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CRIMINAL

**IN THE CRIMINAL COURT FOR SHELBY COUNTY, TENNESSEE AT MEMPHIS
THIRTIETH JUDICIAL DISTRICT**

IN THE MATTER OF:)	
)	
ESTATE OF SEDLEY ALLEY,)	
)	
Petitioner,)	
)	POST-CONVICTION
)	NO. 85 05085-85193078
vs.)	85 05086
)	85 05087
)	
STATE OF TENNESSEE,)	DIV. II
)	
Respondent.)	

PETITION FOR POST-CONVICTION DNA ANALYSIS

COMES NOW the Petitioner, the Estate of Sedley Alley, by and through undersigned counsel, and pursuant to the Post-Conviction DNA Analysis Act of 2001, T.C.A. § 40-30-301, *et seq.*, and respectfully requests an Order for DNA Testing of any and all remaining evidence that exists at the time of filing. A Motion to Preserve Evidence and proposed Order Preserving Evidence are filed with this Petition.

INTRODUCTION

April Alley was present when her father, Sedley, was executed by lethal injection on June 28, 2006, at Riverbend Maximum Security Institution in Nashville. Less than six weeks earlier, while April was talking with her father in what she thought might be their last conversation, nearby in another part of the prison counsel from the Innocence Project and the Office of the Federal Defender were arguing before the Board of Probation and Parole. They urged that Alley's imminent execution should be stayed so that DNA testing could be conducted on probative items of crime evidence that would show Sedley Alley was innocent

and even identify the person who really committed the murder before the actual perpetrator committed others.

Sedley Alley had been convicted of the rape and murder of Marine Corps Lance Corporal Suzanne Collins, age 19, whose body was found at 6:36 am in Edmund Orgill Park, just outside the naval base where she was stationed on July 12, 1985. Ms. Collins had left the naval base at about 10:30 pm the previous evening to take a run. Her body was found naked, face down. Autopsy findings showed she had been struck at least 100 times, mostly around the head and neck, and strangled. A thirty-inch tree branch had been inserted into her vaginal cavity twice and perforated her lungs. Her clothing and clothing investigators believed were worn by her assailant were found at the scene. It was a horrible crime that shocked the community when it occurred and to this day.

The Parole Board agreed with counsel from the Innocence Project that DNA testing of multiple items found at the crime scene, including men's red underwear presumably worn by the perpetrator found near Ms. Collins' body, could prove her father's innocence or guilt, and even identify the individual who committed the crime through a "hit" in the CODIS DNA database. The Board recommended to Governor Bredesen that he stay Alley's execution so that DNA testing could be performed.

Governor Bredesen decided to defer to the courts on a decision about DNA testing and directed counsel to present their request there. Tragically, the Tennessee courts denied DNA testing prior to Mr. Alley's execution under a now-reversed and clearly incorrect interpretation of the Post-Conviction DNA Analysis Act of 2001. That interpretation rejected the idea that the statute was intended to allow testing that could demonstrate innocence by showing a third party committed the crime through a "hit" in the CODIS database, which could identify an

unknown serial killer, or even by comparing a crime scene DNA profile to an alternate suspect.¹

The Tennessee Supreme Court has since clarified - sadly 5 years after Mr. Alley's execution - that this very type of testing is what the Act was designed to accomplish, and in doing so discussed how the courts in Mr. Alley's case got it wrong. *Powers v. State*, 343 S.W.3d 36, 60 (Tenn. 2011) (finding that Act serves two purposes: "first, to aid in the exoneration of those who are wrongfully convicted and second, to aid in identifying the true perpetrators of the crimes.") (discussing and overruling incorrect analysis of *Alley v. State*, No. W2006-01179-CCA-R3-PD, 2006 Tenn. Crim. App. LEXIS 470 (Tenn. Crim. App. June 22, 2006) ("Alley II").²

If Sedley Alley were still alive, there is no legitimate question that he would be entitled to DNA testing to determine actual innocence and the identity of the real killer under the Post-Conviction DNA Act and the Tennessee Supreme Court's decision in *Powers*. Both the law and DNA science have evolved since 2006. The evidence to be tested is still in existence and is preserved by the Shelby County Criminal Court Clerk's Office. And there is a reasonable

¹ Suzanne Collins had a boyfriend who admitted to an investigator from the Federal Defender's Office that he had visited her the day of the murder and believed he was Collins' exclusive boyfriend. In fact, Collins had plans to leave for California and intended to marry a different man. The boyfriend also matched the description of eyewitnesses, as opposed to Alley. See Affidavit of April Higuera, attached hereto and incorporated herein as **Exhibit 1**. Counsel for the Innocence Project contended that a DNA match to the boyfriend from the red men's underwear retrieved from the scene or other probative crime scene evidence could prove innocence by demonstrating third party guilt.

² "The Post-Conviction DNA Analysis Act of 2001 was designed to permit access to a DNA database if a positive match between a profile developed from crime scene DNA and a profile contained within a database would create a reasonable probability that a petitioner would not have been prosecuted or convicted if exculpatory results from DNA analysis had been previously obtained or that the results would have rendered the petitioner's verdict or sentence more favorable." *Powers v. State*, 343 S.W.3d 36, 60 (Tenn. 2011).

probability that Sedley Alley would not have been convicted or executed if DNA testing results are exculpatory on the material items of evidence recovered from the crime scene. In an Order entered February 21, 2019, granting April Alley's petition to probate her father's estate, the probate court in Davidson County explicitly held that April Alley, as personal representative, is granted the authority to exercise any and all rights of her father Sedley Alley as provided in the Post-Conviction DNA Analysis Act of 2001. She now stands in the shoes of her father, seeking the truth.

April Alley comes before you today because the Innocence Project recently received information that Thomas Bruce, now under indictment in St. Louis, Missouri for homicide and rape, might be a serial offender, and Bruce was taking courses from the same Avionics Training School in Millington, Tennessee that Suzanne Collins attended in the months prior to the homicide.³ As a result of that information, thirteen years after Mr. Alley's execution, Mr. Alley's former defense team sent an investigator to the Shelby County Criminal Court Clerk's Office Property and Evidence Room to see if the evidence the Board of Probation and Parole recommended be tested in 2006 was still there and preserved. It is. *See* Affidavit of Ben Leonard (attached hereto and incorporated herein as **Exhibit 2**).

This is a deeply troubling matter. Confronted with a confession from Mr. Alley, his trial counsel chose to raise an insanity defense based on a multiple personality disorder in light of the fact that Mr. Alley had given a confession, had been drinking heavily the night of the

³ Counsel has not been able to find records from the Avionics Training School as to whether Mr. Bruce was supposed to take part in graduation ceremonies with Suzanne Collins the day her body was discovered or whether he was in Millicent, Tennessee that day. DNA test results can provide that answer.

incident, and continuously maintained he had no recollection of committing the crime. In 1985, before post-conviction DNA testing had demonstrated the alarming frequency of false confessions, especially in homicide cases, Alley's trial counsel plainly assumed the confession was true, disregarded admissions by interrogators that they suggested details of the crime during the lengthy interrogation, ignored the lack of evidence against Alley, and failed to look for alternate suspects or investigate actual innocence. They apparently thought an insanity defense was the only way to save the life of a man who had no recollection of committing a brutal murder.

But as the attached report of Dr. Richard Leo describes, we now know much more about how false confessions happen, and there are very good reasons to believe Sedley Alley gave a false confession. Indeed, it is clear the key details in Alley's confession as to how the crime was committed are contradicted by objective forensic evidence. Autopsy records show he never hit Suzanne Collins, as he claimed, with his station wagon, or impale her head with a screwdriver. The tire tracks from his car do not match those found at the crime scene. Shoe prints don't match his shoes. There are no fingerprints from Suzanne Collins in Sedley Alley's car. A critical witness who saw a man with a station wagon in the area where Suzanne Collins was abducted describes that individual as being 5'6" to 8" tall, with short brown hair, and a dark complexion. Sedley Alley was 6'4" tall, had long red hair, and had a light complexion. As this matter has been re-investigated over the years, it is clear that the case against Sedley Alley was and is weak and, due to poor representation at the trial phase and limitations on the right of new post-conviction counsel to obtain DNA testing, there has never been a full and fair hearing on his guilt or innocence. And most disturbing of all, in 2006, when there was an opportunity to do DNA testing that would determine whether Mr. Alley or someone else

committed this crime, the post-conviction and appellate courts in Mr. Alley's case, as admitted by the Tennessee Supreme Court in 2011 in *Powers*, got the analysis wrong.

Now we have an opportunity to get it right and the ability to find the truth. When April Alley spoke with her father as his lawyers argued before the Board of Probation and Parole seeking DNA testing to prove innocence, he told her something that he told members of his legal team many times over the years. He was coerced into confessing. He was highly intoxicated the night of the incident. He had no recollection of committing the murder and didn't think he had done so. But if he had committed this horrible, heinous murder, he deserved to be executed.

Those were difficult words for April Alley to hear or comprehend. They haunt her to this day. April Alley wants to know the truth. If her father was innocent, she wants to know who really committed the crime for the sake of everyone involved in this tragic event, and to make sure that person never commits another crime. For these reasons, more fully articulated below and in the attached exhibits that are incorporated herein, Petitioner respectfully requests this Honorable Court grant DNA testing pursuant to the Post-Conviction DNA Analysis Act of 2001.⁴

⁴ Record citations herein are to the trial and direct appeal record. See *State v. Alley*, 776 S.W.2d 506 (Tenn. 1989). Petitioner requests that the Court take judicial notice of the record of the prior proceedings in this case, including the trial, direct appeal, and state collateral review proceedings, the records of which are with the Shelby County Criminal Court Clerk and the Clerk of the Tennessee Appellate Courts, in *State v. Alley*, 776 S.W.2d 506 (Tenn. 1989); *Alley v. State*, 882 S.W.2d 810 (Tenn. Crim. App. 1994); *Alley v. State*, 958 S.W.2d 138 (Tenn. Crim. App. 1997); *Alley v. State*, No. W2004-01204-CCA-R3-PD, 2004 Tenn. Crim. App. LEXIS 471 (Tenn. Crim. App. May 26, 2004), app. denied (Tenn. Oct. 4, 2004); and *Alley v. State*, No. W2006-01179-CCA-R3-PD, 2006 Tenn. Crim. App. LEXIS 470 (Tenn. Crim. App. June 22, 2006) ("*Alley II*"). See *Helton v. State*, 530 S.W.2d 781, 783 (Tenn. Crim. App. 1975) (court may take judicial notice of records of prior proceedings of the case).

CONVICTING EVIDENCE

On the evening of July 11, 1985, Lance Corporal Suzanne Marie Collins needed to go for a run. She had just fought with her roommate Patti Coon about who would buff the deck.⁵ Thursdays were “field day,” and between 7:00 and 10:00 PM, Friday morning inspections relegated all the girls to the barracks for mass cleaning.⁶ Between those hours, Suzanne was to be trapped in the tiny office of the duty NCO hut while she oversaw her subordinate’s white-glove treatment of their living quarters.⁷ The following day she would graduate from her status as an E-3 in the U.S. Marine Corps and join her fiancé in California and would leave Millington, Tennessee. Before leaving the barracks, she put on her white cotton briefs,⁸ her red Marine Corps t-shirt⁹ and shorts,¹⁰ and her Nike shoes.¹¹ Conscientious about her body, the Lance Corporal also put on her waist trainer, which made her sweat more around the mid-section, flattening her stomach.¹²

On the night Ms. Collins went for her run, young military personnel were out in Edmund Orgill Park. Orgill Park, a public park in Millington northeast of the military base, provided the military trainees with an off-base location to drink, intermingle with the opposite sex, and generally have a good time.¹³ At 11:10 PM the park-goers heard screams,¹⁴ and 8

⁵ Vol. I, 102.

⁶ Id. 99, 102.

⁷ Id. 102.

⁸ Tr. Ex. 7; *see* I, 108-12

⁹ Tr. Ex. 2; Id.

¹⁰ Tr. Ex. 3; Id.

¹¹ Tr. Exs. 5, 6; Id.

¹² Tr. Ex. 4. Id, 108-12

¹³ Scott Lancaster, (I, 122); Mark Shotwell (II, 156) Sheri Michelle Bargnier, Kenneth Arthur, (II, 283-284) Virginia Taylor, (II, 282), Jan Willow Henry (II, 295).

¹⁴ Radio Log 7.11.85 – Column A 23:10 “Received call from gate guard, heard screams.”

minutes later, the Navy gate guard notified multiple law enforcement bureaus that a young woman had been abducted. A BOLO issued for a brown station wagon with faux wood paneling.¹⁵

Mark Shotwell and Mike Howard

The body of Suzanne Collins would be found the following morning. Though a number of people in Orgill Park heard Ms. Collins scream, only two of them tried to save her. Mark Shotwell and Mike Howard, roommates and U.S. Marines, went running in Orgill Park near Navy Lake between 10:30 and 10:45 PM.¹⁶ Shotwell and Howard passed by a fit young woman in red shorts running in the opposite direction.¹⁷ As they continued jogging, an old station wagon approached them from behind, and out of courtesy they crossed the road.¹⁸ The car swerved at them, but they continued jogging north.¹⁹ Howard thought the driver might have been a drunk sailor trying to give the Marines a hard time, but neither man thought much of the incident.²⁰ Immediately after encountering the station wagon, they heard a woman scream: “Don’t touch me!”²¹ As the two men looked to each other, they heard Suzanne Collins scream again, “Leave me alone!”²²

¹⁵ Id. N.A.S. notified Millington Police Department and the Shelby County Sheriff’s Office.

¹⁶ II, 159, 195. Orgill Park is a little over a square foot mile. Navy Lake is not in Orgill Park, but is rather 2.7 miles away from it. Attu Extend, mentioned by both Howard and Lancaster, does not run through Orgill Park at all. It runs through Glenn Eagle Golf Park, which is not as far north as Orgill Park.

¹⁷ II, 161, 196.

¹⁸ II, 163.

¹⁹ II, 164; the prosecutor suggested that the car drove at them maliciously.

²⁰ II, 200.

²¹ II, 165.

²² II, 165.

After the second scream, Howard and Shotwell immediately turned around and ran toward the direction of the car and the female jogger they had seen.²³ Just a few hundred feet in front of them, they saw the station wagon parked on the wrong side of the road off in the grass close to a fence.²⁴ Two years later at trial, Howard recalled that as another car passed by, the station wagon swerved as it pulled away,²⁵ but Shotwell remembered that the station wagon appeared to be under control.²⁶ The two men tried to flag down a second approaching station wagon, but the car ignored them.²⁷ The two men ran back toward where they had heard the screams. They searched all around the immediate area, but all they could find were tire tracks from the car.²⁸

The Petty Officers' Investigation

At 11:18 PM after being approached by Mark Shotwell and Mike Howard, the gate guard, a petty officer, reported the screams in Orgill Park.²⁹ The gate guard remembered seeing a station wagon with blue tags matching the Marines' description drive out of the park, albeit at a normal rate of speed.³⁰ The gate guard believed a couple had been in the car, because the

²³ II, 167.

²⁴ II, 168.

²⁵ II, 206.

²⁶ II, 168. The state's theory at trial was that Sedley Alley drunkenly hit Suzanne Collins with his car. The state alleged that in the span of 43 minutes from 11:10 to 11:53, Mr. Alley abducted Ms. Collins on Attu Road, drove her part-way to the hospital, but then went to Edmund Orgill Park to bludgeon, rape, and strangle her. Mr. Alley has no visible cuts or abrasions when he was apprehended less than an hour later.

²⁷ II, 169.

²⁸ II, 169.

²⁹ II, 224; Radio Log 7.11.85

³⁰ II, 225; The incident report indicates that Officer Ledoux only thought that the license plates were from Kentucky, because the license plates were blue. From 1983-1987, Kentucky did have blue license plates. However, from 1969 to 1986, California issued blue license plates. From 1980 to 1988, Connecticut also had blue license plates; *see also* IV, 500 Testimony of Wayne Franklin Ledoux.

driver draped his arm around the passenger.³¹ The Chief Petty Officer headed out to meet the gate guard at Navy Lake from the south side of the Millington Naval Air Station.³² Another unit made it to scene before the Petty Chief Mark Rogers.³³

Based on what the other unit told him, Rogers instructed Petty Officer Ledoux to issue a BOLO for a brown station wagon with wood paneling and Kentucky tags.³⁴ Between 11:18 and 11:53, Rogers met up with other members of law enforcement making an unrelated call in the area of the Orgill Park gatehouse on Bethuel Road at Fairway Homes.³⁵ Based on the BOLO, a member of law enforcement pulled over a “brown over brown,” late-model station wagon driven by Sedley Alley.³⁶ After Alley stepped out of his vehicle, he told Petty Chief Officer Rogers that for the last three hours, “he had been driving around the county and Millington drinking some beer.”³⁷

Alley knew Mark Rogers was Navy security personnel, and he was very cooperative.³⁸ Alley gave his wife’s number to Mark Rogers and agreed to follow the Chief Petty Officer back to the security base.³⁹ Alley’s ID indicated his military dependent status, and Rogers contacted Alley’s wife to meet them there.⁴⁰

Scott Lancaster – The Third Eyewitness to the Abduction

³¹ II, 229.

³² II, 241.

³³ II, 242.

³⁴ BOLO – Petty Officer Ledoux;

³⁵ Fairway Homes was Title VIII housing that no longer exists, but in 1985, stood south of Orgill Park.

³⁶ II, 253.

³⁷ II, 255.

³⁸ II, 258.

³⁹ II, 259.

⁴⁰ II, 259. The NASMFS radio log indicates that the instruction to pick up Lynne Alley at the Alley’s residence went out at 12:31.

Three hours earlier, Naval Officer Scott Lancaster, the day attendant for Navy Lake, got off work and left Orgill Park between 9 and 9:30 PM on July 11, 1985.⁴¹ After dinner with his wife, their children, and his wife's friend Jennifer, he returned to Navy Lake to go fishing alone with Jennifer around 11:00 PM,⁴² entering Orgill Park on poorly lit Attu Extend, the only road into the area.⁴³ As he drove into the park, Lancaster saw two marines jogging south as he drove north.⁴⁴ Near the admiral's house on Attu, he saw a petite woman in red Marine PT gear stretching her legs.⁴⁵ Across the street and walking toward Collins, Scott Lancaster could see a man in black shorts, with a "dark tan" who was "medium built, 5'8" with short dark brown hair,⁴⁶ an old Ford station wagon with wood paneling was parked 50 feet away from him.⁴⁷

Around midnight, Lancaster and his wife's friend finished fishing.⁴⁸ As they left, Petty Officer Ledoux of the Naval security unit flipped on his blue lights and stopped Scott Lancaster to ask him if he had heard any strange noises or seen an old station wagon in the park that evening.⁴⁹ After recalling what he had seen to the petty officer, Ledoux asked him to come to security and give a statement about what he had seen.⁵⁰

Domestic Dispute Determination

⁴¹ I, 122

⁴² I, 23.

⁴³ II, 23, 123. Attu Extend does not run through Edmund Orgill Park or Orgill Golf Park. Attu Extend runs through Glen Eagle Golf Park. Part of Attu Extend is now a solar farm.

⁴⁴ I, 124

⁴⁵ I, 125-126, 130.

⁴⁶ II, 150.

⁴⁷ I, 129. Scott Lancaster's description of the abductor did not match Sedley Alley at the time of his arrest.

⁴⁸ I, 130.

⁴⁹ I, 130.

⁵⁰ II, 149.

Exhibit 7 from the trial is the BOLO, showing that it issued at 11:10 PM.⁵¹ When Mr. and Mrs. Alley arrived for questioning at the naval base, Howard, Shotwell, and Lancaster were all there. They were unsure that Mrs. Alley was the woman they had seen running.⁵² Chief Petty Officer Rogers determined that Mr. Alley had been in domestic dispute with his wife after his wife attended a Tupperware party. The BOLO was canceled after Sedley Alley and his wife were questioned at the naval base. As they prepared to leave, they started their station wagon. Based on the sound of the station wagon, Howard, Shotwell, and Lancaster identified the vehicle as the same one that had been in the park. The case was closed. Sometime after 1:30 A.M. when the BOLO had been canceled, Officer John William Griggs drove by the Alley home to make sure the couple was getting along.⁵³

The Discovery of The Body

Officer Sherre Adams worked 11 PM to 7 AM from July 11 to 12 with her partner Mike Darden.⁵⁴ At 5:30 A.M. Suzanne Collins was discovered missing.⁵⁵ The same BOLO that had been cancelled 4 hours earlier at 1:30 AM for a late-model station wagon with woodgrain paneling and Kentucky plates was reinstated.⁵⁶ Adams and Darden began canvassing the area. Adams remember seeing the red t-shirt some feet away from the unnamed road that runs through Orgill Park. After seeing the clothes, the sheriff's deputies followed them until

⁵¹ Exhibit 7 from the trial has the information from "time cancelled" missing. The State recalled Chief Petty Officer Rogers back to the stand to testify about canceling the BOLO, but Exhibit 7 failed to note that the BOLO was canceled at 1:28 as a possible domestic disturbance. III, 355. This fact was noted by the Commercial Appeal while Alley awaited trial.

⁵² II, 263.

⁵³ III, 430.

⁵⁴ III, 383.

⁵⁵ III, 348-350.

⁵⁶ III, 385.

discovered the mutilated body of Suzanne Collins underneath a tree on the east side of the park. According to the autopsy, she died from either blunt trauma to the head or from being impaled by a 30-inch tree limb that had been pushed through her vagina into her internal organs. She had been strangled, and her thighs were covered in semen.

Alley Apprehended

At approximately 8:00 AM on July 12, 1985, law enforcement arrested Alley at his home and transported him to the naval base for interrogation. Initially, Alley denied killing Suzanne Collins.⁵⁷ Twelve hours later,⁵⁸ Alley signed a statement admitting that he was responsible for drunkenly striking Ms. Collins with his car, impaling her head with a screw driver, and then killing her with the tree branch.⁵⁹ The physical evidence did not match Alley's admissions.

Anthony Belovich and Gordon Neighbours initially tried to interview Alley.⁶⁰ Mr. Neighbours intimidated Alley, and Alley refused to speak with the investigators if Neighbours was present.⁶¹ Alley's confession was as follows: His wife went to a Tupperware party, and Alley went to the Mini Mart and purchased beer, parking his car on the north side of the base near the golf shack.⁶² Then, Alley went for a jog, even though he was not dressed in running clothes. He saw Suzanne Collins, and he stated that she came over to him and spoke with him. He jogged back to his car while she jogged away. After getting back into his car, he hit Ms.

⁵⁷ VI, 756; V, 692. Dr. Samuel Craddock testified at Mr. Alley's competency hearing that Mr. Alley did not remember committing the acts alleged against him.

⁵⁸ VI, 795.

⁵⁹ VI, 773-775.

⁶⁰ VI, 754.

⁶¹ V, 680.

⁶² V, 696.

Collins with his car as a result of his intoxication. Alley pulled Ms. Collins into his car to take her to the Navy hospital, and she threatened to have him arrested. A block from the hospital, Alley decided to drive Ms. Collins to Edmund Orgill Park where they both got out of the car. Alley picked up a screwdriver to start his car, but Ms. Collins approached him from behind. Startling him, Mr. Alley stated that he swung around and impaled her head with the sharp end of the screwdriver.⁶³ Ultimately, this statement was transcribed, recorded, and played for the jury. Mr. Alley's initial denials, his requests for an attorney, and several hours of his detention were not recorded or played for the jury.

Before Alley signed a typed statement of his alleged confession, Bruce Baldwin, a federal agent, who assisted in the investigation of the crime scene before coming to interrogate Alley, asked Alley why he bashed the young woman's head against his bumper.⁶⁴ Bruce Baldwin asked Sedley Alley to take them to the areas where Alley said that these things had happened. Sedley Alley brought them to the corner of Navy and Bethuel Road at a convenience store. He told the officers that this was where he had hit Ms. Collins with his vehicle, which was not where Shotwell and Howard indicated the abduction had taken place.⁶⁵ The officers could not find any blood consistent with someone being struck by a vehicle.⁶⁶ Bruce Baldwin insisted that Alley had told him where to drive, but only Baldwin's voice could be heard on the tape recording of Alley's tour of his whereabouts the previous evening.

Alley's Vehicle and Forensics

⁶³ V, 699.

⁶⁴ VI, 805.

⁶⁵ V, 725.

⁶⁶ V, 725.

After Alley was apprehended, law enforcement searched his home and his car. Partial fingerprints were developed from the car, but they did not match Suzanne Collins. Paulette Sutton, a serologist, was called to the naval base to collect evidence from the station wagon. She identified four areas on Mr. Alley's car to test what she believed on the scene to be blood: (1) the rear bumper, (2) the driver's door area, (3) the headlights on the driver's side, and (4) the interior of the passenger's side door.⁶⁷

After testing, Sutton determined that the area believed to be blood on the driver's side door was not blood.⁶⁸ The blood on the headlights on the driver's side was determined to be animal blood, most likely a bird.⁶⁹ Sutton initially testified that she found type O blood matching Suzanne Collins, near the Mercury emblem, but after reading her notes, realized she had made a mistake and corrected herself.⁷⁰ This error also appears in her lab report. She could not determine the species of origin of the blood she found near the emblem, but she determined the blood on the front of the car did not belong to a human being. Sutton also determined that type A blood was on the headlights, which did not match Suzanne Collins. Only tiny red streaking on the driver's side door matched the victim's type O blood. Sedley Alley had Type O blood, however, which is the most commonly occurring ABO-type.⁷¹

Other materials were sent for the testing available in 1985, which did not include DNA testing. Sutton testified that the items recovered from where the body had been found were

⁶⁷ VI, 813.

⁶⁸ VI, 817.

⁶⁹ VI, 819; Sutton determined the blood did not belong to a cat or dog; *see also* IV, 832

⁷⁰ VI, 824.

⁷¹ *See* Naval Hospital Medical Record for Sedley Alley, dated Nov. 20, 1973, attached hereto and incorporated herein as **EXHIBIT 3**.

covered in biological materials.⁷² Sedley Alley's blue jean shorts that he was wearing the night of July 11, 1985 were sent for testing. The shorts came tested positive for human blood in the seat of the pants originating from the interior.⁷³ The blood type was not discussed. In addition to the blood testing, law enforcement engaged in additional testing. Fiber comparisons between items recovered at the scene and items in Mr. Alley's home revealed no cross-contamination between the items that belong to him and those that belong to Ms. Collins.⁷⁴

PROCEDURAL HISTORY

On October 28, 1985, a Shelby County grand jury indicted Sedley Alley with first degree murder, kidnapping, and aggravated rape. His trial lawyers asserted an insanity defense based on multiple personality disorder, never presenting a theory of innocence. After a jury trial before Judge W. Fred Axley, Mr. Alley was found guilty as charged on March 18, 1987. The jury, unconvinced by expert testimony of Mr. Alley's mental illness, found two aggravating circumstances, the murder was especially heinous, atrocious or cruel and the murder was committed during kidnapping and rape, and sentenced him to death. *State v. Alley*, 776 S.W.2d 506, 508 (Tenn. 1989). As to the rape and kidnapping, Mr. Alley was sentenced to 40 years on each of the other offenses with all sentences to run consecutively. After the guilty verdict and after direct appeal, the Tennessee Supreme Court affirmed the trial court's order convicting Mr. Alley of premeditated first-degree murder, kidnapping, and aggravated rape. The order sentencing Mr. Alley to death was also affirmed. On February 21, 1990, the Court ordered Mr. Alley's execution to be carried out on May 2, 1990.

⁷² VI, 840-846.

⁷³ Mr. Alley may have been bleeding from his anus.

⁷⁴ VI, 840; *see also* Lab Report Regarding Clothing.

On April 25, 1990, Mr. Alley filed a pro se petition for post-conviction relief, which after the appointment of counsel, the trial court denied. *See Alley v. State*, 882 S.W.2d 810 (Tenn. Crim. App. 1994). The Court of Criminal Appeals reversed the trial court's initial denial of relief and remanded the matter back to the trial court for a new hearing in front of a different Shelby County Criminal Court judge. Again, Mr. Alley's petition for post-conviction relief was denied, and the Court of Criminal Appeals affirmed the denial. *See Alley v. State*, 958 S.W.2d 138 (Tenn. Crim. App. 1997), *app. denied*, (Tenn. Sept. 29, 1997). While federal proceedings concerning Mr. Alley's conviction and sentence were pending, on May 4, 2004, Mr. Alley filed his first petition to compel DNA testing of physical items of evidence that had never been subjected to previous testing in the Shelby County Criminal Court. *See Sedley Alley v. State*, 2004 Tenn. Crim. App, LEXIS 471, No. W2004-01204-CCA-R3-PD (Tenn. Crim. App., at Jackson May 26, 2004), *app. denied* Tenn. Oct. 4, 2004), *cert. denied*, 554 U.S.950 (2005) (referenced, hereinafter, as "*Alley I*"). The trial court summarily denied Mr. Alley's first petition, and the Court of Criminal Appeals affirmed. *Id.*

On May 16, 2006, then Governor Phil Bredesen, upon recommendation of the Tennessee Board of Probation and Parole, granted a fifteen-day reprieve to allow the Petitioner the opportunity to ask the trial court for DNA testing of additional items. Pursuant to the Governor's order of reprieve, Mr. Alley filed his second petition for DNA testing, but it was denied by the post-conviction and appellate courts based on an inaccurate interpretation of the Post-Conviction DNA Act that was specifically overturned 5 years later by the Tennessee Supreme Court. *Powers v. State*, 343 S.W.3d 36, 60 (Tenn. 2011) (finding that Act serves two purposes: "first, to aid in the exoneration of those who are wrongfully convicted and second, to aid in identifying the true perpetrators of the crimes.") (discussing and overruling incorrect

analysis of *Alley v. State*, No. W2006-01179-CCA-R3-PD, 2006 Tenn. Crim. App. LEXIS 470 (Tenn. Crim. App. June 22, 2006) ("*Alley II*").⁷⁵ On June 28, 2006, Sedley Alley was executed by lethal injection at Riverbend Maximum Security Institution in Nashville, Tennessee.

ANALYSIS

Under the Post-Conviction DNA Act, a court shall order DNA analysis when it finds:

- (1) A reasonable probability exists that the petitioner would not have been prosecuted or convicted if exculpatory results had been obtained through DNA analysis;
- (2) The evidence is still in existence and in such a condition that DNA analysis may be conducted;
- (3) The evidence was never previously subjected to DNA analysis or was not subjected to the analysis that is now requested which could resolve an issue not resolved by previous analysis; and
- (4) The application for analysis is made for the purpose of demonstrating innocence and not to unreasonably delay the execution of sentence or administration of justice.

See Tenn. Code Ann. § 40-30-304. Mr. Alley's estate may file this petition pursuant to Tenn. Sup. Ct. R. 28, 2(a) and Tenn. Code Ann. § 40-30-303. Tennessee Supreme Court Rule 28, section 2(a) defines a "petition for post-conviction relief" as "an application to the court, filed by or *on behalf of a person* convicted of and sentenced for the commission of a criminal offense, that seeks to have the conviction or sentence set aside. Tenn. Sup. Ct. R. 28, § 2(A) (emphasis added). Tenn. Code Ann. § 40-30-303 states as follows:

[A] person convicted of and sentenced for the commission of first degree murder, second degree murder, aggravated rape, rape, aggravated sexual battery or rape of a

⁷⁵ "The Post-Conviction DNA Analysis Act of 2001 was designed to permit access to a DNA database if a positive match between a profile developed from crime scene DNA and a profile contained within a database would create a reasonable probability that a petitioner would not have been prosecuted or convicted if exculpatory results from DNA analysis had been previously obtained or that the results would have rendered the petitioner's verdict or sentence more favorable." *Powers v. State*, 343 S.W.3d 36, 60 (Tenn. 2011).

child, the attempted commission of these offenses, or, at the direction of the trial judge, any offense, may at any time, file a petition requesting the forensic DNA Analysis of any evidence that is in the possession or control of the prosecution, law enforcement, laboratory, or court, and that is related to the investigation or prosecution that resulted in the judgment of conviction and may contain biological evidence.

