



**DISTRICT ATTORNEY'S OFFICE**  
THREE SOUTH PENN SQUARE  
PHILADELPHIA, PENNSYLVANIA 19107-3499  
215-686-8000

February 28, 2020

**Via hand delivery**

Honorable Shelley Robins New  
City Hall, Room 673  
Philadelphia, PA., 19107

**Re: Commonwealth v. Walter Ograd, CP-51-CR-532781-1992  
CIU Expert Reports**

To The Honorable Shelley Robins New:

Enclosed please find four expert reports and corresponding curriculum vitae filed by the Conviction Integrity Unit ("CIU") in the above referenced matter. They are submitted because they form the basis for several of the Parties' stipulations.

1. Dr. Ljubisa Dragovic (forensic neuropathologist and forensic pathologist)
2. Kirk Thibault, Ph.D. (biomechanical engineer)
3. Steven M. Kleinman, Colonel, USAF (Ret.) and Christian A. Meissner, Ph.D. (interrogation techniques and false confessions)
4. Alexandra Natapoff, Chancellor's Professor of Law, University of California, Irvine School of Law (jailhouse informants)

Sincerely,

/s/Carrie Wood  
Carrie Wood  
Assistant District Attorney  
Conviction Integrity Unit

cc: Andrew Gallo (via email)  
James Rollins (via email)  
Tracy Ulstad (via email)  
Loren Stewart (via email)  
Samuel Angell (via email)

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**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
CRIMINAL SECTION TRIAL DIVISION**

COMMONWEALTH,	:	CP-51-CR-0532781-1992
<i>Respondent,</i>	:	
	:	Hon. Streeter-Lewis
v.	:	
	:	
WALTER OGROD	:	
<i>Petitioner.</i>	:	

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**AFFIDAVIT OF DR. LJUBISA J. DRAGOVIC**

STATE OF MICHIGAN

COUNTY OF OAKLAND

I, Ljubisa J. Dragovic, M.D., FCAP, FAAFS, under pains and penalty of perjury, do hereby declare and verify as follows:

I.     **INTRODUCTION AND QUALIFICATIONS:**

Assistant District Attorney Carrie Wood asked me to review the materials listed below and to provide consultation in the field of forensic pathology and neuropathology, which I have practiced for more than thirty years. I am employed in the capacity of the Chief Forensic Pathologist/Chief Medical Examiner for Oakland County, Michigan, and have been in that position since 1991. I am certified by the American Board of Pathology in Anatomic Pathology (1982), Neuropathology (1985) and Forensic Pathology (1987). My Curriculum Vitae is attached.

II.    **MATERIALS REVIEWED:**

ADA Wood initially provided me only the materials listed in Section II.A below and requested that I review those materials and provide her with an analysis and opinion based on only those materials. After providing ADA Wood with my analysis and opinion of these materials, she provided me with the materials in Section II.B below. The materials in Section II.B did not change my initial analysis and opinion, which is laid out in Sections III and IV of this affidavit.

A. Initial Review Materials

1. Postmortem Report #3336-88 (Barbara Jean Horn, dec'd), issued by Paul Hoyer, M.D., Ph.D.
2. Postmortem Examination Diagram and Worksheet #3336-88 and Dr. Hoyer's notes
3. 73 crime scene and autopsy photographs and 7 additional autopsy photographs
4. Toxicology Report #3336-88
5. Neuropathology Report #88-3336 (Barbara Horn), issued by Lucy B. Rorke, M.D., (no evidentiary photographs available)
6. Philadelphia Police Department Criminalistics Laboratory Report (#88-81171) and Blood Typing Report

B. Secondary Review Materials

1. Transcript of the testimony of Dr. Mirchandani, trial one
2. Transcript of the testimony of Dr. Rorke, trial one
3. Transcript of the testimony of Mr. Louis Brenner of Philadelphia Police Department Forensic Services Division, trial one
4. Transcript of the testimony of Dr. Richard Saferstein, trial one
5. Transcript of the testimony of Dr. Mirchandani, trial two
6. Transcript of the testimony of Dr. Rorke, trial two
7. Affidavit of Richard Perkins
8. Affidavit of Marcella Fierro, M.D.
9. Affidavit of Paul Hoyer, M.D.
10. Affidavit of Ian Hood, M.D.
11. Inter-Office Memorandum to file, June 19, 2018
12. The electronic message from Dr. Lucy B. Rorke-Adams-Knowles, dated January 8, 2019
13. Transcript of the testimony of Sgt. Maureen Kelly, Trial Two
14. Redacted transcript of the grand jury testimony of Dr. Mirchandani
15. Redacted transcript of the grand jury testimony of Detective Manuel Santiago

### III. BRIEF CASE SYNOPSIS AND INITIAL REVIEW:

Barbara Jean Horn was a 4 ½-year-old female child, whose nude body covered with a dark garbage plastic bag was found in a cardboard (Hitachi TV Set packaging) box, on the sidewalk grass several blocks from her home, in front of 1409 Vincent Street, in Philadelphia, PA, about 5:30 PM on July 12, 1988. The child reportedly had been last seen alive around 3:00 PM that afternoon.

The child's scalp hair was matted with moderate amounts of caked blood, with slight blood smeared on the skin of the back of the neck, the upper part of the right side of the face, the skin of the right shoulder and upper arm, the back of the thighs, the perineum, front of both lower legs, and the left hand/wrist area.

#### A. Head Injuries

At the autopsy, four tears/cuts of the scalp were identified on the head of the child, with no reported evidence of injury to the underlying skull. The child's hair was not removed for a close-up analysis and searching of possible specific patterns on the margin of these wounds, which had been a standard diagnostic autopsy procedure for at least a century. There was reported "*focal subarachnoid hemorrhage over the left occipital region*" and "*marked brain swelling*" on page 4 of the autopsy report and a contradicting account on page 5, where the brain was described to "*demonstrate no evidence of prior injury or disease*". The brain was retained in formalin and referred to Dr. Rorke for neuropathology assessment.

Dr. Rorke's 10/24/88 report indicates that there was "*mild brain swelling*" with "*no parahippocampal or tonsillar herniation*".<sup>1</sup> However, neither of the quoted descriptions was supported by a single evidentiary photograph. As Dr. Rorke referenced in her recent electronic message to ADA Wood "*it is unlikely that I would have taken any photographs of the brain as the abnormalities on gross examination were not too exciting.*" Photographic documentation of all the surfaces of the brain and of all the coronal slices upon sectioning of the brain has always

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<sup>1</sup> The brain is contained within the limited space of the bony skull and its rigid inner compartments made of the hard covering of the brain (*dura mater*). Any acute trauma, or acute disease process that can compromise adequate blood and/or oxygen supply to the brain, if significant enough, is likely to result in brain swelling. With the above mentioned spatial anatomic restrictions within the skull, a diffusely swollen brain is forced to bulge (*herniate*) through any available anatomic opening. The most common herniation pattern is *parahippocampal (uncal)* bulging through the opening of the tentorium (the unyielding inner skull compartment formation of *dura mater*).

The actual part of the swollen brain that herniates through the opening is the lower/inner part of the temporal lobe (also known as *uncus* or as a larger area known as *parahippocampal gyrus*). The herniation may be one-sided, or involve both sides of the base of the brain, depending on the type of trauma, or a disease causing the brain swelling above the tentorium. This type of brain herniation can compromise functions of the upper brainstem (midbrain).

*Cerebellar tonsillar herniation* refers to a specific anatomic area of the cerebellum – *cerebellar tonsils*, bulging through the opening at the base of the skull (*foramen magnum*) and thus compromise, by compression, functions of the lower brainstem (*medulla*) resulting in loss of vital function of breathing.

been a standard evidentiary procedure regardless of the presence or absence of any ‘significant’ patho-anatomic findings.

In the “microscopic brain description” section of her 12/15/88 report, Dr. Rorke describes a *tear of the corpus callosum* without any notation of associated bleeding or hemorrhage. The “gross dx” section of Dr. Rorke’s 12/15/88 report notes the “corpus callosum is intact” and “more posterior portions of the corpus callosum show fracturing of the fibers but there is no significant associated hemorrhage.” One should point out that postmortem artefactual tears of the brain white matter structure called *corpus callosum* are fairly common during removal of the brain from the cranial cavity, as well as during subsequent handling of the brain tissue in preparation for placement in formalin fixative solution. These tears would be bloodless as they are postmortem. Despite the apparently bloodless tear of the corpus callosum, Dr. Rorke lists her microscopic diagnosis as an “*Acute Callosal Tear*” with no photograph or microscopic slide to substantiate her referenced microscopic diagnosis. Furthermore, any and all findings from examination of the brain are to be correlated with any and all findings in the decedent’s lungs due to the fact that the control of vital function of breathing is one of the critical functions of the brain, which may be lost depending on the degree of brain injury. There is no evidence that this correlation has ever been carried out in this case. (*Vide infra*, page 5, fn. 2)

Nevertheless, the final conclusion of the above quoted reports was that the child, Barbara Horn, died of “Cerebral Injuries.”

#### B. Bruises on Back and Shoulder

The autopsy report described additional evidence of trauma as one *1 ¾” x 1” blue-purple bruise of the lower left shoulder*. However, there were, in fact, three such patterned blunt force injuries, documented by the photographs, located on the skin of the outer part of the left shoulder, left upper back, and right upper back.

#### C. Other Issues

There are no available photographs of any of the victim’s internal organs or microscopic slides of the tissues or other samples available for the evaluation. Specifically, the tissue samples (or slides) taken by Dr. Hoyer, and the microscopic slides of the brain taken by Dr. Rorke, and oral, rectal, and vaginal smears are not available. In addition to the absent internal photos, there is no photograph of the frenulum (which could inform manner of asphyxiation).

### IV. ANALYSIS AND OPINION:

#### A. What happened to Barbara Jean Horn and Failures of the Original Autopsy

The assumed cause of death (“cerebral injuries”) in this case is not supported by any plausible mechanism of pathophysiology or any objectively demonstrable patho-anatomic substrate. Any

time an acute blunt force brain injury is considered the cause of death, the key vital reaction to such an injury is swelling of the brain tissue that occurs over a variable time interval, ranging from minutes to hours. And any time an acute blunt force brain injury is considered the cause of death, the mechanism of death is *herniation* of the swollen brain compromising the vital function centers in the brainstem by actual physical compression of the brainstem by the brain tissue herniating from above.

Notwithstanding the rather bizarre ambiguity of Dr. Hoyer's report on page 4 that "*there is marked brain swelling*", and then only "mild brain swelling" on page 1, under D, neither Dr. Hoyer, nor Dr. Rorke claim any evidence of *herniation*.

Hence, these discrepancies should have compelled both doctors to re-assess their conclusions and try to correlate those with findings in the child's lungs. The victim clearly sustained four tears/cuts of the scalp as a result of forceful application of an apparently blunt object with rather narrow margins. Forceful application is necessary to break the skin in the manner depicted in the photographs, and these head injuries would have bled significantly. However, the lack of damage to the skull and brain coupled with the narrow nature of the resulting wound margins indicate the object was rather light in weight and relatively thin in profile. This is why these wounds are referenced here as "tears/cuts"—because the object was thin enough to cut and tear the skin when applied with force despite its light weight.

There is, however, a pretty clear indication that those impacts to the child's head did not result in injury to the underlying brain that would have been sufficient to effectuate swelling of the brain and cause deadly herniation. Therefore, another deadly mechanism superseded the mechanism of brain trauma—the erroneously assumed mechanism in previous reports in this case. At that point in time, one should have considered and ruled out asphyxia by smothering and/or asphyxia by drowning due to submersion in a sink, or a bathtub, through a more meticulous gross and microscopic examination of the child's respiratory system, in conjunction with scrutiny of the reported findings in the brain.<sup>2</sup>

Furthermore, prior reviewers of this case, blinded by the assumption that all blunt trauma to the child's body resulted from the same object, missed the true nature of the patterned injuries of the skin of the outer part of the left shoulder, left upper back and right upper back that most likely represent "suction-type" blunt injuries ("hickeys") indicative of sexual abuse of the victim.

So, while it is clear that this child was a victim of sexual assault and her death was a result of purposeful violent act of other individual, the inadequate, insufficient work-up, at the time of autopsy, makes it impossible to corroborate the highly questionable conclusion of the postmortem examination mentioned above.

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<sup>2</sup> The autopsy report provides a description of the child's lungs in a 'boiler plate' fashion, without any microscopic evaluation of the lung tissue. The question of presence or absence of pulmonary edema in this child's lungs was of paramount importance in understanding and explaining the mechanism of death in this child. Pulmonary edema can be a result of 1) direct trauma to the lungs (drowning, direct inhalation of toxic gases, etc.), 2) congestive heart failure, 3) neurogenic pulmonary edema (brain herniation, opiates & other central nervous system depressants intoxication).

B. Comment on Postconviction Affidavits and Trial Testimony


The three Postconviction Affidavits are rather speculative in nature, since those are based on a limited amount of information and the assumption that the available information was *a priori* accurate. The trial experts' testimonies were skewed by the assumption that the child died from head trauma—this assumption is not supported by any demonstrable evidence in this case. As a result, the conclusions that the object used to inflict the head injuries was a “lat bar” or a 2x2 or 2x4 were flawed because they relied on this unsupported assumption rather than conducting an independent review. Additionally, there was also not enough information to form conclusions as to whether the head was stationary when hit or was swung into a stationary object.

All opinions are expressed with reasonable medical certainty. I reserve the right to amend any statements or opinions if presented with additional significant information, as well as the right to rebut opinions expressed within my area of expertise.

I declare, under penalties of perjury, this 18th day of June 2019, that the foregoing is true and correct.

  
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L.J. Dragovic, M.D., FCAP, FAAFS

Forensic Pathologist and Neuropathologist

  
CORRINE T. RUNYAN  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF OAKLAND  
MY COMMISSION EXPIRES Jul 30, 2020  
ACTING IN COUNTY OF *Oakland*

**LJUBISA JOVAN DRAGOVIC, M.D., F.C.A.P., F.A.F.S.**

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**BOARD CERTIFICATION:**

<i>Diplomate, Forensic Pathology, American Board of Pathology</i>	1987
<i>Diplomate, Neuropathology, American Board of Pathology</i>	1985
<i>Diplomate, Anatomical Pathology, American Board of Pathology</i>	1982

**EXPERIENCE:**

Oakland County Medical Examiner's Office, Pontiac, MI <i>Chief Forensic Pathologist / Chief Medical Examiner</i>	1991-present
Oakland County Medical Examiner's Office, Pontiac, MI <i>Forensic Neuropathology Consultant</i>	1989-present
Jackson County, MI <i>Forensic Pathology Consultant</i>	1992-present
Hurley Medical Center, Flint, MI <i>Consulting Neuropathologist (per request)</i>	1994-2004
V.A. Medical Center, Detroit, MI <i>Neuropathology Consultant</i>	1988-2000
Monroe County, MI <i>Forensic Pathology Consultant</i>	1988-1998
Detroit Receiving Hospital/University Health Center, Detroit, MI <i>Neuropathology Consultant</i>	1989-1993
Harper Hospital, Detroit, MI <i>Neuropathology Consultant</i>	1987-1992
Wayne County Medical Examiner's Office, Detroit, MI <i>Assistant Medical Examiner, Forensic Neuropathology Consultant</i> <i>Acting Chief Medical Examiner</i>	1987-1991 1988
Lafayette Clinic, Psychoendocrine Research Unit, Detroit, MI <i>Neuropathology Research Consultant</i>	1986-1988
Wayne State University School of Medicine, Department of Neurology, Detroit, MI <i>Clinical Associate Professor</i>	1988-2015
Lecturer, Oakland Community College/Oakland Police Academy, Auburn Hills, MI	



**PROFESSIONAL HONORS AND AWARDS:**

Certified Inspector, N.A.M.E. Accreditation of Centers for Medico-Legal Invest. of Death	2010-present
Past President, Harvard Associates in Police Science, Baltimore, Maryland	2011/2012
Member, Board of Editors, The American Journal of Forensic Medicine and Pathology	Oct 1996-present
Honored Professional, P.O.M.C. Society of Michigan	Oct 2003
Certificate of Appreciation, Michigan Dementia Postmortem Network	Dec 1999
Professional Service Award, Transplantation Society of Michigan	Nov 1996
Honored Clinical Faculty, Wayne State University School of Medicine, Detroit, MI	Nov 1993
Russell S. Fisher Fellowship Award, Tissue Bank International, Baltimore, MD	1986

**PRESENTATIONS:**

West Bloomfield Optimist Club ‘Helmet Law Repeal and Ramifications’	February 3, 2015
Botsford General Hospital Emergency Medicine Department ‘Mortality Review and Medical Examiner’s Cases Defined’	January 7, 2015
Highland Park Police Reserves ‘The Role of a Medical Examiner’	November 10, 2014
Michigan State Police Training Course ‘Cause and Manner of Death’	November 6, 2014
White Lake Citizen’s Police Academy ‘The Role of a Medical Examiner in Law Enforcement’	October 1, 2014
Evidence Technicians Training Program ‘Cause and Manner of Death’	October 1, 2014
Drug Enforcement Agency, South East Michigan Regional Conference ‘Heroin Related Deaths’	August 26, 2014
Harvard Associates in Police Science, Baltimore, MD “Ament Meminisse Periti” ‘The Importance of Re-Evaluation of the Scene of Death’	July 10, 2014
Oakland County Police Academy, Pontiac, MI ‘Cause and Manner of Death’	June 9, 2014
Harvard Associates in Police Science, Baltimore, MD Frances Glessner Lee Seminar in Homicide Investigation ‘Cause and Manner of Death’	April 8, 2014
Farmington Hills Police Dept, Farmington Hills, MI Integrated Police Force Training Program Lecture Series ‘Role of a Medical Examiner in Law Enforcement’	February 19, March 12&26, April 9, May 7 2014
White Lake Citizen’s Police Academy, OCMEQ, Pontiac, MI ‘Role of a Medical Examiner in a Community’	March 19, 2014

**PRESENTATIONS CONTINUED:**

OCC Evidence Technician Training, OCMEQ, Pontiac, MI 'Cause & Manner of Death'	February 26, 2014
National District Attorneys Association, Santa Fe, NM 'Advanced Trial Advocacy Training for Child Abuse Prosecutors'	November 6&7, 2013
Adult Learning Institute, Farmington Hills, MI 'Role of a Medical Examiner in a Community'	October 9, 2013
OCC Evidence Technician Training, OCMEQ, Pontiac, MI 'Cause & Manner of Death'	October 2, 2013
Botsford Hospital Nurses Association 'Medico-Legal Investigation of Death/Patterns of Trauma'	October 1, 2013
White Lake Citizens' Police Academy, Pontiac, MI 'Role of a Medical Examiner in a Community'	September 26, 2013
Dept. of Emergency Medicine, William Beaumont Hospital, Royal Oak, MI 'Mortality Review Conference'	August 8, 2013
Michigan State Police Evidence Technician Training Program, Pontiac, MI 'The Role of Medical Examiner'	June 25, 2013
Optimist Club of West Bloomfield, West Bloomfield, MI 'Jonathan Hoffman Murder Case'	June 18, 2013
HAPS, Inc. 62 <sup>nd</sup> Annual Conference, Baltimore, MD 'Emerging Issues in Forensic Medicine'	June 11, 2013
HAPS, Inc. 62 <sup>nd</sup> Annual Conference, Baltimore, MD 'Jonathan Hoffman Murder Case'	June 10, 2013
Emergency Cardiovascular Conference, Grand Traverse, MI 'Keynote Speaker 3: How I Survived a Cardiac Event'	May 3, 2013
Frances Glessner Lee Seminar in Homicide Investigation, Baltimore, MD 'Cause and Manner of Death'	April 23, 2013
National District Attorneys Association, Washington, D.C. Advanced Trial Advocacy for Child Abuse Prosecutors 'Direct and Cross Examination of Expert Forensic Pathologist'	March 25-28, 2013
Independence Township Conservative Club, Clarkson, MI 'Role of a medical examiner in a community'	March 14, 2013
Dept. of Emergency Medicine, William Beaumont Hospital, Royal Oak, MI 'Mortality Review Conference'	November 29, 2012

**PRESENTATIONS CONTINUED:**

White Lake Citizens' Police Academy, Pontiac, MI 'Role of a medical examiner in a community'	November 1, 2012
Lakes' Area Citizens' Police Academy, Pontiac, MI 'Role of a medical examiner in a community'	October 10, 2012
Detroit/Wayne County Criminal Advocacy Program, Detroit, MI 'The Role of a Medical Expert Witness'	October 5, 2012
CME for Nurses and EMT, Pontiac, MI 'Medico-Legal Investigation of Death/Patterns of Trauma'	October 4, 2012
Investigation of Traffic Related Fatalities, Pontiac, MI	October 3, 2012
CME for Nurses and EMT, Pontiac, MI 'Medico-Legal Investigation of Death/Patterns of Trauma'	October 1, 2012
Oakland Community College Evidence Technician Training, Pontiac, MI 'Cause of Death and Manner of Death'	September 26, 2012
Dept. of Emergency Medicine, William Beaumont Hospital, Royal Oak 'Mortality Review Conference'	August 23, 2012
The Optimist Club of West Bloomfield, West Bloomfield, MI 'Role of a medical examiner in a community'	August 21, 2012
Harvard Associates in Police Science, Inc., 61 <sup>st</sup> Annual Conference, Baltimore, MD 'Homicidal Drownings'	June 6, 2012
Harvard Associates in Police Science, Inc., 61 <sup>st</sup> Annual Conference, Baltimore, MD 'Evolution of Infant Death Scene Investigation Protocol'	June 5, 2012
Harvard Associates in Police Science, Inc., 61 <sup>st</sup> Annual Conference, Baltimore, MD 'Fatalities Resulting from Confrontation with Police'	June 4, 2012
Frances Glessner Lee Seminar in Homicide Investigation, Baltimore, MD 'Cause and Manner of Death'	May 22, 2012
Bloomfield Senior Men's Club, Bloomfield Hills, MI 'Sample Cases from Forensic Practice'	May 16, 2012
White Lake Citizen's Police Academy, Pontiac, MI 'Role of a medical examiner in a community'	April 5, 2012
White Lake Citizen's Police Academy, Pontiac, MI 'Role of a medical examiner in a community'	April 4, 2012
48th District Court, Hon. M. Barron, Bloomfield Twp., MI 'Inns of Court / Mock Daubert Hearing'	March 14, 2012

**PRESENTATIONS CONTINUED:**

Botsford Hospital, Farmington Hills, MI ‘Trauma Clinico-Pathological Conference’	March 14, 2012
The American Congress of Obstetricians & Gynecologists, Michigan Section Meeting Crystal Mountain Resort, MI ‘Fallacies of Modern Medicine’	Feb. 2, 2012
University of Michigan, Dearborn, MI ‘Role of a medical examiner in a community’	Oct. 21, 2011
White Lake Citizens’ Police Academy, White Lake, MI ‘Role of a medical examiner in a community’	Oct. 20, 2011
Harvard Associates in Police Science Seminar, Baltimore, MD ‘Cause & Manner of Death’	Sept. 22, 2011
Oakland County Prosecutor’s Training Program, Pontiac, MI ‘Direct & Cross Examination of a Medical Expert Witness for Prosecutor’	Sept. 21, 2011
Dept. of Emergency Medicine, William Beaumont Hospital, Royal Oak, MI ‘Mortality Review Conference: Medical Examiner’s Cases Defined’	Aug. 25, 2011
White Lake Citizens’ Police Academy, White Lake, MI ‘Role of a medical examiner in a community’	March 31, 2011
Lakes’ Area Citizens’ Police Academy, Novi/Wixom, MI ‘Role of a medical examiner in a community’	March 30, 2011
Farmington Public Library, Farmington Hills, MI ‘High Profile Cases in Forensic Pathology’	March 16, 2011
Oakland Police Academy/Evidence Tech Training Course, Pontiac, MI ‘Cause & Manner of Death’	March 2, 2011
Dept. of Emergency Medicine, William Beaumont Hospital, Royal Oak, MI ‘Mortality Review Conference’	Feb. 17, 2011
Older People’s Commission, Rochester, MI ‘The saga of “People vs. Mark Unger”’	Feb. 1, 2011
Oakland Police Academy, OCME, Pontiac, MI ‘Cause & Manner of Death’	Nov. 23, 2010
White Lake Citizens’ Police Academy, White Lake, MI ‘Role of a medical examiner in a community’	Nov. 4, 2010
Harvard Associates in Police Science Seminar, Baltimore, MD ‘Cause & Manner of Death’	Oct. 26, 2010

**PRESENTATIONS CONTINUED:**

Dept. of Emergency Medicine, William Beaumont Hospital, Royal Oak, MI 'Mortality Review Conference'	Oct. 21, 2010
Oakland County Community College Evidence Technician Training Course, Pontiac, MI 'Cause & Manner of Death'	Sept. 24, 2010
Dept. of Emergency Medicine, William Beaumont Hospital, Royal Oak, MI 'Mortality Review Conference'	Sept. 2, 2010
7 <sup>th</sup> Annual Meeting of Balkan Academy of Forensic Sciences, Tirana/Durres, Albania 'Euthanasia' 'Asphyxia by Smothering'	Jun 5/6, 2010
Harvard Associates in Police Science Seminar, Baltimore, Maryland 'Cause of Death and Manner of Death'	May 4, 2010
16 <sup>th</sup> Annual Youth Law Conference, Oakland County Bar Association, Bloomfield Hills, MI 'Using Forensic Evidence to Solve Crimes'	Apr. 26, 2010
Race Adult Education Center, Rochester Hills, MI 'Role of a Medical Examiner in a community'	Apr 2010
Rotary Club, Bloomfield Hills, MI "Burking" of a millionaire-People vs. Vonlee Nicole Titlow'	Mar 2010
Lakes' Area Citizens' Police Academy, Pontiac, MI 'Role of a Medical Examiner in Law Enforcement'	Mar 2010
Farmington Public Library, Farmington Hills, MI 'Role of a Medical Examiner in Law Enforcement'	Mar 2010
White Lake Citizens' Police Academy, Pontiac, MI 'Medical Examiner in Law Enforcement'	Oct 2009
William Beaumont Hospital Emergency Department, Royal Oak, MI 'Clinico-Pathology Correlation/Mortality Conference'	Oct 2009
Harvard Associates in Police Science Seminar, Baltimore, Maryland 'Cause of Death and Manner of Death'	Oct 2009
Lakes' Area Citizen's Police Academy, Wixom, MI 'Role of the Medical Examiner in Law Enforcement'	Oct 2009
OCC Evidence Technician Training, OCMEQ, Pontiac, MI 'Cause & Manner of Death'	Sep 2009
Rotary Club of Bloomfield, Bloomfield Hills, MI 'Forensic Controversies'	Sep 2009

**PRESENTATIONS CONTINUED:**

Oakland County Prosecutor's Training Program, Pontiac, MI 'Expert Witness Testimony on Direct and Cross-Examination'	Aug 2009
Southeast Michigan EMS Expo Conference, Novi, MI 'