episodes by the victim.

The report makes reference that there was a suction injury on her neck reportedly from her boyfriend.

The Experts report also makes note that there was no evidence of trauma and the defendant and co-defendant were excluded in the DNA test.

ITEM # 3 – ASHLEY TESTIMONY - PART 1

PAGE 8 LINE 21 - PAGE 9 LINE 15 -leading

Q OKAY.

DID HE GET OUT?

A NO. HE TALKED WITH ME THROUGH THE WINDOW,
AND THEN HE GOT OUT.

Q WHAT KIND OF CAR WAS IT?

A A BLUE TRUCK.

Q AND CAN YOU DESCRIBE IT IN ANY FURTHER DETAIL?

A A BEAT UP, UGLY, OLD TRUCK.

Q AND WHEN YOU ,SAY T'RUCK, WAS IT THE KIND OF TRUCK
WHERE THERE IS AN OPEN PART IN THE BACK?

A NO. IT WAS COVERED. IT HAD A CAMPER.

Q LIKE A CAMPER SHELL?

A YES

Q AND DID IT HAVE ANYTHING UNUSUAL ON IT THAT YOU NOTICED

A STICKERS

Q DID YOU READ ANY OF THE STICKERS?

A NO

Q WHERE WERE THE STICKERS?

A ON THE GLASS WINDOW

Q WHICH WINDOW?

A IN THE BACK

Q DID THE PERSON WHO GOT OUT, DID HE APPROACH YOU?

A YES

PAGE 10 LINE 8 - 15 leading

A NO, HE JUST SAID THAT I WOULD MAKE A PRETTY MODEL.

Q IS THAT WHEN HE ASKED YOU ABOUT LOOKING AT HIS PORTFOLIO?

A YES.

Q DID HE HAND YOU A PORTFOLIO?

A NO. HE WALKED TO THE BACK OF HIS TRUCK. THE
BACK OF THE PASSENGER SIDE.

PAGE 12 LINE 22 - 27 why on the floor

A THE ONE THAT I IDENTIFIED IN COURT.

Q OKAY ..NOW, DID YOU GET INTO THE CAR VOLUNTARILY?

A YES.

Q AND WHERE DID YOU SIT?

A **ON THE FLOOR IN THE BACK.**

PAGE 13 LINE 10 - 21 leading

Q OKAY.

WHEN YOU ASKED TO GET OUT OF THE CAR, WHAT
HAPPENED?

A HE DIDN'T LET ME OUT OF THE CAR.

Q ALL RIGHT.

**DID ONE OF THEM HOLD YOU IN THE CAR, OR
RESTRAIN YOU IN SOME WAY?**

A YES.

PAGE 18 LINE 12 - 15 leading

Q **DID SOMEBODY TAKE YOUR PANTS OFF?**

A YES

Q WHO WAS THAT?

A THE SKINNY ONE DID.

PAGE 20 LINE 1 - 8 leading

Q AND WHAT DID HE USE TO TOUCH YOUR VAGINA

A HIS HAND

Q **DID HE USE A FINGER?**

A YES

Q **DID HE PUT IT INSIDE YOU?**

A NOT AT FIRST

PAGE 25 LINE 3 - 7 leading

Q WERE YOU ON THE BED AT THAT TIME?

A **NO I WAS SITTING ON IT.**

Q SITTING ON THE BED.

AND HE FORCED HIS PENIS INTO YOUR MOUTH

THAT CORRECT?

A YES.

PAGE 25 LINE 3 - 7 lie

Q DID YOU TALK TO THE POLICE

A YES

Q DID YOU TELL THEM WHAT HAPPENED

A YES

Q DID YOU TELL THEM ANYTHING DIFFERENT THAN WHAT YOU
HAVE TOLD ME TODAY?

A YES

Q WHAT DID YOU TELL THEM THAT WAS DIFFERENT?

A **I TOLD THEM AT FIRST THAT I WAS PULLED INTO A CAR.**

Q **AND THAT WASN'T TRUE YOU WENT VOLUNTARILY**

A **YES**

Q OKAY WHAT ELSE DID YOU TELL THEM?

A **THAT I JUMPED OUT A WINDOW**

Q **AND YOU NEVER JUMPED OUT A WINDOW**

A **RIGHT**

BY MR. FLEISCHMAN

Q DID YOU TESTIFY AS TO HOW OLD YOUR BOYFRIEND IS?

MS. WINSTON: OBJECTION. IRRELEVANT.

THE COURT: SUSTAINED.

THE WITNESS : HE IS NO LONGER MY BOYFRIEND, AND - -

THE COURT : YOU DON 'T NEED TO ANSWER .

BY MR. FLEISCHMAN

Q. HOW OLD IS DAVID THOMAS?

NOTES & EXPERT OPINIONS

It is my expert opinion that during examination the narrative was provided to Ashley by the State. Based on her deception in the past the questions were structured in my opinion so that the sought after narrative was provided. This is also the case when it came to asking how old Ashley's boyfriend was knowing there was evidence that there was an order preventing THOMAS her boyfriend from having contact with Ashley by Ashley's mother. This line of questioning was not allowed by the court which in my expert opinion suppressed critical evidence of a motive for Ashley to lie and provide a different narrative to police to avoid her mother knowing. Lack of forensic evidence shown in this report supports a false narrative provided by Ashley to start an investigation in the first place.

ITEM # 4 – ASHLEY TESTIMONY - PART 2

PAGE 692 LINE 21 - 18 Condom

QUESTION: AND HOW LONG WOULD YOU SAY THAT HIS PENIS WAS IN YOUR VAGINA, IF YOU KNOW?

ANSWER: FOUR MINUTES, MAYBE.

QUESTION: AT THE SAME TIME, THE SECOND GUY WAS HOLDING YOU DOWN?

ANSWER: YES.

QUESTION: AND THEN, DID HE FINALLY TAKE IT OUT ?

ANSWER: YES

QUESTION: **WAS HE WEARING A CONDOM?**

ANSWER: **NO**

WITH RESPECT TO THE OTHER INDIVIDUAL, READING FROM PAGE 22, BEGINNING AT LINE 11.

QUESTION: AND THE OTHER GUY HAD
INTERCOURSE WITH YOU. IS THAT CORRECT?

ANSWER: YES.

QUESTION: AND AFTER HE -- **DO YOU**
KNOW IF HE WAS WEARING A CONDOM?

ANSWER: **NO.**

QUESTION: **HE WASN'T?**

ANSWER: **HE WASN'T.**

NOTES & EXPERT OPINIONS

It is my expert opinion that the testimony above shows that both alleged suspects were not wearing condoms yet DNA tests show there was **no evidence of trauma** and both the **defendant and co-defendant were excluded in the DNA test.**

ITEM # 5 – DETECTIVE JOHN EUM - PHOTO LINEUP SIX PACK

NOTES & EXPERT OPINIONS

It is my expert opinion EUM talks about using a six-pack photo line up however doesn't go through the process of how Ashley was shown the photo cards and what conversations had taken place during the selection process. Due to the fact both suspects were not known to ASHLEY and she had a history of being deceptive, it is critical to know

what conversations took place when investigators were showing Ashley the six-pack photo lineup. The reason why this is important in my expert opinion, is that the investigators already relied on evidence provided by ASHLEY they knew was false and commented on such evidence as being false. It is my expert opinion that based on this previous history of ASHLEY and the investigators the conversations that took place during the selection of the two suspects is critical and should not be considered automatically credible based on the deception of ASHLEY already confirmed by the Investigators.

PAGE 1229 LINE 1 - 9 - misinformation

REDIRECT

Q YOU HAVE NO RECOLLECTION AS YOU SIT HERE NOW?

A MY RECOLLECTION IS THAT SHE -- YOU HAVE TO

UNDERSTAND, **WE HAVE SEVERAL DIFFERENT STORIES OF -- OF HOW SHE CAME OUT OF THE HOUSE.**

Q OKAY.

A AND THE RECOLLECTION WAS THAT SHE CAME OUT OF THE HOUSE, AND I GUESS THEY -- **WHATEVER I WROTE THERE IS WHAT I REMEMBERED, IS THEY RAN OUT -- HE -- SHE RAN OUT** OF THE HOUSE, AND THEY FOLLOWED HER DOWN.

Q OKAY. YOU DO REMEMBER THAT?

A YES

ITEM # 6 – DETECTIVE SHAPIRO PRELIMINARY TESTIMONY

PAGE 44 LINE 1 - 9 --- cross with fingerprint report

A WELL, DURING THE SEARCH WE FOUND CAMERAS AND COMPUTER. THE PICTURES WERE EVENTUALLY DOWNLOADED FROM HIS DIGITAL CAMERA WHICH WERE PICTURES OF THE VICTIM.

Q IN THE COMPROMISING POSITIONS?

A VARIOUS SEXUALLY EXPLICIT POSES.

KEIR FORENSICS -- FINGERPRINT - EXHIBIT 1 - FINDINGS

1. The three camera's were examined for any preexisting latent prints.

Result: There were no preexisting latent prints

2. The latent was compared with the exemplar of Jose Juan Passalacqua Cil #09831275

Result: Jose Juan Passalacqua was not the contributor to the latent.

**(DEFENSE EXHIBIT "A", MARKED FOR
IDENTIFICATION, DNA RESULTS.)**

*** Note Ashley had stated they did not use condom***

PAGE 44 LINE 1 - 9

Q DO YOU KNOW THE RESULTS OF THE DNA TEST?

A YES I DO

**Q ISN'T IT TRUE THAT THE REPORT EXCLUDES JOSE
PASSALQUA AS POTENTIAL CONTRIBUTOR TO THE MIXTURE?**

**A I WOULD HAVE TO REVIEW MY REPORT TO SEE EXACTLY
WORD FOR WORD**

**Q WELL IN GENERAL TERMS ISN'T IT TRUE THAT THE DNA
TESTS EXCLUDED THE DEFENDANT FROM POSITIVE RAPE
RESULTS**

STATE OBJECTS

COURT SUSTAINS

**Q DID YOU EVER ESTABLISH THAT THERE WAS ANY MALE DNA
IN THE VICTIMS VAGINA**

STATE OBJECTS

COURT SUSTAINS

NOTES & EXPERT OPINIONS

It is my expert opinion ONCE AGAIN that an attempt to bring in critical exculpatory evidence of DNA testing showing the defendant Jose Juan Passalacqua was not a contributor was suppressed by the court.

ITEM # 7 – DETECTIVE SHAPIRO PRELIMINARY TESTIMONY

PAGE 1015 LINE 21 - 28

Q OKAY AND DID YOU SHOW THIS BLANKET TO ASHLEY

A **NO.**

**Q AND HOW DID YOU DETERMINE THAT THAT WAS
ASHLEY'S BLANKET?**

A BECAUSE SHE SAID THAT WAS THE ONE **SHE THINKS SHE**
LEFT BEHIND SHE DIDN'T HAVE IT WHEN SHE LEFT.

FINAL COMMENTS AND OPINION: Upon examination of documents and testimony for this report the following is my final opinions:

1. It is my expert opinion there were a significant amount of failures by law enforcement during this investigation. It is my expert opinion that even with the knowledge that the alleged victim Ashley had misled them, then admitting to lying to law enforcement about what occurred, they kept using her version of events as factual, while having documentary forensic evidence, medical, DNA and latent prints not supporting her narrative she provided. It is also my expert opinion that had law enforcement followed credible evidence which was in plain sight, charges would have never been laid against PASSALACQUA as there was no credible evidence to support them.

This forensic opinion report is created as a result of examining specific documents provided by the client (stated above). The expert's examination notes, opinions and comments provided in this report are only based on the documents that were provided to the examiner and are in no way representative of the complete case. This report in no way offers or represents a legal opinion and thus should not be relied upon for that purpose. Criminal Case Consultants Inc. provides analysis on the contents of interrogations, witness statements, interviews, court testimony, police notes and investigative methods. The comments, expert opinions and findings in this report are solely based on supporting documentation provided by the client and expert opinions are that of the expert. This report is private and confidential, and its distribution should be authorized by the author.

I have reviewed the materials provided for this report and provided an expert opinion.



Brian Leslie
Forensic Expert
Coercive Interrogation and Interview Techniques
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EXHIBIT 2

CONFIDENTIAL PSYCHIATRIC EVALUATION

February 11, 2008

Monica Salz
Deputy Alternate Public Defender
14553 Delano Street, Suite 211
Van Nuys, CA 91411
Telephone: (818) 901-4900
Fax: (818) 902-2430

RE: PEOPLE vs. JOSE PASSALAUQA
Case No.: LA055507

Dear Ms. Salz:

Pursuant to your letters dated 12-18-07 and 1-30-08, and court orders from 12-11-07 and 1-22-08, I have evaluated the defendant, Jose Passalauqa, for the purposes of a confidential psychiatric evaluation.

Statement of Non-Confidentiality: The defendant was explained the potential lack of confidentiality inherent in this evaluation and appeared to understand.

Sources of Information: The following data was reviewed prior to interviewing the defendant on 2-4-08: Letters and court orders, photo lineup, felony complaint, investigative and follow up reports from 4-11-07 and 4-13-07, probable cause statement, property report, search warrant documents, CLETS report on the defendant and codefendant, preliminary hearing transcript from 9-25-07, and SART examination from 4-12-07.

Summary of Opinion:

1. The defendant does not have a major mental disorder.
2. Opinion regarding discovery data and interview with the defendant is contained at the end of this report.

Background Information:

The defendant is currently charged with numerous sexual offenses as outlined in the felony complaint. He has priors for an older assault and a controlled substance violation.

The victim, a 16 year old female, alleged that she was sexually assaulted by the defendant and codefendant.

The details of her statements are contained in the police reports and preliminary hearing transcript.

Allegedly, the victim had a boyfriend of two years and a history of violence and missing school. She did not have bruises or other evidence of trauma (except some preexisting lesions) on her skin.

She told investigators that she voluntarily went into the vehicle and was told the defendant was a pornography producer. She alleged that she had escaped the apartment and then was dragged back in and was initially pulled into the vehicle initially. She later recanted this statement.

The defendant's history includes convictions for theft, possession of controlled substance paraphernalia, and possession of a controlled substance.

The details of the alleged crime are outlined in the preliminary hearing transcript also, which includes her voluntarily stating that she went into the car. She alleged there was a knife in view. She reported that she didn't get pulled in and didn't jump out of the window as she had initially stated.

In the SARTS examination, there is a report of some self cutting episodes by the victim and a one week psychiatric hospitalization in 3-04 and treatment with Lexapro (the antidepressant medication). She had an abrasion of 3 mm in her lip which was not related to the assault. She had a suction injury from neck, reportedly from the boyfriend, and an abrasion on her buttocks of unknown origin. She had a popliteal (behind the knee) bruise of unknown origin and had shaven pubic hair. There was no evidence of trauma. It is noted that the defendant and codefendant were excluded in the DNA test, but there was DNA from an unidentified male.

In my interview with the defendant, he had good eye contact, related well, and had a good sense of humor. He fully understood the voluntary nature of the interview and the purpose of my retention on this case.

He had never been evaluated by a psychiatrist or a psychologist as an adult, but may have had psychiatric or psychological evaluations as a juvenile.

He was fully able to outline the prosecution case in this matter. He had no significant medical history other than a leg and arm fracture. He has never had head injuries, seizures, or significant loss of consciousness.

He drinks to intoxication at times, but has never had the shakes, DT's, or alcohol withdrawal. He has used marijuana at times on the weekends in a recreational manner, and occasionally experiments with cocaine, along with methamphetamine in the past.

In the last five years he has not used cocaine. He has not used methamphetamine for

approximately one year.

He denied any psychotic or mood symptoms.

He has had some community college after not finishing high school.

He reported his version of the alleged crime. He was interested in the girl (victim), but reported that she did not state she was a minor. He reported he had made assumptions that she was 18 years old. She did not tell him otherwise. He told me there were no seats in the back of the car because it was undergoing restoration of the carpeting. His description of this was entirely plausible.

He alleged the victim told him she was a "stripper." He believed because she wanted him to take her in the direction of Gotham City, a strip club he was aware of, that this story was accurate.

He reported during the incident, she was having conversations and arguments with her boyfriend via cell phone. He reported she was interested in his hobby of taking photos. They viewed some pornography on the computer, and photos. She eventually requested that he drive her home.

He reported he had complied, dropped her off down the street, because she did not want to give him the direct address. He reported she was crying and arguing with her boyfriend on the cell phone.

He reported she willingly participated in the photos, at one point asked him for a condom and she willingly participated and may have even been the aggressor to some extent.

Opinion Regarding the Victim and Mitigating Factors:

Obviously, if we review the SARTS assessment, there is data to suggest that the victim was a post-pubescent female with grooming suggestive of older than her stated age. The SARTS assessment suggests a sexually active individual, or at least a sexually knowledgeable individual, replete with suction injuries (hickeys) from the week before, and mostly shaved or closely cropped pubic hair. The only evidence of her age possibly was her braces. Her physical examination was inconsistent with the alleged assault.

At the very least, this defendant is guilty of poor judgment, but surely his recollection of events is plausible and without other data, I am left to conclude that there is no reliable data which would confirm the victim's allegations.

Thank you for the opportunity to evaluate this defendant. Should you have questions, please feel free to call me at my office (310) 277-6677.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Gordon Plotkin', with a stylized flourish at the end.

GORDON PLOTKIN, M.D., Ph.D.

Diplomate American Board of Psychiatry and Neurology

Raymond E. Anderson, Ph.D., Director
Lic. No. Psy 1352
Pacific Professional Associates, Inc. a private non-profit corporation

April 15, 2008

Monica Saltz, Esq.
Deputy Alternate Public Defender
14553 Delano Street, Suite 211
Van Nuys, California 91411

Re: Jose Juan Passalacqua

Dear Ms. Saltz,

At your request and pursuant to the appropriate Sections of the Evidence Code, Mr. Passalacqua was examined on 1/3/08 and 3/26/08 at Men's Central Jail. Prior to drafting this report, I reviewed the following documents:

1. 10 pages of Photo Line-up Witness Cards and photos and a 1-page City Attorney Disclosure Statement dated 4/11/07
2. A 7-page Northridge Hospital Medical Center Medicolegal Examination Report by Marilyn Stotts, RNP-SANE-A, and an 8-page State of California Forensic Medical Report dated 4/11/07,
3. a 3-page Northridge Hospital Medical Center Medicolegal Examination Report by Virginia Gladwin RN, SANE, and a 5-page State of California Forensic Medical Report dated 4/12/07,
4. 3 and 1-page Los Angeles Police Department Property Reports dated 4/12/07,
5. A 1-page State of California Department of California Highway Patrol Vehicle Report dated 4/12/07,
6. A 1-page Declaration of Probable Cause, and a 1-page Probable Cause Determination dated 4/12/07,
7. A 14-page State of California – County of Los Angeles Search Warrant and Affidavit, dated 4/12/07
8. a 3-page Northridge Hospital Medical Center Medicolegal Examination Report dated 4/13/07 by Ann Allison, RNC-NP, SANE-A,
9. a 3-page Los Angeles Police Department Arrest Report dated 4/11/07 with a Booking Approval,

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10. a 7-page Los Angeles Police Department Investigative Report dated 4/11/07,
11. a 5-page Los Angeles Police Department Follow-up Investigation Report dated 4/13/07,
12. 32 pages of criminal history transcripts,
13. a 1-page Los Angeles Police Department Analyzed Evidence Report dated 7/23/07,
14. a 3-page Report of Laboratory Examination dated 8/10/07, and a 4-page Report dated 8/22/07, and
15. A 52-page Reporter's Transcript of Preliminary Hearing in the Superior Court of the State of California for the County of Los Angeles on 9/25/07,
16. And a 10-page Superior Court of the State of California for the County of Los Angeles Arraignment Hearing Information Summary dated 10/29/07.

PURPOSE: Mr. Passalaqua is accused of forcibly raping a 16 year old female in concert with his brother. Accordingly, the purpose of the present diagnostic study was to generally identify important aspects of the defendant's personality functioning and examine them in the light of the offense described in the above documents. The issue of Mr. Passalaqua's similarity, or dissimilarity to known habitual rape offenders was a special focus of the diagnostic study. Developing disposition options was a related and important focus as well.

DESCRIPTION OF EXAMINATION: The examination included an extensive clinical interview and the administration and interpretation of 4 standardized, inventory-style psychological tests. Three of these instruments are designed to assess general personality functioning that are indirectly related to sexual offense; one is designed to probe aspects of personality and sexual functioning issues specific to sexual offending.

The Thorne Sex Inventory is powerful enough by itself to classify, categorize or type examinees as to whether they are sexually disordered or not at reasonably high levels of confidence. The more agreement between various instruments, however, the more likely the resulting diagnostic view is correct. Basically, the final diagnostic determination is a synthesis of the test results and the clinical findings.

DIAGNOSTIC INSTRUMENTS EMPLOYED

Below, I have listed the names of the various tests or measures administered during this diagnostic study along with the typical shorthand expressions by which each is also sometimes known.

NAME OF INSTRUMENT

OTHER DESIGNATION

Minnesota Multiphasic Personality Inventory
Taylor-Johnson Temperament Analysis
Modified Thorne Sex Inventory
Full Thorne Sex Inventory

MMPI
T-JTA
None
None

For the purposes of this diagnostic study, the first 2 tests beginning with the Minnesota Multiphasic Personality Inventory were used either to make a standard psychiatric diagnosis if it is present or to measure different personality functioning traits like social withdrawal, intimacy deficits, self esteem, empathy and self discipline. Some of these more typical diagnoses and all of the above more personality functioning traits or deficits and more may be directly or indirectly related to a sexual diagnosis.

The last 4 tests beginning with the Modified Thorne Sex Inventory have been related by a number of research studies to various diagnostic groups of sexual offenders. Focusing specifically on sexual attitudes and behaviors as they do, these tests may be the most powerful inventory style diagnostic instruments we have in the sex offense area.

QUALIFICATIONS OF THE EXAMINER

My qualifications specific to rendering an opinion on Mr. Passalaqua may be derived from the curriculum vita that you already have. Briefly, however, I began my specialized work in the assessment and treatment of sex offender patients in 1966 when I was appointed the Chief Psychologist of the Wisconsin Sex Crimes Facility. From 1966 to 1972, it was my responsibility to coordinate all the inpatient treatment for identified sex offenders in the State of Wisconsin.

At that time, I began my experience in the measurement of physiological variables related to sexual arousal or interest. Since then, I have directed two community treatment programs for the outpatient treatment of these offenders and have acted as a staff psychologist in a third program that served both violent offenders and sexual offenders. During my continuous specialization in this field since 1966, I have conducted several research projects designed to advance the understanding and improve the assessment of sex offender patients.

SUMMARY AND OVERVIEW OF FINDINGS AND OPINIONS

Basically, the most important task in this type of examination is to classify the offender in one of the 2 broad categories of sexual offender. The categories are:

- 1) The offender that suffers from a specific internal sexual disorder predisposing him to rape offense. This sexual disorder is sometimes referred to as preferential rape disorder.

- 2) and the offender who has committed the sexual crime for situational or accidental reasons or to replace a more normal but unavailable type of sexual contact. Numerically, this is by far the most likely category for a rape offender and, in fact, many diagnosticians believe that it is the only category. That is, these diagnosticians do not believe that any rape offense is the result of a sexual disorder.

This classification as preference-mediated or situationally-mediated rape offender rather dramatically simplifies the diagnostic discussion. To be sure, distinguishing situational from preferential causes does require some analysis. In fact, the determination requires a review of the alleged offense details and an analysis of the offender's social interaction skills and comfort, his personality organization and functioning and his sexual arousal pattern. An analysis of the offender's sexual attitudes or "offense-tolerant" attitudes may also be of importance in these cases.

Both testing and clinical indications are that Mr. Passalaqua is actually not similar to either preference mediated or to situationally mediated rape offenders in his personality and sexual functioning. He does not appear to suffer from the narrowly focused abnormal sexual attitudes and interests we see in the typical preference mediated rape offender nor does he show evidence of the general personality traits we expect to see in these sexually disordered offenders. Unlike most preference mediated rape offenders, Mr. Passalaqua is adequately socially active, has few, if any, intimacy deficits is not particularly self absorbed and is assertive rather than aggressive or unassertive in his social problem solving style.

Nor does this man show testing or clinical evidence of the personality traits we see in the typical situational rape offender. Especially, he shows no clinical or testing signs of the repressed anger or hostility we almost always see in the situational rape offender. He also appears to be more self-disciplined and more sensitive to the rights of others than the typical situational rape offender.

The above is by no means the same as asserting that Mr. Passalaqua is, in fact, wrongfully accused in this case. He may, of course, be sexually abnormal and this diagnostic study has failed to detect it. In the more likely event that his sexual and personal functioning falls within broad normal limits, he may still have engaged in behavior that is unusual and atypical for him. The most exhaustive and revealing psychological examination can do no more than reveal what the examinee's typical behavior would most likely be, not what it could be under any circumstances.

Despite the inability to shed light on possible past behavior, this type of psychological and sexual functioning information, however, can be useful in an adjunctive or ancillary way as part of the motivational evidence in legal cases. This would be especially true in cases where the facts of the case permit several interpretations.

What follows, is a more detailed description of the defendant's personality functioning, and a summary of the traits or attitudes that may hamper or enhance his judgment or

interpersonal functioning. The conclusions that may reasonably be drawn from these findings are also discussed in the report. The rest of the report is, in other words, the detailed evidence on which the above summary was based.

PERSONALITY CONFIGURATION AND ADJUSTMENT STYLE

DIAGNOSIS: Mr. Passalaqua does not appear to suffer from a clearly diagnosable psychiatric disorder of either psychotic or major neurotic proportion. No serious psychological abnormalities have been noted in this case. In fact, it would be difficult to categorize him according to any of the authoritative diagnostic manuals such as the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV) or the Tenth Revision of the International Classification of Diseases (ICD-10).

Ordinarily, it is possible to classify the examinee who has committed offenses such as those described in this case in one of the less precise, more controversial categories. This would be truer, perhaps, for the situational offender than for the preference mediated offender. These would be diagnostic categories such as attention deficit disorder, adjustment disorder, personality disorder or anxiety disorder. No such lesser category of psychiatric disturbance could be defended in this case. This absence of at least an attention deficit disorder would, of course, be consistent with the defendant's denial of guilt but it should not be viewed as a proof of this denial.

Assuming a plea or a finding of guilty, however, this absence of sexual or personality functioning psychopathology would be a strong indication that any offense behavior this man may have committed would most likely be "out of character" and that we may reasonably anticipate offense-free behavior during any treatment and supervision period making this assumption.

PERSONAL HISTORY: Born in Inglewood, California to a united family, Mr. Passalaqua was the 3rd of 8 children. There were 5 boys and 3 girls. The children older than him are an older brother and an older sister. The children are evenly spaced as to age. That is, each child is a year or 2 younger than the preceding child. The mother is described as loving and very child oriented. She took the children to school and worked with them very closely throughout their childhood. She was also very close to her mother and looked out for her mother. The father was described as warm hearted and charismatic. Both parents were hard workers and often worked until late, Mr. Passalaqua says. The father worked in maintenance and as an aircraft mechanic. The mother worked as a clerk or cashier/manager.

Mr. Passalaqua began elementary school in Inglewood and did well in both reading and math, according to his report. Math was not his favorite subject he concedes but asserts that his grades in math were reasonably good. When he was about 8 years of age, the family moved to Van Nuys and Mr. Passalaqua attended Valerio Elementary School. He describes it as a "fun school" where he had a number of friends. He was a ball monitor and often stayed after school to participate in playing caroms or sports of various kinds.

He describes himself as being a leader in elementary school. He did well scholastically and was never held back a year.

He attended Robert Fulton Jr. High School. He describes that as also being a fun school and notes that he was 1 of the best runners in school. He believes he ran the mile in 6 minutes when he was attending that school. He especially enjoyed the woodcraft class and would stay after school in order to participate in various projects in the woodshop. He had a group of friends that participated with him in various school activities. Again, he often stayed after school also to play caroms or to engage in various sports.

He attended Van Nuys High School. By that time, he was very involved in soccer and he often played at the school after school hours. During this period, he also belonged to a soccer team through a park league. He finally dropped out of school after the 11th grade except for attending 2 early periods in the 12th grade. He was having some trouble with some of the students that were members of a tagging crew and he felt it was unsafe to attend the later classes. He did make up his work at Will Rogers Continuation School and in adult school. He finally attended Pierce College for a time.

After high school, he worked in the film industry as a production assistant for various assistant directors or other officials. He did that for about 4 years. He worked for Warner Brothers, Kyle Films and Paramount during this period. Primarily, his job was to prepare the work for his boss and help in a variety of ways.

During most of his work history, he has worked in electronic repairs. He repaired or serviced cell phones, FAX machines and other electronic equipment for a number of employers. He has worked for his present firm for the past 2 ½ years. During most of his work career, he worked 2 jobs. He has worked as a tow truck driver and at other specialties as a 2nd job.

RESULTING PERSONALITY STRUCTURE: In searching for a sexual disorder like preferential rape disorder, diagnosticians pay particular attention to the early developmental period of the offender (the period from birth to roughly 10 years of age). There is research evidence to strongly suggest that a dramatic failure in emotional bonding to the parents during this period can be associated with various types of sexual disorder. Mr. Passalaqua's early developmental period, by contrast, appears to have been entirely positive.

In response to these basically positive early formative and guiding influences, Mr. Passalaqua has developed a fairly adaptive set of enduring action dispositions and social perception assumptions about his social world. He does value recreation and socializing and has an adequate number of friends. Unlike preference mediated rape offenders, he accepts himself and has a high degree of self-esteem. His view of himself is not only positive; it is also reasonably accurate in its detail.

His perception of personal boundaries is adequate, or nearly so. This is clinically obvious and it is reflected by his rather high scoring in the "improvement desirable" range of the

Taylor Johnson. That is, his score on this scale was nearly in the "acceptable" range of the scale.

MENTAL STATUS: Sometimes the existence of a major mental illness increases offense potential even in offenders who are not otherwise predisposed to rape offense. Mr. Passalaqua clearly suffers from no major psychological illness. He denies hallucinations and delusional thinking is not in evidence. He is oriented to time, place, and person and his verbal productions are both logical and sequential. His emotions vary within a range likely to be appropriate to his surroundings and there are no other signs of possible underlying psychotic disorder. He has a good base of emotional comfort and general stability.

TRAITS, CONFLICTS AND ADJUSTMENT STYLE: Unlike most preference mediated rape offenders and even unlike most aggravated situational rape offenders, Mr. Passalaqua appears to be an adequately socially active man. This is clear clinically and it is also reflected by his adequate scoring on the Active/Social Scale of the Taylor Johnson. His scoring on the Social Introversion/Extroversion Scale of the MMPI would also place him in the population average group with respect to the level of social interaction.

Unlike most preference mediated rape offenders, Mr. Passalaqua appears to have few, if any, intimacy deficits. This is clinically apparent and also corroborated by his reasonably high scoring on the Expressive/Responsive Scale of the Taylor Johnson. That is, Mr. Passalaqua is able to openly express feelings of warmth and affection toward others and is also able to respond appropriately to feelings of warmth and affection directed toward him by others. Basically, he is friendly and cordial. He can be talkative and may express himself with animation and enthusiasm.

Unlike preference mediated rape offenders and unlike many situational rape offenders, Mr. Passalaqua is not particularly self involved. In fact, his social perception is fairly accurate and objective. This is quite apparent clinically and the clinical impression is strengthened by his excellent scoring on the Objective/Subjective Scale of the Taylor Johnson.

Both testing and clinical indications are that Mr. Passalaqua defends his legitimate rights in emotionally honest ways and without violating the rights of others. Far from adopting the insensitive or callously self-serving approach of at least some situational rape offenders, indications are that he holds others in respect and is careful to look at problems from their point of view in conflict situations.

We expect to see rather high levels of anger or repressed range in the situational rape offender (but paradoxically not necessarily in the preference mediated rape offender). Mr. Passalaqua's scoring on the Hostile Scale of the Taylor Johnson and on several scales of the MMPI would appear to separate him from this situational rape offender group.

Mr. Passalaqua's scores on the Thorne Sex Inventory are well within normal limits and are very different from those of known, habitual sexual offenders whether the offender is

a situationally or preferentially motivated rape offender. The Thorne Sex Inventory is the most powerful of the inventory procedures we use to differentiate sexual offenders from normals.

The Masculinity/Femininity Scale of the MMPI tends to be high in some rape offenders, particularly in preference mediated offender. This is a negative sign when it occurs. Mr. Passalaqua's Mf Scale was unusually low indicating unusually high traditional male interests such as high performance goals, sports-mindedness, protective interests and self-esteem, pride, honor etc. Sometimes, males scoring this low on the MMPI will be unreasonably domineering. This man does not appear to be particularly domineering. This is clear upon clinical examination and it is confirmed also by his scoring in the assertive range of the Dominant/Submissive Scale of the Taylor Johnson.

Frequently preferential or situational rape offenders will sexualize encounters in their lives that most neutral observers would agree are sexual only in the minds of the offenders. There was no evidence of this "oversexualization" of non-sexual encounters. In fact, Mr. Passalaqua's scoring on the Sex Drive and interest Scale of the Thorne Sex Inventory is rather low for a man of 32.

SEXUAL HISTORY: The most powerful indices of serious and socially dangerous sexual psycho pathology are the most direct ones (or the ones that are most sexual in nature). These would include:

- 1) the offender's sexual history,
- 2) the details of the offense behavior, if confirmed,
- 3) the sexual attitude and belief data and
- 4) other more direct indications of sexual arousal pattern.

Mr. Passalaqua's sexual history is well within normal limits both as to milestones and as to the type of behavior reported. He began dating at 17. He had a girlfriend for the 1st time during that period. He has had 10 or 15 different girlfriends that he was serious enough about so that he eventually had sexual relations with them. He has always engaged in protected sex, he says, and has been cautious in his sexual contacts. He has a fiancée though he was having some tension with her at the time of his arrest.

DISCUSSION

Indications are clear that Mr. Passalaqua's sexual attitudes and his personality functioning are well within broad normal limits. There is little if any similarity between his sexual and personality functioning and that of either preference mediated or situational rape offenders. Obviously, the normal fact finding procedures are the ones most likely to lead to a determination of what actually occurred in this case.

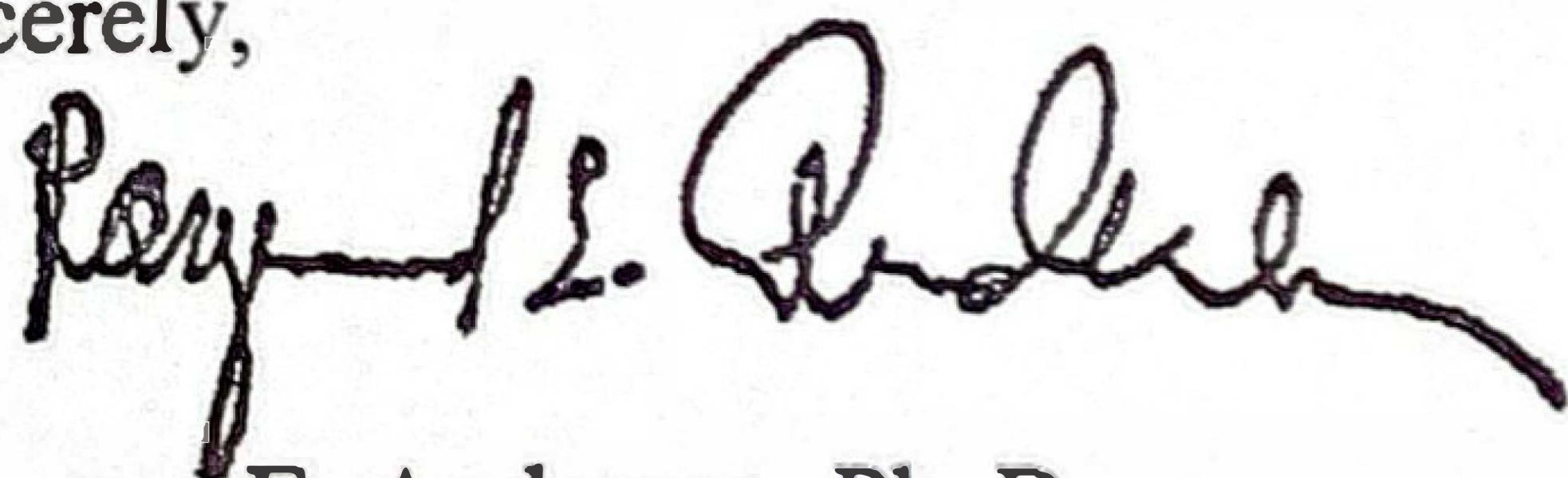
In this case, there is a concern at this time as to whether the alleged victim's claims against Mr. Passalaqua are accurate or not. To be sure, there is a concern in the profession of psychology and elsewhere regarding inaccurate claims especially in the area of child or adolescent sexual abuse. These concerns are serious enough to have led to methods under the general rubric of Statement Validity Analysis that attempt to discern which claims are accurate and which are not (Cederborg & Lamb, 2006; Vrij, Akehurst, Soukara, & Bull, 2002). While there are mixed reviews regarding the accuracy of these methods that have been developed, it is clinically obvious that the methods, if they are effective at all, are mainly effective with younger children than the alleged victim in this case.

With the younger victims, false reports are more often caused by direct adult influence or by a child's wish to be like another child that is known to have been molested. The false reports of older children, by contrast, tend to have to do more with the personal fears or motivations of the alleged victims themselves. Sometimes adolescent alleged victims will invent incidents to escape rejection or punishment by adults or to gain freedoms that the parents are not inclined to permit.

On occasion, the adolescent false reporter will invent an incident to draw attention to themselves. While there are psychological methods that may identify self concept problems or even tendencies to blame others in adolescents, none of these psychological methods are refined enough or sufficiently researched to reliably differentiate the false reporters from the objective ones.

To preserve the clarity and sequence of communication in this report, I have focused and summarized throughout. This reporting style has limited the discussion of side issues, but it permits me to offer a more logically coherent description of the complex factors involved in Mr. Passalaqua's case. Please contact me for any needed specification, clarification or elaboration.

Sincerely,



Raymond E. Anderson, Ph. D.
License Number Psy 1352

References

- Cederborg, A.C., & Lamb, M.E. (2006). How does the legal system respond when children with learning difficulties are victimized? *Child Abuse Negl*, 30(5), 537-547.
- Vrij, A., Akehurst, L., Soukara, S., & Bull, R. (2002). Will the truth come out? the effect of deception, age, status, coaching, and social skills on CBCA scores. *Law Hum Behav*, 26(3), 261-283.



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EXPERT CV

Brian Leslie is a coercive interrogation & interview techniques expert, with over 14 years of previous law enforcement experience which includes major case investigation and specialized training, as well as a term serving as Chief of Police. Throughout Mr. Leslie's law enforcement career, he has conducted over 2000 interviews with witnesses / victims including interrogations. He is regularly retained to examine, investigative methods used by law enforcement as well as examine the contents of written, video and audio witness / victim interviews, suspect interviews and interrogations (audio, video and written transcripts) that were conducted by law enforcement and forensic interviews conducted by child protection service agencies in both the United States and Canada. Mr. Leslie has testified and been qualified as an expert in Federal, State and Military Courts throughout the United States.

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Policing History

1978 – 1981 Hinton Police Service - Alberta
1981 – 1982 Luseland Police Service – Saskatchewan
1982 – 1983 Weyburn Police Service – Saskatchewan
1984 – 1987 Macklin Police Service – Saskatchewan
(1985 -1987) Promoted To Chief Of Police
1987 – 1993 Sarnia Police Service - Ontario

Formal Education

1977 – 1978 Mount Royal College (Presently Mount Royal University) – Police Sciences
1978 – 1979 Basic Police Training - Edmonton Alberta

Books Published (*Distributed Globally*)

- 2012 – *Reaction Analysis Profiling*
- 2014 – *Deception of a Witness*
- 2016 – *Visual Liar*

Criminal Case Consultants - 2011 - Present

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Article Contributor

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- Do People Give False Confessions? All Too Often

2. HUMAN RIGHTS DEFENSE CENTER -- CRIMINAL LEGAL NEWS

- The Dominant Witness Theory: How Eyewitness Identification Becomes Flawed -

- How Coercive Interrogations Can Lead to a False Confession

3. NATIONAL TRIAL LAWYERS

- 3 Ways Coercive Questioning Brings False Confessions, Wrongful Convictions

4. FORENSIC MAGAZINE

- Expert: Wrongful Convictions Can be Reduced by 30 Percent

5. THE FORENSIC GAZETTE

- Police Criminal Investigations Are Commonly Carried Out Using A Deductive Method

KEYNOTE SPEAKER / PRESENTER

East Coast Forensic Conference

Topic – “Coercive Interrogation Techniques” – Baton Rouge, Louisiana
August 9 – 10 , 2018

Minnesota State Public Defenders

(State Conference) Topic – “Coercive Interrogation Techniques” – BRAINERD,
MN - OCTOBER 10 -12, 2019

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National Media Interviews: Case Coverage as an Expert in Coercive Interrogation & Interviews





DEPARTMENT OF THE ARMY
UNITED STATES MILITARY ACADEMY
TRIAL DEFENSE SERVICES
THAYER HALL, ROOM 206
WEST POINT, NY 10996

MAJA-TDS

27 February 2018

MEMORANDUM FOR Record

SUBJECT: Documenting Mr. Brian Leslie's Expert-Consultant and Testifying Expert's Assistance – CDT Trevon Turner's Formal Board (Army Regulation [AR] 15-6's Formal Board), Based on an Allegation of a Sexual Assault, under Article 120, Uniform Code of Military Justice

1. On behalf of CDT Turner, the Respondent at a Formal AR 15-6 Board, I want to document the following achievement:
 - a. Mr. Brian Leslie was an expert-consultant and a testifying expert at CDT's Turner Board. The Board had to decide whether CDT Turner committed an offence of sexual assault. The alleged victim refused to testify, and the only evidence against the Respondent was the statement from the alleged victim's former boyfriend.
 - b. CDT Turner was questioned by an Agent from a Criminal Investigation Division (CID), Special Agent (SA) Berry. CDT Turner, who was only 18 at that time, explained to SA Berry the events of the night, when he and the alleged victim had sexual intercourse, describing it as a consensual encounter. After hours of keeping CDT Turner at the CID, SA Berry pressured the teenager to put himself into the shoes of the alleged victim and name how the crime would have been called if someone would have had sex with her without her consent. CDT Turner said that it would be rape or sexual assault, or words to that effect. After that statement, the Prosecution and SA Berry claimed that CDT Turner "confessed" to rape or sexual assault of the alleged victim.
 - c. Mr. Leslie examined all of the evidence in CDT Turner's case and analyzed it. Based on his review, he was able to determine that CDT Turner's so called "confession" was coerced and was not given freely and voluntarily. Mr. Leslie also educated the Board members about different types of investigative techniques, and which techniques were used in CDT Turner's case. After his testimony, it became clear to the Board members that CDT Turner's "confession" should be disregarded as coerced and unreliable.
 - d. Due to Mr. Leslie's expert assistance, knowledge, and incredible professionalism, the Defense believes that CDT Turner and his family were able to get their son's life back and prevent him from being not only separated from the United States Military Academy at West Point, but also from being irretrievably characterized for the rest of his

life as a sexual predator, a characterization that would have virtually ended any chances of him having a normal life.

2. Mr. Leslie's expert assistance aided in restoring justice and fairness in this case, making a tremendous positive impact on the life of the 19-year-old CDT Turner and his family.

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ou=COLLINS.OLESEA.1455529243
Date: 2018.01.28 12:55:34 -0500

//originally-signed//

OLESEA ROAN (Collins)

CPT, JA

Defense Counsel, Officer in Charge



DEPARTMENT OF THE ARMY
UNITED STATES MILITARY ACADEMY
TRIAL DEFENSE SERVICES
THAYER HALL, ROOM 206
WEST POINT, NY 10996

MAJA-TDS

7 December 2017

MEMORANDUM FOR Record

SUBJECT: Results of Trial, *United States v. SPC Audrequez Evans* – Expert-Consultant/ Expert Witness, Mr. Brian Leslie, Coercive Interrogations Techniques Expert

1. SPC Evans was accused and charged with allegedly committing sexual assault of one of his friends. SPC Evans was interrogated by a special agent, Special Investigation Division (CID), U.S. Army, and "confessed" to the sexual assault although he was a pass-out drunk at that time of the claimed offense. The charges were preferred and referred to a General Court-Martial at Fort Meade, Maryland. The trial took place on 4 December 2016 through 6 December 2017. SPC Evans was acquitted of all charges against him.
2. During the trial, the Military Judge, COL Daniel Brookhart, accepted Mr. Brian Leslie as an expert in coercive interrogations techniques.
3. Prior to trials, Mr. Leslie testified at the motions' hearing, when the Defense filed a Motion to Compel a production of an expert. After the Judge heard Mr. Leslie's testimony at the hearing, discussing the area of his expertise, the Military Judge compelled the Prosecution to produce Mr. Leslie as Defense's expert- consultant and a possible testifying expert in coercive interrogations techniques.
4. Mr. Leslie's assistance was invaluable as he was able to break down the techniques used by the CID agent. As the result of such understanding, the jury did not give any weight to the coerced false confession.

COLLINS, OLESEA, 14555292 (1) (U) (S) (C) (D) (E) (F) (G) (H) (I) (J) (K) (L) (M) (N) (O) (P) (Q) (R) (S) (T) (U) (V) (W) (X) (Y) (Z) (AA) (AB) (AC) (AD) (AE) (AF) (AG) (AH) (AI) (AJ) (AK) (AL) (AM) (AN) (AO) (AP) (AQ) (AR) (AS) (AT) (AU) (AV) (AW) (AX) (AY) (AZ) (BA) (BB) (BC) (BD) (BE) (BF) (BG) (BH) (BI) (BJ) (BK) (BL) (BM) (BN) (BO) (BP) (BQ) (BR) (BS) (BT) (BU) (BV) (BW) (BX) (BY) (BZ) (CA) (CB) (CC) (CD) (CE) (CF) (CG) (CH) (CI) (CJ) (CK) (CL) (CM) (CN) (CO) (CP) (CQ) (CR) (CS) (CT) (CU) (CV) (CW) (CX) (CY) (CZ) (DA) (DB) (DC) (DD) (DE) (DF) (DG) (DH) (DI) (DJ) (DK) (DL) (DM) (DN) (DO) (DP) (DQ) (DR) (DS) (DT) (DU) (DV) (DW) (DX) (DY) (DZ) (EA) (EB) (EC) (ED) (EE) (EF) (EG) (EH) (EI) (EJ) (EK) (EL) (EM) (EN) (EO) (EP) (EQ) (ER) (ES) (ET) (EU) (EV) (EW) (EX) (EY) (EZ) (FA) (FB) (FC) (FD) (FE) (FF) (FG) (FH) (FI) (FJ) (FK) (FL) (FM) (FN) (FO) (FP) (FQ) (FR) (FS) (FT) (FU) (FV) (FW) (FX) (FY) (FZ) (GA) (GB) (GC) (GD) (GE) (GF) (GG) (GH) (GI) (GJ) (GK) (GL) (GM) (GN) (GO) (GP) (GQ) (GR) (GS) (GT) (GU) (GV) (GW) (GX) (GY) (GZ) (HA) (HB) (HC) (HD) (HE) (HF) (HG) (HH) (HI) (HJ) (HK) (HL) (HM) (HN) (HO) (HP) (HQ) (HR) (HS) (HT) (HU) (HV) (HW) (HX) (HY) (HZ) (IA) (IB) (IC) (ID) (IE) (IF) (IG) (IH) (II) (IJ) (IK) (IL) (IM) (IN) (IO) (IP) (IQ) (IR) (IS) (IT) (IU) (IV) (IW) (IX) (IY) (IZ) (JA) (JB) (JC) (JD) (JE) (JF) (JG) (JH) (JI) (JJ) (JK) (JL) (JM) (JN) (JO) (JP) (JQ) (JR) (JS) (JT) (JU) (JV) (JW) (JX) (JY) (JZ) (KA) (KB) (KC) (KD) (KE) (KF) (KG) (KH) (KI) (KJ) (KK) (KL) (KM) (KN) (KO) (KP) (KQ) (KR) (KS) (KT) (KU) (KV) (KW) (KX) (KY) (KZ) (LA) (LB) (LC) (LD) (LE) (LF) (LG) (LH) (LI) (LJ) (LK) (LL) (LM) (LN) (LO) (LP) (LQ) (LR) (LS) (LT) (LU) (LV) (LW) (LX) (LY) (LZ) (MA) (MB) (MC) (MD) (ME) (MF) (MG) (MH) (MI) (MJ) (MK) (ML) (MM) (MN) (MO) (MP) (MQ) (MR) (MS) (MT) (MU) (MV) (MW) (MX) (MY) (MZ) (NA) (NB) (NC) (ND) (NE) (NF) (NG) (NH) (NI) (NJ) (NK) (NL) (NM) (NN) (NO) (NP) (NQ) (NR) (NS) (NT) (NU) (NV) (NW) (NX) (NY) (NZ) (OA) (OB) (OC) (OD) (OE) (OF) (OG) (OH) (OI) (OJ) (OK) (OL) (OM) (ON) (OO) (OP) (OQ) (OR) (OS) (OT) (OU) (OV) (OW) (OX) (OY) (OZ) (PA) (PB) (PC) (PD) (PE) (PF) (PG) (PH) (PI) (PJ) (PK) (PL) (PM) (PN) (PO) (PP) (PQ) (PR) (PS) (PT) (PU) (PV) (PW) (PX) (PY) (PZ) (QA) (QB) (QC) (QD) (QE) (QF) (QG) (QH) (QI) (QJ) (QK) (QL) (QM) (QN) (QO) (QP) (QQ) (QR) (QS) (QT) (QU) (QV) (QW) (QX) (QY) (QZ) (RA) (RB) (RC) (RD) (RE) (RF) (RG) (RH) (RI) (RJ) (RK) (RL) (RM) (RN) (RO) (RP) (RQ) (RR) (RS) (RT) (RU) (RV) (RW) (RX) (RY) (RZ) (SA) (SB) (SC) (SD) (SE) (SF) (SG) (SH) (SI) (SJ) (SK) (SL) (SM) (SN) (SO) (SP) (SQ) (SR) (SS) (ST) (SU) (SV) (SW) (SX) (SY) (SZ) (TA) (TB) (TC) (TD) (TE) (TF) (TG) (TH) (TI) (TJ) (TK) (TL) (TM) (TN) (TO) (TP) (TQ) (TR) (TS) (TT) (TU) (TV) (TW) (TX) (TY) (TZ) (UA) (UB) (UC) (UD) (UE) (UF) (UG) (UH) (UI) (UJ) (UK) (UL) (UM) (UN) (UO) (UP) (UQ) (UR) (US) (UT) (UU) (UV) (UW) (UX) (UY) (UZ) (VA) (VB) (VC) (VD) (VE) (VF) (VG) (VH) (VI) (VJ) (VK) (VL) (VM) (VN) (VO) (VP) (VQ) (VR) (VS) (VT) (VU) (VV) (VW) (VX) (VY) (VZ) (WA) (WB) (WC) (WD) (WE) (WF) (WG) (WH) (WI) (WJ) (WK) (WL) (WM) (WN) (WO) (WP) (WQ) (WR) (WS) (WT) (WU) (WV) (WW) (WX) (WY) (WZ) (XA) (XB) (XC) (XD) (XE) (XF) (XG) (XH) (XI) (XJ) (XK) (XL) (XM) (XN) (XO) (XP) (XQ) (XR) (XS) (XT) (XU) (XV) (XW) (XX) (XY) (XZ) (YA) (YB) (YC) (YD) (YE) (YF) (YG) (YH) (YI) (YJ) (YK) (YL) (YM) (YN) (YO) (YP) (YQ) (YR) (YS) (YT) (YU) (YV) (YW) (YX) (YZ) (ZA) (ZB) (ZC) (ZD) (ZE) (ZF) (ZG) (ZH) (ZI) (ZJ) (ZK) (ZL) (ZM) (ZN) (ZO) (ZP) (ZQ) (ZR) (ZS) (ZT) (ZU) (ZV) (ZW) (ZX) (ZY) (ZZ)

OLESEA COLLINS
CPT, JA
Defense Counsel



DEPARTMENT OF THE ARMY
UNITED STATES ARMY TRIAL DEFENSE SERVICE - WEST
FORT LEWIS FIELD OFFICE
JOINT BASE LEWIS-MCCHORD, WASHINGTON 98433-5000



AFZH-TDS-JA

12 January 2019

MEMORANDUM FOR RECORD

SUBJECT: Mr. Brian Leslie Expert-Consultant Assistance in United States v. Williams

1. I am CPT Marissa K. Dominguez, and currently serve as Defense Counsel at Joint Base Lewis McChord, Washington. I write this letter in support of Mr. Brian Leslie's Expert-Consultant Services in *United States v. Williams*. As an Expert in the field of Interrogation, Mr. Brian Leslie provided services that were instrumental to the Defense. Assisting in all aspects of the case, Mr. Leslie's services were greatly appreciated, and cannot be duplicated or substituted by any other source.
2. *Williams* involved allegations in violation of Article 120, of the Uniform Code of Military Justice. The case was referred to a General-Courts Martial and heard in front of a mixed panel on Joint Base Lewis McChord, Washington. During the investigation of this case, the Accused was interrogated by CID for several hours and made inculpatory statements. The Defense filed a Motion to Suppress, claiming that CID's interrogative tactics were improper and unlawful. For this reason, the Defense specifically sought Mr. Leslie's expert services in Coercive Interrogations Techniques, to assist with this voluminous complex case. Mr. Leslie was a consummate professional and a dedicated member of the Defense team.
3. Mr. Leslie, assisted the Defense with the preparation of Defense motions, testified in Court, and providing alternate theories of defense and case strategy. Mr. Leslie provided detailed reports, and assisted with the drafting of cross-examination questions, and provided key points regarding interrogation tactics used by CID, Military Police, Investigators, and Police Officers. Mr. Leslie was very thorough, following through with short suspense deadlines, being very responsive, and easily accessible. His services were invaluable.
4. For these reasons, I endorse Mr. Leslie as an Expert-Consultant in Interrogations Techniques.

MARISSA K. DOMINGUEZ
CPT, JA
Defense Counsel

United States Military Cases - Army

2017 – United States v. Audrequez Evans – U.S. Army - General Court Martial

- Sexual Assault, Rape
- JAG Lawyer: **Provided On Request**
- Fort Drum Field Office – Atlantic Region
- **Expert Testimony Provided** - Fort Meade, Maryland
- General Court Martial – December 04, 2017
- Our File Reference # 1247-c
- State: Maryland

2017 – United States v. Alejandro Gentry – U.S. Army - Article 15 Proceeding

- Sexual Conduct
- JAG Lawyer: **Provided On Request**
- Fort Drum Field Office – Atlantic Region
- **Expert Testimony Provided** - Fort Bragg, North Carolina
- December 15, 2017
- Our File Reference # 1261-c
- State: North Carolina

2018 – United States v. Ean Nacke – U.S. Army - Summary Proceeding

- Sexual Assault
- Lawyer: **Provided On Request**
- **Expert Testimony Provided** - Fort Bragg, North Carolina
- February 2, 2018
- Our File Reference # 1233-c
- State: North Carolina

2018 – United States v. Guillermo Batista-Mendez – U.S. Army - General Court Martial

- Sexual Assault (3 counts)
- JAG Lawyer: **Provided On Request**
- Provided Forensic Report For Trial
- **Expert Testimony Was Pending** March 27 / 2018 & April 9, 2018
- Examination Conducted – Forensic Report Provided
- Case Ultimately Settled
- Fort Bragg
- Our File Reference # 1268-c
- State: North Carolina

2018 – United States v. Trevaun Turner – U.S. Army - Summary Proceeding

- Sexual Assault
- JAG Lawyer: **Provided On Request**
- **Expert Testimony Provided** - Fort Benning, Georgia
- February 21, 2018
- Our File Reference # 1271-c
- State: Georgia

2018 – United States v. Ty Moore – U.S. Army - General Court Martial

- Sexual Assault
- JAG Lawyer: **Provided On Request**
- **Expert Testimony Provided – Motion Hearing** - West Point, New York
- June 12-15, 2018
- Our File Reference # 1291-c
- State: New York

2018 – United States v. Nathan Smith – U.S. Army - General Court Martial

- Sexual Misconduct
- JAG Lawyer: **Provided On Request**
- West Point, New York
- April 20, 2018 - Examination Conducted – Forensic Report Provided
- Case Settled
- Our File Reference # 1310-c
- State: New York

2018 – United States v. Monroe – U.S. Army - General Court Martial

- Sexual Assault
- JAG Lawyer: **Provided On Request**
- **Expert Testimony Provided – Motion Hearing** – Seattle, WA
- June 29, 2018
- Our File Reference # 1349-c
- State: Washington

2018 – United States v. Mathew Counter – U.S. Army - General Court Martial

- Sexual Assault
- JAG Lawyer: **Provided On Request**
- **Expert Testimony Provided – Motion Hearing** – Fort Bragg
- July 12, 2018
- Our File Reference # 1342-c
- State: North Carolina

2018 – United States v. SPC Damon Williams Jr.– U.S. Army - General Court Martial

- Sexual Assault
- JAG Lawyer: **Provided On Request**
- **Expert Testimony - Motion Hearing Oct 22**
- Fort Lewis, Washington
- Our File Reference # 1360-c
- State: Washington

2019 – United States v. Goodwin – U.S. Army - General Court Martial

- Rape
- JAG Lawyer: **Provided On Request**
- **Expert Testimony Provided – Motion Hearing To Compel – Fort Bragg**
- Jan 25, 2019
- Our File Reference # 1410-c
- State: North Carolina

2019 – United States v. Anthony Chasse – U.S. Army - General Court Martial

- Rape
- JAG Lawyer: **Provided On Request**
- Examination& Report For **Motion To Compel**
- Our File Reference # 1425-c
- State: Fort Belvoir, VA

NATIONAL PROFILE CASES

2018 – State Of Iowa v. Cristhian Bahena Rivera

- Case Currently In Progress
- 1st Degree Murder
- Trial Date – January 2020
- Expert Testimony Provided
- **Attorney: Provided On Request**
- Our File Reference # 1408-c
- State: Iowa
- **Testified**

Death Penalty Cases - United States

2016 - People Of The State Of California v. Hooman Ashkan Panah

- 1nd Degree Murder – Capital Case – Death Penalty
- Post Conviction– Client: Family
- Our File Reference # 1071-c
- State: California

2019 - People Of The State Of California v. Darnell Hammond

- 1nd Degree Murder – Capital Case – Death Penalty
- **Case In Progress – Testimony Pending**
- **Attorney: Provided On Request**
- Our File Reference # 1431-c
- State: California

Federal Public Defender Cases - United States

2018 – United States Of America v. Samy Hamzeh

- Federal Gun Charges – Terrorist Related (request details)
- **Case In Progress** – Trial Date Not Set
- Federal Defender Services of Wisconsin Inc.
- Attorney: **Provided On Request**
- Our File Reference # 1320-c
- State: Wisconsin

2019 – United States Of America v. Jeremy Campo

- Federal Drug Charges –
- Federal Defender Services – Tampa Division - Middle District of Florida
- Attorney: **Provided On Request**
- Our File Reference # 1423-c
- State: Florida

2019 – United States Of America v. Jonathan Bohn

- Federal Drug Charges – Causing death
- **Case In Progress** – Trial Date Not Set
- **Expert Testimony Provided November 2019**
- Federal Defender Services – Orlando Division - Middle District of Florida
- Attorney: **Provided On Request**
- Our File Reference # 1430-c
- State: Florida
- **Testified**

2020 - United States vs Daniel PEGGS

- Sex Trafficking
- **Attorney: Provided On Request**
- Our File Reference#: # 1462-c
- State: Wisconsin
- Federal Public Defenders Office

State Public Defender Cases - United States

2018 - The State Of Minnesota v. Timothy Miller

- 1 st Degree Assault - Greater Bodily Harm
- **Expert Testimony July 30, 2018**
- Public Defenders Office Minneapolis
- **Attorney: Provided On Request**
- Our File Reference # 1293-c
- State: Minnesota
- **Testified**

2019 - The State Of Minnesota v. Juvenile (unnamed)

- Sex offense
- Public Defenders Office Minneapolis
- **Attorney: Provided On Request**
- Our File Reference # 1390-c
- State: Minnesota

2019 - The State Of Iowa v. Alicia Ritenour

- Murder
- Court Appointed
- Office Of The State Public Defender
- **Attorney: Provided On Request**
- Our File Reference # 1421-c
- State: Iowa

2019 – The State Of Minnesota v. Richard Diamond Myers Sr.

- 1st Degree Criminal Sexual Conduct
- Office Of The State Public Defender
- **Attorney Provided On Request**
- Our File Reference # 1427-c
- State: Minnesota
- **Testimony Pending**

2019 – The State Of Minnesota v. Zachariah James Baker

- Murder in the Third Degree
- Murder in the Second Degree; Unintentional Murder
- Office Of The State Public Defender
- **Attorney: Provided On Request**
- Our File Reference # 1414-c
- State: Minnesota
- **Testimony Pending**

2019 – The State Of Rhode Island v. Francisco Melo

- Sexual Assault of a Child
- **Attorney – Provided On Request**
- Our File Reference # 1426-c
- State: Rhode Island
- **Testimony Pending**

2020 – The State Of Minnesota v. Adam Travis

- First Degree Manslaughter of a child
- Second Degree Manslaughter
- Office Of The State Public Defender
- **Attorney: Provided On Request**
- Our File Reference # 1432-c
- State: Minnesota

2020 – The State Of Minnesota v. Nathan McDonald Jr.

- Murder
- Office Of The State Public Defender
- **Attorney: Provided On Request**
- Our File Reference # 1434-c
- State: Minnesota

2020 – The State Of Iowa v. Jarett Scharper

- Sexual Assault
- Our File Reference #: 1467-c
- **Attorney: Provided On Request**
- State: Iowa

2020 – State of Minnesota vs. Robert Louis Canfield

- Death Related - Case Resolved
- Our File Reference File #: 1473-c
- **Attorney: Provided On Request**
- Minnesota Public Defenders Office
- State: Minnesota

2021 – The State Of Colorado vs Jorge Vazquez

- 2nd Degree Sexual Assault
- Our File Reference #: 1476-c
- State: Colorado
- **Attorney: Provided On Request**

United States Cases

2015 - State Of Texas v. Robert Espinoza

- Capital Murder
- Post Conviction – Client: Family
- Our File Reference # 1171-c
- State: Texas

2016 - State of Florida v. Tamara Taylor

- Conspire to Commit Organized Fraud, Grand Theft of the 2nd Degree
- Post Conviction – Client: Family
- Our File Reference # 1022-c
- State: Florida

2016 - State of Maryland v. Reginald Love

- 1st Degree Murder, Conspiracy to Commit Murder, Attempted 1st degree murder, handgun charges (2 counts)
- Post Conviction – Client: Family
- Our File Reference # 1074-c
- State: Maryland

2016 - State of Louisiana v. William Felix Vail

- 2nd Degree Murder
- Post Conviction – Client: Family
- Our File Reference # 1219-c
- State: Louisiana

2016 - State of Michigan v. Christopher Winowiecki

- 1st Degree Attempt Sexual Assault, Sexual Criminal Conduct in the 1st Degree (2 counts), Criminal Sexual Conduct 2nd Degree
- Post Conviction – Client: Family
- Our File Reference # 1062-c
- State: Michigan

2016 - State of Texas v. Arthur Kirven

- Injury To A Child (2 counts causing death)
- Post Conviction – Client: Family
- Our File Reference # 1099-A-c
- State: Texas

2016 - State Of Delaware v. James Hamilton

- Unlawful sexual contact 1st degree & unlawful sexual contact 3rd degree
- Post Conviction – Client: Family
- Our File Reference # 1076-c
- State: Delaware

2016 - State Of Texas v. Tarik J McIntyre

- Assault Causing Bodily Injury
- Post Conviction – Client: Family
- Our File Reference # 1070-c
- State: Texas

2016 - The State Of California v. Michael Lopez

- Murder
- Post Conviction – Client: Family
- Our File Reference # 1066-c
- State: California

2016 - The State of Florida v. Christopher Douglas

- Robbery with a Firearm
- Post Conviction – Client: Family
- Our File Reference # 1080-c
- State: Florida

2016 - The State of Florida v. Roderick Mathis

- 1st Degree Murder and Armed robbery
- Post Conviction – Client: Family
- Our File Reference # 1086-c
- State: Florida

2016 - The State of Michigan v. Gregory V. Young

- 1st Degree Premeditated Murder, Murder
- Post Conviction – Client: Family
- Our File Reference # 1072-c
- State: Michigan

2016 - The State of Texas v. Rudolfo Jr. Munoz

- Wrongful death in custody
- Client: Family
- Our File Reference # 1092-c
- State: Texas

2016 - United States v. Anthoine Plunkett

- (Conspiracy To Murder For Hire) Federal Charge
- Post Conviction– Client: Family
- Our File Reference # 1123-c
- State: Virginia

2016 - The State of Pennsylvania v. Leon Garland

- 1st Degree Murder
- Post Conviction– Client: Family
- Our File Reference # 1146-c
- State: Pennsylvania

2016 - The State Of Louisiana v. Marcus Artis

- Murder
- Post Conviction– Client: Family
- Our File Reference # 1153-c
- State: Louisiana

2016 - The State Of Texas v. Benny Linenschmidt

- Aggravated Sexual Assault On A Child Under 14
- Post Conviction– Client: Family
- Our File Reference # 1077-c
- State: Texas

2017 - State of Virginia v. Timothy Wright

- 1st Degree Murder
- Post Conviction – Client: Family
- Our File Reference # 1024-c
- State: Virginia

2017 - State of Louisiana v. Lekeithen Harris

- Attempted 2nd Degree Murder
- Post Conviction – Client: Family
- Our File Reference # 1031-c
- State: Louisiana

2017 - State of Wisconsin v. Kim Gentz

- Stalking
- Post Conviction
- Attorney - **Provided On Request**
- Our File Reference # 1027-c
- State: Wisconsin

2017 - State of West Virginia v. Juan Moore

- Sexual Abuse by Parent or Guardian (20 Counts)
- Post Conviction – Client: Family
- Our File Reference # 1051-c
- State: West Virginia

2017 - State of Mississippi v. Leo Laurent

- 2nd Degree Murder
- Post Conviction – Client: Family
- Our File Reference # 1046-c
- State: Mississippi

2017 - State of Ohio v. Timothy Hubal Jr.

- Gross Sexual Imposition – Rape
- Post Conviction – Client: Family
- Our File Reference # 1053-c
- State: Ohio

2017 - State of Tennessee v. Kenneth Deangelo Thomas

- 1st Degree Felony Murder
- Post Conviction – Client: Family
- Our File Reference # 1068-c
- State: Tennessee

2017 - The State of California People v. Matthew Worthen

- Murder
- Assault On A Child Causing Death
- Post Conviction – Client: Family
- Our File Reference # 1143-c
- State: California

2018 - The State Of North Carolina v. Roderick Wyche

- Murder, Statutory Rape, Felony Conspiracy, 1st Degree Sex Offense With A Minor
- Attorney: **Provided On Request**
- Our File Reference # 1220-c
- State: North Carolina

2018 - The State Of Wisconsin v. Bujanowski

- Child Abuse Case
- Attorney: **Provided On Request**
- Our File Reference # 1322-c
- State: Wisconsin
- **Testimony Pending**

2018 - The People Of The State Of Michigan v. Kevin Waller

- Criminal Sexual Conduct 1st Degree / Extortion
- Attorney: **Provided On Request**
- Our File Reference # 1348-c
- State: Michigan

2018 - The State Of Texas v. William (Tariq) Lacking

- Capital Murder (2 Counts)
- Attorney: **Provided On Request**
- Our File Reference # 1361-c
- State: Texas

2018 - The State Of California v. Lonnie Johnson

- Murder (1 Count)
- Attorney: **Provided On Request**
- Our File Reference # 1368-c
- State: California

2018 - Commonwealth of Massachusetts v. Mark Barry

- Post Conviction
- Child Pornography
- Attorney - **Provided On Request**
- Our File Reference # 1396-c
- State: Massachusetts

2018 – The State Of Texas v. Jason Sorrells

- Unlawful possession of a firearm, evading arrest, deadly conduct, and nine counts of aggravated assault of peace officers,
- - **Post Conviction**
 - Client Family
- Forensic Examination Conducted
- Our File Reference # 1399-c
- State: Texas

2018 - The State Of California v. Edward Contreras

- 1st Degree Murder
- Client Family
- **Post Conviction**
- Our File Reference # 1401-c
- State: California

2019 - The State Of Ohio v. David Simpson

- 1st Degree Murder
- Attorney: **Provided On Request**
- Our File Reference # 1404-c
- State: Ohio
- **Testimony Pending**

2019 - The State Of Ohio v. Norman Smock

- Sexual Assault / Minor
- Attorney: **Provided On Request**
- Our File Reference # 1405-c
- State: Ohio

2019 - The State Of Arizona v. Robert Navarro

- Aggravated Assault
- Attorney's **Provided On Request**
- Our File Reference # 1412-c
- State: Arizona
- Post Conviction

2018 – State Of Iowa v. Cristhian Bahena Rivera

- Case Currently In Progress
- 1st Degree Murder
- Trial Date – January 2020
- Expert Testimony Provided
- Attorney: **Provided On Request**
- Our File Reference # 1408-c
- State: Iowa
- Testified

2019 - The State Of Texas v. Mauricio Navarrete-Torres

- Capital Murder
- Attorney – **Provided On Request**
- Our File Reference # 1415-c
- State: Texas

2019 - The People v. Nicholas Lancaster

- Murder
- Attorney – **Provided On Request**
- Our File Reference # 1413-c
- State: California
- **Testimony Pending** -

2019 – The State Of Texas v. Tyler White

- Sex Assault
- Attorney – **Provided On Request**
- Our File Reference # 1411-c
- State: Texas
- **Testimony Pending**

2019 – The State Of West Virginia v. Andrew Wells

- Sex Assault with a Minor (6 counts)
- Attorney – **Provided On Request**
- Our File Reference # 1419-c
- State: West Virginia
- Testimony Pending –**

2019 – The State Of California v. Francisco Banos

- Murder
- Attorney – **Provided On Request**
- Our File Reference # 1418-c
- State: California
- **Testimony Pending**

2019 – The State Of Michigan v. Derek Schummer

- Criminal Sexual Conduct (6 count)
- Attorney – **Provided On Request**
- Our File Reference # 1420-c
- State: Michigan

2019 – The State Of Iowa v. Alicia Ritenour

- Murder –
- Attorney – **Provided On Request**
- Our File Reference # 1421-c
- State: Iowa
- **Testimony Pending**

2019 – The State Of California v. Joseph Duran

- Murder –
- Attorney – **Provided On Request**
- Our File Reference # 1422-c
- State: California

2019 – The State Of California v. William Bradley

- Aggravated Assault –
- Attorney – **Provided On Request**
- Our File Reference # 1428-c
- State: California
- **Testimony Pending**

2020 – The State Of Connecticut v. Michael Ranieri

- Sexual Assault
- Attorney: **Provided On Request**
- Our File Reference # 1436-c
- State: Connecticut
- Testimony Pending**

2020 – The State Of Virginia v. Jason KEGLEY

- Sexual Assault (Child)t
- Attorney: **Provided On Request**
- Our File Reference # 1435-c
- State: Virginia
- **Testimony Pending**

2020 – The State Of Washington v. Jeevan SINGH

- Forensic Examination of Investigation into Rape Allegations
- Attorney: **Provided On Request**
- Our File Reference # 1438-c
- State: Washington
- Case Did Not Proceed

2020 – The State Of Kansas v. Wallace DIXON

- 1st Degree Murder by Arson
- Client Family
- Post Conviction
- Our File Reference # 1440-c
- State : Kansas

2020 - State Of Colorado v. Sarah Bryne

- Kidnapping
- **Attorney - Provided On Request**
- Our File Reference # 1443-c
- State: Colorado

2020 – The State Of Texas v. Jose Ismael Salvador

- Attempt Capital Murder
- Our File Reference # File #: 1444-c
- Post Conviction
- Client Family
- State: Texas

2020 – The State Of Wisconsin v. Reginald Clytus

- First Degree Intentional Homicide
- Our File Reference File #: 1447-c
- Post Conviction
- Client Family
- State: Wisconsin

2020 – The State Of Michigan v. Lawrence Abela

- CSC 3RD DEGREE
- Our File Reference #: 1448-c
- Post Conviction
- Client Family
- State: Michigan

2020 – The State Of Illinois v. Henry Hopkins

- Murder
- Our File Reference #: 1449-c
- Post Conviction
- Client Family
- State: Illinois

2020 – The State Of New Jersey v. Leonard Johnson

- Robbery
- Our File Reference #: 1452-c
- Post Conviction
- Client Family
- State: New Jersey

2020 – The State Of Ohio v. Wendell Callahan

- Capital Murder X 3
- Our File Reference #: 1453-c
- Post Conviction
- Client Family
- State: Ohio

2020 – The State Of Wisconsin v. Ronald Morgan

- 2nd Degree Sexual Assault
- Our File Reference #: 1455-c
- Post Conviction
- Client Family
- State: Wisconsin

2020 – The State Of Georgia v. Greg Graham

- Sexual Related Offense
- Our File Reference #: 1456-c
- Post Conviction
- Client Family
- State: Georgia

2020 – The State Of North Carolina v. Dwayne Degraffenried

- Drug Related
- Our File Reference#: 1460-c
- Post Conviction
- Client Family
- State: North Carolina

2021 – The State Of South Dakota vs Marlon Iron Crow

- 2ND Degree Murder
- Our File Reference #: 1461-c
- Post Conviction
- Client Family
- State: South Dakota

2021 – The State Of IOWA vs SOE TUN

- SEXUAL ABUSE - 3RD DEGREE—
- Our File Reference #: 1464-c
- Client Family
- State: IOWA
- **Attorney : Provided On Request**

2021 – The State Of IOWA vs JARETT SCHARPER

- Sexual Assault
- Our File Reference #: 1467-c
- State: IOWA
- **Attorney : Provided On Request**

2021 – The State Of Texas vs Jason Hart

- Sexual Assault
- Our File Reference #: 1468-c
- Post Conviction
- Client Family
- State: Texas

2021 – The State Of Texas vs Kira Dodson

- Murder
- Our File Reference #: 1471-c
- Post Conviction
- Client Family
- State: Texas

2021 – The State Of Delaware vs Ronnell JACOBS

- Sexual Assault
- Our File Reference #: 1472-c
- Post Conviction
- Client Family
- State: Delaware

2021 – The State Of New York vs Johnny Hincapie

- Civil Case – Wrongful Conviction
- Murder
- Our File Reference #: 1474-c
- Post Conviction
- State: New York
- **Attorney : Provided On Request**

2021 – The State Of Louisiana vs Andrew MOSBROKER

- Pornography (4 counts)
- Our File Reference #: 1477-c
- State: Louisiana
- **Attorney : Provided On Request**

Canadian Cases

2015 - R. v. Shane Lund – Ontario

- Sexual Assault, (multi-count) Possession, Distribution, Manufacturing of Child Pornography (multi-count) Bestiality
- Attorney: **Eginhart Ehlers**
- Forensic Consulting Expert – For Trial

2015 - R. v. Adam Collins – Ontario

- Criminal Breach Of Trust, Theft
- Attorney: **Eginhart Ehlers**
- Forensic Consulting Expert – For Trial

2015 - R. v. Jordon Lampert – Ontario

- Sexual Assault
- Attorney: **Walter Fox**
- Forensic Consulting Expert – For Trial

2015 - R. v. Nick Fortonato – Ontario

- Fraud Over 1 M
- Attorney: **Provided On Request**
- Forensic Consulting Expert – For Trial

2015 - R. v. Troy Ellison – Ontario

- Possession for the Purpose Trafficking
- Attorney: **Provided On Request**
- Forensic Consulting Expert – For Trial

2016 - R. v. Andrew Fallows– Ontario

- Criminal Negligence Causing Death, Impaired Operation Causing Death,
- Dangerous Driving Causing Death
- Attorney: **Provided On Request**
- Forensic Consulting Expert – For Trial

2016 - R. v. James McNabb– Ontario

- Possession for the Purpose Of Trafficking , Possession of a Restricted Weapon
- Attorney: **Provided On Request**
- Forensic Consulting Expert – For Trial

2017 - R. v. Neil Malick – Ontario

- Fabrication of Evidence, Attempt to Obstruct Justice
- Attorney: **Provided On Request**
- Forensic Consulting Expert – For Trial

2017- R. v. Ryan Patterson – N.W.T.

- Assault on a Child
- Attorney: **Provided On Request**
- Forensic Consulting Expert – For Trial

2017 - R. v. Kwesi Ellis – Ontario

- Dangerous Driving Causing Death
- Dangerous Driving Causing Bodily Harm X 2
- Attorney: **Provided On Request**
- Forensic Consulting Expert – For Trial

2018 - R. v. Andrew Lawrence-Bisram – Ontario

- Human Trafficking
- Attorney: **Provided On Request**
- Case Resolved

Other Consulting & Forensic Reporting

Some Consulting and Forensic Reviews On Felony Cases, Child Abuse Allegations, Death Related Investigations, Police Misconduct Allegations Related To Investigation Are Not Listed.

Previous Specialized Law Enforcement Training During Police Career 1978 - 1994

- *Analytical Investigative Methods – Anacapa Sciences Inc.*
- *Sudden & Suspicious Death & Homicide Investigation*
- *Complex Drug Investigations*
- *Crime Scene & Evidence Control*
- *Police Management – Identifying Misconduct*
- *Sexual Assault Investigations*
- *Organized Crime – Tracking Proceeds Of Crime*

Research & Education – Law Enforcement Training Materials

- *Essentials Of The REID Technique – Criminal Interrogation and Confessions – Second Edition – By John E Reid*
- *Anatomy of Interrogation Themes – The Reid Technique of Interviewing and Interrogation – Second Edition – By Louis C. Sense*
- *FM 34-52 Intelligence Interrogation - US Army Manual*
- *How To Identify, Interview & Motivate Child Abuse Offenders To Tell The Truth – Second Edition – David Buckley*

Continual Updated Education Seminars & Training

National Association Of Criminal Defense Lawyers (Membership # 95130)
Classification: Forensic Expert
1 Hour Seminars

Continuing Legal Education Seminar Training Credits 2015 - 2017

- Cross The Narcotics Officer – **Presenter:** Dirk Manoukian
- GPS, Cellphones – **Presenter:** Robert Aguero
- Money Laundering & Rico – **Presenter:** Dominic Gentile
- Crossing Informants, Cooperating Witnesses, Snitches & rats
- **Presenter:** J.W. Carney Jr.
- Sexual Assault Cases Involving Children – Investigation & Preparation – **Presenter:** EG Gary Morris
- Felony Gun Possession – **Presenter:** Doris Holt
- Gang Defenses – **Presenter:** Katherine Corrigan
- Conspiracy To Commit Murder – **Presenter:** Robert Jones
- Self Defense In Homicide Cases – **Presenter:** Deja Vishny
- False Confessions – **Presenter:** Dr. Antoinette Kavanaugh (Chicago)
- Child Abuse & Molestation Of A Child – **Presenter:** Dr. Rich Kaplan, M.D.
- Theories, Themes and Storytelling in Sexual Assault Cases – **Presenter:** Cynthia Roseberry
- The Role Of The Forensic Psychologist in Defending Sex Offender Cases – **Presenter:** Joanne Daley
- Cross Of The Alleged Rape Victim – **Presenter:** Professor Herschella Conyers
- Shaken Baby Syndrome – **Presenter:** Keith Findley
- Voir Dire in Sex Cases – **Presenter:** Marvin Schechter
- Interrogation, Coercion and False Confessions- **Presenter:** Professor Richard Leo
- False Confessions- Obtaining Clinical Psychological Evidence – **Presenter:** Paul Casteleiro
- Working With Experts In False Confession Cases – **Presenter:** Paul Cateleiro
- Cross-Examining Law Enforcement In False Confession Cases – **Presenter:** Deja Vishny
- Defending Child Pornography Cases – **Presenter:** Jay Clark & Michael Iacopino
- Cross-Examination of Child Witnesses – **Presenter:** Shaun McCrea
- Conspiracy Allegations In A Drug Case: Evidentiary Implications – **Presenter:** Don

Samuel

- Defending Drug Cases : Mail Order Pharmacists, Compounders, Street Crimes
- Battling 21st Century Surveillance – **Presenter:** Hanni Fakhoury
- Successful Litigation In Cases Dealing With Selective Enforcement& Racial ---Profiling – **Presenter:** Colette Tvedt
- Sexual Predator Defenses – **Presenter:** Robert LeBell
- Debunking the Prosecutors Claim Of A Drug Conspiracy – **Presenter:** Thomas Decker
- Capital Murder, Death Penalty Training – Making The Case For Life
- Defending Modern Drug Case – 4th Amendment, Suppression, Search Seizure – **Presenter:** Vincent Savarese
- Conspiracy Allegations in a Drug Case
- Street Crimes, Stress and Suggestion: Helping the Jury see what the Witness did not- **Presenter:** Jonathan Rapping
- Forensic Science, the NAS report and a Case Analysis- **Presenter:** Brent Turvey
- Beating the Assault & Battery Charge – **Presenter:** Drew Finding
- Cross a Snitch in a Drug Case – **Presenter:** Robert Fichinan
- Self Defense in Homicide Cases – **Presenter:** Deja Vishney
- Rodriguez & the Roadside Detention – **Presenter:** Vincent Savarese
- From PhaRxm to Table: False Prescriptions, Pill Mills, Doctor Shopping & Pharmacies – **Presenter:** Marcia Shein
- Cannabis DUI's – **Presenter:** Abe Hutt
- Interpreters & Translators During Auto Stops & Interviews – **Presenter:** Christopher Dupont
- Forfeiture – **Presenter:** Steven Kessler
- Child Pornography Sentencing – **Presenter:** Larry Matthews & Tracy Sabenow
- Ethical Online Investigation In The Age of Social Networking & Technology – **Presenter:** Bill Gallagher
- Effective Use Of Experts In Sentencing
- Sex Offense Allegations With Jurors – **Presenter:** Rick Kanmen
- Making the Case For Life: Mitigation in Capital Cases – **Presenter:** N.A.C.D.L
- Making the Case For Life: Investigation – Capital Cases – **Presenter:** N.A.C.D.L

Toronto, Canada - 2017

1 Day Seminar – September 27, 2017 - Rock and a Hard Place: False Guilty Pleas and Wrongful Convictions – **Presenter:** Innocence Canada

Continuing Legal Education Seminar Training Credits

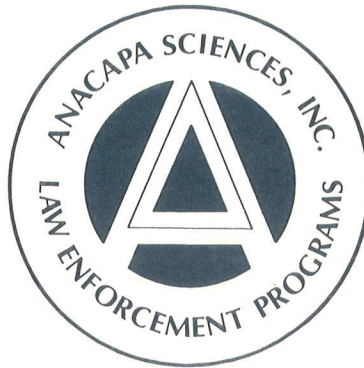
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2017 - 2018

- Self Defense in Homicide Cases – **Presenter:** Deja Vishny
- Evaluating Strangulation Evidence – **Presenter:** Tara Godoy
- Working With and Crossing the Pathologist in a Gunshot Cases – **Presenter:** Deja Vishny
- Voir Dire in Self Defense Cases – **Presenter:** Eric Davis
- Eyewitness Identification – **Presenter:** Ellen Eggers & Scott Fraser
- Science in Sexual Assault Cases– **Presenter:** Nellie King
- Not So Total Recall Memory and Witness Identification– **Presenter:** Dr. Elizabeth Loftus
- Suppressing Eyewitness Identifications – **Presenter:** Paul Rudof
- The Science of the Mind Sanism, Pretextuality and Mental Disabilities – **Presenter:** Professor Michael Perlin
- Challenging the Confession of a Mentally Ill Client – **Presenter:** Dr. Clarence Watson
- False Confessions in Sex Cases – **Presenter:** Deja Vishny
- Forensic Mental Health & the Law – **Presenter:** Professor Steven Drizin , JD
- Exposing & Fighting Misconduct in Criminal Cases – Police Misconduct on the Streets– **Presenter:** Colette Tvedt
- Misconduct in Police Investigations – **Presenter:** Deja Vishny
- Mental Aspects Of False Confessions – **Presenter:** Dr. Antoinette Kavanaugh
- The Science Behind False Confessions – **Presenter:** Christine Funk
- Understanding and Challenging False Confessions – **Presenter:** Deja Vishny
- Ethical Use Of Experts – **Presenter:** Christopher Leibig
- Defending Cops Accused of Misconduct – **Presenter:** Richard Jaffe
- Systematic Police Agency Misconduct – **Presenter:** Scott Sanders
- Forensic Lab Fraud – **Presenter:** Nancy Caplan
- Investigating Police Misconduct – **Presenter:** Kevin McClain
- Brady and Giglio – **Presenter:** Denis Devlaming
- Applying the Scientific Method In Fire Investigations– **Presenter:** Paul Bieber & Len Walker
- Presenting Forensic Evidence At Trial – **Presenter:** Iris Eytan
- Understanding Mobile Forensics– **Presenter:** John Elis
- Introduction to DNA Mixtures – **Presenter:** Bicka Barlow
- Abusive Head Trauma – **Presenter:** Tara Godoy
- Drug Recognition Evaluations (DRE) – **Presenter:** Steve Oberman
- Firearms & Toolmarks – **Presenter:** William Tobin

- Digital Evidence – **Presenter:** Doug Carner
- Fire Investigations – **Presenter:** Paul Bieber
- Computer Search Warrants – **Presenter:** Professor Orin S Kerr
- Strangulation Evidence – **Presenter:** Tara Godoy
- Bitemark Evidence – **Presenter:** Hon. Christopher Plourd
- Bloodspatter Evidence– **Presenter:** Tim Palmback
- Building a Mental Health Defense – **Presenter:** John Niland
- Confronting & Utilizing the Pathologist in Murder Cases – **Presenter:** Robert Sanger
- Fighting the Fantasy of Forensics– **Presenter:** Jose Baez
- Forensic Pathology & Toxicology– **Presenter:** Michael Cristalli
- DNA Database Issues– **Presenter:** Bicka Barlow
- Locating, Vetting, Retaining and Using Experts – **Presenter:** Christine Funk
- Under the Shadow PTSD – **Presenter:** Michael Harris
- Developments in Fingerprint Evidence – **Presenter:** Simon Cole
- Time of Death Calculations – **Presenter:** Jim Cooney
- Qualifying Forensic Science Opinions – **Presenter:** David Kaye
- Shaken Baby Syndrome – **Presenter:** Professor Keith Findley
- Using Forensic Science in Sex Assault Cases– **Presenter:** Michael Waddington
- Cross-Examination of Alleged Rape Victim– **Presenter:** Callie Steele
- Shining Light on Suggestiveness in Children’s Interviews– **Presenter:** Dr. Michael Brannon
- Computer Forensics in Child Porn Cases – **Presenter:** Don Vifer
- Racial Profiling & the 4th Amendment – **Presenter:** Juval Scott
- Conspiracy Law Fundamentals – **Presenter:** John Cline & Prof. Steve Morrison
- Criminal Conspiracy: Challenging The Prosecutor’s Darling – **Presenter:** Prof. Steve Morrison and John D. Cline
- The Future of Conspiracy Law – **Presenter:** Marjorie Pearce & HON. Jed S. Rakoff & Alexandra Shapiro
- Conspiracy to Defraud the U.S. – **Presenter:** David Angeli , Scott Frewing & Enu Mainigi
- The Syllogism of Expert Testimony – **Presenter:** Prof. Edward Imwinkelried
- Dealing with Experts and Standards of Admission – **Presenter:** Charles Sevilla
- Defending Female Defendants in Sex Cases – **Presenter:** David House
- Defending Juveniles Facing Sex Offenses – **Presenter:** Brad A. Meryhew
- Detecting and Fighting DNA Errors in Sex Cases – **Presenter:** Prof. Greg Hampikian
- Deconstructing the Child Exploitation Case – **Presenter:** John Arrascada
- Living With the Collateral Consequences of Sexual Assault Convictions – **Presenter:** Michael Iacopino
- Handling High Profile Cases – **Presenter:** Marie Henein
- Improving Sexual Assault Interview Techniques – **Presenter:** June T. Rodgers
- Ethical Dilemmas in Sex Cases – **Presenter:** Juval Scott
- Audrey Moorehead
- Sexting, Searches and Sentencing in Child Porn Cases – **Presenter:** J.W. Carney
- The Rape Shield Statute & Developing Cross – **Presenter:** Cynthia Roseberry

- Voir Dire in Child Sex Cases – **Presenter:** Kathleen Stilling
- Home Searches – **Presenter:** Jennifer Sellitti
- Drones & Spyware – **Presenter:** Blasé Kearney
- 4th Amendment Update – **Presenter:** Gerald H. Goldstein



THIS IS TO CERTIFY THAT
BRIAN A. LESLIE

SATISFACTORILY COMPLETED ALL REQUIREMENTS OF THE 40-HOUR
ADVANCED LAW ENFORCEMENT TRAINING COURSE IN

ANALYTICAL INVESTIGATION METHODS

CONDUCTED

15-19 February 1982 - Richmond, Virginia

The course provided advanced investigative and analytical methods required for complex criminal cases—organized crime, economic crime, narcotics trafficking, and related conspiracies.

ANACAPA SCIENCES, INC.


INSTRUCTOR