Tenn. Code Ann. § 40-30-303 states that a “person... *may at any time*, file a petition requesting the forensic DNA analysis of evidence...” “notwithstanding... any other provision of law governing post-conviction relief to the contrary.” The legislative intent of the Post-Conviction DNA Act extends beyond just the interest of the individual defendant seeking exoneration; the Act also exists to ensure the public’s safety by using DNA technology and DNA databases to determine whether the actual perpetrator has been apprehended. *Powers v. State*, 343 S.W.3d 36, 50-51 (Tenn. 2011) (detailing legislative history and purpose of the Post-Conviction DNA Act). The Seventh Circuit (Probate) Court for Davidson County, Tennessee has already determined that Mr. Alley’s estate qualifies as a “person” under the Act. *See* Certified Petition and Order of Davidson County Seventh Circuit Court, Probate Division, filed Fed. 21, 2019 (attached hereto as **EXHIBIT 4**). Under the Post-Conviction DNA Act, a court *shall* order DNA analysis if a reasonable probability exists that the petitioner would not have been prosecuted or convicted if exculpatory results had been obtained through DNA analysis. *See* Tenn. Code Ann. § 40-30-304. The Act seeks to address concerns over wrongful convictions by allowing convicted individuals the ability to perform DNA analysis of material evidence. Hundreds of wrongful convictions across the country – including convictions in Tennessee – have been overturned based on this type of DNA analysis since 1989. *Powers v. State*, 343 S.W.3d 36, 50 n.22 (Tenn. 2011).

In *Powers v. State*, the Tennessee Supreme Court emphasized the importance of post-conviction DNA analysis, instructing lower courts that they must presume that the testing results will favor the petitioner. *Id.* at 58. The court's analysis must compare the strength of the DNA evidence to the other evidence presented at trial, particularly how "evidence of innocence interacts with the evidence of guilt." *Id.* at 55 (citing Brandon L. Garrett, *Claiming Innocence*, 92 Minn. L. Rev. 1629, 1646 (2008)). To succeed, the petitioner needs only to establish "a probability sufficient to undermine confidence" in the state's decision to prosecute or the jury's decision to convict upon knowledge of the test results. *Powers*, 343 S.W.3d at 54. Sufficient evidence of guilt does not end the inquiry, as "many DNA exonerations have occurred despite the fact that there was substantial evidence supporting the conviction." *Id.* at 56 (citing Cynthia E. Jones, *The Right Remedy for the Wrongly Convicted: Judicial Sanctions for Destruction of DNA Evidence*, 77 Fordham L.Rev. 2893, 2926 (2009)).

Powers, reliant on well-established Tennessee and U.S. Supreme Court authority, defined a "reasonable probability" in the context of the Act as "a probability sufficient to undermine confidence in the decision to prosecute or in the conviction had the State or the jury known of the exculpatory DNA testing results." *Powers*, 343 S.W.3d at 55. To determine whether DNA analysis is appropriate under Tenn. Code Ann. § 40-30-304(1), a petitioner must merely establish "a probability sufficient to undermine confidence" in the decision to prosecute or the decision by the jury to convict. *Powers v. State*, 343 S.W.3d 36, 55 (Tenn. 2011).

Powers directs courts to focus on the strength of DNA evidence compared to evidence originally presented at trial when determining whether "a reasonable probability exists that the petitioner would not have been prosecuted or convicted if exculpatory results had been obtained through DNA analysis." *Powers*, 343 S.W.3d at 55; Tenn. Code Ann. § 40-30-304(1).

This analysis requires the post-conviction court to consider the evidence presented against the petitioner at trial, viewing it “in light of the effect that exculpatory DNA evidence would have had on the fact-finder or the State” at the “time of trial or when the decision to prosecute was made, not on the evidence as construed by an appellate court in the light most favorable to the State.” *Id.* at 55, 57. Instead, the DNA evidence is presumed to be exculpatory and “the trial court should postulate whatever realistically possible test results would be most favorable to the defendant.” *Powers*, 343 S.W.3d at 55 (quoting *State v. Peterson*, 836 A.2d 821, 827 (N.J. Super. Ct. App. Div. 2003)).

The reviewing court must look at the evidence at trial considering the effect that exculpatory DNA evidence would have had on the fact-finder or the state, in conjunction with the strength of the evidence presented at trial. *Powers*, 343 S.W.3d at 55. Past appellate opinions in the matter may help a court determine the “essential facts of the crime at issue,” but previous opinions “should not be used to determine ‘the merits of any claim’ that is, whether the reasonable probability threshold has been established.” *Id.* at 56. The court should presume exculpatory results favorable to Mr. Alley, weighing the exculpatory results with the evidence presented at trial.

Evidence Sought to Be Tested

Mr. Alley wishes to test for the existence of DNA on the following items:

1. Red underwear
 - a. Contains possible biological material from the usual wearer
 - b. State’s theorized underwear belonged to Petitioner
2. Victim’s t-shirt
 - a. Large spot of biological material
 - b. Spot could contain saliva, semen, mucous and/or other biological material
 - c. Victim’s left breast areola and nipple had abrasions and contusions

3. Stick used to murder Suzanne Collins
 - a. Blood and hair observed; other biological material such as semen or skin cells
 - b. The stick was presented as a possible murder weapon.
 - c. Given the stick's texture, the prolonged contact the assailant had with the stick, and the force that was required to assault Ms. Collins, an absence of Mr. Alley's DNA would be exonerating.
 - d. Any redundancies produced between the stick and the men's underwear would be highly probative, if not dispositive that the DNA evidence present came from the assailant.
4. Wrapping from stick
 - a. Paper packaging
 - b. Two spots indicative of a blood/semen mixture
5. Blood stained grass
 - a. Piece of earth uncovered from victim's vaginal area
 - b. Discoloration of grass establishes potential existence of biological material
6. Bra
 - a. Biological stain on cup of bra
 - b. Victim sustained an injury to the top of her breast that may have been caused from biting by the assailant
 - c. Stain on bra may contain saliva or other bodily fluids associated with the injury to the breast
7. Left shoe of Suzanne Collins
 - a. Possible blood spot on the front right part of shoe
 - b. Hair on the sole of the shoe that appears to have a root on it
 - c. DNA analysis would identify the source of the blood and the hair
8. Right shoe of Suzanne Collins
 - a. Possible blood spot on the shoe
 - b. Three (3) apparent stains on the sole from dried fluid
 - c. Possible hair stuck on shoelace
9. White tube sock
 - a. Apparent blood stain
 - b. Hairs stuck to the heel of the sock and another hair near toe
 - c. Other possible biological material contained in various stains
10. Styrofoam cup
 - a. Found near the body and among the victim's clothing
 - b. Can be swabbed for biological residue to identify drinker
11. Shorts of Suzanne Collins

- a. Blood stain
 - b. Possible semen stain
12. Underwear of Suzanne Collins
- a. Stained with biological material
 - b. Potential saliva material
13. Exercise belt
- a. Probable semen stain
 - b. Hair near Velcro
 - c. Second hair near band of the belt
14. Beer bottle
- a. Fingerprint found on bottle did not match defendant
 - b. Can be swabbed for skin cell and saliva DNA
 - c. Fingerprint could be compared to newly developed suspect
15. Alley's shorts
- a. State argued blood stains on Alley's shorts came from victim, but only the type of blood was identified at the time of trial.
 - b. STR testing of blood stains could show whether blood came from victim.
16. The screwdriver(s)
- a. Possible blood stain
 - b. STR testing of blood could show whether it came from victim.
 - c. Multiple screwdrivers were recovered in this case. One screwdriver was found on the road within a mile of the body. Screwdrivers were also seized from Mr. Alley's car and residence.
17. The Danver's napkins recovered near the body
- a. Partial fingerprints were found on the napkins
 - b. Fingerprint could be compared to a newly developed suspect
 - c. STR testing of skin cells could exclude Alley as the owner of those napkins.

Petitioner wishes to test for DNA on the existing evidence against preserved samples of Mr. Alley and the Combined DNA Index System (CODIS). Absence of Mr. Alley's DNA would undermine the state's theory that Sedley Alley was the person who committed the heinous acts against Suzanne Collins, that he used the implements (namely the tree branch and the screwdriver) that harmed her, that he sexually assaulted her, and that he killed her. Thus, there would exist a reasonable probability, or in other words, an undermining of confidence,

that Mr. Alley would not have been prosecuted or convicted. If a number of these items that had blood or biological material produced a male DNA profile that matched each other, but excluded Sedley Alley, these redundant results would further strengthen the inference that a man other than Alley committed this crime.

If testing of these items of evidence produced a DNA profile that produced a “hit” or matched a profile of an offender in the FBI’s CODIS DNA database, that would be powerful exculpatory evidence that a person other than Alley committed the murder, as was recognized in *Powers* and *Nelson v. State*, No. W2010-02088-CCA-R3-PC, 2011 WL 6349720 (Tenn. Crim. App. Dec. 14, 2011). *Nelson* sets forth a similar proposition to *Powers*: If the murder weapon was submitted to DNA testing and matched to a profile in the DNA database, such a match would establish a reasonable probability that the person convicted would not have been prosecuted or convicted. *Nelson v. State*, No. W2010-02088-CCA-R3-PC, 2011 WL 6349720 (Tenn. Crim. App. Dec. 14, 2011). Subjecting the items described in the above paragraphs to DNA testing and obtaining a match in a DNA database would establish a reasonable probability that Mr. Alley would not have been prosecuted or convicted, as probative items of evidence involved in the murder of Suzanne Collins would be linked to a different person.

The Post-Conviction DNA Analysis Act allows for a petition for DNA testing to be brought “at any time” and does not prohibit granting relief when a previous petition may have been filed. *See* Tenn. Code Ann. § 40-30-303. A reasonable probability exists that the analysis of the evidence will produce DNA results that Mr. Alley would not have been prosecuted or convicted if the DNA testing shows that his DNA is not present, or the DNA profile of another man is present, on the items recovered at the crime scene – the clothing of the victim, the underwear alleged to have been worn by the assailant, the murder weapon, and other items.

This evidence, previously examined by DNA expert Gary Harmor in 2006, is still in existence and is being stored by Shelby County Criminal Court Clerk in the Property and Evidence Room.

The Act also contemplates advancements in science that might necessitate a re-testing of evidence. *See* Tenn. Code Ann. §§ 30-40-304(c). The DNA testing available in 2004 and 2006 would have required a larger amount of DNA to produce reliable results than current methods. Improvements in STR testing and PCR allow for results to be obtained even where sample sizes are very small. C. Alan Keel, a well-qualified DNA examiner, has reviewed this case, including the crime scene photos, sketches, pathology and forensic serology laboratory reports, and other items. Keel is the Forensic Biology/DNA Analysis Unit Supervisor and DNA Technical Lead Analyst for Forensic Analytical Crime Lab, Inc. (FACL) in Hayward, California. FACL has been in operation since 1995 and 40% of their current caseload is for law enforcement in the pre-trial investigation of criminal cases. An affidavit from Mr. Keel along with curriculum vitae are attached hereto, and incorporated herein, collectively as **EXHIBIT 5**. Keel avers that the items not previously tested will now likely generate DNA profiles even though a significant amount of time has passed without regard to the conditions under which the items have been stored. *Id.* Mini-STR testing, which first became generally available for forensic use in 2007, can be employed to focus on portions of DNA that can break down over time, small samples, or degraded samples. Y-STR testing, which emerged in 2005, provides for particularly useful testing where the evidence contains a large amount of female DNA and a small amount of male DNA. Mega-Plex STR testing, not available in 2005, provides amplification of over twenty STRs from minimal amounts of DNA. In 2017, the FBI required testing of twenty “core” STRs for CODIS eligibility. Mega-Plex STR testing has been

useful for analyzing touch DNA profiles from exfoliated skin cells and nucleated epithelial cells, not visible to the naked eye.

Aside from a search of the state and federal law enforcement DNA databases (CODIS), genetic genealogy DNA testing has recently emerged as an additional tool used by law enforcement throughout the country to help identify the perpetrator of crimes through linking biological material left at a crime scene to a known individual. Genetic genealogy DNA testing has been successful in solving old cases, most notably the Golden State killer serial murder case in California. *See* “How a Genealogy Site Led to the Front Door of the Golden State Killer,” NY Times, Apr. 26, 2018, Fuller, Thomas. This type of testing and analysis uses single nucleotide polymorphisms (SNP) technology to yield a profile that can be searched and compared to the approximately one million profiles that are stored in the public DNA database, GEDmatch. Once a common ancestor is identified, a genealogist uses census records, newspaper obituaries, gravesite locators, social media, and other public databases to identify an individual whose STR DNA profile could be compared to profiles obtained from the crime scene evidence. The Innocence Project has retained Parabon laboratory and a genealogist with whom they work, CeCe Moore, to do genetic genealogy testing in this case if that proves to be necessary. First, we propose doing STR DNA testing that can be used to search the profile(s) obtained in the CODIS DNA database, as well as performing Y DNA testing as outlined in the Alan Keel’s affidavit. If Mr. Alley is excluded through conventional STR DNA testing, and if there is no “hit” in the CODIS database, the Innocence Project would move this court to order genetic genealogy testing and investigation pursuant to a protective order that would have provisions dealing with privacy concerns and working co-operatively with law enforcement.

Weakness of Other Convicting Evidence

The strength of the non-DNA evidence against Sedley Alley was weak, and his convictions and sentence relied on his alleged confession. Dr. Richard Leo, one of the leading experts on the science of false confessions, has reviewed Mr. Alley's case, and offers the following analysis:

- 1) It has been well-documented in the empirical social science research literature that hundreds of innocent suspects have confessed during police interrogation to crimes (often very serious crimes such as murder and rape) that it was later objectively proven they did not commit. In the time since Mr. Alley was executed, hundreds more proven false confessions have been documented and analyzed.
- 2) Because Officers Belkovich, Neighbors and Baldwin chose not to record Mr. Alley's interrogation, we are forever deprived of an objective record of exactly what occurred during his interrogation: what exactly the officers said to Mr. Alley and what exactly he said to them, which interrogation techniques or strategies they used, whether the techniques were psychologically coercive and, ultimately, why Mr. Alley confessed.
- 3) Officer Belkovich, Neighbors and Baldwin contaminated, and thus tainted, Mr. Alley's statement by supplying him with non-public crime details – known only to the true perpetrator and to the police – that he then regurgitated back to them—in his confession, and violating well-known national police interrogation best practice standards.
- 4) Sedley Alley's confession contains numerous errors, is contradicted by physical and other evidence and thus bears substantial indicia of unreliability, while bearing no indicia of reliability, and thus was almost certainly been partially or entirely false.
- 5) In light of these errors, inconsistencies and contradictions in Mr. Alley's wholly uncorroborated confession statement, it is my professional opinion that the only way we will know for sure whether Mr. Alley's confession was false, and thus whether an innocent man was executed by the State of Tennessee, is to test the DNA evidence that remains from the crime scene.

Report and Declaration of Richard A. Leo, Ph.D, J.D., Hamill Family Professor of Law and Social Psychology, University of San Francisco (attached hereto along with Dr. Leo's curriculum vitae and incorporated by reference as **Exhibit 6**).

The initial BOLO that issued after Shotwell and Howard reported the screams to the Orgill Park gate guard led to Mr. Alley's initial detention. That BOLO, however, relied on a bad initial assumption: The eyewitness who saw the abducting car driving out of the park merely remembered that the vehicle had blue tags. He assumed, as did all law enforcement involved in the initial investigation, that those blue tags were from Kentucky.⁷⁶ In 1985, multiple states issued blue tags, including California and Connecticut. The convicting theory requires one to accept that within (at the absolute most) 43 minutes, Mr. Alley abducted Ms. Collins on Attu Extended, drove within a block of the Naval hospital, turned around to drive to the most northeast part of the park, assaulted Ms. Collins, raped her, retrieved a tree limb, sharpened it to the point that it would puncture her internal organs, and then used the tree branch to mutilate the body of Suzanne Collins. The Naval hospital once stood where the current Federal Prison Camp Millington now exists. From Attu Extended to the prison camp is approximately a 7-minute drive. From the prison camp to where the body was found required an additional 6-8 minutes of driving. From where the body was discovered to the location of Fairway Homes, where Mr. Alley was initially stopped because of his Kentucky tags, required another 6-8 minutes of driving. Considering the drive time, Mr. Alley had around 18 minutes to accomplish the killing, raping, and mutilation of Suzanne Collins. When Mr. Alley was stopped by law enforcement, allegedly within an hour of committing the crime, Mr. Alley had no visible blood on him, no cuts, and no abrasions.

The forensic evidence performed after Mr. Alley's confession contradicts the initial assumptions of investigators and Mr. Alley's confession that Suzanne Collins was ever in

⁷⁶ As Tennessee and Kentucky border one another, the assumption was accepted as true, and no previous petition has challenged this assumption as a critical error.

Sedley Alley's station wagon or even touched the car. At most, the forensics proved that someone with blood type O, the most prevalent ABO-type, touched the driver's door of the station wagon at some point prior to July 12, 1985. But Mr. Alley is blood type O. Similarly, the forensics also proved a bird ran into the station wagon's headlights leaving blood and that someone with A blood type cut himself changing the headlights. The blood on the headlights and front of car did not come from Suzanne Collins being hit by Alley's car as described in Alley's confession. Ms. Collins was in her physical prime, was a trained Marine, and had been struck as many as 100 times about the head and upper torso in apparent struggle with her assailant, and the autopsy showed that she broke a nail during the struggle. It is improbable that Mr. Alley, if the real assailant, would have been unscathed less than an hour after the incident. Nonetheless, Mr. Alley's admissions, though unsupported by any physical evidence, have been relied on repeatedly as the evidence of his guilt. See **Exhibit 6**, Report and Declaration of Richard A. Leo, Ph.D, J.D., at pgs. 18-23. As Dr. Leo concludes, Alley's confession to the crime – the details of which do not match the objective physical evidence – was likely false. Given the evidence in this case, if exculpatory DNA results are presumed, there is a reasonable probability of a different result. Exculpatory DNA results would significantly undermine confidence in the conviction and sentence of Mr. Alley. *Powers v. State*, 343 S.W.3d 36, 55 (Tenn. 2011).

CONCLUSION

Sedley Alley was executed by the State of Tennessee on June 28, 2006, absent DNA testing of any of the crime scene evidence. His daughter, April Alley, seeks the truth. There is no legitimate reason why the truth should not be sought when the legal authority and scientific

ability exists to reveal it. For these reasons, the Estate of Sedley Alley respectfully requests an Order for DNA Testing pursuant to the Post-Conviction DNA Analysis Act of 2001.

Respectfully submitted by:

INNOCENCE PROJECT



BARRY C. SCHECK (Pro Hac Vice Pending)

Co-Founder and Special Counsel

Innocence Project

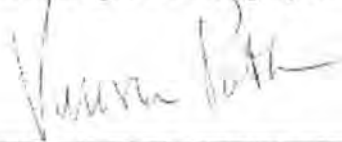
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Counsel for Petitioner

VERIFICATION OF PETITIONER

IN THE CRIMINAL COURT FOR SHELBY COUNTY, TENNESSEE AT MEMPHIS
THIRTIETH JUDICIAL DISTRICT

IN THE MATTER OF:

ESTATE OF SEDLEY ALLEY,

Petitioner,

vs.

STATE OF TENNESSEE,

Respondent.

POST-CONVICTION

NO. 85 05085-85193078

85 05086

85 05087

DIV. II

PETITIONER'S VERIFICATION UNDER OATH
SUBJECT TO PENALTY FOR PERJURY

I swear (or affirm) under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on

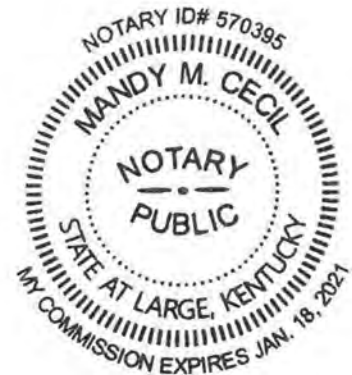
4/26/19

(Date)

April D. Alley

Signature of Petitioner

ESTATE OF SEDLEY ALLEY, by and through
April Alley, Personal Representative



SWORN TO AND SUBSCRIBED before me this the 26th day of April, 2019.

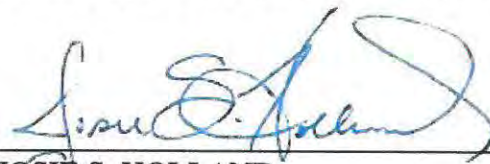
Mandy M. Cecil

Notary Public

My commission expires: Jan 18 2021

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing was forwarded via hand delivery or U.S. first class mail, postage prepaid, this 30th day of April, 2019, to the Office of the Shelby County District Attorney General, 201 Poplar Avenue 3rd Floor, Memphis, Tennessee 38103.



JOSIE S. HOLLAND

Exhibit 1 –

Affidavit of April Higuera

State of Tennessee

County of Davidson


AFFIDAVIT OF APRIL HIGUERA

1. I am licensed private investigator in the State of Tennessee.
2. In my capacity as an investigator, I have been hired to assist Sedley Alley's defense team in their investigation of the death of Suzanne Collins.
3. On January 12, 2004, I personally obtained Shelby County Medical Examiner files from the Shelby County Archives, in Memphis, Tennessee. Included in the documents provided to me were various handwritten notes, including the two pages of notes attached to this affidavit as Attachment A.
4. On February 28, 2004, I sought to speak with Greg Gonsowski at his home. He was not there. I ultimately spoke with a woman named Brenda, with whom I left my card, which contained my telephone number. I requested that she ask Greg to contact me at that number. Later that day, I spoke on the telephone with a person who identified himself as Greg Gonsowski. During that call, he related to me that he had left for California about three weeks before Suzanne Collins' death and was living in California at the time. Suzanne was going on assignment somewhere else and was to be transferred to California in a few weeks to be with him. Mr. Gonsowski stated that he and Suzanne were engaged to be married and that their relationship was exclusive.
5. On February 29, 2004, I spoke with John Borup outside his home. Mr. Borup was approximately 5'8"-5'9" tall. He is Caucasian, and has short dark brown hair and a medium build.

6. I asked Borup about his relationship with Suzanne Collins at the time of her death. Borup told me the following: "I was her boyfriend at the time. I had just dropped her off before this happened. She was going to change and go jogging." One of the cars he drove at that time was a brown Aspen station wagon. He worked at NAPA Auto Parts and attended Memphis State.

7. According to Borup, he and Suzanne met at a bar called Flanagan's and "hit it off right away." They dated a few months. His parents were coming to meet her the next day, the day her body was found. He thought that his and Suzanne's relationship was exclusive for her.

8. Further affiant sayeth not.



April Higuera
Private Investigator
Tennessee License #4971

Subscribed and sworn before me this 21st day of April, 2004

My Commission Expires: 3/26/05



ATTACHMENT A

MISCELLANEOUS INFORMATION FORM
SHELBY COUNTY MEDICAL EXAMINER

Deceased C-85-1681 Susan Collins Acc. # C-85-1681
Date 7-12-85 Time _____
Source Beel

Notified 0816-0810 of Missing WF Jogger found at 0639
in Orgill Park -- last seen @ 1030 pm 7/11/85.

face down in field of park - clothes near road way, body near
tree with broken limb -- piece of limb projects from pit in ground
pronounced dead 0830 7/12/85
Exam. 0923
1405 + fingers arm,
legs, torso neck,
back, hair
col (L) side (shade)
wear (L) + back (sun side)

I suggested to a white dead 6-8 hrs at least before the
0930 time of pronouncement.

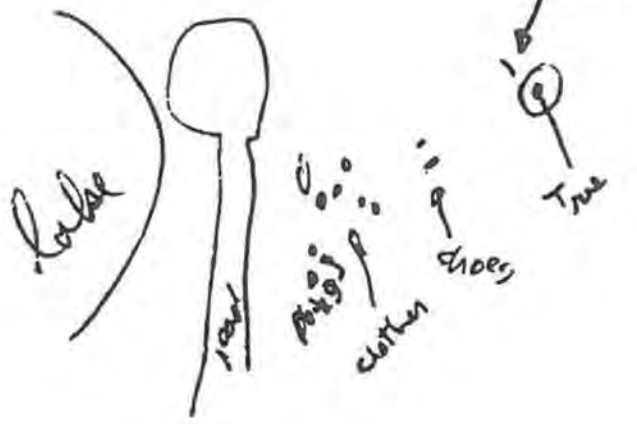
Beel

Compiler

C85-1681

18-9-16-81

7-12-85
Macandrew said he has
a car from around
1410
at his car + parked
in, put in car to take
the car + car + car
5:00 PM he hit the
car driving in road +
knocked out again + then
decided to take his car
+ took it to the police
roomed for



last seen 10:30
To my house
5 W of S. 1000 ft. from
with car + 1000 ft. from
0657 - found
on in 500 ft
at wounds, missing
Rigor +
all (side shade)
warm (back) + back (sun)
found
N. 1000 ft
0657 - found
0657 - found
0657 - found

last seen 10:30 AM
+ missing 0130
7-12-85

Exhibit 2 –

Affidavit of Ben Leonard

IN THE CRIMINAL COURT FOR SHELBY COUNTY, TENNESSEE, AT
MEMPHIS THIRTIETH JUDICIAL DISTRICT

ESTATE OF SEDLEY ALLEY,)	
<i>Petitioner,</i>)	
)	
)	POST-CONVICTION
v.)	NOS. 85 05085-85193078,
)	85 05086, 85 05087
)	
STATE OF TENNESSEE,)	DIV. II
<i>Respondent.</i>)	
STATE OF TENNESSEE)	
COUNTY OF DAVIDSON)	

AFFIDAVIT OF BEN LEONARD

Comes now the affiant, after being fully sworn, and states as follows:

1. My name is Ben Leonard. I am the Coordinating Investigator for the Capital Habeas Unit at the Federal Public Defender in Nashville, Tennessee.
2. The supervising attorney for the Capital Habeas Unit, Kelley Henry, asked me to confirm that the evidence in the Sedley Alley case was still in the custody and control of the Shelby County Criminal Court. Ms. Henry provided me the case number and a description of the evidence she wished to confirm still existed.
3. I made contact with Carl Townsend who is the property room manager for the Shelby County Criminal Court. I asked Mr. Townsend to pull the evidence in the Sedley Alley case. Mr. Townsend agreed to do so.
4. On December 8, 2018, I personally viewed the Alley evidence which is in the custody of Shelby County Criminal Court and which is maintained at

the State Property Room. I viewed the evidence at the State Property Room which is located at 994 Bellevue Ave, Memphis, Tennessee 38106. Two representatives of the State Property Room who I know to work under Mr. Townsend were present when I viewed the evidence. One of the individuals' name is Claude Johnson. I do not know the name of the other individual. He was a young African American who had not been working at the property room very long. We rode out to the property room together from the main office at 201 Poplar, Memphis, Tennessee.

5. I took photographs of the evidence. I have attached the photographs to this declaration. The case number and Mr. Alley's name are clearly visible on the packaging.

6. At no time did I open any of the packaging or physically handle the contents of the packaging. No seals were broken in my presence.

7. After I finished photographing the evidence, I told Mr. Johnson and his co-worker to keep the evidence available as my boss may need to see it. I specifically asked them not to destroy it and that we would be coming back to view it. I have made similar requests in the past in other cases.

8. On April 26, 2019, I made a call to Claude Johnson for the purpose of confirming that the evidence was still in existence. I provided the State Property Room number for the evidence and Mr. Alley's name. Mr. Johnson recalled the evidence stating, "Yeah. It is a big case. The evidence fills an entire bin." He looked the case up on the computer and confirmed for me that

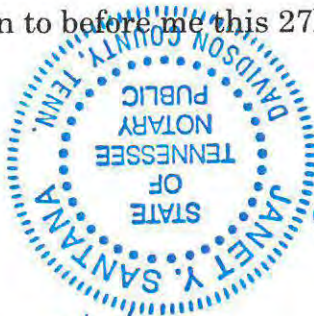
the evidence is still at the warehouse on Bellevue. I again asked Mr. Johnson to retain the evidence. He said that he would. I asked him to call me if there was any decision to destroy it. He agreed that he would.

Further affiant sayeth not.

Dated this 27th day of April, 2019

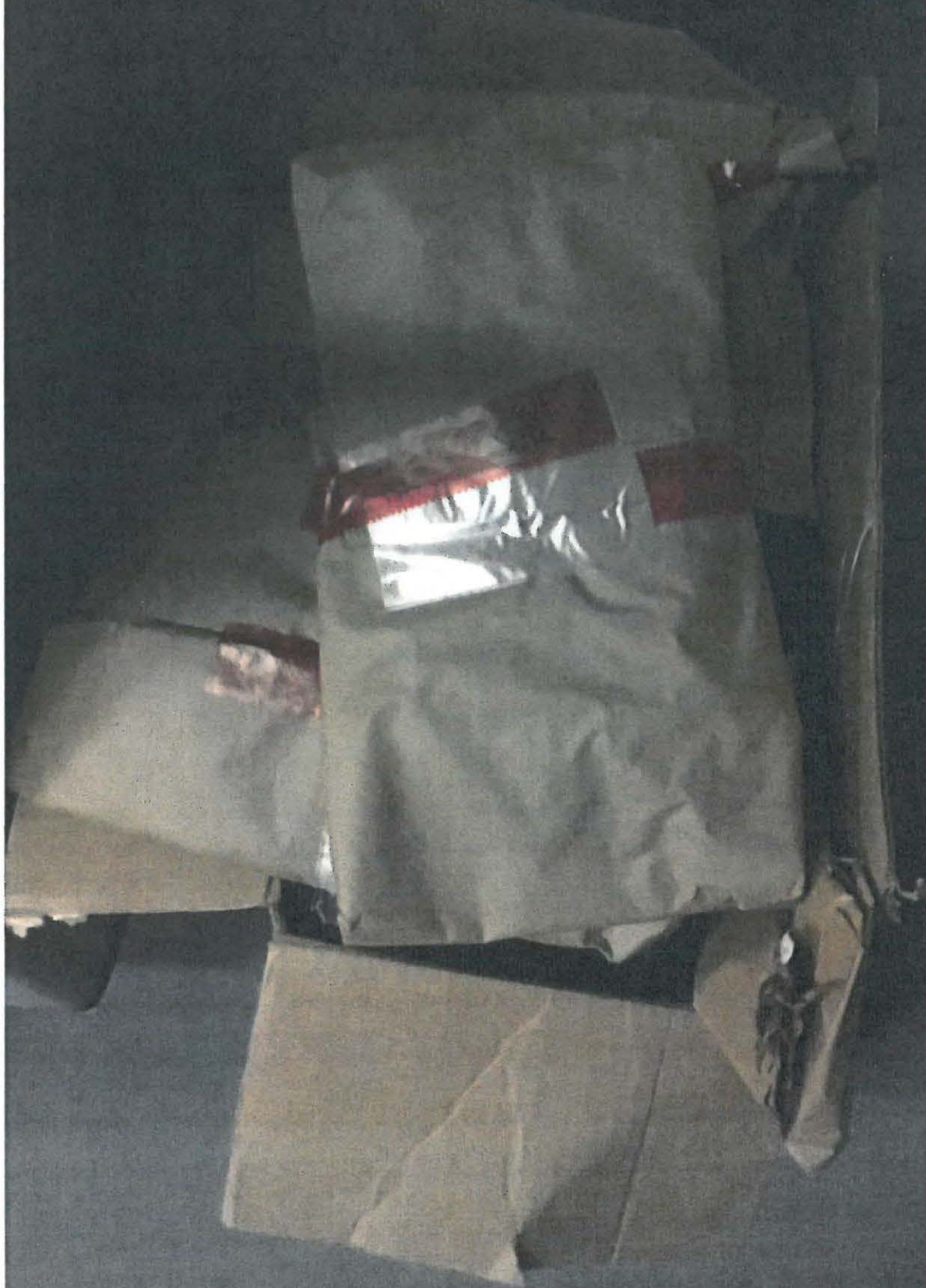

Ben Leonard

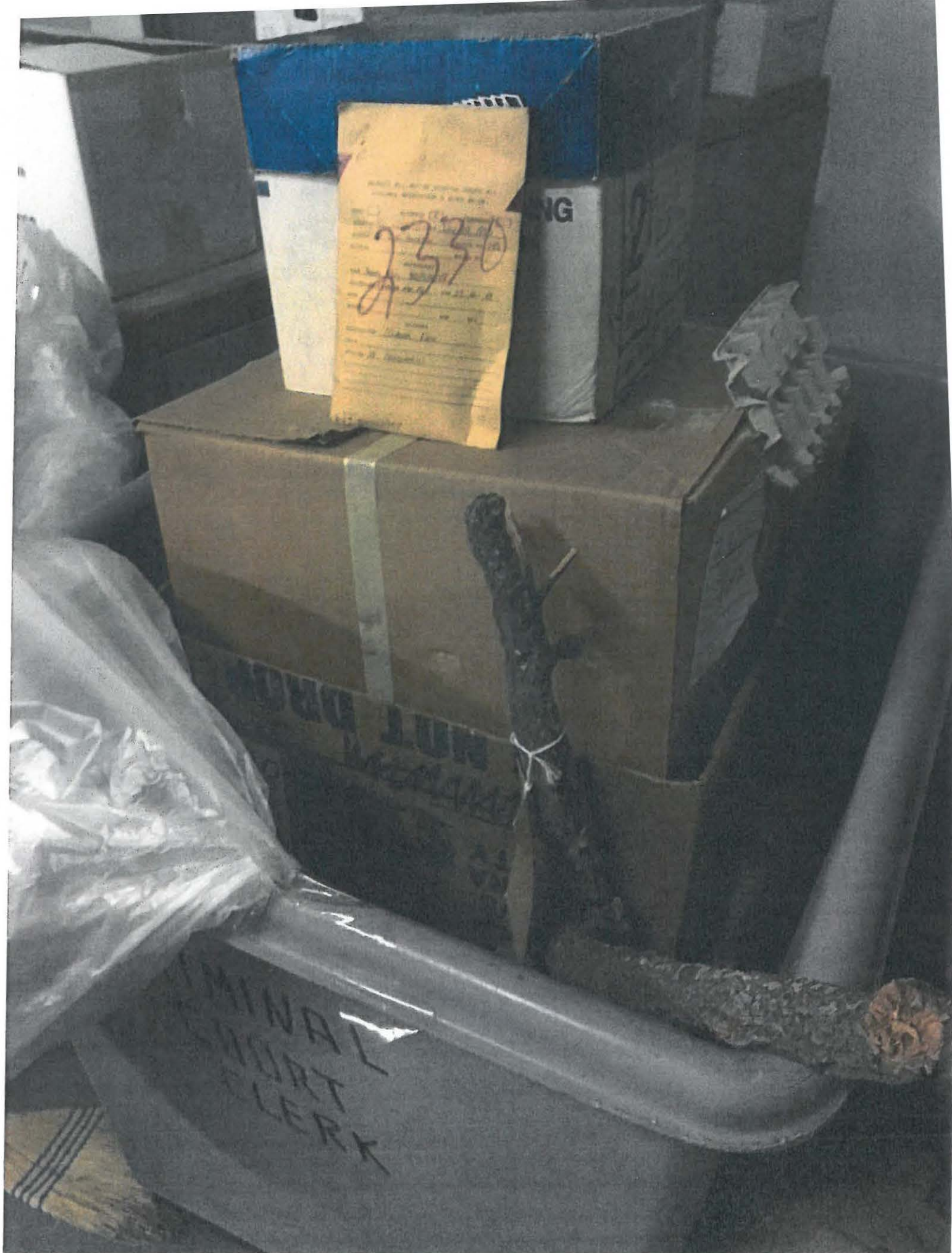
Subscribed and sworn to before me this 27th day of April, 2019.




Notary Public

My commission expires: 3/8/2021





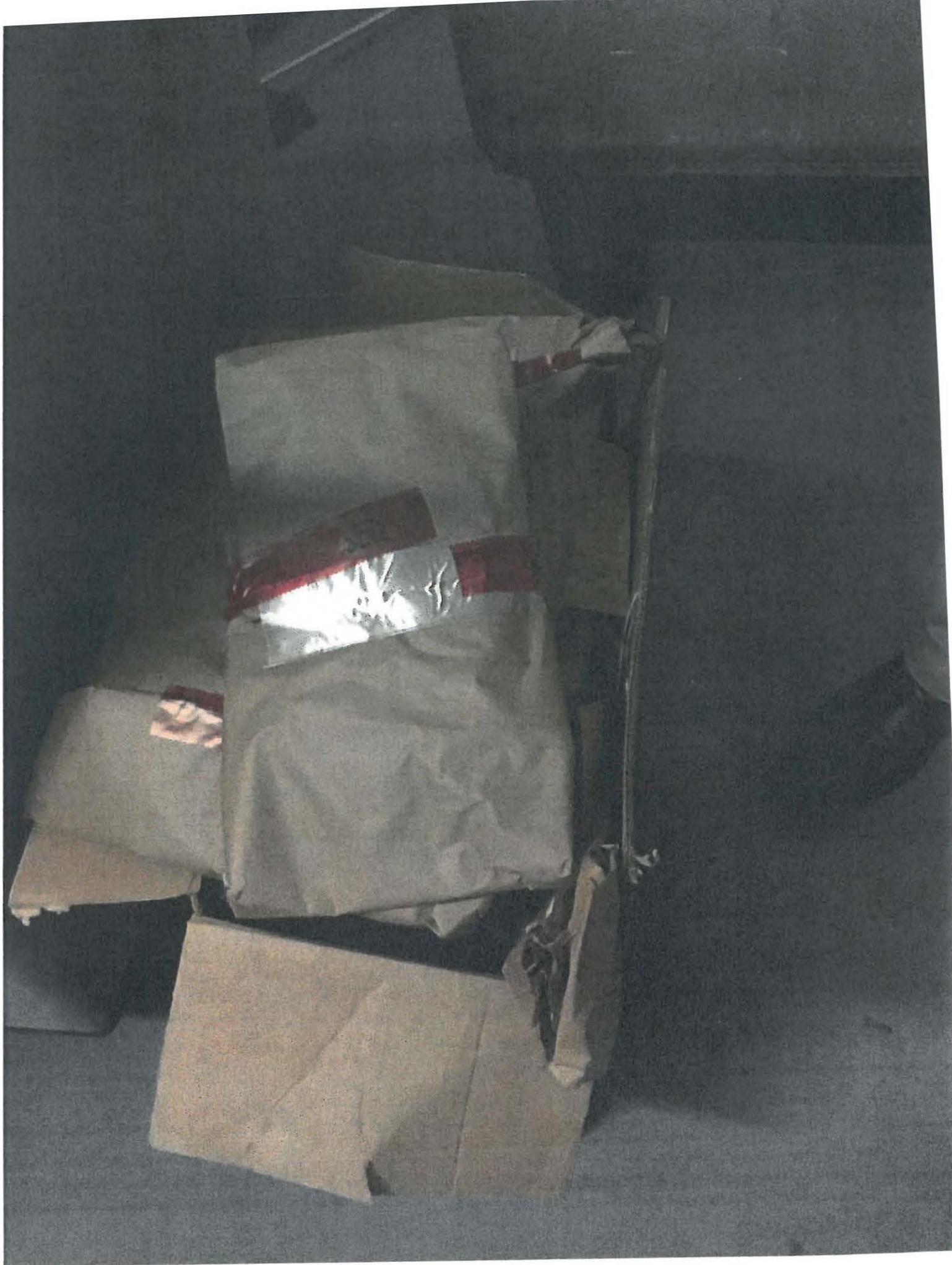
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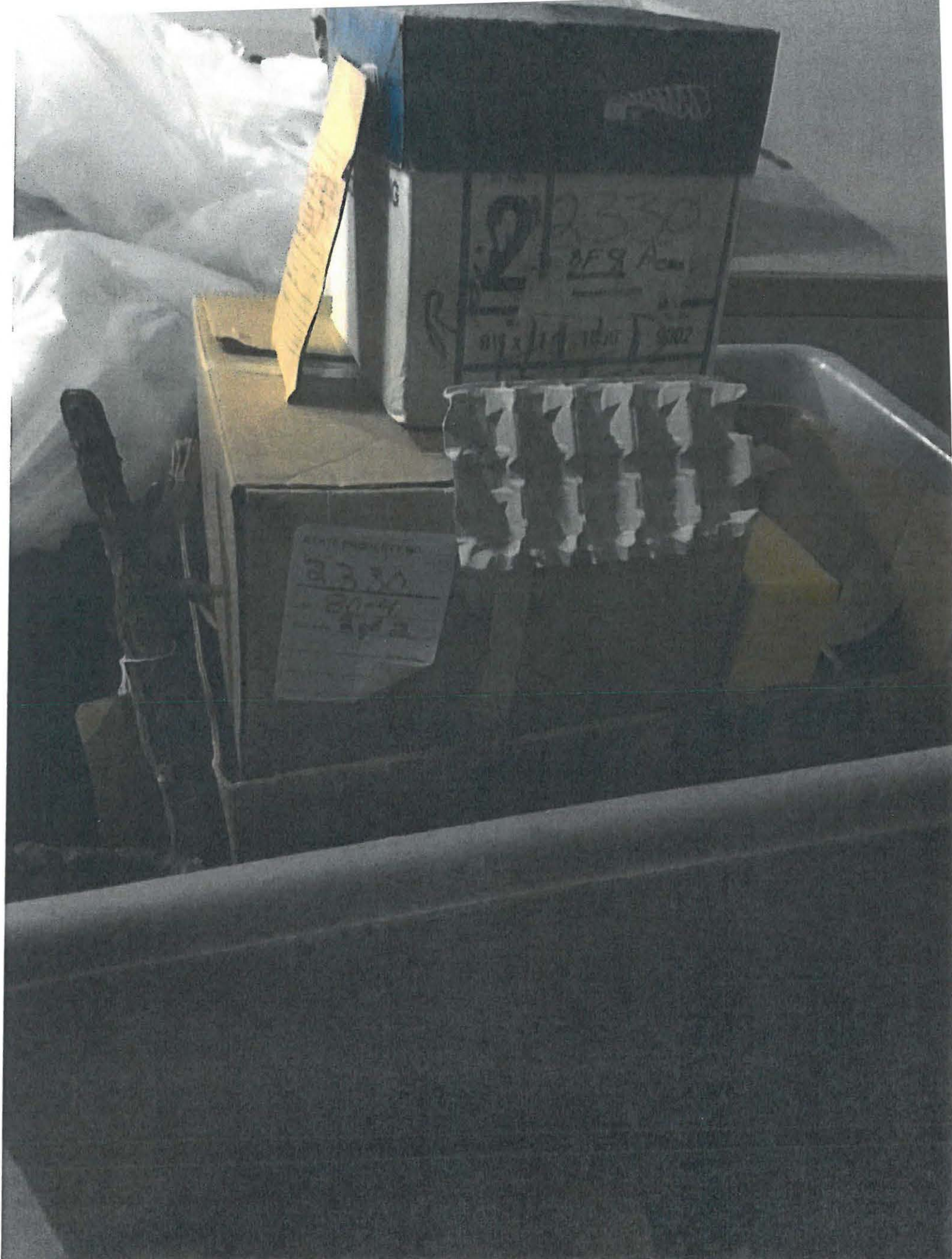
2330

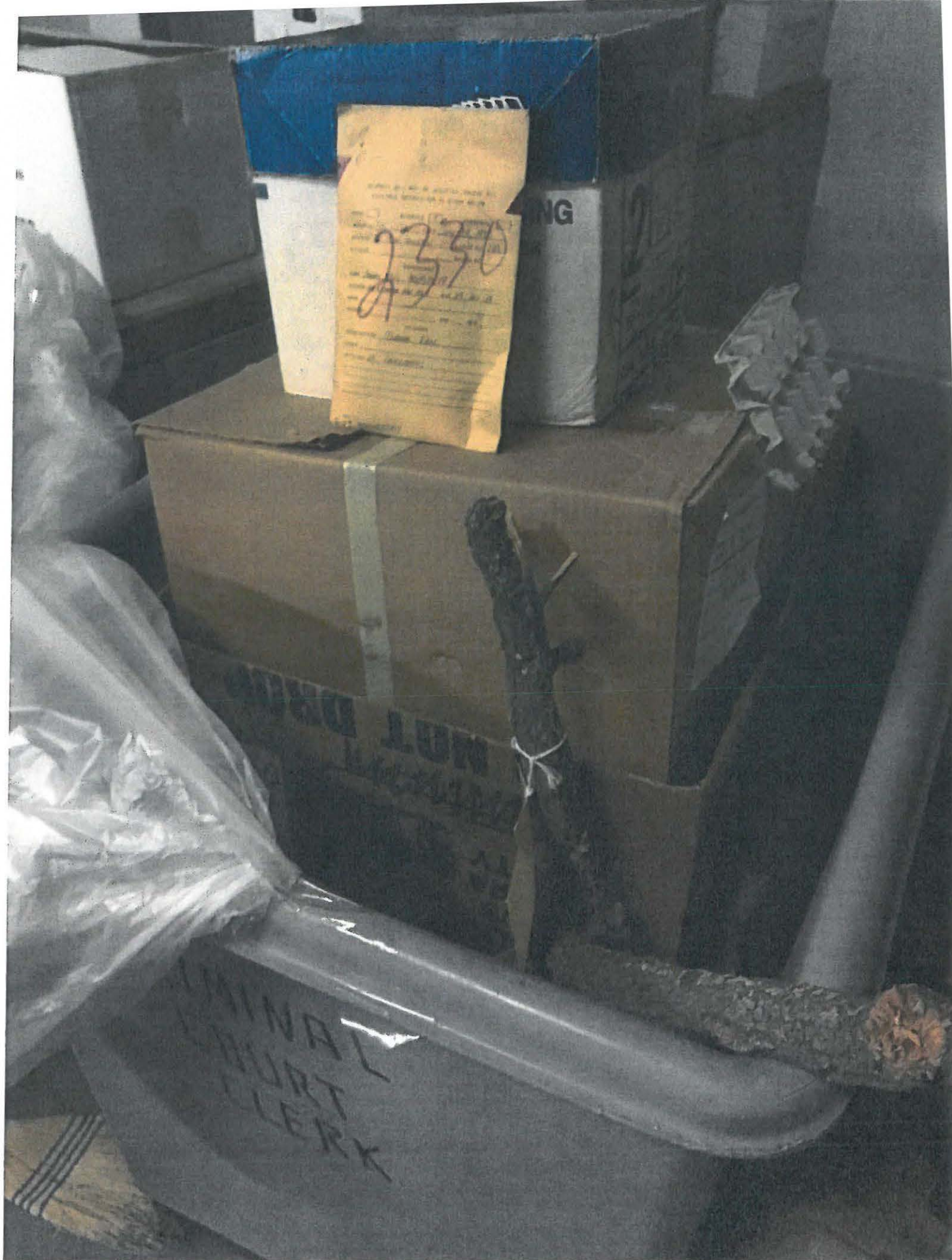
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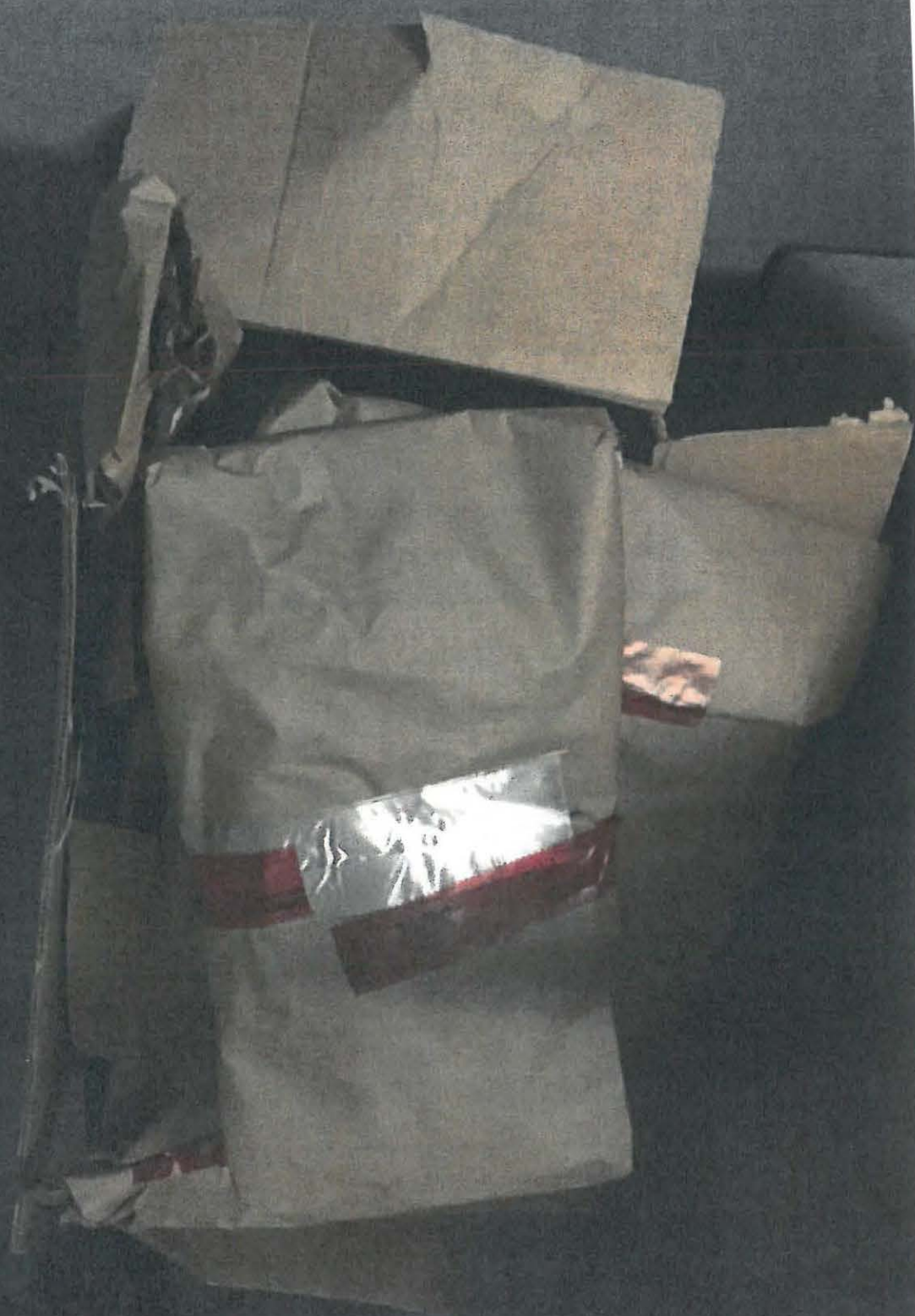
NG











2330
Resident
HOLD FOR AG's OFF
DEATH
VERDICT

3555

STATE PROPERTY NO
2330

CONTINUOUS
WORD PROCESSING
& COMPUTER PAPER
2330
Residue
HOLD FOR AG's OFFICE
DEATH
VERDICT

STATE PROPERTY NO
2330
LNG _____
QSN YOR _____

WORD PROCESSING
& COMPUTER PAPER
2330
Residue
Held for AG's Office
DEATH
VERDICT
2

2330

Exhibit 3 –

**Naval Hospital Medical Record for
Sedley Alley, dated Nov. 20, 1973**

REPORT OF MEDICAL EXAMINATION

1. LAST NAME—FIRST NAME—MIDDLE NAME ALLEY, SEDLEY (NMN)			2. GRADE AND COMPONENT OR POSITION PR-USN		3. IDENTIFICATION NO. 406-84-64	
4. HOME ADDRESS (Number, street or RFD, city or town, State and ZIP Code) 2504 4th St. Ashland, Kentucky 41101			5. PURPOSE OF EXAMINATION Discharge		6. DATE OF EXAMINATION NOV 23 1973	
7. SEX Male	8. RACE CAU.	9. TOTAL YEARS GOVERNMENT SERVICE MILITARY _____ CIVILIAN _____		10. AGENCY	11. ORGANIZATION UNIT U.S. JACKSONVILLE, FLORIDA 3	
12. DATE OF BIRTH 16 Aug 55		13. PLACE OF BIRTH Ashland, Kentucky		14. NAME, RELATIONSHIP, AND ADDRESS OF NEXT OF KIN George Peter Alley (Father) SA #4		
15. EXAMINING FACILITY OR EXAMINER, AND ADDRESS NAVAL DRUG REHABILITATION CENTER				16. OTHER INFORMATION		
17. REFERENCE SPECIALTY JACKSONVILLE, FLORIDA 32212				TIME IN THIS CAPACITY (Total)		LAST SIX MONTHS

CLINICAL EVALUATION		ABNORMAL
NORMAL	(Check each item in appropriate column; enter "NE" if not evaluated.)	
<input checked="" type="checkbox"/>	18. HEAD, FACE, NECK, AND SCALP	
<input checked="" type="checkbox"/>	19. NOSE	
<input checked="" type="checkbox"/>	20. SINUSES	
<input checked="" type="checkbox"/>	21. MOUTH AND THROAT	
<input checked="" type="checkbox"/>	22. EARS—GENERAL (Int. & ext. canals) (Auditory acuity under items 70 and 71)	
<input checked="" type="checkbox"/>	23. DRUMS (Perforation)	
<input checked="" type="checkbox"/>	24. EYES—GENERAL (Visual acuity and refraction under items 58, 60 and 61)	
<input checked="" type="checkbox"/>	25. OPHTHALMOSCOPIC	
<input checked="" type="checkbox"/>	26. PUPILS (Equality and reaction)	
<input checked="" type="checkbox"/>	27. OCULAR MOTILITY (Associated parallel movements, nystagmus)	
<input checked="" type="checkbox"/>	28. LUNGS AND CHEST (Include breasts)	
<input checked="" type="checkbox"/>	29. HEART (Thrust, size, rhythm, sounds)	
<input checked="" type="checkbox"/>	30. VASCULAR SYSTEM (Varicosities, etc.)	
<input checked="" type="checkbox"/>	31. ABDOMEN AND VISCERA (Include hernia)	
<input checked="" type="checkbox"/>	32. ANUS AND RECTUM (Hemorrhoids, fistulas) (Prostate, if indicated)	
<input checked="" type="checkbox"/>	33. ENDOCRINE SYSTEM	
<input checked="" type="checkbox"/>	34. G-U SYSTEM	
<input checked="" type="checkbox"/>	35. UPPER EXTREMITIES (Strength, range of motion)	
<input checked="" type="checkbox"/>	36. FEET	
<input checked="" type="checkbox"/>	37. LOWER EXTREMITIES (Except feet) (Strength, range of motion)	
<input checked="" type="checkbox"/>	38. SPINE, OTHER MUSCULOSKELETAL	
<input checked="" type="checkbox"/>	39. IDENTIFYING BODY MARKS, SCARS, TATTOOS	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	40. SKIN, LYMPHATICS	
<input checked="" type="checkbox"/>	41. NEUROLOGIC (Equilibrium tests under item 72)	
<input checked="" type="checkbox"/>	42. PSYCHIATRIC (Specify any personality deviation)	
<input checked="" type="checkbox"/>	43. PELVIC (Females only) (Check how done)	
	<input type="checkbox"/> VAGINAL <input type="checkbox"/> RECTAL	

NOTES. (Describe every abnormality in detail. Enter pertinent item number before each comment. Continue in item 73 and use additional sheets if necessary.)

#39 USWEA

44. DENTAL (Place appropriate symbols, shown in examples, above or below number of upper and lower teeth.)																		REMARKS AND ADDITIONAL DENTAL DEFECTS AND DISEASES	
<div style="display: flex; justify-content: space-around;"> <div>Restorable teeth</div> <div>Non-restorable teeth</div> <div>Missing teeth</div> <div>Replaced by dentures</div> <div>Fixed Partial dentures</div> </div>																		T-3 C1 Quail	
R	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	F	
I	32	31	30	29	28	27	26	25	24	23	22	21	20	19	18	17	16	T	

45. URINALYSIS: A. SPECIFIC GRAVITY 1.013			46. CHEST X-RAY (Place date, film number and result) NAVC, JACKSONVILLE, FLA. 32212 Chest X-ray, NAVHOSP, JAX, FLA.		
B. ALBUMIN			D. MICROSCOPIC		
C. SUGAR			48. BLOOD TYPE AND RH FACTOR O+		
47. SEROLOGY (Specify test used and result) VDRL - NR			49. OTHER TESTS 11-30-73 Film # 24838 Result: NORMAL		

Exhibit 4 –

**Certified Petition and Order of Davidson County
Seventh Circuit Court, Probate Division, filed
Fed. 21, 2019**

STATE OF TENNESSEE

I, RICHARD R. ROOKER, Clerk of the Circuit Court for Davidson County, in the State aforesaid, do hereby certify that the foregoing is a true and correct copy of the PETITION ORDER heretofore filed in the SEVENTH Circuit Court for Davidson County, Tennessee, on the 21 day of FEBRUARY, 2019, in Docket Number 19P188, IN RE: ALLEY, SEDLEY, as same remains of record in the Minutes of said Court.

IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the 29 day of APRIL in the year 2019 and in the 242 year of American Independence.

RICHARD R. ROOKER, Clerk,



[SEAL]

By: _____

Deputy Clerk

IN THE SEVENTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
PROBATE DIVISION

IN THE MATTER OF:)

ESTATE OF SEDLEY ALLEY,)

Deceased.)

No. 18P-188

FILED
FEB 21 2019

By J. ANDERSON, Clerk
Deputy

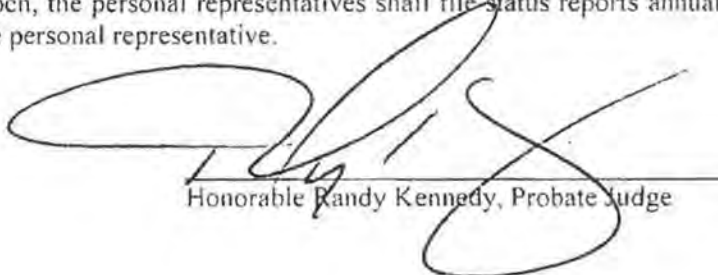
ORDER GRANTING PETITION TO PROBATE CERTIFIED COPY OF WILL
IN LIEU OF ORIGINAL WILL

This matter was before the Court on February 21, 2019, upon the Petition of April Alley ("Petitioner"), requesting that a certified copy of the last will and testament ("Will") of Sedley Alley ("Decedent") be admitted to probate in lieu of the original of the Will and that letters testamentary be issued to April Alley as the personal representative.

Upon consideration of the verified Petition and the entire record, the Court finds that the Petition should be granted.

IT IS THEREFORE ORDERED THAT:

1. The certified copy of Decedent's Will is admitted to probate, in lieu of the original of the Will.
2. April Alley is appointed as personal representative of Decedent's estate and the Clerk shall issue letters testamentary in accordance with this appointment.
3. April Alley, as personal representative, is granted all the powers and authority of an administrator as permitted under Tennessee law, including those described in Tennessee Code Annotated Section 35-50-110.
4. April Alley, as personal representative, is granted the authority to exercise any and all rights of Decedent as provided in the Post-Conviction DNA Analysis Act of 2001, codified as Tennessee Code Annotated Sections 40-30-301 to -313, with April Alley, as personal representative, being substituted for Decedent and exercising Decedent's legal rights as a "person" as provided in Tennessee Code Annotated Section 40-30-303.
5. The bond requirement is waived.
6. The inventory requirement is waived.
7. The requirement for accountings is waived.
8. So long as the estate remains open, the personal representatives shall file status reports annually from the appointment date of the personal representative.


Honorable Randy Kennedy, Probate Judge

APPROVED FOR ENTRY:

GULLETT SANFORD ROBINSON & MARTIN PLLC

By:

Andra J. Hedrick, BPR #19421
150 Third Avenue South, Suite 1700
Nashville, Tennessee 37201
615.244.4994

Counsel for Personal Representative

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing has been served upon:

April Alley
P.O. Box 68
New Albany, IN 47151

David Alley
1481 Lower White Oak Road
South Portsmouth, KY 41174

Service Date:

1-29-19

Andra J. Hedrick

IN THE CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

(PROBATE DIVISION)

LETTERS TESTAMENTARY

TO: APRIL ALLEY

DOCKET NO: 19P188

It appearing to the Court that SEDLEY ALLEY has died leaving a written Will in which you are appointed Executrix and which has been duly approved by the Court; and you having been qualified according to law, and it having been ordered by said Court that Letters Testamentary issue to you;

THESE ARE, THEREFORE, to empower you, the said APRIL ALLEY, to enter upon the execution of said Will, and take into your possession all of the property, and to make, within **sixty (60) days** from this date, a perfect inventory thereof, and make due collection for all debts, and after paying all the just demands against the Testator, and settling up the business according to law, you will pay over and deliver the property and effects that may remain in your hands, and do all other things that may be required, according to the provisions of the said will and the laws of the land.

WITNESS, Richard R. Rooker, Clerk of the Probate Court, at office, this February 21st, 2019.



RICHARD R. ROOKER, Clerk

D.C.

STATE OF TENNESSEE)

DAVIDSON COUNTY)

I, RICHARD R. ROOKER, Clerk of the Probate Court of said County, do hereby certify that the foregoing is a true and perfect copy of the Letters Testamentary issued to APRIL ALLEY as Executrix of the estate of SEDLEY ALLEY, deceased, and I do further certify that APRIL ALLEY is still acting Executrix of the estate of SEDLEY ALLEY and all acts as such are entitled to full faith and credit as it appears from the official record in my office in Nashville, Tennessee, this the 29 day of April, 2019.



RICHARD R. ROOKER, Clerk

D.C.

Exhibit 5 –

Affidavit of C. Alan Keel

IN THE CRIMINAL COURT OF TENNESSEE AT MEMPHIS
THE THIRTIETH JUDICIAL DISTRICT

SEDLEY ALLEY,
Petitioner

vs.

STATE OF TENNESSEE,
Respondent

)
)
)
)
)
)
)

Case No. 85-05085

AFFIDAVIT OF C. ALAN KEEL

I, C. Alan Keel, declare, under penalty of perjury, that the following is true and correct:

1. My name is C. Alan Keel. I am over the age of 18 and otherwise fully competent to give this statement.
2. I am the Forensic Biology/DNA Analysis Unit Supervisor and DNA Technical Lead Analyst for Forensic Analytical Crime Lab, Inc. (FACL) in Hayward, California. The FAS Forensic Biology/DNA Analysis Unit is fully-accredited by ANAB, formerly Forensic Quality Services, the longest established provider of ISO/IEC 17025 accreditations to forensic testing agencies in the United States. FACL has provided DNA analysis and consulting services to law enforcement agencies, prosecutors, defense attorneys, and civil litigants since 1995. Approximately 40% of our current caseload is for law enforcement in the pre-trial investigation of criminal cases.
3. I earned my B.S from Texas A & M University. I am certified by the American Board of Criminalistics in Molecular Biology. I am also a member of the American Academy of Forensic Sciences and California Association of Criminalists. During my career I have over 30 years of experience in forensic serological and DNA analysis. I have been involved with and have conducted PCR-based DNA analysis casework since 1991. For almost 15 years of my career, I worked in state and police crime laboratories, including the North Louisiana Crime Laboratory in Shreveport, Louisiana, the Oakland, California Police Department Crime Laboratory, the Tulsa, Oklahoma Police Crime Laboratory, and the San Francisco, California Police Department Crime Laboratory. From 1999 – 2011, I practiced as a criminalist at Forensic Science Associates (FSA), a private laboratory which merged with FACL in 2011. I have conducted DNA testing in hundreds of cases on thousands of samples from across the country. I testified as a DNA expert on behalf

of the State in *TN v. Melvin Crump* in 2006 (see No. M2006-02244-CCA-R3-CD - Filed March 18, 2009)¹. My resume is attached as Exhibit #1.

4. FACL is accredited – and FACL analysts are trained – in testing methodologies used to obtain a DNA profile, including standard Short Tandem Repeat (STR) DNA testing as well as Y-STR, and Mini-STR. Our analysts are trained to recover and work with minute amounts of biological material that are generally invisible to the naked eye. FACL has over 20 years of successfully obtaining DNA profiles from evidence in thousands of cases, including stabbing cases, decades-old “cold cases,” cases where other laboratories consumed substantial portions of the evidence through attempted DNA analysis, and cases where the evidence was significantly degraded by time, water, fire, and/or poor storage conditions.
5. I submit this affidavit to advise the Court of the capabilities of post-conviction DNA testing, and those capabilities about which I have personal knowledge, to obtain relevant information from testing of evidence gathered in the investigation of the July 1985 murder of Susanne M. Collins in Memphis, Shelby County, Tennessee, and the subsequent prosecution and conviction of Sedley Alley for her murder.
6. I have been provided with the following case materials by Vanessa Potkin, Director of Post-Conviction Litigation at the Innocence Project, Inc., and counsel for Alley:
 - a. A summary of the case facts and list of physical evidence;
 - b. Various crime scene photos and crime scene sketch documenting the recovery location of physical evidence from the scene and the defendant’s vehicle;
 - c. The July 19, 1985 University of Tennessee pathology and forensic serology laboratory (UT Lab) reports;
 - d. A PowerPoint presentation prepared by the Innocence Project in conjunction with a 2005 hearing in this matter.

Modern DNA Technology

7. It is my understanding that no DNA testing has been conducted on any of the available physical evidence in this case. It is my professional opinion as an independent expert in forensic serology and DNA analysis that DNA profiles could be developed from the available physical evidence in this case a) that generated no discriminating result using the limited conventional testing available and employed in 1985; b) were generally considered insufficient for the limited conventional testing available in 1985, and significantly c) by employing the tremendous advances in DNA technology since 2005. Moreover, given today’s technology, items that were not previously tested will now likely generate DNA profiles notwithstanding the length of time that has passed or the conditions under which they have been stored.

¹ This case is particularly relevant as a previous example of how advances in DNA technology from testing conducted in 1991 to that available in 2003 enabled the identification of Crump as the source of semen in the 1988 rape/murder of Eliza Mae Smith in Nashville.

8. FACL has the capability to perform – and I am experienced in performing – Mini-STR, Y-STR, MegaPlex STR testing, and computer-assisted probabilistic genotyping mixture interpretation. None of these four current state-of-the-art STR technologies were available in 2005. Each of these DNA technologies could have particular benefit in testing the evidence in this case.
9. **Mini-STR testing**, which first became generally available for forensic use in 2007, is more sensitive than the STR testing available in 2005. Mini-STR DNA testing kits focus on portions of DNA that can break down over time and are particularly suitable for small or degraded samples collected in old cases. Mini-STR technology involves the same method of amplification as STR testing but uses shorter and more strategically-placed primers to resurrect longer DNA STR genes that may no longer be amplifiable in a given sample. Mini-STR testing can thus develop a DNA profile from a degraded sample, and, can supplement another STR result by producing results for larger STR genes, thereby producing a more extensive composite profile.
10. **Y-STR testing**, which was just emerging in 2005, is particularly suited to casework in which the evidentiary items contain a mixture of male and female DNA. Y-STR technology is similar to other DNA testing methods with one major difference: the STR regions targeted for identification are all located on the Y-chromosome, which is exclusive to males. Y-STR testing is especially valuable where the evidence contains a large amount of female DNA from the victim and a small amount of male DNA. By targeting only male DNA and “avoiding” the often otherwise overwhelming amount of female DNA, Y-STR testing is highly useful for discriminating male DNA present in a mixed sample.
11. **Mega-Plex STR testing**, not available in 2005, provides the simultaneous amplification of over twenty STRs from minimal amounts of DNA. In 2017, the FBI began requiring testing of twenty “core” STRs for CODIS eligibility. The industry responded with new amplification kits that meet this requirement in a single test. Not only does this new technology dramatically increase the discrimination potential of each test, the sensitivity of each test is also improved such that mega-plex testing essentially incorporates the advantage of typing more STR genes with that of Mini-STR testing by increasing the number of “small” STRs not susceptible to degradation. Mega-Plex STR testing routinely produces “touch” DNA profiles from exfoliated skin cells and nucleated epithelial cells, not visible to the naked eye, deposited through contact: from wearing or handling an item. The sensitivity and discrimination potential of today’s DNA technology has led to a tremendous increase in the numbers and types of physical evidence specimens amenable to DNA testing and, as a result, an exponential increase in the number of law enforcement “touch DNA” requests to generate investigative leads. This touch DNA evidence has led to the identification of numerous criminal perpetrators in the pre-trial and post-conviction investigative arenas, through direct comparison to suspects and via blind “hits” in the CODIS database.
12. **Probabilistic Genotyping**, generally available only since about 2014, has revolutionized our ability to analyze and sort individual DNA profiles from even complex low-level

mixtures. This computer software tool provides forensic DNA testing labs the capability to interpret mixtures of DNA profiles once routinely dismissed as too complicated to attempt manual interpretation. At the same time, the software compares the sorted mixture profiles to any person of interest and will determine either an elimination or produce a likelihood ratio evaluation of the strength of any evidence/person association in a matter of minutes. DNA profiles deduced via probabilistic genotyping are eligible for submission to CODIS.

13. **CODIS: The Combined DNA Index System**, was available in 2005. But, in 2017, as described above, the number of STR genes capable of being searched in CODIS increased to over twenty. And the number of profiles resident in the index has increased by millions, since many states now include profiles from arrestees as well as convicted offenders. Further, the number of genes necessary to make a partial profile eligible for search has been relaxed such that a profile of any makeup may be searched as long as it is not expected to appear more than once in the database (or it possesses a frequency of occurrence of less than 1 in about 15 million).

The Available Evidence in this Case

14. It is my view as a DNA analyst for over twenty-eight years that DNA testing is scientifically appropriate here, and that testing certain evidence items collected in this case could result in identifying the perpetrator of the crime, notwithstanding the fact that these items may contain only minute amounts of DNA or that the DNA on these items may have degraded over time. These items include, for example:
 - a. It is my understanding there are apparent bloodstains associated with the **defendant's pants** and/or that were recovered from the **defendant's vehicle**. Blood is rich with DNA from approximately 20,000 nucleated white blood cells per droplet. A droplet of blood no larger than a pinhead should produce more than enough DNA to expect results unique to a single person who has ever lived – even from blood shed in 1985 and stored at room temperature – effectively identifying the source of the blood. DNA profile results compatible with the victim should be dispositive as to the defendant's involvement; any other profile would indicate the blood is likely not relevant to this crime, contrary to what was originally believed.
 - b. A DNA profile from owner/habitual wearer biology on the apparent **man's red underwear** collected from the immediate crime scene - believed to have been left by the assailant – should be readily produced from this garment. Undergarments are generally rich in epithelial cells from intimate contact with the genital and anal orifices of the body. Semen is readily located on clothing, even when invisible to the naked eye. Semen contains on average 20,000 to 50,000 sperm per droplet. Even the tiniest bit of semen on this underwear should produce a unique profile for the source. And generalized swabbing of high friction areas such as the waistband and leg holes usually capture sufficient biology to produce the profile of the wearer. A profile compatible with the defendant should be dispositive as to his involvement in this crime. A male DNA profile from the red

underwear not compatible with the defendant would be eligible for search in CODIS and could potentially identify the actual assailant.

- c. Examination and DNA testing of the victim's underwear/panty could be extremely informative and helpful in assessing the relevance of biology recovered from other items of evidence. First, the crotch of the panty is stained with vaginal fluid drainage. This biological material can serve as a reference specimen for the victim. Second, we know from the July 19, 1985 UT Lab reports semen was not identified on the victim's vaginal or rectal swabs. It is my understanding any remaining body orifice swabs collected from the victim have not yet been located. If there is semen in the crotch of these panties it could originate from a consensual partner. Developing a DNA profile from any sperm recovered from the panty crotch could identify a consensual partner and establish the relevance of any DNA from semen or saliva recovered from items at the crime scene that is foreign to the defendant and the consensual partner. Obviously, any semen recovered from the victim's panty determined to have originated from the defendant should be dispositive as to his involvement in this crime.
- d. It is my understanding there is an apparent large biological deposit on the victim's red t-shirt. It is my understanding there is an apparent biological deposit on the victim's bra. It is also my understanding the victim suffered trauma to her left breast, potentially as the result of being bitten by her assailant, but no evidence of saliva was detected from swabs of her breasts. This could indicate any trauma from biting was inflicted while the victim was clothed. Any semen or male saliva recovered from the large stained area of the victim's shirt and/or any male saliva recovered from the general area of the breasts area of the shirt or bra should produce a DNA profile unique to the source. A DNA profile compatible with the defendant should be dispositive as to his involvement in this crime. A male DNA profile from the victim's red t-shirt and/or bra not compatible with the defendant would be eligible for search in CODIS and could identify the actual assailant. Developing redundant male DNA profiles from the red underwear from the scene and from the victim's red t-shirt or bra should remove any ambiguity as to whether or not that biology originates from the actual killer.
- e. It is my understanding there are apparent bloodstains on each of the victim's shoes, there are hairs "stuck" to each shoe, and there is a potential biological deposit on the sole of the right shoe. In the same manner as described above, any male DNA profile developed from biological material on the shoes not compatible with the defendant would be eligible for search in CODIS and could identify the assailant, especially if one or more result from the shoes and hair is redundant with any result from any other item of evidence from the scene.
- f. It is my understanding there are apparent blood, other potential biology stains, and several hairs on a white tube sock recovered from the crime scene. In the same manner as described above, any male DNA profile developed from this blood and/or hair not compatible with the defendant would be eligible for search in CODIS and could identify the assailant, especially if one or more result from the

tube sock is redundant with any result from any other item of evidence from the scene.

- g. It is my understanding there are apparent biological stains and several hairs on an exercise belt recovered from the crime scene. In the same manner as described above, any male DNA profile developed from this biology deposit and/or hair not compatible with the defendant would be eligible for search in CODIS and could identify the assailant, especially if one or more result from the exercise belt is redundant with any result from any other item of evidence from the scene.
- h. It is my understanding several beer bottles and a Styrofoam cup were collected from the crime scene. At least two bottles are opened, and it is likely someone drank directly from the bottles, as well as from the cup. It is well established that nucleated epithelial cells from saliva persist on the opening of virtually any drinking vessel that contacts the mouth, and the development of high-quality DNA profiles from these items is routine. In the same manner as described above, any male DNA profile developed from the mouths of the bottles and/or cup not compatible with the defendant would be eligible for search in CODIS and could identify the assailant, especially if one or more result from the bottles or cup is redundant with any result from any other item of evidence from the scene.
- i. It is my understanding that apparent bloodstained grass from beneath the victim's pelvic/genital area was collected. In the same manner as described above, any male DNA profile developed from this biological deposit not compatible with the defendant would be eligible for search in CODIS and could identify the assailant, especially if that result is redundant with any result from any other item of evidence from the scene.
- j. It is my understanding a large stick was recovered from the victim's vagina. There appears to be no dispute considerable effort was expended by the assailant to remove a limb from a tree, fashion it into a weapon, and repeatedly impale the victim. There is apparent blood and hair along the length of the stick and some biological material has obviously transferred to the stick packaging. This stick could bear substantial biology from the assailant, particularly the "handle" end that protruded from her vagina. In the same manner as described above, any male DNA profile developed from biology recovered from this stick and/or the biology that transferred to the stick packaging not compatible with the defendant would be eligible for search in CODIS and could identify the assailant, especially if that result is redundant with any result from any other item of evidence from the scene.
- k. Even if the male DNA from the stick or stick packaging is commingled with an overwhelming amount of DNA from the victim such that autosomal STR testing is not indicated, Y-STR analysis which renders the female DNA invisible, should be capable of producing a highly discriminating Y chromosome profile. Although Y-STR profiles are not unique, there should be no dispute that a Y-STR profile developed from the stick or stick packaging would be that of the assailant. And in the same manner as described above, Y-STR analysis could be conducted on male DNA recovered from the man's red underwear, the victim's underwear, t-shirt,

bra, the sock, exercise belt, beer bottles and cup, and bloodstained grass. Any redundancy of Y-STR profiles between the stick, and, for example the red man's underwear, would provide highly probative, if not dispositive DNA evidence from the assailant.

Conclusion

STR DNA testing of these items could provide probative, if not dispositive, evidence conclusively determining Mr. Alley's guilt or innocence. If one or more evidence items from the defendant's environment produces the victim's profile and/or one or more evidence items from the victim's environment/crime scene produces the defendant's profile those results should be dispositive as to the defendant's involvement. If the blood from the defendant's environment proves to be irrelevant and DNA test results from one or more items of evidence from the victim/crime scene produces another male DNA profile (other than a consensual partner), those test results would essentially prove the crime was committed by someone other than the defendant. For these reasons, it is my expert opinion as a DNA analyst who has been performing PCR-based DNA testing for over 28 years, that DNA testing is scientifically appropriate in this case, there are multiple items of evidence amenable to such testing, and there is a reasonable probability this testing can lead to discovery of the identity of the actual assailant in this case.

FURTHER, AFFIANT SAYETH NAUGHT.

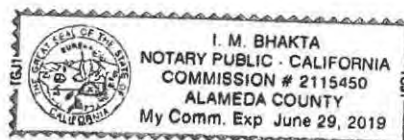
Dated: March 22, 2019



C. Alan Keel
Forensic Biology/DNA Analysis Unit
Supervisor
DNA Technical Lead Analyst
Forensic Analytical Crime Lab, Inc.
3777 Depot Road, Suite #403
Hayward, CA 94545
Phone: (510) 266-8100
Fax: (510) 887-4451

Sworn to before me this 22nd day of March, 2019.

State of California, County of Alameda
Subscribed and sworn to (or affirmed)
Before me on this 22 day of March, 2019 by
C. Alan Keel,
proved to me on the basis of satisfactory evidence
to be the person(s) who appeared before me
Signature I. M. Bhakta
(Seal)



bra, the sock, exercise belt, beer bottles and cup, and bloodstained grass. Any redundancy of Y-STR profiles between the stick, and, for example the red man's underwear, would provide highly probative, if not dispositive DNA evidence from the assailant.

Conclusion

STR DNA testing of these items could provide probative, if not dispositive, evidence conclusively determining Mr. Alley's guilt or innocence. If one or more evidence items from the defendant's environment produces the victim's profile and/or one or more evidence items from the victim's environment/crime scene produces the defendant's profile those results should be dispositive as to the defendant's involvement. If the blood from the defendant's environment proves to be irrelevant and DNA test results from one or more items of evidence from the victim/crime scene produces another male DNA profile (other than a consensual partner), those test results would essentially prove the crime was committed by someone other than the defendant. For these reasons, it is my expert opinion as a DNA analyst who has been performing PCR-based DNA testing for over 28 years, that DNA testing is scientifically appropriate in this case, there are multiple items of evidence amenable to such testing, and there is a reasonable probability this testing can lead to discovery of the identity of the actual assailant in this case.

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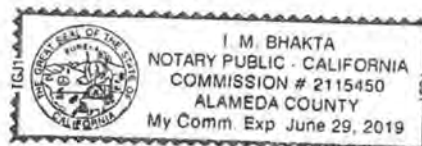


Exhibit 1

Resume of C. Alan Keel

C. ALAN KEEL
FORENSIC BIOLOGY/DNA ANALYSIS UNIT SUPERVISOR
DNA TECHNICAL LEADER
Curriculum Vitae

PROFESSIONAL EXPERIENCE

Mr. Keel is responsible for consultative, analytical, and expert witness testimony services on a wide variety of cases involving biological material. He has been performing traditional serological and DNA investigations in forensic casework and providing expert testimony for over 35 years. He possesses extensive knowledge and experience in physical evidence examination, biological material isolation, and its subsequent DNA analysis and interpretation utilizing the polymerase chain reaction (PCR) amplification of short tandem repeat (STR) genes.

PROFESSIONAL AFFILIATIONS

- American Academy of Forensic Sciences, current
- California Association of Criminalists, current
- The American Board of Criminalistics
 - Diplomate in General Criminalistics, 1991-2012; November 2015, current
 - Fellow in Molecular Biology, 1995-2012; November 2015, current
- DNA Technical Leader/Manager, current, pursuant to the 1994 Identification Act and DNA Advisory Board Standard 5.2.1.1, advanced degree waiver conferred December 1999
- Licensed by the Texas Forensic Science Commission in Forensic Biology/DNA, January 2019

EDUCATION

- Bachelor of Science (Zoology), Texas A & M University, College Station, 1978
- Graduate Course Work, Texas A & M University, College Station, 1978-80 in Food Science and Technology/Human Physiology
- Graduate Course Work, University of California, Berkeley, 1993 in Nucleic Acid Biochemistry

OTHER PROFESSIONAL EXPERIENCE

- Criminalist/Consultant in Forensic Science, Forensic Science Associates, Richmond, California, 1999 – 2011
- Criminalist, San Francisco Police Department, San Francisco, California, 1996 – 1999
- Criminalist, Tulsa Police Department, Tulsa, Oklahoma, 1996
- Consultant in Forensic Science, Shreveport, Louisiana
- Death Investigator, Caddo Parish Coroner's Office, Shreveport, Louisiana, 1994 – 1996
- Criminalist III, Oakland Police Department, Oakland, CA, 1984 - 1993
- Criminalist, North Louisiana Crime Lab, Shreveport, Louisiana, 1982 - 1984

SPECIALIZED TRAINING

- Recombinant DNA Technology, University of California Extension, Berkeley, CA 1986
- Forensic DNA Analysis, University of California Extension, Berkeley, 1989
- The Application of DNA Technology to Forensics, University of California Extension, Riverside, 1990
- PCR/DQA1 Typing Methods, CETUS/California Department of Justice, Berkeley, 1991
- Bloodstain Pattern Interpretation, California Criminalistics Institute, Sacramento, California, 1991
- Advanced PCR Analysis Methods: PM, D1S80, and Quantiblot, Roche Molecular Systems, Alameda, California, 1993
- Instrumental STR Analysis, Perkin-Elmer/Applied Biosystems, Foster City, CA 1996
- Advanced Crime Scene Reconstruction, California Criminalistics Institute, Sacramento, CA 1996
- FBI Quality Assurance Standards Auditor Training, June 2012

PUBLICATIONS & PRESENTATIONS

- *A Collaborative Study of DQA1 Typing by PCR* presented to the California Association of Criminalists, 1991 Spring Seminar, Berkeley
- *A Collaborative Study of DQA1 Typing by PCR* presented to the American Academy of Forensic Sciences, 1992 Annual Seminar, New Orleans
- *Penile Swab Evidence in the Investigation of Rape* presented at the 1993 International Forensic DNA Analysis Symposium, Quantico, Virginia
- *Sampling Approach and DNA Analysis of Fingernail Evidence Specimens* presented at the Third Joint International Seminar of the Forensic Science Society [United Kingdom] and the California Association of Criminalists, May 2000, Napa, California
- *Finding the Roscetti Stone: a review of the Lori Roscetti homicide investigation and trial transcripts* presented to the California Association of Criminalists, 2005 Spring Seminar, Oakland
- Freedom and Justice Award, presented by the Northeast Council of the Wrongfully-Convicted, Innocence Network Conference, Santa Clara University School of Law, March 2008
- *The Essential Elements of a Forensic DNA Analysis Laboratory Report; The Essential Elements of Expert Peer Review of a Forensic Laboratory DNA Investigation; The Utility of and Access to CODIS; and Some Potential Adverse Consequences of Regulation and Accreditation on Applied Forensic DNA Analysis* presented to the California Public Defender's Association, May 2014, Hayward
- *Adverse Effects of Blanket Quality Assurance Criteria on Sample-to-Sample and Lab-to-Lab Variable Genetic Data*, presented to the Joint California Association of Criminalists/Northwest Association of Forensic Scientists Seminar, October 2014, Rohnert Park, CA.
- *Demystifying "Touch DNA,"* presented to the 2015 National Innocence Network Conference, May 2, 2015, Orlando, FL.
- *The Difference between Low-Level DNA Analysis and Low-Copy Number (LCN) DNA Analysis and Why It Matters to You*, presented to the 2015 National Innocence Network Conference, May 2, 2015, Orlando, FL.
- *The Fundamentals of Forensic DNA Analysis*, presented as training to the Federal Habeas Corpus Resource Center, September 2015, San Francisco, CA

- *A Benchmark for Meaningful Forensic DNA Analysis: Field (Beta) Testing of the Qiagen Investigator Quantiplex Pro qPCR Assay*, presented at the 6th Annual Qiagen Investigator Forum, Prague, Czech Republic, April 5, 2017.
- *The Twenty-six Year Investigation of the Kidnapping, Rape, and Murder of Dana Ireland*, presented at the California Association of Criminalists Seminar, May 2017, San Francisco, CA.

Exhibit 6 –

**Report and Declaration of
Richard A. Leo, Ph.D, J.D.**

-and-

CV of Dr. Leo

Dr. Richard A. Leo, Ph.D., J.D.
JUSTICE RESEARCH & CONSULTING, INC.
15 Ashbury Terrace
San Francisco, CA 94117

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(415) 422-6433 (FAX)
Email: rleo@usfca.edu

April 26, 2019

Stephen Ross Johnson
Ritchie, Dillard, Davies & Johnson, P.C.
606 W. Main Street, Suite 300
Knoxville, TN 37902

Barry C. Scheck
Vanessa C. Potkin
Innocence Project
40 Worth Street, Suite 701
New York, NY 10013

Re: Sedley Alley

Dear Mr. Johnson,

This report is per your request regarding Sedley Alley.

I. Qualifications

I am the Hamill Family Professor of Law and Psychology at the University of San Francisco, and formerly an Associate Professor of Psychology and an Associate Professor of Criminology at the University of California, Irvine. My areas of research, training, and specialization include social psychology, criminology, sociology, and law. For more than two decades, I have conducted extensive empirical research on police interrogation practices, the psychology of interrogation and confessions, psychological coercion, police-induced false confessions, and erroneous convictions. In 1992 and 1993, I spent nine months doing field research inside the Oakland Police Department, which included sitting in on and contemporaneously observing one-hundred twenty-two (122) felony interrogations; in 1993, I also observed sixty (60) fully videotaped interrogations in the Vallejo and Hayward Police Departments in northern California. Since then, I have analyzed thousands of cases involving interrogations and confessions; I have researched, written, and published numerous peer-reviewed articles on these subjects in scientific and legal journals; and I have written several

books on these subjects, including *Police Interrogation and American Justice* (Harvard University Press, 2008) and *Confessions of Guilt: From Torture to Miranda and Beyond* (Oxford University Press, 2012).

I am regarded as a national and leading expert on these topics, and I have won numerous individual and career achievement awards for my scholarship and publications. My scholarship has often been featured in the news media and cited by appellate courts, including the United States Supreme Court, on multiple occasions. To date, I have consulted with criminal and civil attorneys on more than two-thousand (2,000) cases involving disputed interrogations and/or confessions, and I have been qualified and testified as an expert witness three-hundred and fifty-nine (359) times in state, federal and military courts in thirty-seven (37) states and the District of Columbia, including in the State of Tennessee. I have given many lectures to judges, defense attorneys, prosecutors, and other criminal justice professionals, and I have taught interrogation training courses and/or given lectures to police departments in the United States, China, and the Republic of Cyprus. My qualifications are summarized in greater detail in my curriculum vitae, which is attached to this report.

II. Materials Reviewed

In conjunction with my preparation of this report, I have reviewed the following materials

- A copy of Mr. Alley's statement;
- Police notes relevant to the interrogation;
- The testimony of Officer Belovich;
- The testimony of Officer Baldwin;
- The medical examiner's testimony;
- Relevant portions of the Suppression Hearing transcript;
- Affidavit of Janet Santana
- Trial exhibits 53 & 54 (interrogation transcript and addendum;
- NIS notes about the interrogation tape;
- Trial testimony of John Griggs;

- Letter from Dr. George Woods;
- Testimony of Lynn Alley from the Suppression Hearing;
- Emergency Motion for Production and Exhibits;
- Crime scene reports;
- Naval Investigative Services Report;
- Partial summary of the trial transcript;
- Volumes 5 & 6 of the trial transcript;

III. Overview

In this report, I will first provide an overview of the relevant social science research on the psychology of police interrogation practices and techniques, police-induced false confessions, risk factors for false confession, psychological coercion, police interrogation contamination, and indicia of unreliability. I will then discuss these issues as they relate to the investigation, interrogations and confession statement of Sedley Alley.

More specifically, in my professional opinion:

1) It has been well-documented in the empirical social science research literature that hundreds of innocent suspects have confessed during police interrogation to crimes (often very serious crimes such as murder and rape) that it was later objectively proven they did not commit. In the time since Mr. Alley was executed, hundreds more proven false confessions have been documented and analyzed.

2) Because Officers Belkovich, Neighbors and Baldwin chose not to record Mr. Alley's interrogation, we are forever deprived of an objective record of exactly what occurred during his interrogation: what exactly the officers said to Mr. Alley and what exactly he said to them, which interrogation techniques or strategies they used, whether the techniques were psychologically coercive and, ultimately, why Mr. Alley confessed.

3) Officer Belkovich, Neighbors and Baldwin contaminated, and thus tainted, Mr. Alley's statement by supplying him with non-public crime details – known only to the true perpetrator and to the police – that he then regurgitated back to them—in his confession, and violating well-known national police interrogation best practice standards.

4) Sedley Alley's confession contains numerous errors, is contradicted by physical and other evidence and thus bears substantial indicia of unreliability, while bearing no indicia of reliability, and thus was almost certainly been partially or entirely false.

5) In light of these errors, inconsistencies and contradictions in Mr. Alley's wholly uncorroborated confession statement, it is my professional opinion that the only way we will know for sure whether Mr. Alley's confession was false, and thus whether an innocent man was executed by the State of Tennessee, is to test the DNA evidence that remains from the crime scene.

IV. The Scientific Study of Police Interrogation and False Confessions

There is a well-established empirical field of research in the academic disciplines of psychology, criminology, and sociology on the subjects of police interrogation practices, psychological coercion, and false confessions. This research dates back to 1908; has been the subject of extensive publication (hundreds of academic journal articles, stand-alone books, and book chapters in edited volumes); has been subjected to peer review and testing; is based on recognized scientific principles, methods, and findings; and is generally accepted in the social scientific community. Significantly, numerous courts have held repeatedly that these principles, methods, and findings are generally accepted in the social science community and therefore accepted expert testimony in criminal and civil rights litigation.¹

This research has analyzed numerous police-induced false confessions and identified the personal and situational factors associated with, and believed to cause, false confessions.² The

¹ Saul M. Kassir et al., *Police-Induced Confessions: Risk Factors and Recommendations*, 34 L. & Hum. Behav. 3, 16 (2010) (noting that "false confessions tend to occur after long periods of time" and "sleep deprivation is historically one of the most potent methods used to ... extract confessions"); Gisli H. Gudjonsson et al., *Custodial Interrogation, False Confession and Individual Differences: A National Study Among Icelandic Youth*, 41 Personality & Individual Differences 49, 56 (2006) (finding that depressed mood is linked to a susceptibility to provide false confession to police); Brandon L. Garrett, *The Substance of False Confessions*, 62 Stan. L.Rev. 1051, 1087 (2010) ("The vast majority of these exonerees made statements in their interrogations that were contradicted by crime scene evidence, victim accounts, or other evidence known to police during their investigation."); Richard A. Leo, *False Confessions: Causes, Consequences, and Implications*, 37 J. Am. Acad. Psychiatry & L. 332, 337 (2009) ("Interrogators help create the false confession by pressuring the suspect to accept a particular account and by suggesting facts of the crime to him, thereby contaminating the suspect's post-admission narrative.... If the entire interrogation is captured on audio or video recording, then it may be possible to trace, step by step, how and when the interrogator implied or suggested the correct answers for the suspect to incorporate into his post-admission narrative."); Steven A. Drizin & Beth A. Colgan, *Let the Cameras Roll: Mandatory Videotaping of Interrogations Is the Solution to Illinois' Problem of False Confessions*, 32 Loy. U. Chi. L.J. 337, 339-41 (2001) (*accord*).

² See Saul Kassir, Steven Drizin, Thomas Grisso, Gisli Gudjonsson, Richard A. Leo and Allison Redlich (2010). "Police-Induced Confessions: Risk Factors and Recommendations" in *Law and Human Behavior*, 34, 3-38;

fact that police-induced false confessions can and do occur has been well-documented and is not disputed by anyone in the law enforcement or academic community. Indeed, leading police interrogation training manuals have, at least since 2001, contained entire chapters and sections on the problem of police-induced false confessions and what investigators need to know to better understand and avoid eliciting false confessions from innocent suspects.³ Social scientists have documented approximately four-hundred and fifty to five-hundred proven false confessions in America since the early 1970s,⁴ but this is surely an underestimate and thus the tip of a much larger iceberg for several reasons. First, false confessions are difficult for researchers to discover because neither the state nor any organization keeps records of the interrogations producing them. Second, even when they are discovered, false confessions are notoriously hard to establish because of the factual and logical difficulties of proving the confessor's *absolute* innocence. As a result, Richard Ofshe and I coined the term "proven false confession" in 1998,⁵ showing that there are only four ways in which a disputed confession can be classified as proven beyond any doubt to be false:

- 1) When it can be objectively established that the suspect confessed to a crime that did not happen;
- 2) When it can be objectively established that it would have been physically impossible for the confessor to have committed the crime;
- 3) When the true perpetrator is identified and his guilt is objectively established; and/or
- 4) When scientific evidence dispositively establishes the confessor's innocence.

However, only a small number of cases involving a disputed confession will ever come with independent case evidence that allows the suspect to prove his innocence beyond dispute because doing so is akin to proving the negative. The documented number of proven false confessions in the scientific research literature is, therefore, a dramatic undercount of the actual

Richard A. Leo (2008), *POLICE INTERROGATION AND AMERICAN JUSTICE* (Harvard University Press); and Gisli Gudjonsson (2003), *THE PSYCHOLOGY OF INTERROGATIONS AND CONFESSIONS: A HANDBOOK* (John Wiley & Sons Inc).

³ See, for example, *See* Fred Inbau, John Reid, Joseph Buckley and Brian Jayne (2001). *CRIMINAL INTERROGATION AND CONFESSIONS*, 4th Edition (Aspen Publishers, Inc.) at 411-448; and David Zulawski and Douglas Wicklander (2002). *PRACTICALASPECTS OF INTERVIEWING AND INTERROGATION*, 2nd Edition (CRC Press) at 73-104.

⁴ The largest published study of proven false confessions to date is Steven Drizin and Richard A. Leo (2004). "The Problem of False Confessions in the Post-DNA World. *North Carolina Law Review*, 82, 891-1007. For a review of the literature documenting proven false confessions, see Richard A. Leo (2008), *POLICE INTERROGATION AND AMERICAN JUSTICE*. At that time, there were approximately two-hundred and fifty to three-hundred proven false confessions in the documented literature. Since 2004, Steve Drizin, Gillian Emmerich and I have collected an additional two-hundred proven false confessions that are the subject of an academic article we are currently drafting but have not yet submitted for publication.

⁵ Richard A. Leo and Richard Ofshe (1998). "The Consequences of False Confessions: Deprivations of Liberty and Miscarriages of Justice in the Age of Psychological Interrogation." *The Journal of Criminal Law and Criminology*. Vol. 88, No. 2. Pp. 429-496.

false confessions that police have elicited in the United States in recent decades. There have almost certainly been thousands (if not tens or hundreds of thousands) more police-induced false confessions than researchers have been able to discover and classify as proven false. Indeed, in a survey of police that my colleagues and I published in 2007, police investigators themselves estimated that they elicited false confessions in 4.78% of their interrogations.⁶

The subject of police interrogation and false confessions is beyond common knowledge and highly counter-intuitive.⁷ Police detectives receive specialized training in psychological interrogation techniques; most people do not know what these techniques are or how the techniques are designed to work (*i.e.*, move a suspect from denial to admission). In addition, most people also do not know what psychological coercion is, why some techniques are regarded as psychologically coercive, and what their likely effects are. Moreover, most people do not know which interrogation techniques create a risk of eliciting false confessions or how and why the psychological process of police interrogation can, and sometimes does, lead suspects to falsely confess. This unfamiliarity causes most people to assume that virtually all confessions are true.

V. The Social Psychology of Police Interrogation⁸

Police interrogation is a cumulative, structured, and time-sequenced process in which detectives draw on an arsenal of psychological techniques in order to overcome a suspect's denials and elicit incriminating statements, admissions, and/or confessions. This is the sole purpose of custodial interrogation. To achieve this purpose, interrogators use techniques that seek to influence, persuade, manipulate, and deceive suspects into believing that their situation is hopeless and that their best interest lies in confessing.⁹ Sometimes, however, interrogators cross

⁶ Saul Kassin, Richard Leo, Christian Meissner, Kimberly Richman, Lori Colwell, Amy-May Leach, and Dana La Fon (2007). "Police Interviewing and Interrogation: A Self-Report Survey of Police Practices and Beliefs," *Law and Human Behavior*, 31, 381-400.

⁷ See Danielle Chojnacki, Michael Cicchini and Lawrence White (2008), "An Empirical Basis for the Admission of Expert Testimony on False Confessions," *Arizona State Law Journal*, 40, 1-45; Richard A. Leo and Brittany Liu (2009). "What Do Potential Jurors Know About Police Interrogation and False Confessions?" *Behavioral Sciences and the Law*, 27, 381-399; Linda Henkel, Kimberly Coffman, and Elizabeth Dailey (2008). "A Survey of People's Attitudes and Beliefs About False Confessions," *Behavioral Sciences and the Law*, 26, 555-584; Iris Blandon-Gitlin, Kathryn Sperry, and Richard A. Leo (2011) "Jurors Believe Interrogation Tactics Are Not Likely to Elicit False Confessions: Will Expert Witness Testimony Inform Them Otherwise?" in *Psychology, Crime and Law*, 17, 239-260; and Mark Costanzo, Netta Shaked-Schroer and Katherine Vinson (2010), "Juror Beliefs About Police Interrogation, False Confession and Expert Testimony" in *The Journal of Legal Empirical Studies*, 7, 231-247.

⁸ See Richard A. Leo (2009). "False Confessions: Causes, Consequences and Implications." *Journal of the American Academy of Psychiatry and Law*, 37, 332-343.

⁹ Deborah Davis and William O'Donohue (2004). "The road to perdition: Extreme influence tactics in the interrogation room," In William O'Donohue, ED (2004), *Handbook of Forensic Psychology* (San Diego: Academic Press). Pp. 897-996.

the line and employ techniques and methods of interrogation that are coercive and increase the likelihood of eliciting unreliable confessions or statements.

Contemporary American interrogation methods are structured to persuade a rational guilty person who knows he is guilty to rethink his initial decision to deny culpability and choose instead to confess. Police interrogators know that it is not in any suspect's rational self-interest to confess. They expect to encounter resistance and denials to their allegations, and they know that they must apply a certain amount of interpersonal pressure and persuasion to convince a reluctant suspect to confess. As a result, interrogators have, over the years, developed a set of subtle and sophisticated interrogation techniques whose purpose is to alter a guilty suspect's perceptions so that he will see the act of confessing as being in his self-interest.

These interrogation techniques were developed for the purpose of inducing guilty individuals to confess to their crimes, and police are admonished in their training to use them only on suspects believed to be guilty.¹⁰ When these same techniques are used on innocent suspects, they carry a heightened risk that they will elicit false statements, admissions and/or confessions.

The goal of an interrogator is to persuade a suspect to view his immediate situation differently by focusing the suspect's attention on a limited set of choices and alternatives, and by convincing him of the likely consequences that attach to each of these choices. The process often unfolds in two steps: first, the interrogator causes the suspect to view his situation as hopeless; and, second, the interrogator persuades the suspect that only by confessing will the suspect be able to improve his otherwise hopeless situation. The interrogator makes it clear what information he is seeking and attempts to convince the suspect that his only rational option is to confirm the information the interrogator purports to already know.

The first step or stage of an interrogation consists of causing a suspect to view his situation as hopeless. If the interrogator is successful at this stage, he will undermine the suspect's self-confidence and cause the suspect to reason that there is no way to escape the interrogation without incriminating himself. To accomplish this, interrogators accuse the suspect of having committed the crime; they attack and try to undermine a suspect's assertion of an alibi, alternate sequence of events, or verbalization of innocence (pointing out or inventing logical and factual inconsistencies, implausibilities, and/or impossibilities); they exude unwavering confidence in their assertions of the suspect's and his accomplices' guilt; they refuse to accept the possibility of the suspect's denials; and, most importantly, they confront the suspect with incontrovertible evidence of his guilt, whether real or non-existent. Because interrogation is a

¹⁰ See Fred Inbau, John Reid, Joseph Buckley and Brian Jayne (2013). *CRIMINAL INTERROGATION AND CONFESSIONS*, 5th Edition (Burlington, MA: Jones & Bartlett Learning) at 187 ("These nine steps are presented in the context of the interrogation of suspects whose guilt seems definite or reasonably certain"). For empirical support for this observation, see Richard A. Leo (2008). *POLICE INTERROGATION AND AMERICAN JUSTICE* (Harvard University Press).

cumulative and time-sequenced process, interrogators often draw on these techniques repeatedly and/or in succession, building on their earlier accusations, challenges and representations at each step in the interrogation process.

Through the use of these techniques, the interrogator communicates to the suspect that he has been caught, that there is no way he will escape the interrogation without incriminating himself and other suspects, and that his future is determined—that regardless of the suspect's denials or protestations of innocence, he is going to be arrested, prosecuted, convicted, and punished. The interrogator seeks to convince the suspect that this is a fact that has been established beyond any doubt, and thus that any objective person must necessarily reason to this conclusion. By persuading the suspect that he has been caught, that the existing evidence or case facts objectively prove his guilt, and that it is only a matter of time before he will be prosecuted and convicted, the interrogator seeks to alter the suspect's perceptions, such that he comes to view his situation as hopeless and to perceive that resisting the interrogator's demands is futile.

Once the interrogator has caused the suspect to understand that he has been caught and that there is no way out of this predicament, the interrogator seeks to convince the suspect that the only way to improve his otherwise hopeless situation is by confessing to the offense(s) of which he is accused and confirming the information the interrogator is seeking to extract from the suspect. The second step of the interrogation thus consists of offering the suspect inducements to confess—reasons or scenarios that suggest the suspect will receive some personal, moral, communal, procedural, material, legal or other benefit if he confesses to the interrogator's version of the offense. One goal of these scenarios or inducements is to downplay both the seriousness of the alleged crime as well as the consequences of confessing, leading the suspect to perceive that the consequences of continuing to deny the accusations will be worse than the consequences of admitting to participation in the crime. The interrogator's attempt to diminish the suspect's perception of the consequences of confessing is combined with techniques that are designed to increase the suspect's anxiety in order to create the perceived need for release from the stress of prolonged interrogation.¹¹ Investigators also use scenarios to plant ideas or suggestions about how or why the suspect may have committed the crime which they may later pressure the suspect to accept and repeat.

Researchers have classified the types of inducements investigators use during the second step of interrogation into three categories: *low-end* inducements, *systemic* inducements, and *high-end* inducements.

¹¹ See Brian Jayne (1986). "The Psychological Principles of Criminal Interrogation," in Fred Inbau, John Reid and Joseph Buckley (1986). *CRIMINAL INTERROGATION AND CONFESSIONS*, Third Edition (Baltimore, MD: Williams & Wilkins) at 332. ("The goal of interrogation is therefore to decrease the suspect's perception of the consequences of confessing, while at the same time increasing the suspect's internal anxiety associated with his deception.").

Low-end inducements refer to interpersonal or moral appeals the interrogator uses to convince a suspect that he will feel better if he confesses. For example, an interrogator may tell a suspect that the truth will set him free if he confesses, that confessing will relieve his anxiety or guilt, that confessing is the moral or Christian thing to do, or that confessing will improve his standing in the eyes of the victim or the eyes of the community.

Systemic inducements refer to appeals that the interrogator uses to focus the suspect's attention on the processes and outcomes of the criminal justice system in order to get the suspect to come to the conclusion that his case is likely to be processed more favorably by all actors in the criminal justice system if he confesses. For example, an interrogator may tell a suspect that he is the suspect's ally and will try to help him out—both in his discussions with the prosecutor as well as in his role as a professional witness at trial—but can only do so if the suspect first admits his guilt. Or the interrogator may ask the suspect how he expects the prosecutor to look favorably on the suspect's case if the suspect does not cooperate with authorities. Or the interrogator may ask the suspect what a judge and jury are really going to think, and how they are likely to react, if he does not demonstrate remorse and admit his guilt to authorities. Interrogators often couple the use of *systemic* incentives with the assertion that this is the suspect's one and only chance—now or never—to tell his side of the story; if he passes up this opportunity, all the relevant actors in the system (police, prosecutor, judge and jury) will no longer be open to the possibility of viewing his actions in their most favorable light. This tactic may incentivize a suspect to either falsely confess or confirm an incorrect story for the interrogator based on the belief that the suspect will not have the same opportunity to help himself again in the future. Interrogators rely on *systemic* inducements to persuade the suspect to reason to the conclusion that the justice system naturally confers rewards for those who admit guilt, demonstrate remorse, and cooperate with authorities, whereas it inevitably metes out punishment for those who do not.

Finally, *high-end* inducements refer to appeals that directly communicate the message that the suspect will receive less punishment, a lower prison sentence and/or some form of police, prosecutorial, judicial or juror leniency if he complies with the interrogator's demand that he confess, but that the suspect will receive a higher sentence or greater punishment if he does not comply with the interrogator's demand that he confess. High-end inducements may either be implicit or explicit: the important question is whether the interrogation technique communicates the message, or is understood to communicate the message, that the suspect will receive a lower criminal charge and/or lesser punishment if he confesses as opposed to a higher criminal charge and/or greater amount of punishment if he does not.

Explicit *high-end* incentives can include telling a suspect that there are several degrees of the alleged offense, each of which carry different amounts of punishment, and asking the suspect which version he would like to confess to. Or the interrogator may explicitly tell the suspect that he will receive a long prison sentence—or perhaps even the death penalty—if he does not confess to the interrogator's version of events. The interrogator may also point out what happens

to men of the suspect's age, or men accused of crime, in prison if the suspect does not confess to the interrogator's minimized account. Sometimes interrogators who rely on *high-end* inducements will present the suspect with a simple two-choice situation (good vs. bad): if the suspect agrees to the good choice (a minimized version of the offense, such as involuntary manslaughter or self-defense, or the implication of another person), he will receive a lower amount of punishment or no punishment at all; but if he does not confess right then, criminal justice officials will impute to him the bad choice (a maximized version of the offense, such as pre-meditated first degree murder, or that the suspect was acting alone), and he will receive a higher level of punishment, or perhaps the harshest possible punishment.¹² The purpose of *high-end* inducements is to communicate to a suspect that it is in his rational self-interest to confess to the minimized or less-incriminating version of events that the interrogator is suggesting because if the suspect does so, he will receive a lower charge, a lesser amount of punishment and/or no time in prison, but if he fails to do so, he will receive a higher charge, a greater amount of punishment and more time in prison, perhaps even the death penalty.

To evaluate whether a particular interrogation was psychologically coercive, an expert must evaluate the interrogator's techniques, methods, and strategies in the light of the generally accepted findings of the social science research literature on the subjects of interrogation, coercive influence techniques, and confessions.

Social science research has repeatedly demonstrated that some *systemic* inducements (depending on the content of the inducement, how explicitly or vaguely it is stated, and the message that it communicates) and all *high-end* inducements are coercive because they rely on implicit and/or explicit promises of leniency and threats of harm to induce compliance. *Systemic* and *high-end* inducements increase the likelihood of eliciting false confessions and false statements from suspects because of the *quid pro quo* arrangement and the benefit a suspect expects to receive in exchange for the information the interrogator is seeking, regardless of whether the suspect knows that information to be true or not. Such promises of leniency and threats of harm are regarded as coercive in the social science literature because of the messages they convey and their demonstrated impact on the decision-making of individuals. The expert may also evaluate whether the interrogation techniques, either individually or cumulatively, had the effect of causing a suspect to perceive that he had no choice but to comply with the demands of the interrogator, and thus, the interrogation, in effect, overbore the suspect's will.

¹² This technique is sometimes referred to in the academic literature as the maximization/minimization technique. See Saul Kassin, Steven Drizin, Thomas Grisso, Gisli Gudjonsson, Richard A. Leo and Allison Redlich (2010). "Police-Induced Confessions: Risk Factors and Recommendations" in *Law and Human Behavior*, 34, 3-38; Richard A. Leo (2008), *POLICE INTERROGATION AND AMERICAN JUSTICE* (Harvard University Press).

VI. How Interrogation Is Intended to Affect a Suspect's Perceptions

To understand how and why police-induced false confessions occur, one must first understand how interrogation is intended to influence and manipulate a suspect's perceptions, reasoning, and decision-making. Police interrogation is designed for the guilty, not the innocent. The purpose of interrogating a suspect (unlike the interviewing of witnesses or victims) is to elicit an incriminating statement, admission, and/or confession that will assist the state in its prosecution of the crime; accordingly, police are admonished in their training to interrogate only those whom they believe to be guilty.¹³ Because police expect the suspect to deny his guilt, the goal of interrogation is to break down the suspect's resistance and move him to admission. As discussed above, police typically achieve this result by accusing the suspect of committing the crime, attacking the suspect's alibi or version of events, cutting off the suspect's denials and confronting the suspect with seemingly irrefutable (whether real or non-existent) evidence of his guilt. The purpose of these techniques is to break down the suspect's confidence in his denials by convincing him that he is caught, that no one will believe his assertions of innocence, and that objective evidence of his guilt is so overwhelming that it will inevitably lead to his arrest and conviction, regardless of what he says or does during interrogation.

To elicit an admission or confession, however, it is often not sufficient simply to break down a suspect's resistance. Interrogators also try to persuade the suspect that given the circumstances in which he now finds himself—he is caught, all the evidence is against him, and there is no way out of his predicament—there are positive reasons for confessing that will improve his otherwise hopeless situation. In other words, interrogators seek not only to overcome a suspect's denials, but also to convince him of the positive benefits of compliance and confession.¹⁴ Interrogators sometimes do this by focusing the suspect's attention on the processing of his case in the criminal justice system and implying or stating the benefits of cooperation and confession versus the disadvantages of continued denial and resistance. Interrogators sometimes do this by trying to focus the suspect's attention on how certain actors in the criminal justice system (police, prosecutors, judges, juries) can either help or hurt the suspect, depending on what he says in the interrogation room, or how they will react to the suspect's unsympathetic and implausible denials versus a confession that demonstrates remorse and accepts responsibility for the offense. Sometimes interrogators do this by trying to persuade the suspect that the alleged crime could be framed in a way that minimizes the suspect's culpability if he were to admit the underlying act (e.g., a homicide could be portrayed as an accident or an act of self-defense), but that it will be framed in the way that maximizes his culpability if he does

¹³ See also Fred Inbau, John Reid, Joseph Buckley and Brian Jayne (2013). *CRIMINAL INTERROGATION AND CONFESSIONS*, 5th Edition (Burlington, MA: Jones & Bartlett Learning) at 187 ("These nine steps are presented in the context of the interrogation of suspects whose guilt seems definite or reasonably certain"). For empirical support for this observation, see Richard A. Leo (2008). *POLICE INTERROGATION AND AMERICAN JUSTICE* (Harvard University Press).

¹⁴ See Richard Ofshe and Richard A. Leo (1997) "The Social Psychology of Police Interrogation: The Theory and Classification of True and False Confessions." *Studies in Law, Politics & Society*, Vol. 16. Pp. 189-251.

not admit during the interrogation to the underlying act (e.g., a homicide will be portrayed as an intentional and premeditated murder). And sometimes interrogators do this by using explicit promises of prosecutorial leniency in exchange for a confession or statement that fits an interrogator's theory of the case and explicit threats of harsher treatment or punishment in the absence of a confession or statement that fits an interrogator's theory of the case.

Involuntary false confessions to police and situations where a suspect's will is overborne by police typically occur when detectives use inappropriate, improper, and/or coercive interrogation techniques that cause a suspect to feel hopeless and perceive that he has no choice but to comply with the detectives' demands if he wishes to put an end to the interrogation.¹⁵ False confessions and false statements, of course, will occur in response to traditionally-coercive methods of interrogation such as the use of physical violence, threats of immediate physical harm, excessively long or incommunicado interrogation, or deprivation of essential necessities such as food, water, and/or sleep. However, these types of traditionally coercive techniques no longer appear to be common in the United States. The psychological techniques of interrogation that cross the line and sometimes cause false confessions typically involve one of two patterns: (1) the interrogator communicates to the suspect, implicitly or explicitly, that he will receive a higher charge and harsher sentence or punishment if he does not provide a satisfactory statement, but that he will receive a lesser charge or sentence, or perhaps no punishment at all, if he does; or (2) the interrogator wears down and distresses the suspect to the point that the suspect subjectively feels that he has no choice but to comply with the interrogator's demands if he is to put an end to the intolerable stress of continued interrogation and/or escape the oppressive interrogation environment.

VII. The Different Types of False Confession

Whether a police-induced false confession is caused primarily by coercive interrogation techniques or by a suspect's pre-existing vulnerabilities to interrogation or some combination of both, there are three fundamental types of false confession: a *voluntary* false (i.e., a false confession knowingly given in response to little or no police pressure); a *compliant* false confession (a false confession knowingly given to put an end to the interrogation or to receive an anticipated benefit or reward in exchange for confession); and an *persuaded* false confession (a confession given by a suspect who comes to doubt the reliability of his memory and thus comes to believe that he may have committed the crime despite no actual memory of having done so). These different types of false confession typically involve different levels of police pressure, psychological logics of influence and decision-making, and different beliefs about the likelihood of one's guilt. Regardless, false confessors typically recant their confessions shortly after they are removed from the pressures and reinforcements of the

¹⁵ See Richard A. Leo (2008). *POLICE INTERROGATION AND AMERICAN JUSTICE* (Harvard University Press).

interrogation environment.

VIII. The Three Sequential Police Errors That Can Lead to False (But Sometimes Detailed) Confessions

There are three important decision points in the interrogation process that are known to be linked to false confessions or statements. The first decision point is the police decision to classify someone as a suspect. This is important because police only *interrogate* individuals whom they first classify as suspects; police *interview* witnesses and victims. There is a big difference between interrogation and interviewing: unlike interviewing, an interrogation is accusatory, involves the application of specialized psychological interrogation techniques, and the ultimate purpose of an interrogation is to get an incriminating statement from someone whom police believe to be guilty of the crime. False confessions or statements occur when police misclassify an innocent suspect as guilty and then subject him to a custodial interrogation, and are satisfied with elicitation of a version of events that, in fact, is not true. This is known as the *misclassification error*. This is one reason why interrogation training manuals implore detectives to investigate their cases before subjecting any potential suspect to an accusatorial interrogation.¹⁶

The second important decision point in the process occurs when the police interrogate the suspect. Again, the goal of police interrogation is to elicit an incriminating statement from the suspect by moving him from denial to admission. To accomplish this, police use psychologically-persuasive, manipulative, and deceptive interrogation techniques. As described in detail in the previous sections, police interrogators use these techniques to accuse the suspect of committing the crime, to persuade him that he is caught and that the case evidence overwhelmingly establishes his guilt, and then to induce him to confess by suggesting it is the best course of action for him. This is known as the *coercion error*. However, properly trained police interrogators do not use physically- or psychologically-coercive techniques because they may overbear a suspect's will and result in involuntary and/or unreliable incriminating statements, admissions, and/or confessions.

The third important decision point in the interrogation process occurs after the police have elicited an admission—an “I did it” statement—from the suspect. This is referred to as the

¹⁶ Fred Inbau, John Reid and Joseph Buckley (1986). *CRIMINAL INTERROGATION AND CONFESSIONS*, Third Edition (Baltimore, MD: Williams & Wilkins) at 3 (“Prior to the interrogation, and preferably before any contact with the suspect, become thoroughly familiar with all the known facts and circumstances of the case.”). See also Fred Inbau, John Reid, Joseph Buckley and Brian Jayne (2013). *CRIMINAL INTERROGATION AND CONFESSIONS*, 5th Edition (Burlington, MA: Jones & Bartlett Learning) at 18 (“One basic principle to which there must be full adherence is that the interrogation of suspects should follow, and not precede, an investigation conducted to the full extent permissible by the allowable time and circumstances of the particular case. The authors suggest, therefore, that a good guideline to follow is “investigate before you interrogate”).

post-admission phase of the interrogation. The post-admission phase of the interrogation is important because it is here that the police can acquire information and evidence that will either support or not support the accuracy of the suspect's admission. Properly-trained police interrogators should know that innocent people sometimes falsely confess to crimes they did not commit.¹⁷ Properly-trained police interrogators also know that guilty suspects sometimes implicate others for crimes they themselves committed in order to diminish their role in the crime. Interrogators therefore will seek to elicit information (that is not generally known and cannot likely be guessed by chance) from the suspect that either demonstrates, or fails to demonstrate, independent knowledge of the crime scene details and case facts. Properly-trained police interrogators, therefore, will not ask leading or suggestive questions and will not educate the suspect about details of the victim's allegations or of the alleged crime (which is known as the *contamination error*, and will be discussed in more detail below). Instead, they will let the suspect supply the details of the case independently. Properly-trained police interrogators will also seek to test the suspect's post-admission account against the physical and other credible evidence. Truthful confessions and statements are typically corroborated by solid physical evidence and independent knowledge of underlying case facts that have not been suggested to the suspect; false confessions and false statements are not.¹⁸

IX. Populations with Particular Vulnerability in the Interrogation Room

While coercive and/or improper interrogation techniques are often the primary cause of false confessions, certain types or groups of individuals are far more vulnerable to the pressures of interrogation, having their will overborne and/or making a false confession. This includes individuals who are mentally ill, and therefore may confess falsely because they are easily confused, disoriented, delusional or experiencing a non-rational emotional or mental state. This also includes juveniles and individuals with a low IQ or low-level cognitive functioning, who may be more vulnerable to interrogators because of their inability to understand the nature or gravity of their situation, their inability to foresee the consequences of their actions, their inability to cope with stressful situations and/or their eagerness to please others, especially

¹⁷ Although the "Reid" Manual (CRIMINAL INTERROGATION AND CONFESSIONS by Fred Inbau et al.) did not include a full chapter on false confessions until the Fourth Edition in 2001, the need for police interrogators to be diligent to avoid false confessions has been present for decades. From the very first manual in 1942 and in all subsequent editions (1948, 1953, 1962, 1967, 1986, 2001 and 2013), it has repeatedly implored interrogators not to use any methods that are "apt to make an innocent person confess to a crime he did not commit," implicitly, if not explicitly, suggesting that police interrogator do know that suspects can be made to falsely confess to crimes they did not commit.

¹⁸ Richard A. Leo and Richard Ofshe (1998). "The Consequences of False Confessions: Deprivations of Liberty and Miscarriages of Justice in the Age of Psychological Interrogation" *The Journal of Criminal Law and Criminology*. Vol. 88, No. 2. Pp. 429-496. This observation has been made in the police interrogation training literature as well. See also Fred Inbau, John Reid, Joseph Buckley and Brian Jayne (2013). CRIMINAL INTERROGATION AND CONFESSIONS, 5th Edition (Burlington, MA: Jones & Bartlett Learning) at 354-360.

authority figures. Juveniles may also be more easily intimidated than adults and may lack the maturity, knowledge, or sense of authority needed to resist simple police pressures and manipulations. Finally, this also includes individuals who, by their nature and personality, are naive, excessively trusting of authority, highly suggestible and/or highly compliant and who are therefore predisposed to believe that they have no choice but to comply with the demands of authorities or who simply lack the psychological resources to resist the escalating pressures of accusatorial interrogation.¹⁹

X. Evaluating the Reliability of Incriminating Statements, Admissions and Confessions

In addition to studying the psychology of police interrogation and the correlates and causes of false confessions from the innocent, scientific researchers have also analyzed the patterns, characteristics and indicia of reliability in true and false confession cases. To evaluate the likely reliability or unreliability of an incriminating statement, admission or full confession from a suspect, scientific researchers analyze the fit between the suspect's post-admission narrative and the crime facts and/or corroborating evidence derived from the confession (*e.g.*, location of the missing murder weapon, loot from a robbery, the victim's missing clothing, etc.).²⁰

The purpose of evaluating the fit between a suspect's post-admission narrative and the underlying crime facts and derivative crime evidence is to test the suspect's actual knowledge of the crime. If the suspect's post-admission narrative corroborates details only the police know, leads to new or previously undiscovered evidence of guilt, explains apparent crime fact anomalies and is corroborated by independent facts and evidence, then the suspect's post-admission narrative objectively demonstrates that he possesses the actual knowledge that would be known only by the true perpetrator and therefore is strong evidence of guilt. If the suspect cannot provide police with the actual details of the crime, fails to accurately describe the crime scene facts, cannot lead the police to new or derivative crime evidence, and/or provides an account that is full of gross errors and disconfirmed by the independent case evidence, then the suspect's post-admission narrative demonstrates that he fails to possess the actual knowledge that would be known only by the true perpetrator and is therefore strongly consistent with innocence. Indeed, absent contamination, the fit between the suspect's post-admission narrative and both the

¹⁹ See Saul Kassin, Steven Drizin, Thomas Grisso, Gisli Gudjonsson, Richard A. Leo and Allison Redlich (2010). "Police-Induced Confessions: Risk Factors and Recommendations" in *Law and Human Behavior*, 34, 3-38; Richard A. Leo (2008), *POLICE INTERROGATION AND AMERICAN JUSTICE* (Harvard University Press).

²⁰ See Richard Ofshe and Richard A. Leo (1997) "The Social Psychology of Police Interrogation: The Theory and Classification of True and False Confessions." *Studies in Law, Politics & Society*, Vol. 16. Pp. 189-251; and Richard A. Leo and Richard Ofshe (1998). "The Consequences of False Confessions: Deprivations of Liberty and Miscarriages of Justice in the Age of Psychological Interrogation" *The Journal of Criminal Law and Criminology*. Vol. 88, No. 2. Pp. 429-496.

crime scene facts and the derivative crime evidence therefore provides an objective basis for evaluating the likely reliability of the suspect's incriminating statements.

The well-established and widely accepted social science research principle of using the fit standard to evaluate the validity of a confession statement is also a bedrock principle of criminal investigation within law enforcement. Properly trained police detectives realize that an "I did it" statement is not necessarily evidence of guilt and may, instead, turn out to be evidence of innocence. For example, in high-profile murder cases, police regularly screen out volunteered confessions by seeing whether or not the person can tell the police details known only to the perpetrator or lead the police to derivative crime evidence that either corroborates, or fails to demonstrate, the person's guilty knowledge. Police often keep particularly heinous or novel aspects of the crime from the press so that they can be used to demonstrate a confessor's guilty knowledge. Police sometimes deliberately include an error in media releases or allow incorrect statements to go uncorrected so that a true perpetrator will be able to demonstrate his personal knowledge of the crime. In other types of cases, police detectives regularly rely upon the fit standard to identify a true admission that might be mixed in with a collection of volunteered statements.

Using the fit standard to evaluate the validity of a suspect's incriminating statements, admissions or confessions is a bedrock principle of law enforcement because police detectives realize that seeking corroboration during the post-admission phase of interrogation is essential to proper investigative work.²¹ This is because it is a fundamental principle of police investigation that true explanations can be supported and false explanations cannot be supported (assuming no contamination has occurred), and because false explanations will not fit the facts of the crime, lead to derivative evidence or be corroborated by independent evidence.

Moreover, post-admission narrative analysis and the fit standard are central to proper criminal investigation because properly-trained detectives should realize that the purpose of detective work is not to clear a crime or get a conviction, but to carefully collect evidence in a way that will lead to the arrest, prosecution and conviction of the guilty while at the same time ensuring that no innocent individual is wrongly arrested, prosecuted or convicted.

A suspect's post-admission narrative therefore provides a gold mine of potential evidence to the unbiased, properly-trained detective who is seeking to ferret out the truth. If the suspect is guilty, the collection of a detailed post-admission narrative will allow the detective to establish the suspect's guilt beyond question, both by demonstrating the suspect's actual knowledge and by corroborating the suspect's statements with derivative evidence. Properly-trained detectives realize that the strongest form of corroboration comes through the development of new evidence using a suspect's post-admission narrative. While it is not possible to verify every post-

²¹ Fred Inbau, John Reid, Joseph Buckley and Brian Jayne (2013). *CRIMINAL INTERROGATION AND CONFESSIONS*, 5th Edition (Burlington, MA: Jones & Bartlett Learning) at 354-360.

admission narrative with the crime facts, a skillful interrogator will seek as much verifiable information about the crime as he can elicit. The more verifiable information elicited from a suspect during the post-admission period and the better it fits with the crime facts, the more clearly the suspect demonstrates his responsibility for the crime.

If the suspect is innocent, the detective can use the suspect's post-admission narrative to establish his lack of knowledge and thus demonstrate his likely or certain innocence. Whereas a guilty suspect can corroborate his admission because of his actual knowledge of the crime, the innocent suspect cannot. The more information the interrogator seeks, the more frequently and clearly an innocent suspect will demonstrate his ignorance of the crime. His answers will turn out either to be wrong, to defy evaluation, or to be of no value for discriminating between guilt and innocence. Assuming that neither the investigator nor the media have contaminated the suspect by transferring information about the crime facts, or that the extent of contamination is known, the likelihood that his answers will be correct should be no better than chance. Absent contamination, the only time an innocent person will contribute correct information is when he makes an unlucky guess. The likelihood of an unlucky guess diminishes as the number of possible answers to an investigator's questions grows large. If, however, his answers about missing evidence are proven wrong, he cannot supply verifiable information that should be known to the perpetrator, and he inaccurately describes verifiable crime facts, then the post-admission narrative provides evidence of innocence.

This, of course, assumes that the suspect's knowledge of the crime has not been contaminated by the media, community gossip, the police or some other source with inside knowledge about crime details. If a suspect has learned unique or non-public crime facts from one of these sources, then the fact that his confession contains these details is, of course, not indicative of pre-existing knowledge or probative of guilt. This problem is discussed in detail in the following section.

XI. The Problem of Contamination

The problem of contamination in false confession cases arises when the interrogator pressures a suspect during the post-admission narrative phase to accept a particular account of the crime story—one that usually squares with the interrogator's theory of how the crime occurred—and then suggests crime facts to the suspect, leads or directs the suspect to infer correct answers, and sometimes even suggests plausible motives for committing the crime.²² Because they are trained to presume the guilt of those whom they interrogate, American police assume that they are interrogating suspects who already know the correct crime facts. But this is not true when they are mistakenly interrogating an innocent person.

²² Richard A. Leo (2008), *POLICE INTERROGATION AND AMERICAN JUSTICE* (Harvard University Press).

Instead, the innocent suspect is pressured to use facts disclosed to him by his interrogators in order to construct a plausible-sounding confession and post-admission narrative. Indeed, the presence of these details in the suspect's confession falsely gives the suspect's narrative credibility and the appearance of corroboration. Moreover, suspects who have been pressured and coerced into falsely confessing are motivated to please their interrogator(s) in order to put an end to the interrogation, and, as a result, often will make up and/or embellish known or suggested facts in order to make their confession seem more plausible and pleasing to the interrogators who, at that moment, control their fate in the interrogation room. After police interrogators have contaminated the suspect with non-public crime facts, they often attribute "guilty knowledge" to the suspect when he repeats back and incorporates into his confession the very facts that they first educated him about. One researcher has called these contaminated details "misleading specialized knowledge."²³ In many false confession cases, police and prosecutors argue that the suspect's confession corroborates his guilt because he "knows facts only the true perpetrator would know," even though the suspect first learned these facts from his interrogators. Police contamination and scripting therefore increase the risk that false confessions, once given, will cause third parties to erroneously believe that they contain indicia of reliability and thus increase the risk that the (contaminated) false confession will lead to a wrongful conviction.

Of course, if the interrogation process is not electronically recorded, the interrogator is free to assert that these crime facts were volunteered by the suspect and the trial may devolve into a swearing contest between the suspect and the interrogators over who was the source of the details in the confession. If the entire process is recorded, however, then it may be possible to trace the contamination.

Researchers have found that contamination by police regularly occurs in interrogation-induced false confession cases. In a study of the first two-hundred and fifty (250) post-conviction DNA exonerations of innocent prisoners in the American criminal justice system, Professor Brandon Garrett of the University of Virginia Law School showed that this pattern was present in 95% of the false confession cases in this data set (38 of 40 cases). In other words, in the overwhelming majority of these proven false confession cases, police interrogators fed the suspect unique non-public facts that "only the true perpetrator would know," but the prosecutor erroneously alleged that the suspect volunteered these facts and that the suspect thereby corroborated the reliability of his confession. But because the jury in each case mistakenly believed the prosecutor rather than the defense, each of the confessors was convicted, and in each of these cases the defendant's innocence (and the falsity of the confession) was only proven

²³ Gisli Gudjonsson (2003), *THE PSYCHOLOGY OF INTERROGATIONS AND CONFESSIONS: A HANDBOOK* (John Wiley & Sons Inc).

many years later by DNA.²⁴ In a recent follow-up study more recent false confession DNA exonerations, Garrett found that another 21 of 23 (91%) were contaminated.²⁵

In sum, the problem of contamination means that when applying the fit test to assess the reliability of the confession, it is essential to separate out the contaminated facts from the facts that unquestionably were provided by the defendant.

XII. Professional Opinions

You have asked me to evaluate the above materials for the purpose of assessing the likely reliability of Mr. Alley's confession in this case. Unfortunately, Officers Belkovitch, Neighbors and Baldwin chose not to record Mr. Alley's interrogation. As a result, we are forever deprived of an objective record of exactly what occurred during his interrogation: what exactly the officers said to Mr. Alley and what exactly he said to them, which interrogation techniques or strategies they used, whether the techniques were psychologically coercive and, ultimately, why Mr. Alley confessed. The testimony that I have reviewed is, at best, a highly incomplete account of what occurred by one side involved in this case.

My analysis below represents my present assessment, based on the above materials that I have reviewed, and may be modified if I review other materials.

The question of which techniques were used, whether the interrogation was coercive or why a suspect confessed is, of course, separate from whether the confession was likely reliable or unreliable. To evaluate the likely reliability of a suspect's incriminating statements, social science researchers analyze (1) the *fit* between the subject's *post-admission narrative* (the account or story the suspect tells following the "I did it" admission statement) and the crime facts and 2) the presence or absence of corroborating evidence derived from the confession (e.g., location of the missing murder weapon, loot from a robbery, the victim's missing clothing, etc.).

In this case, Mr. Alley's post-admission narrative does not, in my opinion, conclusively demonstrate guilty knowledge – i.e, knowledge known only to the true perpetrator, not likely guessed by chance and not the product of suggestion. Rather, Mr. Alley's post admission narrative is fraught with two obvious, and seemingly inexplicable, errors. In his confession, Mr. Alley told Officers Belkovitch and Baldwin that he hit the victim with his car and that he stabbed her in the side of the head with a screwdriver and then pulled the screwdriver from her head. Yet, as the Medical Examiner testified at trial, neither of these two statements is accurate. The victim was *not* hit by a car and she was *not* stabbed in the side of the head with a screwdriver. These errors are significant because they defy rational explanation if Mr. Alley did in fact murder the victim. When a guilty suspect is moved from denial to admission in the interrogation process, he usually

²⁴ Brandon Garrett (2011). *CONVICTING THE INNOCENT* (Harvard University Press)

²⁵ Brandon Garrett (2015). "Contaminated Confessions Revisited," *University of Virginia Law Review*, 101, 395-454.

is motivated to comply with the wishes of the interrogator and provide the details that the interrogator is seeking. Once a guilty's resistance is broken down and he is moved to say "I did it," there is no reason for him to lie about the mechanical details of the crime. The fact that Mr. Alley makes these two glaring errors suggests that he was either guessing because he did not know how Ms. Collins was killed or that he was simply feeding back the account that the detectives were looking for or suggesting to him. Absent an electronic recording of the interrogation, we are unable to directly observe whether Mr. Alley's erroneous post-admission narrative is the product of the officers' suggestions or simply the product of spontaneous, but erroneous, guessing.

Regardless, the fit between Mr. Alley's post admission narrative and the underlying crime facts is weak. As best I can tell from the materials that I reviewed, there is nothing in Mr. Alley's post-admission narrative that demonstrates dispositively that he possessed knowledge of the crime known only to the true perpetrator. Moreover, it appears that Sergeant Neighbours, Officer Belkovitch and Officer Baldwin all fed Mr. Alley details of the crime -- which is universally regarded as poor police practice -- prior to Mr. Alley's confession, thus undermining the probative value of Mr. Alley's statements because they fail to demonstrate any independent knowledge of the crime scene details. Again, had the detectives electronically recorded Mr. Alley's interrogation we would be able to see whether the details in his post-admission narrative are coming from him or from the officers. However, Sergeant Neighbours, in his Suppression Hearing Testimony (P. 210) blurts out that he fed key details to Mr. Alley prior to his confession:

I advised him of the entire investigation. We advised him that there has been a body found. We then asked him -- then he -- asked him if he knows where Orgill Park was, and he said he didn't. This conversation went on for quite some time...

Officer Belkovitch, in his trial testimony (P. 754) acknowledges that he too provided crime scene information to Mr. Alley prior to Mr. Alley's confession:

As I recall, we told him there was an abduction from the base, that an individual, I believe the gate guard, had seen a vehicle which matches his vehicle departing the base around the time of the abduction, and that subsequently a body had been found up at Orgill Park.

And Officer Baldwin, in his trial testimony (P. 790), also states that he suggested a key detail to Mr. Alley -- when he accused Mr. Alley of lying and then asked him, "Why did you bash the young lady's head up against the front end of your car?" -- that, though erroneous, was later incorporated into Mr. Alley's confession.

According to the Officers' testimony, Mr. Alley leads them to Orgill Park where the murder allegedly occurred. However, this fails as corroboration of Mr. Alley's statement because two of the interrogating officers told Mr. Alley that the murder occurred in Orgill Park

prior to Mr. Alley taking them to Orgill Park. Moreover, Mr. Alley does not appear to be able to lead the officers to the correct place where the murder occurred because there is no blood scene markings at the place where he takes the officers and supposedly hit the victim, despite the fact that this is a rather bloody crime. Mr. Alley's post-admission narrative, on this key point, therefore appears to demonstrate ignorance – in fact according to Sergeant Neighbors, Mr. Alley did not even know where Orgill park was -- not any independent crime scene knowledge. The only crime scene fact that Mr. Alley appears to be able to get right – where the body had been left and where it was found by others – was, by two interrogating officers' testimony, first fed to him.

There are other aspects of this case that call into question the likely reliability of Mr. Alley's post-admission narrative: the fact that no blood or scratches are found on Mr. Alley's person (despite the fact that he describes a struggle); the fact that no blood is found in Mr. Alley's car; the fact that the tire tracks at the crime scene do not match Mr. Alley's vehicle; and the erroneous eyewitness testimony of Scott Lancaster, the only eyewitness to see the alleged assailant, who describes someone not matching Mr. Alley. There is also ambiguous evidence that the state alleged corroborated Mr. Alley's confession but is either contested or simply not conclusive: the state claims that Mr. Alley confessed to his wife during a brief visit by her during the interrogation, but she denies that Mr. Alley confessed to her. There are two eyewitness who allegedly identify Mr. Alley's vehicle near a location where a woman is overheard screaming, but they never see an assailant or the actual crime. Blood found on Mr. Alley's car is Type O, which matches Ms. Collings blood type, but it also matches 45% of the Caucasian population. And a technician testified that Ms. Collins hair is microscopically similar to hair found in Mr. Alley's vehicle, but we now know that visual comparison of hair evidence is notoriously unreliable and valuable only as exclusionary rather than inclusionary evidence, especially in light of advances in mitochondrial DNA testing.

There is, in my opinion, no solid evidence that validates Mr. Alley's confession and some evidence calling it into question. For this reason, it is, in my opinion, essential to have DNA tested in order to validate whether Mr. Alley's confession is likely reliable or unreliable. In light of the materials that I have reviewed, it is, in my professional opinion, quite possible that Mr. Alley's confession is either partially or entirely false. The only way we will know with any certainty is if the existing DNA is tested.

The possibility that Mr. Alley's confession is either partially or entirely false should not be easily dismissed. As discussed above, there is no dispute in the social science research community (or even in law enforcement for that matter) that police-induced false confessions occur. There is good empirical social science research documenting and explaining 1) the existence of false confessions; 2) numerous cases in recent decades in which police have elicited false confessions; 3) the psychological causes of false confession; 4) the indicia and characteristics of cases involving false confessions; and 5) the consequences of false confession for a defendant in the criminal justice system. This research is generally accepted in the social

scientific community, peer reviewed, and dates back to 1908, though the majority of the research has been done in the last twenty years. When false confessions occur, they are usually the result of police overzealousness, a presumption of the suspect's guilt from the beginning of the investigation, and psychologically coercive interrogation techniques such as threats and promises. And when police elicit false confessions, they often lead to a conviction because triers of fact regard confession evidence as so compelling that they allow it to override other contradictory or exculpatory evidence of innocence. Hundreds of false confessions leading to wrongful conviction have been documented in the scholarly literature.

That there is no solid evidence that I am aware corroborating of Mr. Alley's post-admission narrative is troubling because there are other aspects of the record that suggest Mr. Alley may have been coerced by the interrogating officers into providing false statements. Because there is no electronic recording, we of course do not know what occurred during his interrogation. However, there are several aspects of the interrogation that are inconsistent with what usually occurs in an interrogation. For example, though it is possible that Mr. Alley would have asked Sergeant Neighbours what would happen to him if he were convicted of first degree murder, as Sergeant Neighbours testified, most suspects do not ask such specific question (i.e., referring to what would happen to them if they were convicted of *first degree murder* as opposed to what is going to happen to them more generally). In my experience when there is a suggestion that the suspect may receive the death penalty, the suggestion usually comes from the interrogating officer and not in response to a question by the suspect.

It also strikes me as odd that Mr. Alley would invoke his right to an attorney after Sergeant Neighbours discusses the death penalty, then immediately un-invoke and spontaneously confess to Officer Belkovitch. Of course it is possible that this occurred. A different scenario, consistent with police interrogation research, however, might have been that Mr. Alley was talked out of invoking and told that if he admitted to the killing of Ms. Collins as an accident he could avoid the death penalty. It is a well-known police interrogation technique, especially in homicide cases, to suggest that the suspect can mitigate his charge or punishment if he confesses to an accidental version of the offense that, in effect, lessens his culpability. And, of course, Mr. Alley did confess to an accidental killing of the victim, both accidentally hitting her with his car and accidentally stabbing her in the head with a screwdriver, according to the Officer Belkovitch's testimony at the suppression hearing, even though both of these statements turned out to be false. The "accident scenario" technique is sometimes combined with the police technique of blaming the victim, again to minimize the suspect's blameworthiness or culpability. And, again, we find the footprint of this technique in Mr. Alley's confession, as, according to Officer Belkovitch's testimony at trial (P. 698), Mr. Alley "said that Suzanne Collins became abusive with him, and then I guess you might even want to say verbally threatening him with arrest from the sheriff's office of the base police because of his state of intoxication and hitting her with the car. He said he became scared and he hit her in the car."

It is also odd that Officer Belkovitch, as he testified at both the suppression hearing and at trial, would have repeatedly reminded Mr. Alley that he did not need to make a statement, so much so that he even agreed during his testimony at trial that he tried to talk Mr. Alley out of making a statement. This is extremely rare in my experience. Most interrogators are not hyper-solicitous of a suspect's rights after he un-invokes them, especially not in high profile murder cases immediately after the murder has occurred and when they think they have apprehended the true perpetrator and are on the verge of eliciting a confession. If Officer Belkovitch was really this hyper-solicitous of Mr. Alley's constitutional rights, it is nothing short of astonishing. It is also surprising that, if Officer Belkovitch's testimony on this point is accurate, he essentially elicited a spontaneous un-invocation and confession at 9:11 a.m. (the moment Sergeant Neighbours left the interrogation room), yet Officer Belkovitch did not get a written *Miranda* waiver from Mr. Alley until 1:47 pm (more than three hours later) or a written confession from Mr. Alley until 3:42 pm, more than five hours later. If this had really occurred, most police would have immediately reduced Mr. Alley's *Miranda* waiver to writing and immediately reduced his oral admission to writing. It is also surprising that Mr. Alley would ask for an attorney the moment *after* he provided a written statement to Officer Belkovitch.

Police interrogators are trained not only to use specific interrogation techniques to overcome a suspect's resistance and move him from denial to admission, but also to create the circumstances that make the confession statement more persuasive to a third party, such as a judge or jury. One such technique is known as the "error insertion trick," whereby the interrogating officers intentionally insert errors into a suspect's statement, then ask the suspect to correct the errors, and then represent the error correction to a court or third party as evidence that the suspect's confession was therefore voluntary and reliable, even though the error insertion was staged by the interrogating officer. Here we are told by Officer Belkovitch, in his Suppression Hearing testimony, that (P. 146) that Mr. Alley:

"well, he – just briefly looking through here, he made some corrections as to names like where sergeant neighbours name was placed in error and he put in Baldwin't and he initialed it."

Of course, it is possible that Mr. Alley did, in fact, initiate these corrections on his own. It is just not likely that he did so, in light of what we know about police training and practice from the social science research on this topic.

XIII. Conclusion

In conclusion, it is my professional opinion that Mr. Alley's post-admission narrative, and therefore his confession to killing Ms. Collins, may be partially or entirely unreliable. From the materials I have reviewed, there are several danger signs. Mr. Alley's post-admission narrative gets two major crime facts wrong and is inconsistent with several other crime scene facts and is not dispositively corroborated by unambiguous extrinsic evidence. The interrogating

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police officers, contrary to recommended police practice, feed Mr. Alley key facts that he repeats in his confession but which therefore do not demonstrate any independent knowledge of crime scene details. And the officers allude to the use of techniques (such as the death penalty threat combined with the accident scenario technique) that could easily have caused a false confession. Finally, there are a number of aspects to the three officers' description of the interrogation that simply do not square with what typically occurs in interrogation, from how they elicited *Miranda* waivers to the techniques they used to how they documented the interrogation and confession.

In light of these errors and uncertainties, it is my professional opinion that the only way we will know for sure whether Mr. Alley's confession is reliable or unreliable is to test the DNA that remains from the crime scene.

If you have any questions or if I can be of any further assistance, please do not hesitate to contact me. I affirm or swear that the statements contained in this report are true and correct to the best of my knowledge.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Richard A. Leo". The signature is fluid and cursive, with the first name "Richard" and last name "Leo" being the most prominent parts.

Richard A. Leo, Ph.D., J.D.
Hamill Family Professor of Law and
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April, 2019

DR. RICHARD A. LEO, PH.D, J.D.

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POSITIONS HELD

7/06-Present	Hamill Family Professor of Law and Psychology University of San Francisco
8/05-Present	Fellow, Institute for Legal Research Criminal Justice Studies Program University of California, Berkeley School of Law
9/14-6/15	Fellow, Center for the Advanced Study in the Behavioral Sciences Stanford University
7/13-6/14	Visiting Professor of Law and Co-Director, Program on Understanding Law, Science and Evidence University of California, Los Angeles
7/97 – 6/06	Associate Professor of Criminology, Law and Society and Psychology and Social Behavior University of California, Irvine (Tenured in 2001)
8/94 - 5/97	Assistant Professor of Sociology and Adjunct Professor of Law University of Colorado, Boulder

EDUCATION

8/90 - 8/94	Ph.D. in Jurisprudence and Social Policy Specialization: Criminology and Social Psychology University of California, Berkeley
8/92 - 5/94	J.D., Boalt Hall School of Law University of California, Berkeley
9/87 - 6/89	M.A. in Sociology University of Chicago
9/81 - 5/85	A.B. in Sociology, with Honors University of California, Berkeley

ACADEMIC SPECIALIZATION

Criminology/Criminal Justice	Psychology and Law	Social Psychology
Criminal Law/Criminal Procedure	Law and Social Science	Police Organization/Behavior

RESEARCH SPECIALIZATION

Police Interrogation	Wrongful Convictions	Coercive Persuasion
False Confessions	Miscarriages of Justice	Influence and Decision-Making

AWARDS

Distinguished Scholar Award (2017). American Society of Criminology, Division of Policing (For outstanding contributions to the field of policing).

Academic Excellence Award (2017). International Investigative Interviewing Research Group (In recognition of outstanding achievements to ethical investigative interviewing).

Lifetime Achievement Award (2014). Society for the Study of Social Problems, Crime and Juvenile Delinquency Division. (For distinguished scholarship in the fields of crime and delinquency).

Paul Tappan Lifetime Achievement Award (2014). Western Society of Criminology. (For outstanding contributions to the field of criminology).

The President's Award (2014). Western Society of Criminology. (For contributions to the field of criminology and positive influence on the current Western Society of Criminology President's career).

Fellowship, Center for the Advanced Study in the Behavioral Sciences (2014-2015). Stanford University.

William J. Chambliss Lifetime Achievement Award (2013). Society for the Study of Social Problems, Law and Society Division. (For career-spanning excellence and achievement in the area of law and society).

Guggenheim Fellowship (2011). John Simon Guggenheim Memorial Foundation. (For men and women who have already demonstrated exceptional capacity for productive scholarship or exceptional creative ability in the arts). New York, N.Y.

Edwin H. Sutherland Outstanding Scholarship Award from the Society for the Study of Social Problems, Law and Society Division (2010) for *Police Interrogation and American Justice* (Harvard University Press, 2008). Inaugural award.

Outstanding Book Award (2010) from the Academy of Criminal Justice Sciences for *Police Interrogation and American Justice* (Harvard University Press, 2008).

Herbert Jacob Book Prize (2009) from the Law and Society Association for *Police Interrogation and American Justice* (Harvard University Press, 2008)

Distinguished Scholarship Award (2009) from the Pacific Sociological Association for *Police Interrogation and American Justice* (Harvard University Press, 2008). Honorable Mention.

Soros Senior Justice Fellowship (2004). Open Society Institute. Soros Foundation. New York, N.Y.

The Saleem Shah Career Achievement Award (2000). Given by The American Psychology-Law Society (Division 41 of the American Psychological Association) and the American Academy of Forensic Psychology for early career excellence and contributions to psychology, law and public policy.

The Ruth Shonle Cavan Young Scholar Award (1999). Given by The American Society of Criminology to recognize outstanding scholarly contributions to the discipline of criminology.

Distinguished Assistant Professor Award for Research (2000-2001). University of California, Irvine. Conferred by the Academic Senate of the University of California, Irvine for distinguished research.

Faculty Career Development Award (1998-1999). University of California, Irvine.

Graduate Student Paper Award, Honorable Mention (1994) from the American Sociological Association, Crime, Law, and Deviance Section.

Outstanding Graduate Student Instructor Award (1993). University of California, Berkeley. Department of Legal Studies.

Prosser Prize (1992), "Guggenheim Crime Policy Seminar." University of California, Berkeley, Boalt Hall Law School.

ADDITIONAL HONORS AND DISTINCTIONS (SELECTIVE)

Publications have been downloaded over 44,000 times on the Social Science Research Network (Top 10% of all authors). See <http://www.usfca.edu/law/faculty/fulltime/leor.html>

Member (Elected), American Law Institute (October, 2011-Present).

Listed in 2016 by the *Wall Street Journal* as one of 25 U.S. Law Professors whose research and publications have been cited most often by courts. See Nick Farris, Valerie Aggerbeck, Megan McNevin, & Greg Sisk, *Judicial Impact of Law School Faculties*, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2826048

The subject of a full-length feature article by Mark Leviton (July, 2017). "The Whole Truth: Richard A. Leo on Why Innocent people Confess to Crimes." *The Sun Magazine*, Pp. 6-15. See <http://thesunmagazine.org/issues/499/the-whole-truth>

The subject of a *New Yorker* magazine article by Jeffrey Toobin (August 24, 2009). See: http://www.newyorker.com/talk/2009/08/24/090824ta_talk_toobin

Listed in Brian Leiter, *Most Cited Law Professors by Specialty, 2000-2007*, Criminal Law and Procedure, (http://www.leiterrankings.com/faculty/2007faculty_impact_areas.shtml)

Member, Scientific Advisory Board. National Center for Reason and Justice (3/02-Present).

Board member, Forensic Social Sciences Association (2/14-Present).

Affiliate, Center on Police Practices and Community (COPPAC). University of California, Santa Barbara Institute of Social, Behavioral & Economic Research (7/01-Present).

Fellow, Earl Warren Legal Institute Criminal Justice Program, University of California, Berkeley School of Law (10/98-8/05)

Visiting Scholar, Boalt Hall School of Law, University of California, Berkeley (8/03-8/05).

Visiting Professor of Sociology, Nankai University, Tianjin, China (10/96).

PUBLICATIONS

BOOKS

- 2020 Richard A. Leo and Tom Wells. THE INNOCENCE REVOLUTION: THE AMERICAN MOVEMENT AGAINST WRONGFUL CONVICTIONS. Expected Publication Date: 2019-2020

- Received Guggenheim Fellowship Award to write this book
- 2012 CONFESIONS OF GUILT: FROM TORTURE TO MIRANDA AND BEYOND (with George C. Thomas III). New York: Oxford University Press. ISBN #: 978-0-19-533893-5. Available at: <http://www.oup.com/us/catalog/general/subject/Sociology/CriminalJustice/?view=usa&ci=9780195338935>
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- 2008 POLICE INTERROGATION AND AMERICAN JUSTICE (2008). Cambridge: Harvard University Press. ISBN #: 0-674-02648-9. Available at: <http://www.hup.harvard.edu/catalog/LEOPOL.html> or <http://www.amazon.com/Police-Interrogation-American-Justice-Richard/dp/0674026489>
- Edwin H. Sutherland Outstanding Scholarship Award. The Society for the Study of Social Problems (2010). Inaugural award.
 - Outstanding Book Award (2010). Academy of Criminal Justice Sciences.
 - Herbert Jacob Book Prize (2009). Law and Society Association.
 - Distinguished Scholarship Award (2009). Pacific Sociological Association. Honorable Mention.
 - Excerpts reprinted in Yale Kamisar Et. Al, Eds. (2008). *Modern Criminal Procedure: Cases, Comments, Questions*. Twelfth Edition. (St. Paul, MN: West Publishing). Pp. 540, 624, 719-720
 - Paperback version published in August, 2009
 - Translated into Chinese by China University of Political Science and Law Press (2012)
 - Translated into Korean by Humanitas Press (2014)
- 2008 THE WRONG GUYS: MURDER, FALSE CONFESSIONS AND THE NORFOLK FOUR (2008) (with Tom Wells). New York: The New Press. ISBN #: 978-1-59558-401-4. Available at: <http://amazon.com> or <http://thenewpress.com>. See also: <http://www.wrongguys.com>.
- Nominated for a National Book Award and a Pulitzer Prize
 - The subject of a *New Yorker* magazine article by Jeffrey Toobin (August 24, 2009). See: http://www.newyorker.com/talk/2009/08/24/090824ta_talk_toobin

- Received Soros Senior Justice Fellowship (2004) to write this book
- 2008 THE PROBLEM OF FALSE CONFESSIONS IN THE POST-DNA WORLD (2008) (with Steven Drizin). Published as a book in Japan by Nippon Hyoronsha Co., LTD. ISBN #: 978-4-535-51664-9.
- 1998 THE MIRANDA DEBATE: LAW, JUSTICE AND POLICING (1998) (with George C. Thomas III, Eds). Boston: Northeastern University Press. ISBN #: 1-55553-338-8.
- 1998 THE AMERICAN CRIMINAL JUSTICE SYSTEM (1998), (Ed). (Simon & Schuster). ISBN #: 0-536-00826-4.

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- 2019 “Analyzing 250 New Proven False Confessions: Causes, Consequences, Solutions” (with Steve Drizin, Gillian Edmonds and Amy Shlosberg). Forthcoming in the *Journal of Criminal Law and Criminology*.
- 2019 “The Analysis of Nonverbal Communication: The Dangers of Pseudoscience in Security and Justice Contexts” (with Vincent Denault et al.). Forthcoming in the *International journal of criminology and technical and scientific police*. Spanish translation forthcoming in the *Annual Review of Legal Psychology* (Anuario de Psicología Jurídica).
- 2019 “Police Interrogation and Suspect Confessions,” Forthcoming in Eric Miller and Tamara Lave, Eds. (2019), *The Cambridge Handbook on Policing in the United States* (Boston, MA: Cambridge University Press).
- Reprinted in Tristin Green, Legal Scholarship Network (SSRN): Legal Studies Research Paper Series. University of San Francisco School of Law. Vol. 11, No. 2 (2018)
- 2018 “Mental Health and False Confessions” (With William Follette and Deborah Davis). In Elizabeth Kelley, Ed (2018). *Representing People with Mental Disabilities: A Criminal Defense Lawyer’s Best Practices Manual* (Chicago: American Bar Association). Pp. 95-124.
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| 2014 | <i>Philadelphia Inquirer</i>
<i>Beatrice Daily Sun</i>
<i>The Daily Times</i>
<i>The Buffalo News</i> | <i>Pittsburgh Post-Gazette</i>
<i>San Quentin Times</i>
<i>Modesto Bee</i>
<i>Omaha World-Herald</i> |
| 2013 | <i>The New York Times</i>
<i>The New Yorker</i>
<i>The Philadelphia Inquirer</i>
<i>KPIX TV (Channel 5, San Francisco)</i>
<i>Christian Science Monitor Weekly</i>
<i>Evansville Courier-Press</i>
<i>The Philadelphia Daily News</i> | <i>The Atlantic</i>
<i>The Nation</i>
<i>The San Diego Union-Tribune</i>
<i>KPBS Radio (San Diego)</i>
<i>The Buffalo News</i>
<i>Connecticut Law Tribune</i>
<i>CBS News</i> |
| 2012 | <i>USA Today</i>
<i>Chicago Tribune</i>
<i>Pacific Standard Magazine</i>
<i>San Francisco Chronicle</i>
<i>Crestline Courier- News</i>
<i>Ground Report</i>
<i>Owensboro Messenger-Inquirer</i> | <i>New York Times</i>
<i>Philadelphia Inquirer</i>
<i>Oregon Register-Guard</i>
<i>San Francisco Business Times</i>
<i>Fairbanks Daily News-Miner</i>
<i>Evansville Courier Press</i>
<i>Inland Valley Daily Bulletin</i> |

- 2011 *San Francisco Chronicle*
Chicago Tribune
New York Times
The Lawton Constitution
Vancouver Sun
Brooksville, FLA Hernando Today
Tampa Tribune
- 2010 *Chicago Tribune*
The New York Times
Columbia Missourian
Houston Chronicle
Seattle Times
Oshkosh Northwestern
Sheboygan Press
Aolnews.com
Joplin Globe
Voice of America
New York Magazine
Mississippi Clarion-Ledger
Kansas City Star
- 2009 *The New Yorker*
San Francisco Chronicle
Miami Herald
Livingston Daily News
Columbia Missourian
KAOS Radio (Evergreen, WA)
Transitions, Syndicated NPR
Siskiyou Daily News
The Ft. Collins Coloradoan
- 2008 *Columbia Missourian*
KQED Radio, San Francisco, CA
Orlando Sentinel
WUIS Radio, Springfield, Illinois
KPIX, Channel 5 Bay Area
Springfield State Journal-Register
KKSU Perspectives, Syndicated NPR
Legal Intelligencer
Columbia Daily Tribune
Albuquerque Journal
Seattle Weekly
Broward Daily Business Review
Omaha World Herald
- Detroit Free Press*
Philadelphia Inquirer
Los Angeles Times
Memphis Commercial Appeal
Chicago Sun-Times
Great Falls Tribune
Chicago Daily Herald
- KTVU News Channel 2 (San Francisco)*
Appleton Post-Crescent
Yakima-Herald
Grand Rapids Press
Manitowoc Herald Times Reporter
Wausau Daily Herald
Chambersburg Public Opinion
Green Bay Press Gazette
KY3 News (Missouri)
San Francisco Examiner
PBS Frontline
KUCI FM (Orange County, CA)
- The Atlantic*
St. Petersburg Times
The Detroit News
American Lawyer
California Lawyer
Boulder Daily Camera
The Texas Observer
The Virginia Pilot
- Washington Post*
The Virginia Pilot
San Jose Mercury News
Oakland Tribune
Fairbanks News-Miner
KGO Radio
Baltimore Examiner
KPCC Radio Los Angeles
Riverside Press-Enterprise
Justice Denied Magazine
Palm Beach Daily Business Review
Miami Daily Business Review
NBC Dateline

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| | <i>Style Weekly</i>
<i>Contra Costa Times</i>
<i>Illinois Times</i>
<i>Washington Examiner</i> | <i>National Law Journal</i>
<i>Arkansas Democrat-Gazette</i>
<i>Fault Lines</i> |
| 2007 | <i>San Francisco Chronicle</i>
<i>Arkansas Democrat-Gazette</i>
<i>New York Times</i>
<i>Akron Beacon Journal</i>
<i>Bakersfield Californian</i>
<i>Missoula Independent</i>
<i>Mr. Big (Documentary)</i> | KQED Radio, San Francisco, CA
<i>The Westchester Guardian</i>
<i>Chicago Tribune</i>
<i>Wisconsin Lawyer</i>
<i>National Public Radio</i>
<i>Evansville Courier & Press</i> |
| 2006 | <i>San Jose Mercury News</i>
<i>Contra Costa Times</i>
<i>Oprah Magazine</i>
<i>Atlanta Journal-Constitution</i>
<i>Wisconsin State Journal</i>
<i>Richmond-Times Dispatch</i>
<i>Missoula Independent</i>
<i>Cox News Service</i>
<i>Business Wire</i>
<i>San Mateo County Times</i>
<i>Virginian-Pilot</i> | <i>National Law Journal</i>
<i>Los Angeles Times</i>
<i>Oklahoma City Journal Record</i>
<i>New York Law Journal</i>
<i>Connecticut Law Tribune</i>
<i>Pittsburgh Post-Gazette</i>
<i>Palm Beach Post</i>
<i>ABC News</i>
<i>Fulton County Daily Report</i>
<i>Tennessean</i>
<i>Salon.Com</i> |
| 2005 | <i>California Lawyer</i>
<i>Vermont Brattleboro Reformer</i>
<i>Arizona Republic</i>
<i>Chicago Reader</i>
<i>New York Law Journal</i> | <i>Wisconsin State Journal</i>
<i>Louisville Courier-Journal</i>
<i>Chronicle of Higher Education</i>
<i>Newsday</i>
<i>Court TV</i> |
| 2004 | <i>San Diego Union-Tribune</i>
<i>Los Angeles Times</i>
<i>Legal Times</i>
<i>Court TV</i>
<i>Orange County Register</i>
<i>Winston Salem Journal</i>
<i>Rochester Democrat and Chronicle</i> | <i>New York Times</i>
<i>Pittsburgh Post-Gazette</i>
<i>San Francisco Recorder</i>
<i>Village Voice</i>
<i>Fort Lauderdale Sun-Sentinel</i>
<i>Hayward Daily Review</i> |
| 2003 | <i>Miami Herald</i>
<i>New York Times</i>
<i>Los Angeles Times</i>
<i>Law and Order</i>
<i>Seattle Times</i>
<i>Modesto Bee</i> | <i>San Diego Union-Tribune</i>
<i>Chicago Tribune</i>
<i>CBS News</i>
<i>Copley News Service</i>
<i>CNN</i>
<i>Amnesty International Magazine</i> |

	<i>USA Today</i> <i>San Antonio News-Express</i> <i>Birmingham Post-Herald</i>	<i>Arts & Entertainment Channel</i> <i>Toronto Star</i> <i>Orange County Register</i>
2002	<i>Miami Herald</i> <i>New York Times</i> <i>Oprah Magazine</i> <i>Pittsburgh Post-Gazette</i> <i>Deseret Morning News</i> <i>National Public Radio, This American Life</i> <i>Milwaukee Journal Sentinel</i> <i>Austin American-Statesman</i> <i>FBI Law Enforcement Bulletin</i>	<i>San Jose Mercury News</i> <i>National Public Radio</i> <i>Wisconsin State Journal</i> <i>Virginian-Pilot</i> <i>Fort Lauderdale Sun-Sentinel</i> <i>Forensic Files</i> <i>Harpers Magazine</i> <i>San Mateo County Times</i> <i>Capital Times</i>
2001	<i>New York Times</i> <i>Orange County Register</i> <i>Forensic Files</i> <i>Detroit Free Press</i> <i>Charleston Post and Courier</i> <i>Grand Rapids Press</i>	<i>Pittsburgh Post-Gazette</i> <i>St. Louis Post-Dispatch</i> <i>Minnesota Star Tribune</i> <i>Boston Globe</i> <i>Port Huron Times Herald</i>
2000	<i>San Jose Mercury News</i> <i>Chicago Tribune</i> <i>Modesto Bee</i> <i>Ascribe Newswire</i> <i>University Wire</i> <i>San Francisco Examiner</i> <i>Washington Times</i> <i>American Prospect</i>	<i>New York Times</i> <i>Los Angeles Times</i> <i>Boston Globe</i> <i>Dallas Morning News</i> <i>Chicago Daily Law Bulletin</i> <i>Syracuse Post-Standard</i> <i>Fort-Worth Star Telegram</i> <i>Reason</i>
1999	<i>San Francisco Chronicle</i> <i>National Public Radio</i> <i>Newsday</i> <i>Rochester Democrat and Chronicle</i> <i>New York Law Journal</i> <i>American Bar Association Journal</i> <i>Seattle Post-Intelligencer</i> <i>Federal News Service</i>	<i>Washington Post</i> <i>Los Angeles Times</i> <i>Milwaukee Journal Sentinel</i> <i>Daily Press.Com</i> <i>Nation</i> <i>Chicago Magazine</i> <i>Playboy Magazine</i> <i>Baltimore Sun</i>
1998	<i>Washington Post</i> <i>San Diego Union-Tribune</i> <i>Chicago Tribune</i> <i>Seattle Times</i> <i>Dallas Morning News</i> <i>Hartford Courant</i>	<i>Riverside Press-Enterprise</i> <i>New York Times</i> <i>Los Angeles Times</i> <i>St. Louis Post-Dispatch</i> <i>U.S. News & World Report</i> <i>Chicago Sun-Times</i>

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| | <i>Baltimore Sun</i> | <i>New Orleans Times-Picayune</i> |
| | <i>Raleigh News & Observer</i> | |
| 1997 | <i>Boulder Daily Camera</i> | <i>Orlando Sentinel</i> |
| | <i>Riverside Press-Enterprise</i> | <i>San Diego Union-Tribune</i> |
| | <i>Newsday</i> | <i>Detroit Free Press</i> |
| | <i>Boston Globe</i> | <i>Charleston Post and Courier</i> |
| | <i>Dallas Morning News</i> | <i>Hartford Courant</i> |
| | <i>Denver Post</i> | <i>Maury Povich Show</i> |
| | <i>New York Post</i> | <i>Geraldo Rivera Live</i> |
| | <i>New York Daily News</i> | <i>Newark Star-Ledger</i> |
| | <i>Memphis Commercial Appeal</i> | <i>Memphis Commercial Appeal</i> |
| | <i>Vancouver Columbian</i> | <i>Indianapolis News</i> |
| | <i>Philadelphia Inquirer</i> | <i>Gary Post-Tribune</i> |
| | <i>Morristown Daily Record</i> | <i>Wilmington News Journal</i> |
| | <i>Belleville News-Democrat</i> | <i>Mobile Register</i> |
| | <i>Greenville News</i> | <i>Charleston Gazette-Mail</i> |
| | <i>Cleveland Plain Dealer</i> | <i>Wheeling Sunday News-Register</i> |
| | <i>Everett Herald</i> | <i>Augusta Chronicle</i> |
| | <i>Columbus Dispatch</i> | <i>Columbus Leger-Enquirer</i> |
| | <i>Worcester Telegram</i> | <i>Macon Telegraph</i> |
| | <i>Scranton Times</i> | <i>Contra Costa Times</i> |
| | <i>Dayton Daily News</i> | <i>Canton Repository</i> |
| | <i>Eugene Register-Guard</i> | <i>Tacoma News Tribune</i> |
| | <i>Salem Statesman Journal</i> | <i>Trenton Times</i> |
| | <i>Bridgewater Courier-News</i> | <i>Hackensack Record</i> |
| | <i>Shreveport Times</i> | <i>Orange County Network</i> |
| 1996 | <i>Los Angeles Times</i> | <i>Louisville Courier-Journal</i> |
| | <i>Legal Times</i> | <i>Shreveport Times</i> |
| | <i>New Jersey Law Journal</i> | |
| 1995 | <i>Boulder Daily Camera</i> | |

PRESENTATIONS

- 2019 “From Policing to Exonerations: Understanding Practices, Changing Policies, and Pursuing Social Justice.” University of California, Irvine. Department of Criminology, Law and Society. May, 2019.
- “The Signal in the Noise: A Tribute to Sam Gross.” The National Innocence Network Conference. Atlanta, GA. April, 2019.
- “Analyzing 250 New Proven False Confessions: Causes, Consequences, Solutions.” Northwestern University School of Law. Chicago, Illinois. March, 2019.

- “False Confessions.” California Attorneys for Criminal Justice/California Public Defenders Association Capital Case Defense Seminar. Monterey, CA. February, 2018.
- 2018 “Analyzing Proven False Confessions in the Age of Innocence.” American Society of Criminology. Atlanta, Georgia. November, 2018.
- “Police Interrogation and False Confessions.” Renmin University. Beijing, China. May, 2018
- “Police Interrogation, False Confessions and Miscarriages of Justice in the United States.” People’s Public Security University of China, Muxidi Campus.
- “Questioning Police Interrogation Methods: A Comparative Study.” Beijing Normal University. Beijing, China. May, 2018.
- “Police Interrogation, False Confessions and Miscarriages of Justice.” China University of Political Science and Law, Jimenqiao Campus. Beijing, China. May, 2018.
- “Police Interrogation Methods and False Statements in China, the United States and the United Kingdom.” East China University of Political Science and Law. May, 2018. Shanghai, China.
- “Police Interrogation, Psychological Coercion and False Confessions.” People’s Public Security University of China, Tuanhe Campus. Beijing, China. May, 2018
- “False Confessions: The Psychological Science.” Illinois Public Defender Association. Springfield, IL. May, 2018.
- “Understanding and Litigating False Confessions.” San Francisco Public Defender’s Office. San Francisco, CA. April, 2018.
- “Interrogating Suspects with Intellectual Disabilities.” Habeas Corpus Resource Center. San Francisco, CA. April, 2018.
- “Suspect Confessions: Why Innocent Suspects Confess.” Annual Hamill Family Endowed Chair Lecture. University of San Francisco Law School. San Francisco, CA. April, 2018.
- “Litigating the Confession Suppression Motion.” California Attorneys for Criminal Justice/California Public Defenders Association Capital Case Defense Seminar. Monterey, CA. February, 2018.
- “False Confessions.” Federal Public Defender, Northern District of California. San Francisco, CA. February, 2018.
- “Litigating Police Interrogation and False Confessions.” Alabama Criminal Defense Lawyers Association. Annual Capital Casework Seminar. Birmingham, AL. January, 2018.

- 2017 “Theorizing Failed Prosecutions” (with Jon Gould). Law and Society Association of Australia and New Zealand. Dunedin, New Zealand. December, 2017.
- “The Problem of Wrongful Conviction.” The University of Diego Portales, School of Law. Santiago, Chile. November, 2017.
- “Conviction Integrity Units.” National Public Prosecutor’s Office.” Santiago, Chile. November, 2017.
- “Police Interrogation, Psychological Coercion and False Confessions.” The National Public Defender Office. Santiago, Chile. November, 2017.
- “Wrongful Convictions: A Comparative Perspective.” U.S.-Asia Law Institute. New York University, School of Law. New York, New York. October, 2017.
- “Police Interrogation, False Confessions and Wrongful Convictions.” International Society for the Reform of Criminal Law. San Francisco, CA. July, 2017
- “Litigating False Confessions.” National Innocence Network Conference. San Diego, CA. March, 2017.
- “Lies, More Lies and the Reid Method: Coercion, Contamination, and Cover-Up in the Interrogation of Brendan Dassey.” American Psychology-Law Society. Seattle, WA. March, 2017.
- “How Interrogation Techniques and Suspect Vulnerabilities Interact to Produce False Confessions.” Habeas Assistance and Training Counsel Project National Seminar on Forensic Evidence and Criminal Law. Seattle, WA. March, 2017.
- “Interrogation and Confessions.” Criminal Justice Reform Conference. Arizona State University Law School. Phoenix, AZ. February, 2017.
- “False Confessions: The Psychological Science.” United States Marine Core Defense Service Organization Worldwide Training Conference. San Diego, CA. February, 2017.
- “Police Interrogation and Coerced/False Confessions.” Reno Public Defender’s Office. Reno, Nevada. February, 2017.
- “How to Avoid/Void Wrongful Convictions: False Confessions.” University of San Diego School of Law and Community Defenders, Inc. San Diego, CA. January, 2017.
- “Analyzing Proven False Confessions.” Association of American Law Schools. San Francisco, CA. January, 2017.

- 2016 “The Path to Exoneration” (with Jon Gould and Eric Martin). American Society of Criminology. New Orleans, LA. November, 2016.
- “The *Miranda* App” (with Andrew Ferguson). Boston University Law School. Boston, MA. September, 2016. Also presented at the Annual Meeting of the American Bar Association, Criminal Justice Section. Washington, D.C. November, 2016.
- “The Serial Case – Social Media, and the Trial of Adnan Syed.” Bar Association of San Francisco. San Francisco, CA. November, 2016.
- “False Confessions and Wrongful Convictions.” Harvard Law School. American Constitution Society. Cambridge, MA. November, 2016.
- “When Prosecutions Go Wrong – Convicting the Innocent.” Nebraska Criminal Defense Attorneys Association. Omaha, NE. October, 2016.
- “Writing (Academic and Popular) Books.” University of San Francisco School of Law, Faculty Colloquium. September, 2016.
- “The Problem of Wrongful Conviction in America.” Keynote Address. University of Auckland, Criminal Bar Association of New Zealand. Auckland, New Zealand. August, 2016
- “Police Interrogation, Psychological Coercion and False Confessions.” University of Auckland, Criminal Bar Association of New Zealand. Auckland, New Zealand. August, 2016.
- ““What Can Be Done About Wrongful Convictions?”” Institute of Criminology, University of Sydney Law School. Sydney, Australia. April, 2016.
- “The Problem of Confessions.” Simon Fraser University, School of Criminology. Vancouver, Canada. April, 2016
- “*Miranda*: 50 Years Later.” University of San Diego School of Law. San Diego, CA. April, 2016.
- “The Use of Social Framework Evidence on False Confessions in Criminal Cases.” American Psychology-Law Society. Atlanta, GA. March, 2016.
- “Does *Miranda* Protect the Innocent?” Northern Kentucky University School of Law. Highland Heights, Kentucky. February, 2016.
- “Police Interrogation and False Confessions.” The Center for American and International Law. Plano, Texas. February, 2016.
- “The Reid Method, Police Interrogation and Confessions.” California Attorneys for Criminal Justice/California Public Defenders Association Capital Case Defense Seminar. San Diego,

CA. February, 2016.

"False Confessions, Convicting the Innocent and the Troubling Case of Joseph Giarratano, Jr." Washington and Lee School of Law. Lexington, VA. February, 2016.

- 2015 "Successes and Failures of the Innocence Revolution." Duke University Law School. Durham, North Carolina. November, 2015.

"Reflections on a Classic Ten Years Later: Richard Leo's "Rethinking the Study of Miscarriages of Justice." American Society of Criminology. Washington, DC. November, 2015.

"Wrongful Convictions and the Death Penalty." University of San Francisco School of Law. Criminal Law Society. November, 2015.

"Police Interrogation, False Confessions, and Alleged Child Abuse Cases." University of Michigan, School of Law. Conference on Child Abuse Evidence: Perspectives from Law, Medicine, Psychology and Statistics. Ann Arbor, MI. November, 2015

"The Path to Exoneration (with Jon Gould). National Science Foundation and National Institute of Justice Conference. "Elephants in the Courtroom: Examining Overlooked Issues in Wrongful Convictions." Arlington, Virginia. October, 2015.

"Has the Innocence Movement Become an Exoneration Movement? The Risks and Rewards of Redefining Innocence "Wrongful Convictions and the DNA Revolution: 25 Years of Freeing The Innocent" Conference." Northeastern University School of Law. September, 2015.

"A Damning Cascade of Investigative Errors." Southeastern Association of Law Schools. Boca Raton, FLA. August, 2015.

"The Problem of Wrongful Conviction." Center for the Advanced Study in the Behavioral Sciences. Stanford University. Palo Alto, CA. May, 2015.

"False Confessions: The Psychological Science." American Psychology-Law Society. San Diego, CA. March, 2015.

"The Social Psychology of Police Interrogation, False Confessions and Wrongful Conviction." Department of Psychology, Social Psychology Program. Stanford University. Palo Alto, CA. March, 2015.

- 2014 "Litigating False Confession Cases" and "Presenting Expert Testimony." National Forensic College. Cardozo Law School. New York, New York. June, 2014.

"False Confessions, Erroneous Convictions and Safeguarding the Innocent." The Rand Corporation. Santa Monica, CA. May, 2014

- "The Problem of Wrongful Conviction." University of California, Irvine. The Newkirk Center for Science and Society, The Center for Law, Society and Culture, and the Center for Psychology and Law. Irvine, CA. April, 2014.
- "Police Interrogation and Coerced and False Confessions." Los Angeles Public Defender's Office. Van Nuys and Downtown Offices. Los Angeles, CA. April, 2014.
- "False Confession and Wrongful Conviction: Causes, Consequences, and Solutions." Susquehanna University. Arlin M. Adams Center For Law and Society Distinguished Lecture. Selinsgrove, PA. April, 2014.
- "Legal Scholarship Employing Theory: A Critique." Northwestern University School of Law. Boston, MA. March, 2014.
- "False Confessions." California Attorneys for Criminal Justice/California Public Defenders Association Capital Case Defense Seminar. Monterey, CA. February, 2014.
- "The Justice Gap and the Promise of Criminological Research." Western Society of Criminology. Honolulu, HI. February, 2014.
- 2013 "Promoting Accuracy in the Use of Confession Evidence: An Argument for Pre-Trial Reliability Hearings to Prevent Wrongful Convictions." UCLA School of Law. Los Angeles, CA. August, 2013.
- "Why Interrogation Contamination Occurs." Association of American Law Schools. Mid-year Criminal Justice Conference. San Diego, CA. June, 2013.
- "Social Psychological Testimony Regarding Interrogations and Confessions." American-Psychology Law Society. Portland, OR. March, 2013.
- "To Walk in Their Shoes: The Problem of Recognizing False Confessions" (with Deborah Davis). American-Psychology Law Society. Portland, OR. March, 2013.
- "False Confessions." California Attorneys for Criminal Justice/California Public Defenders Association Capital Case Defense Seminar. Monterey, CA. February, 2013.
- 2012 "Contaminated Confessions: Accuracy and Error in Decision-Making in the Criminal Justice Process." Duke University School of Law. Durham, North Carolina. December, 2012.
- "Innocent Differences? An Empirical Study of Wrongful Convictions vs. "Near Misses" (with Jon Gould and Julia Carrano). American Society of Criminology. Chicago, IL. November, 2012.
- "False Confessions: Causes, Consequences, Solutions." Roosevelt University, Department of

- Psychology. Wrongful Convictions Distinguished Speakers Series. Chicago, IL. November, 2012.
- “Promoting Accuracy in the Use of Confession Evidence: An Argument for Pre-Trial Reliability Hearings to Prevent Wrongful Convictions.” American University School of Law. Washington, D.C. September, 2012. U.C. Davis School of Law. Davis, CA. October, 2012. Temple University School of Law. Philadelphia, PA. November, 2012.
- “An Early Peek at the Results: An Empirical Study of Wrongful Convictions versus “Near Misses” (with Jon Gould and Julia Carrano). Law and Society Association. Honolulu, HI. June, 2012.
- “The Science of False Confessions.” Washington State Courts Continuing Judicial Education Conference. Cle Elum, Washington. April, 2012.
- “The Problem of Interrogation-Induced False Confession: Sources of Failure in Prevention and Detection”. Western Psychological Association. San Francisco, CA. April, 2012.
- “Interrogation Through Pragmatic Implication: Sticking to the Letter of the Law While Violating Its Intent.” Loyola University Law School. Los Angeles, CA. April, 2012.
- “Two Real-Life Studies, a Meta-Analysis, and the Effects of Unanticipated Questions.” American Psychology-Law Society. San Juan, Puerto Rico. March, 2012.
- “False Confessions: Understanding and Litigating the Issues.” New Mexico Criminal Defense Lawyers Association. Albuquerque, NM. March, 2012.
- “False Confessions.” California Attorneys for Criminal Justice/California Public Defenders Association Case Defense Seminar Program. Monterey, CA. February, 2012.
- 2011 “The Dynamics of False Confessions.” The Texas Bar, Continuing Legal Education. Dallas, Texas. December, 2011.
- “Studying Wrongful Convictions: Learning From Social Science” (with Jon Gould). American Society of Criminology. Washington, D.C. November, 2011.
- “False Confessions: Why Innocent People Confess.” Northern California Innocence Project. Santa Clara University School of Law. Santa Clara, CA. October, 2011.
- “The Problem of Interrogation-Induced False Confession: Sources of Failure in Prevention and Detection.” Federal Public Defender, Capital Habeas Unit. Los Angeles, CA. August, 2011.
- “The Science of False Confessions.” Texas Criminal Defense Lawyers Association. Austin, TX. August, 2011.

“Police Interrogation Methods and False Confessions.” New York State Justice Task Force on Wrongful Convictions. New York, NY. June, 2011.

“Police Interrogation: Tactics, Responses and Outcomes.” University of Minnesota School of Law. Conference on Barry Feld’s book, *Police Interrogation of Juveniles: Practice and Policy*. May, 2011.

“The Truth About False Confessions: Interrogation-Related Regulatory Decline: Ego-depletion, Failures of Self-Regulation and the Decision to Confess.” Western Psychological Association Conference. Los Angeles, CA. April, 2011.

“False Confessions: Causes, Consequences, Solutions.” National Innocence Network Conference. University of Cincinnati School of Law. April, 2011.

“Police Interrogation in the Shadow of Trial.” New York University School of Law. Hoffinger Criminal Justice Colloquium. March, 2011.

“Confessions of the Innocent: Causes, Consequences and Solutions.” Forensic Mental Health Association of California Annual Conference. Keynote Address. Seaside, CA. March, 2011.

“Three Prongs of the Confession Problem: Issues and Proposed Solutions.” University of Washington School of Law. Faculty Colloquium. Seattle, WA. January, 2011.

2010 “Purpose-Driven Scholarship, Justice Work, and the Problem of Wrongful Conviction.” University of San Francisco School of Law. Justice Forum. November, 2010.

“Innocent: Recent Advances in Uncovering Wrongful Convictions.” Stanford University School of Law. Shaking the Foundations Conference. October, 2010.

“*Miranda* at 50: What Have We Learned?” Seattle University School of Law. Faculty Colloquium. September, 2010.

“The Gatehouses and the Mansions: 50 Years Later.” University of San Francisco School of Law. Faculty Brown Bag Series. July, 2010.

“A Doctrinal Analysis of *Miranda v. Arizona* and its Progeny: Why the Conventional Explanation is Wrong and What’s Really Going On.” University of San Francisco School of Law. Faculty Colloquium. April, 2010.

“Police Interrogation, Psychological Coercion and False Confessions: Understanding and Litigating the Issues.” Los Angeles County Bar Association. April, 2010.

“When Lightning Strikes Twice: Analyzing Double Wrongful Convictions.” University of California, Berkeley School of Law. Center for the Study of Law and Society Faculty Colloquium. March, 2010.

"The Psychology of Coerced and False Confessions" and "Litigating Coerced and False Confession Cases." Department of the Army, U.S. Trial Defense Service Conference. Ft. Lewis, WA. March, 2010.

"Stage Setting in Police Interrogation: Interactive Effects of a Pretext for Interrogation and Minimization" (with Osvaldo Hernandez, Deborah Davis, Crissa Draper and William Follette). American Psychology-Law Society Conference. Vancouver, Canada. March, 2010.

"When Lightning Strikes Twice: Analyzing Double Wrongful Convictions." Emory University School of Law Faculty Colloquium. February, 2010.

"Interrogation, Coercion and False Confessions: Understanding and Identifying the Issues." California Attorneys for Criminal Justice/California Public Defenders Association Case Defense Seminar Program. Monterey, CA. February, 2010.

"Interrogation Through Pragmatic Implication: Communicating Beneficence and Promises of Leniency" (with Deborah Davis and William Follette). Society for Personality and Social Psychology Conference. Las Vegas, NV. January, 2010.

"One Hundred Years of Getting It Wrong? Wrongful Convictions after a Century of Research" (with Jon Gould). Northwestern University School of Law. Conference on a Century of Criminal Law and Criminology. Chicago, IL. January, 2010

"Police Interrogation and False Confessions: A Review of the Research." Association of American Law Schools Annual Conference. New Orleans, LA. January, 2010.

2009 "The Wrong Guys: Author Meets Critics." American Society of Criminology Conference. Philadelphia, PA. November, 2009.

"False Confessions: Science and Research" Office of the State Appellate Defender and Illinois Institute for Continuing Legal Education Conference. Keynote Address. Springfield, IL. October, 2009.

"Police-Induced Confessions: Risk Factors and Recommendations." UC Hastings School of Law. Faculty Colloquium. San Francisco, CA. September, 2009.

"The Psychology of Forced Confessions" and "Litigating False Confession Cases." Indiana Public Defender Council Conference. Indianapolis, IN. August, 2009.

"Interrogation, Coercion and False Confessions: Understanding and Identifying the Issues." National Association of Criminal Defense Attorneys Conference. Santa Fe, NM. April, 2009.

"False Confessions: Challenging Police-Induced Testimonial Evidence." Illinois Institute for Continuing Legal Education Death Penalty Conference. Keynote Address. Chicago, IL.

March, 2009.

“Interrogation, Coercion and False Confessions: Understanding and Identifying the Issues.” Contra Costa County Public Defender’s Office. Martinez, CA. March, 2009.

“False Confessions.” California Attorneys for Criminal Justice/California Public Defenders Association Case Defense Seminar Program. Monterey, CA. February, 2009.

“False Confessions: Challenging Police-Induced Testimonial Evidence.” San Francisco Public Defender’s Office. February, 2009

“False Confessions: Causes, Consequences and Reforms.” Texas Court of Criminal Appeals. Criminal Justice Integrity Unit. Austin, TX. January, 2009.

2008 “The Wrong Guys: Murder, False Confessions and the Norfolk 4.” Northwestern University School of Law. Chicago, IL. November, 2008.

“Police Interrogation and American Justice: Author Meets Critics” and “When Lightning Strikes Twice: Studying Double Wrongful Convictions.” American Society of Criminology Conference. St. Louis, Missouri. November, 2008.

“The Psychology of False Confessions: Causes, Consequences and Reforms.” University of Illinois, Springfield. Institute for Legal and Policy Studies and Downstate Illinois Innocence Project. November, 2008.

“The Wrong Guys: Murder, False Confession and the Norfolk 4.” University of San Francisco, School of Law. November, 2008.

“Police Interrogation, Psychological Coercion, and False Confessions.” California Defense Investigators Association Conference. San Jose, CA. November, 2008.

“False Confessions: Causes, Consequences, and Implications.” American Academy of Psychiatry and Law Conference. Keynote address. Seattle, WA. October, 2008.

“Police Interrogation and American Justice.” New York University School of Law. Hoffinger Criminal Justice Colloquium. September, 2008.

“False Confessions and Wrongful Convictions.” Innocence Project. New York, NY. September, 2008.

“Police Interrogation and False Confessions.” Alaska Investigators Association and Alaska Innocence Project Conference. Anchorage, AL. September, 2008.

“False Confessions, Wrongful Convictions and Legal Reform.” Association of American Law Schools. Mid-year Meeting, Evidence Section. Cleveland, Ohio. June, 2008.

"False Confessions" and "Police Interrogation, False Statements and Confessions". Habeas Corpus Resource Center Conference. San Francisco, CA. June, 2008

"False Confessions." National Association of Criminal Defense Attorneys Conference. Las Vegas, NV. April, 2008.

"Litigating False Confession Cases." National Innocence Network Conference. University of Santa Clara School of Law. March, 2008.

"Recommending False Confession for the Innocent" (with Deborah Davis and William Follette). American Psychology Law Society Conference. Ft. Lauderdale, FL. March, 2008.

"Police Interrogation and Coercion in Domestic American History." University of Chicago School of Law. Conference on Torture, Law and War. March, 2008

"Persuaded False Confessions." University of Chicago School of Law. Criminal Law Faculty Colloquia. February, 2008.

"Understanding False Confessions." California Attorneys for Criminal Justice/California Public Defenders Association Case Defense Seminar Program. Monterey, CA. February, 2008.

2007 "Understanding False Confessions." California Public Defenders' Association Conference. Yosemite, CA. November, 2007.

"Persuaded False Confessions" and "Effects of Interrogation Tactics on Recommendation of False Confessions for the Innocent" (with Deborah Davis and William Follette). University of Texas, El Paso. "Interrogation and Confessions: A Conference Exploring Current Research, Practice and Policy." September, 2007.

"Police Interrogation, Psychological Coercion, False Confessions." Florida Public Defender Association Conference. Orlando, FLA. September, 2007.

"Effects of Failed Polygraph Results on Perceived Wisdom of True and False Confessions" (with Deborah Davis). American Psychological Association Conference. San Francisco, CA. August, 2007.

"Police Interrogation, Psychological Coercion, False Confessions." District of Columbia Public Defender Service. Washington, DC. June 2007.

"Understanding the Reid Method and How It Coerces Confessions." Habeas Corpus Resource Center Conference. San Francisco, CA. June, 2007.

Wrongful Convictions and False Confessions. Tel Aviv University, School of Law.

- Conference on New Directions in Courtroom Research. Tel Aviv, Israel. May, 2007.
- "False Confessions: Causes, Consequences, Solutions." Ohio Innocence Project. University of Cincinnati School of Law. Cincinnati, OH. March, 2007.
- "Wrongful Conviction: Legal and Judicial Perspectives." Academy of Criminal Justice Sciences Conference. Seattle, WA. March, 2007.
- "False Confessions and the Wrongful Conviction of the Innocent." National Innocence Network Conference. Harvard University Law School. March, 2007.
- "Police Interrogation, Psychological Coercion, False Confessions." National Legal Aid and Defender Association. Annual Conference on Indigent Defense. Dallas, TX. March, 2007.
- "Understanding the Reid Method and How It Coerces Confessions." California Attorneys for Criminal Justice/California Public Defenders Association Case Defense Seminar Program. Monterey, CA. February, 2007.
- "The Social Psychology and Consequences of Police-Induced False Confessions." Northern California Innocence Project. Santa Clara, CA. February, 2007.
- "Police Interrogation, Psychological Coercion, False Confessions." Santa Clara County Public Defender's Office. San Jose, CA. February, 2007.
- "Why Do Suspects Falsely Confess?" Administrative Offices of the United States Courts. Conference on Forensic Evidence and the Criminal Law. New Orleans, LA. January, 2007.
- 2006 "Police Interrogation, False Confession and American Justice." University of Oklahoma, Department of Psychology. Faculty Colloquium. Norman, OK. December, 2006.
- "Police interrogation, Psychological Coercion, False Confessions." Missouri State Public Defender System Conference. St. Louis, MO. December, 2006.
- "Police Interrogation and American Justice." University of San Francisco School of Law. Faculty Colloquium. November, 2006.
- "The Limits of *Miranda*." University of Colorado School of Law. Conference on the 40th Anniversary of *Miranda v. Arizona*. Boulder, CO. October, 2006.
- "Interrogating Guantanamo Detainees." University of San Francisco School of Law. October, 2006.
- "Coerced and False Confessions." National Child Abuse Defense & Resource Center Conference. September, 2006. Las Vegas, NV.

"False Confessions: Causes, Consequences and Solutions." California Commission on the Fair Administration of Justice. Los Angeles, CA. June, 2006.

"Sympathetic Detectives with Time Limited Offers: Effects on Perceived Consequences of Confession" (with Deborah Davis, Deborah Knaack and David Bailey). Association for Psychological Science Conference. New York, NY. May, 2006.

"Police Interrogation and Confessions." San Mateo Private Defender Program. Burlingame, CA. May, 2006.

"*Miranda's* Past, Present and Future." Harvard University School of Law. Conference on Criminal Procedure Stories. Cambridge, MA. April, 2006.

"Incriminating Ourselves?" U.C.L.A. School of Law. Conference on the Faces of Wrongful Conviction: Examining California Justice Gone Wrong. April, 2006.

"Police Interviewing and Interrogation: Toward A National Self-Report Survey of Police Practices and Beliefs" (with Saul Kassin, Kimberly Richman, L.H., Colwell, Amy Leach, Dana La Fon, & Christian Meissner) and "Evaluating Law Enforcement Evidence Ploys when Confessions are False: Mock Juror Perceptions of Deception and Coercion" (with Jennifer A. Bienhoff, Krista D. Forrest & Brad J. Stastny) and "Evaluating Evidence Ploys: The Role of Ploy Type in Perceptions of Deception and Coercion" (with Brad Stastny, Krista Forrest & Jennifer Bienhoff). American Psychology-Law Society Conference. St. Petersburg, FL. March, 2006.

"Police Interrogation and False Confessions: Best Practice Guidelines." Wisconsin Criminal Justice Study Commission. Milwaukee, Wisconsin. February, 2006.

"Bringing Reliability Back In: False Confessions and Legal Safeguards in the Twenty-First Century." University of San Francisco School of Law. Faculty Colloquium. January, 2006.

- 2005 "Preventing Wrongful Convictions: Re-Examining Fundamental Principles of Criminal Law to Protect the Innocent" (with Steve Drizin). University of Wisconsin Law School. Conference on Wrongful Convictions. November, 2005.

"Reforming Criminal Interrogation: Legal Solutions." University of Chicago Law School. November, 2005.

"Bringing Reliability Back In: False Confessions and Legal Safeguards." Seattle University Law School. Faculty Colloquium. November, 2005.

"Police Interrogation and the American Adversary System." Washington University School of Law. Faculty Colloquium. St. Louis, Missouri. October, 2005.

"Police Interrogation and the American Process of Justice." Loyola University School of Law.

- Faculty Colloquium. Los Angeles, CA. September, 2005.
- "The Social Psychology and Consequences of Police-Induced False Confessions." Northern California Innocence Project. Santa Clara, CA. July, 2005.
- "Re-Thinking the Study of Wrongful Conviction." Law and Society Association Conference. Las Vegas, NV. June, 2005
- "Beyond CSI: Psychology, Crime and Justice." University of California, Irvine. The UCI Think Forum Series. May, 2005.
- "True, False, and Suspicious Confessions: Research and Testimony on Interrogations and Confessions (with Mark Costanzo). Symposium on Applied Social Psychology. Claremont McKenna College. Claremont, CA. April, 2005.
- "Proven False Confessions: What They Tell Us About Police Interrogations." American Psychology Law Society Conference. San Diego, CA. March, 2005.
- "Teaching Law and Society in Undergraduate Programs." West Coast Law and Society Retreat. University of California, Berkeley. March, 2005.
- "The Psychology of Police Interrogation and False Confessions." California Attorneys for Criminal Justice/California Public Defenders Association Case Defense Seminar Program. Monterey, CA. February, 2005.
- "The Evidentiary Aspects of Wrongful Convictions." The Association of American Law Schools Annual Conference. San Francisco, CA. January, 2005.
- 2004 "Police Interrogation and False Confessions." Northern California Innocence Project. University of Santa Clara. Santa Clara, CA. November, 2004.
- "Police Interrogation, Psychological Coercion and False Confessions." Distinguished Faculty Scholar Lecture. University of Pittsburgh, School of Law. November, 2004
- "Psychological Coercion and Unreliable Confessions" (with Richard Ofshe). American Society of Criminology Conference. Nashville, TN. November, 2004.
- "The Psychology of Police Interrogation and False Confessions: What You Need to Know." Solano County Bar Association. Fairfield, CA. November, 2004.
- "Police Interrogation and False Confessions." Los Angeles County Bar Association. Los Angeles, CA. November, 2004.
- "Police Interrogation and Unreliable Statements: Thinking about the James Tucker Case." Northern California Innocence Project. Golden Gate University School of Law. San

Francisco, CA. September, 2004.

"Police Interrogation, Psychological Coercion and False Confessions." National Defender Investigation Association Western Regional Conference. Redondo Beach, CA. September, 2004.

"The Search for Truth." 2004 Northern District of California Judicial Conference, Ninth Circuit. Santa Cruz, CA. May, 2004.

"Interrogation, Confession and Innocence." Innocence Project, Benjamin N. Cardozo Law School. New York, N.Y. May, 2004.

"Protecting Human Subjects vs. Preserving Social Research." University of California, Berkeley, School of Law. Berkeley, CA. April, 2004.

"Police Interrogation and Confessions." Santa Clara County Public Defender's Office. San Jose, CA. March, 2004.

"Police Interrogation: A Study in Deception." San Mateo County Private Defenders Program. Burlingame, CA. January, 2004.

2003 "Confessions, Admission, and False Statements." California Attorneys for Criminal Justice Conference. San Francisco, CA. December, 2003.

"Procedures for Interrogation and Confession." The University of California, Irvine. Conference on Science and the Law of Evidence. November, 2003.

"Confessions and Coercion." Habeas Corpus Resource Center Conference. San Francisco, CA. November, 2003.

"Understanding Police Interrogation, Coercion and Confessions." San Francisco Public Defenders' Office. San Francisco, CA. October, 2003.

"Videotaping Interrogations: Does it Enhance the Jury's Ability to Distinguish True and False Confessions?" (with Saul Kassin, C. Crocker and Lindsay Holland). Psychology & Law International Interdisciplinary Conference. Edinburgh, Scotland. July, 2003.

"Exploding the Myths of False Confession: Lessons from the Central Park Jogger Case" (with Steve Drizin). The Law and Society Association Conference. Pittsburgh, PA. June, 2003.

"Analyzing Confessions and Their Consequences." The Advanced Judicial Academy for Illinois Judges." University of Illinois. Champaign, Illinois. June, 2003

"The Social Psychology of Police Interrogation and False Confession." San Diego Psychology-Law Society. San Diego, CA. May, 2003.

"The Psychology of Police Interrogation and False Confession." The National Judicial Institute. Victoria, British Columbia. May, 2003.

"The Psychology of Police Interrogation, Coercion and False Confession." Full day training course." Miami Beach Police Department. Miami Beach, FLA. February, 2003

"False Statements." California Attorneys for Criminal Justice/California Public Defenders Association Case Defense Seminar Program. Monterey, CA. February, 2003.

2002 "The Psychology of Police Interrogation and False Confession." National Judicial Institute. Judicial Safeguards for the Prevention of Wrongful Convictions Seminar. Ottawa, Ontario. Canada. December, 2002.

"The Consequences of False Confessions Revisited in the DNA Age" (with Steve Drizin). The American Society of Criminology Conference. Chicago, IL. November, 2002.

"Influence, Persuasion and Compliance: The Psychology of Police Interrogation and Confession Evidence." University of California, San Diego. Department of Psychology. Faculty Colloquium. November, 2002.

"Studying Police Interrogation and Confessions." Long Beach Police Department. Long Beach, CA. November, 2002.

"The Psychology of Interrogation, Coercion and Police-Induced False Confession." California Public Defenders Association Conference. Rohnert Park, CA. August, 2002

"The Psychology of Police Interrogation and False Confession." Three day training course for investigators at the Broward County Sheriff's Office. Ft. Lauderdale, Florida. July, 2002.

"False Confessions." Spokane Criminal Defense Attorneys. Spokane, WA. June, 2002.

"Thinking About Miscarriages of Justice." The Law and Society Association Conference. Vancouver, Canada. May, 2002.

"Police Interrogation, False Confessions and Miscarriages of Justice." California State University, Northridge. Department of Sociology. Faculty Colloquium. May, 2002.

"Public Perceptions of Interrogation Tactics in Criminal Setting" (with Jodi Quas and Brianne Beck). The Western Psychological Association Conference. Irvine, CA. April, 2002.

"The Psychology of Police Interrogation and False Confessions." Invited Lecture to Military Prosecutors as part of the "Prosecuting Complex Litigation" Course Seminar. Naval Justice School. San Diego, CA. April, 2002.

- "Video-taping, Police-Induced False Confessions and Interrogation Reform: Defining the Problems, Finding the Solutions." National Innocence Network Conference, California Western School of Law. San Diego, CA. January, 2002.
- 2001 "Police Interrogation and False Confessions." Annual Trial Defense Service Conference. United States Army. Las Vegas, Nevada. November, 2001.
- "Analyzing False Confession Cases: How to Know Them When You See Them; What to Do When You Get Them." The Federal Defenders Program and the Illinois Association of Criminal Defense Lawyers Conference. Chicago, IL. October, 2001.
- "How Police Induce False Confessions." Wisconsin Public Defender Conference. Milwaukee, WI. October, 2001.
- "Influence, Coercion and Confession: Connecting Scholarly Research and Courtroom Testimony." The American Psychological Association Conference. San Francisco, CA. August, 2001.
- "Investigating and Correcting Official Misconduct: Preliminary Lessons from the Rampart Scandal" (with Bill Thompson and Paul Kaplan). The Society for the Study of Social Problems Conference. Anaheim, CA. August, 2001.
- "Police Interrogation, Coercion and False Confessions: Exposing Police Misconduct Inside the Interrogation Room and Exonerating the Innocent." The National Association of Criminal Defense Attorneys Conference. Minneapolis, MN. August, 2001.
- "Police Interrogation Techniques and False Confessions." New Mexico Criminal Defense Lawyers Association Seminar. Albuquerque, NM. July, 2001.
- "Police Interrogation, Coercion and False Confessions." Los Angeles Public Defender's Office. Los Angeles, CA. June, 2001.
- "Thinking Critically About False Memories, False Confessions and False Accusations: Past, Present and Future." University of California, Irvine. Students for Science and Skepticism. May, 2001.
- "Police Interrogation, Coercive Influence Techniques, and False Confessions." Western Circuit Workshop, United States Air Force. Travis Air Force Base. Sacramento, CA. March, 2001.
- "Proving Your Client's Confession is False or Coerced." Capital Case Defense Seminar. California Attorneys for Criminal Justice and the California Public Defenders Association. Monterey, California. February, 2001.
- "False Confessions." Benjamin N. Cardozo School of Law, Innocence Project Lecture Series. New York City, N.Y. January, 2001.

2000 "Questioning the Relevance of *Miranda* in the Twenty-First Century." University of Michigan, School of Law. Conference on *Miranda* After *Dickerson*: The Future of Confession Law. Ann Arbor, MI. November, 2000.

"Studying Miscarriages of Justice in the Age of DNA, Video Technology and Death Row Exonerations: Understanding and Solving the Problem." Distinguished Faculty Lecture. University of California, Irvine. November, 2000.

"Police Misconduct Inside the Interrogation Room" and "Police-Induced False Confessions, Wrongful Deprivations of Liberty, and Miscarriages of Justice. The American Society of Criminology Conference. San Francisco, CA. November, 2000.

"Confessions: Creating New Approaches to Excluding False, Coerced and Unlawfully Obtained Statements." San Diego County Public Defenders' Office. November, 2000.

"The False Confession." Orange County Public Defender's Training Seminar. Santa Ana, California. November, 2000.

"Miscarriages of Justice in the 21st Century: Coercion, False Confessions and the Wrongful Conviction of the Innocent." Marian Miner Cook Athenaeum Distinguished Lecture. Claremont McKenna College. Claremont, CA. September, 2000.

"Interviewing/Interrogation." Full day Training Session. Cyprus Police Training Program. Ministry of Justice and Public Order of the Republic of Cyprus. Nicosia, Cyprus. September, 2000.

"Psychological Research and Wrongful Convictions: Influence, Suggestion and Coercion." The American Psychological Association Conference. Washington, D.C. August, 2000.

"Obtaining Truthful Confessions, Avoiding Coerced and/or False Confessions." Training Seminar. Law Enforcement Coordinating Committee for the Fifth Circuit. San Antonio, TX. July, 2000.

"Going to a Different Ivory Tower." Association of American Law Schools Mid-Year Conference on Criminal Justice. Washington, D.C. June, 2000.

"Police Interrogation Methods, Coercion, and False Confessions." West Virginia Public Defender Conference. Davis, West Virginia. June, 2000

"Police-Induced False Confessions." The Mississippi Judicial College, University of Mississippi. Tunica, Mississippi. May, 2000.

"Coercive Interrogation and False Confessions: Reflections on the Wenatchee Cases." The University of Washington, Washington Law School Foundation. Seattle, WA. April, 2000.

"The Legal Consequences of False Confessions." The American Psychology-Law Society Conference. New Orleans, LA. March, 2000.

"Suggestive Interrogation and False Confessions." University of California, Irvine. Miscarriages of Justice Conference. School of Social Ecology. March, 2000.

"Interrogations and Confessions: Implications for Attorneys and Psychologists." Half-day course for prosecutors, defense attorneys and psychologists. Sponsored by Goebel & Vigen: Clinical, Forensic & Organizational Psychology. Shreveport, Louisiana. March, 2000.

"False Confession Theory and Application." Central Circuit Defense Team Conference, United States Air Force. Randolph Air Force Base. San Antonio, Texas. January, 2000.

"Police Interrogation, Coercive Influence Techniques, and False Confessions." Federal Defenders of San Diego Conference. San Diego, CA. January, 2000.

1999 "Coerced and False Confessions." Indiana Public Defender Council Conference. Indianapolis, Indiana. December, 1999.

"False Confessions: Causes, Consequences, and Solutions." The American Society of Criminology Conference. Toronto, Canada. November, 1999.

"Coerced Confessions." The Colorado State Public Defenders' Association Conference. Crested Butte, CO. October, 1999.

"Video-taping Interrogations and Confessions." Testimony before the Illinois House of Representatives. Task Force on Videotaping Interrogation and Confessions. Chicago, IL. September, 1999.

"Litigating a False Confession Case." National Seminar on Mental Illness and the Criminal Law. The Federal Defender Training Group. Washington, D.C. June, 1999.

"Adapting to *Miranda*: Modern Interrogators' Strategies for Dealing with the Obstacles Posed By *Miranda*." University of Southern California School of Law. Faculty Colloquium. March, 1999.

"Analyzing Coerced and/or False Confessions." National Association of Criminal Defense Attorneys Conference. St. Louis, Missouri. March, 1999.

"False Confessions: Inside the Interrogation Room from Coercion to Deception." Criminal Defense Attorneys of Michigan Conference. Detroit, Michigan. March, 1999.

"The Social Psychology of Police Interrogation and False Confession." University of California, Santa Barbara. Department of Psychology. Social Psychology Symposium.

January, 1999.

"The Social Psychology of Police Interrogation and False Confession." University of California, Irvine. Department of Psychology and Social Behavior. Faculty Colloquium. January, 1999.

- 1998 "The Regulation and Memorialization of Confessions." Northwestern University School of Law. Conference on Wrongful Convictions and the Death Penalty. November, 1998.

"Science in the Courtroom." The American Society of Criminology Conference. Washington, D.C. November, 1998.

"Analyzing Coerced Confession Cases." Arizona Attorneys for Criminal Justice Conference. Tucson, AZ. September, 1998.

"The Social Psychology of False Confessions." American Sociological Association Conference. San Francisco, CA. August, 1998.

"The Psychology of Confession Evidence: From the Ivory Tower to the Realities of Practice." The Law and Society Association Conference. Aspen, CO. June, 1998.

"*Miranda* and the Adversary System: Lessons for Japan." University of California, Berkeley School of Law. Center for the Study of Law and Society. Conference on Japanese Criminal Justice. April, 1998.

"The Truth about False Confessions: Understanding Their Causes and Consequences." Wayne State University. Center for Legal Studies. Faculty Colloquium. Detroit, MI. April, 1998.

"The Truth About False Confessions: What Criminologists Should Know." The Academy of Criminal Justice Sciences Conference. Albuquerque, NM. March, 1998.

"Coerced Statements, False Confessions and Creating Memory, Parts I and II." The Federal Judicial Center Conference. San Diego, CA and Atlanta, GA. March, 1998.

"The Causes and Consequences of False Confessions." University of Washington, Seattle. Department of Sociology. Faculty Colloquium. January, 1998.

- 1997 "Police Interrogation, False Confessions and Miscarriages of Justice." The University of California, Irvine School of Social Ecology. Newport Beach, CA. November, 1997.

"Police Interrogation, False Confessions and Expert Witnesses." American Society of Criminology Conference. San Diego, CA. November, 1997.

"The Consequences of False Confessions: Deprivations of Liberty and Miscarriages of Justice in the Age of Psychological Interrogation" (with Richard Ofshe). Law and Society Association

- Conference. St. Louis, Missouri. May, 1997.
- "The Decision to Confess." The University of Denver College of Law. Symposium on Coercion, Exploitation and the Law. Denver, CO. March, 1997.
- "Police Interrogation, False Confessions, and Expert Witnessing." University of Colorado, Boulder. Department of Sociology, Graduate Student Forum. March, 1997.
- "Explaining False Confessions." The University of Colorado, Boulder School of Law. Faculty Colloquium. Boulder, CO. February, 1997.
- "False Confessions and Miscarriages of Justice *Today*." Conference sponsored by The Justice Committee. Salem, MA. January, 1997.
- 1996 "Coerced False Confessions." American Society of Criminology Conference. Chicago, Illinois. November, 1996.
- "False Confessions: Documenting, Explaining and Preventing Miscarriages of Justice." University of California, Irvine. Department of Criminology, Law and Society. Faculty Colloquium. November, 1996.
- "Is *Miranda* Enough or Should We Video-tape All Confessions?" Seton Hall University Law School. Newark, NJ. October, 1996.
- "The Principles and Practices of Criminal Law in the United States." Tsingua University School of Law. Beijing, China. October, 1996.
- "Police Interrogation in America." Chinese People's Public Security University. Department of Criminology. Beijing, China. October, 1996.
- "Police Interrogation and False Confessions in America." Supreme People's Procuratorate of the People's Republic of China." Beijing, China. October, 1996
- "Deception by Sociologists." American Sociological Association Conference. New York, NY. August, 1996.
- "Secrecy and the Interrogation of Suspects." University of Colorado, Boulder. Conference on George Simmel's Actual and Potential Impact on Contemporary Society. April, 1996.
- "Between Reality and Metaphor: A Friendly Critique of *The Myth of Repressed Memory*." Pacific Sociological Association Conference. Seattle, WA. March, 1996.
- 1995 "The Context and Outcome of Police Interrogation: A Quantitative Analysis." American Society of Criminology Conference. Boston, MA. November, 1995.

- "The Social and Legal Construction of Recovered Memories." University of Delaware at Newark, Department of Legal Studies. November, 1995.
- "False Confessions and Miscarriages of Justice: A Preliminary Study" and "The Mythology and Sociology of Recovered Memories." Northern Arizona University, Departments of Sociology and Criminal Justice. Flagstaff, AZ. October, 1995.
- "The Social Meaning of the O.J. Simpson Case." University of Colorado, Boulder. Department of Sociology, Diversity Forum. October, 1995.
- "Interrogation and Surveillance: Changing Trends in Police Detection and Social Control." American Sociological Association Conference. Washington, D.C. August, 1995.
- "False Memory, False Confession: When Police Interrogations Go Wrong." Law & Society Association Conference. Toronto, Canada. June, 1995.
- "Trial *and* Tribulations: Courts, Ethnography, and the Need for an Evidentiary Privilege for Academic Researchers." The Pacific Sociological Association Conference. San Francisco, CA. April, 1995.
- "Police Interrogation: Empirical Observations, Legal Questions, Ethical Dilemmas." University of Colorado, Boulder School of Law. Faculty Colloquium. February, 1995.
- "Violence, Civility and Social Change: The Case of American Police Interrogation in the Twentieth Century." University of Minnesota, Minneapolis. Department of Sociology. Faculty Colloquium. January, 1995.
- 1994 "Westville Revisited: A Contemporary Analysis of Order, Legality, and Crime Detection." American Society of Criminology Conference. Miami, FLA, November, 1994.
- "The Sociologist as Detective: Reflections on the Methodology and Ethics of Fieldwork Inside the Police Interrogation Room." University of California, Los Angeles. Department of Sociology. October, 1994.
- "The Historical Sociology of the Third Degree in America: Analyzing the Rise and Fall of a Violent Social Practice." American Sociological Association Conference. Los Angeles, CA. August, 1994.
- "The Impact of *Miranda* Revisited: Analyzing an Old Question with New Data." Law & Society Association Conference. Phoenix, AZ, June, 1994.
- "Police Interrogation as a Confidence Game." Western Society of Criminology Conference. Berkeley, CA, February, 1994.
- 1993 "Inside the Interrogation Room: A Participant Observation Study of Custodial Police

- Questioning." American Society of Criminology Conference. Phoenix, AZ, October, 1993.
- "How to More Effectively Elicit Confessions." Presentation to the Hayward Police, CA Department, Criminal Investigation Division. August, 1993.
- "Violence, Civility and Institutional Change: The Case of American Police Interrogation." University of Colorado, Boulder. Department of Sociology. Faculty Colloquium. January, 1993.
- 1992 "Criminal Interrogation and Confessions Revisited: An Analysis and Critique of Inbau and Reid's Police Training Manuals and Courses." American Society of Criminology Conference. New Orleans, LA, November, 1992.
- "Police Interrogation and Social Control." Law and Society Association Conference. Philadelphia, PA, May, 1992.
- 1991 "From Coercion to Deception: An Empirical Analysis of the Changing Nature of Police Interrogation in America." American Society of Criminology Conference. San Francisco, CA. November, 1991.
- "The Ethics of Deceptive Interrogation" (with Jerome H. Skolnick). University of California, Berkeley, School of Law. Faculty Colloquium. September, 1991.
- "The Social Psychology of Coerced-Internalized False Confessions" (with Richard J. Ofshe). American Sociological Association Conference. Cincinnati, OH, August, 1991.
- "Research on Police Interrogation: Some Thoughts and Questions About the Permissible Limits of Deception." University of California, Berkeley. Jurisprudence and Social Policy Program, Friday Forum. May, 1991.

LEGISLATIVE, JUDICIAL AND EXECUTIVE TESTIMONY

New York State Justice Task Force on Wrongful Convictions (2011)
 Texas Court of Criminal Appeals. Criminal Justice Integrity Unit (2009)
 California Commission on the Fair Administration of Justice (2006)
 Wisconsin Criminal Justice Study Commission (2006)
 The Illinois House of Representatives (1999)

GRANTS AND FELLOWSHIPS

Stanford University, Center for the Advanced Study in the Behavioral Sciences (2014-2015)
 Guggenheim Foundation (2011-2012) Open Society Institute (2004-2005, 2008)
 National Science Foundation (2005-2006) Univ. of California, Irvine (1998-2002)
 MacArthur Foundation (1992-1993) Univ. of Colorado, Boulder (1994-1996)

COURSES TAUGHT

LAW

Criminal Procedure
Criminal Law
Wrongful Convictions
White Collar Crime

GRADUATE

Miscarriages of Justice
Police Organization and Behavior
Police Scandal and Misconduct
Topics in Criminology

UNDERGRADUATE

Introduction to Criminology, Law and Society
Interrogation, Confession and the Law
Miscarriages of Justice
Influence, Memory and the Law
Topics in Criminology
Criminal Justice in the United States: An Introduction
American Criminal Justice System: Advanced Overview
Critical Thinking
Sociology of Law
Police, Law and Society
Police Interrogation and False Confessions
Sociology of White-Collar Crime

POLICE INTERROGATION TRAINING (GIVEN)

- 2/03 Taught 8 hour training course on interrogation methods, psychological coercion and false confessions for felony investigators in the Miami Beach Police Department. Miami Beach, FL.
- 7/02 Taught three 8 hour training courses on interrogation methods, psychological coercion and false confessions for felony investigators in the Broward County Sheriff's Office. Ft. Lauderdale, FL.
- 9/00 Taught a full-day training session on interview and interrogation to the Cyprus Police as part of their training program in the Ministry of Justice and Public Order. Republic of Cyprus. Nicosia, Cyprus.
- 7/00 Taught training seminar on obtaining truthful confessions and avoiding coerced and/or false confessions to the Law Enforcement Coordinating Committee for the Fifth Circuit. San Antonio, TX.

POLICE INTERROGATION TRAINING (RECEIVED)

- 3/93 Attended and participated in one week advanced interrogation training course taught by the Federal Law Enforcement Training Center (FLETC). Glynco, Georgia. Received certificate.
- 1/92 Attended and participated in one week interrogation training course taught by the San Mateo Community College, Administration of Criminal Justice Department. San Mateo, California. Received certificate.
- 11/91 Attended and participated in two day advanced interrogation training course taught by Reid

& Associates. San Francisco, California. Received certificate.

3/91 Attended and participated in three day introductory interrogation training course taught by Reid & Associates. Los Angeles, California. Received certificate.

12/90 Attended one-day in-house interrogation training course for Sergeants. Criminal Investigation Division, Oakland Police Department. Alameda, California.

OTHER LAW ENFORCEMENT RELATED SERVICE WORK

10/01-6/03 Member, Academic Education and Action Research Advisory Committee to the Chief of Police, Long Beach Police Department. Long Beach, CA.

5/84-8/84 Voluntary Internship. San Francisco District Attorney's Office, Consumer Fraud Division. San Francisco, CA.

PROFESSIONAL ACTIVITIES (SELECTIVE)

Editorial Board, *Behavioral Sciences and the Law* (2017-Present)

Editorial Board, *Law and Society Review* (1998-2002)

Peer Reviewer, Journals:

Criminology and Public Policy (2007, 2018-2019)

New Criminal Law Review (2018)

Law & Human Behavior (2005-2006, 2008-2009; 2012-2013; 2017-2018)

Law & Society Review (1996-2000; 2002-2003; 2012; 2014; 2016; 2018)

Journal of Quantitative Criminology (2017)

Law & Social Inquiry (1997-1998; 2001; 2005; 2013; 2017)

The Journal of Applied Research in Memory and Cognition (2017)

Behavioral Sciences & the Law (2014, 2017-2018)

New Criminal Law Review (2017)

The American Psychologist (2016)

Stanford Law Review (2015)

Philosophy, Science and Law (2014)

Journal of the American Academy of Psychiatry and the Law (2014)

Current Directions in Psychological Science (2014)

Psychology, Public Policy and Law (2013-2014)

Justice Quarterly (1998, 2000, 2005, 2009, 2013)

Sociological Quarterly (1998, 2013)

American Journal of Criminal Justice (2013)

Journal of Law and Courts (2012)

British Journal of Sociology (2012)

Basic and Applied Social Psychology (2011)

Psychology, Crime and Law (2009)

Regulation and Governance (2009)
Journal of Criminal Justice (2000, 2006, 2008)
Legal and Criminological Psychology (2006)
Journal of Law, Economics & Organization (2005)
Psychological Science (2004)
Psychological Science in the Public Interest (2004)
Law, Culture and the Humanities (2004)
Queen's Law Journal (2004)
Criminal Justice Ethics (2003)
Criminology (2001-2002)
Research in Crime & Delinquency (1995, 1999)
Sociological Forum (1998-1999)
Journal of Criminal Law and Criminology (1996)
Studies in Law, Politics and Society (1996)
Social Problems (1996)
American Journal of Sociology (1995)

Peer Reviewer, Book Manuscripts:

<i>New York University Press</i> (2006-2007, 2011-2012, 2015, 2017, 2019)	
<i>Rowman and Littlefield Publishers</i> (2018)	
<i>University of California Press</i> (2014, 2017)	<i>Sunbury Press</i> (2017)
<i>Hope and Life Press Books</i> (2017)	<i>Ankerwycke Books</i> (2016)
<i>Oxford University Press</i> (2013-2014)	<i>Lexington Books</i> (2011)
<i>Princeton University Press</i> (2008)	<i>University of Arizona Press</i> (2008)
<i>Cornell University Press</i> (2006)	<i>University of Michigan Press</i> (2005)
<i>AltaMira Press</i> (2004)	<i>University of Chicago Press</i> (2004)
<i>Academic Press</i> (2003)	<i>Aspen Publishers, Inc.</i> (2000)
<i>Northeastern University Press</i> (1999)	

Tenure and Promotion Reviews:

Virginia Commonwealth University, Department of Criminal Justice (2018)
 St. Joseph's University, Department of Sociology and Criminal Justice (2018)
 University of Ottawa, Faculty of Social Sciences (2017)
 University of California, Riverside, Department of Psychology (2016)
 University of Pittsburgh, School of Law (2015)
 University of North Carolina, Greensboro, Department of Sociology (2015)
 Roger Williams University, Department of Psychology (2015)
 Emory University, Department of Psychology (2014)
 Arizona State University, School of Criminology and Criminal Justice (2014)
 University of Washington, School of Law (2013)
 John Jay College of Criminal Justice (New York), Department of Psychology (2010)
 UC Hastings College of Law, San Francisco, CA (2010)
 University of Nevada, Reno, Department of Psychology (2004)

University of California, Berkeley, School of Law (2004)
Lafayette College (Pennsylvania), Department of Sociology (2003)
Northwestern University School of Law (2002)
Franklin and Marshall College (Pennsylvania), Department of Sociology (2001)

PROFESSIONAL MEMBERSHIPS

American Law Institute	American Society of Criminology
American Psychological Association	American Psychology-Law Society
Association for Psychological Science	Law and Society Association
Academy of Criminal Justice Sciences	Association of American Law Schools
Society for the Study of Social Problems	The American Sociological Association
Pacific Sociological Association	Western Psychological Association
Western Society of Criminology	International Investigative Interviewing Research Group

CONSULTATIONS (SELECTIVE)

Law Enforcement

Seattle Community Police Commission, Seattle, WA (2018)
Tempe Police Department, Tempe, AZ (2018)
State of California, Department of Justice, San Diego, CA (2002-2004; 2013)
Maricopa County Sheriff's Office, Phoenix, AZ (2011)
Riverside County Sheriff's Association, Riverside, CA (2006)
Solicitor's Office, State of South Carolina, Seventh Judicial Circuit (2005)
Wyoming Association of Correctional Employees (2005)
Miami Beach Police Department, Miami Beach, FLA (2003)
Broward County Sheriff's Office, Ft. Lauderdale, FLA (2002)

Legislative, Judicial and Executive Organizations

New York State Justice Task Force on Wrongful Convictions (2011)
Texas Criminal Justice Integrity Unit (2009)
California Commission on the Fair Administration of Justice (2006)
Wisconsin Criminal Justice Study Commission (2006)
Illinois State Legislature, Task Force on Recording of Interrogations (1999-2000)

Innocence Projects and Universities (Selective)

Innocence Project, Cardozo Law School, New York, NY (1999-2000, 2009; 2012; 2017, 2019)
The Exoneration Project, University of Chicago (2018-Present)
MacArthur Justice Center, Northwestern University Law School (2009-2011; 2013; 2015-Present)
Northern California Innocence Project, San Francisco, CA (2004-2005; 2014-Present)
Northeastern University Law School Innocence Project (2018)
The Exoneration Initiative (2015-2017)

Minnesota Innocence Project (2011-2016)
 University of Oklahoma Innocence Project (2012-2015)
 Midwest Innocence Project (2014)
 Pennsylvania Innocence Project (2014)
 University of Wisconsin Innocence Project (2006; 2011-2014)
 PACE University Law School Post-Conviction Criminal Defense Clinic (2010-2013)
 University of California Davis School of Law, Immigration Clinic (2011-2012)
 American University, Preventing Wrongful Convictions Project, Washington D.C. (2011-2013)
 Centurion Ministries, Princeton, NJ (1998-2011)
 Center for Wrongful Conviction, Northwestern University School of Law (2011)
 George Washington University, Preventing Wrongful Convictions Project (2010-2011)
 Maryland Innocence Project (2008-2010)
 Downstate Illinois Innocence Project, University of Illinois (2008-2010)
 Ohio Innocence Project (2007-2010)
 Bluhm Legal Clinic, Northwestern University (2008-2010)
 Innocence Project Northwest, University of Washington (1998-1999; 2005-2006; 2008-2010)
 MacArthur Justice Center, University of Chicago Law School (1999; 2005-2006)
 Innocence Project, Osgoode Hall Law School, York University. Toronto, Ontario (2000)

Law Firms (Selective)

Tyson and Mendes LLP, San Diego, CA (2018)
 Hogan Lovells LLP, Washington D.C. (2018)
 Neufeld, Scheck and Brustin, LLP, New York, NY (2013-2014; 2016-Present)
 Cuomo, LLC, New York, New York (2016-Present)
 Loevy & Loevy, LLP, Chicago, IL (2012-2013; 2015-Present)
 Skadden, Arps, Slate, Meagher & Flom LLP, Washington, D.C. (2014-Present)
 Squire, Patton and Boggs LLP, New York, NY (2009-Present)
 Drinker, Biddle & Reath LLP, Princeton, NJ (2011-Present)
 Meyer, Shaffer & Stepan, PLLP, Missoula, MT (2016-Present)
 Riordan & Horgan, San Francisco, CA (2014-2018)
 The Valorem Group, Chicago, IL (2015-2017)
 Arnold & Porter Kaye Scholer LLP, New York, New York (2017)
 Innocence Legal Team, Walnut Creek, CA (2011-2012; 2015-2017)
 Sideman Bancroft LLP, San Francisco (2015-2016)
 Venable LLP, Washington D.C. (2007-2016)
 Carpenter, Lipps & Leland LLP, Columbus, OH (2016)
 Arent Fox, LLP, Los Angeles, CA (2015-2016)
 Rudolf, Widenhouse and Fialko, Charlotte, NC (2015)
 Kirkland & Ellis, LLP, Washington, DC (2013-2014)
 Bingham McCutchen LLP, Boston, MA (2005-2014)
 Beldock, Levine & Hoffman, LLP, New York, NY (2004-2014)
 Sidley Austin LLP, Chicago, IL (2009-2014)
 Goodwin Procter LLP, Boston, MA (2012-2013)
 Morgan, Lewis and Bockius LLP, Chicago, IL (2012-2013)

Williams & O'Connolly LLP, Washington, D.C. (2011-2012)
 Reed Smith, New York, NY (2011-2012)
 Fredrikson & Byron, P.A., Minneapolis, MN (2009-2012)
 McGwire Woods LLP, Richmond, VA (2011)
 Lane Powell, Seattle, WA (2008-2010)
 Paul, Weiss, Rifkind, Wharton & Garrison LLP (2009-2010)
 Sidley & Austin LLP, San Francisco, CA (2009)
 Weil, Gotshal & Manges LLP, New York, N.Y. (2009)
 Kirkland & Ellis LLP, New York, N.Y. (2008-2009)
 Cochran, Neufeld, and Scheck LLP, New York, N.Y. (2003-2009)
 Holland & Knight LLP, New York, NY (2004-2005, 2007-2009)
 Goodwin Proctor LLP, New York, N.Y. (2008-2009)
 Covington & Burling LLP, Washington, D.C. (2006)
 O'Melveny & Myers LLP Los Angeles, CA (2003, 2005-2006)
 Kelley, Drye & Warren LLP, New York (2006)
 Joseph, Greenwald & Laake, PA, Greenbelt, Maryland (2005-2006)
 Tamburello & Hanlon, San Francisco, CA (2005)
 Hallinan, Wine & Sabelli, San Francisco, CA (2003)
 Jenner & Block, Chicago, IL (2000-2001)
 Jackson Walker LLP, Houston, TX (2000)
 Day, Berry and Howard LLP, Hartford, CT (1999-2000)

Other (Selective)

Original Productions, LLC (2016, 2018)
 Bay Area Book Festival (2016)
 Government of Mexico (2014)
 NAACP Legal Defense Fund (2007-2009)
Good Morning America. ABC, New York, New York (2009)
 Equal Justice Institute, Montgomery, ALA (2001-2004)
 Beverly Monroe Coalition for Justice, Richmond, VA (1997-2003)
Sixty Minutes, CBS, New York, NY (2003)

EXPERT WITNESS TESTIMONY (SELECTED CASES)

United States v. Hayad Hamat. Sacramento, CA. (2018)
State of California v. Gina Bailey. Fairfield, CA. (2017)
State of New York v. Selwyn Days. White Plains, NY. (2017)
James Dean et al v. Richard Smith et al. Lincoln, Nebraska. (2016)
Danial Williams et al. v. State of Virginia. Richmond, Virginia. (2015)
State of Tennessee v. Jimmy Rauhuff. Maryville, TN. (2014)
State of Wyoming v. John Balczewski. Cheyenne, Wyoming. (2012)
State of Oregon v. Angelica Swartout. Eugene, Oregon. (2012)
United States vs. Clifton Yarborough. Washington, D.C. (2012)
State of Washington v. Ted Bradford. Yakima, WA. (2010)

State of Wisconsin v. Brendan Dassey. Manotowec, Wisconsin. (2010)
United States vs. Debra Milke. Phoenix, AZ. (2010)
State of Arizona v. Daphne Henry. Flagstaff, AZ. (2009)
State of Missouri v. Ryan Ferguson. (2008)
State of Alaska v. Eugene Vent. Anchorage, Alaska. (2008)
State of Arkansas v. Kenneth Osborn. Hamburg, Arkansas. (2008)
State of California v. James Dees. Los Angeles, CA. (2007)
State of Montana v. Barry Beach. Deer Lodge, Montana. (2007)
United States v. Matthew Joyce. San Diego, CA. (2006)
State of Wisconsin v. Beth LaBatte. Appleton, WI. (2006)
Earl Washington v. Kenneth Buraker et al. Charlottesville, VA. (2006)
State of Iowa v. Juan Macias. Sioux City, Iowa. (2005)
State of California v. Richard Tuite. San Diego, CA. (2004)
State of Alabama v. Medell Banks. Butler, Alabama. (2003)
State of California v. Robert Lee Salazar. Pomona, CA. (2002)
Beverly Monroe v. State of Virginia. Richmond, Virginia. (2000)
State of Connecticut v. Richard Lapointe. Hartford, CT. (2000)
State of California v. Kenneth Cowling. Alameda County Superior Court. (2000)
State of Washington v. Doris Green. Wenatchee, Washington. (1999)
State of Connecticut vs. David Saraceno. Middletown, Connecticut. (1998)

References Available on Request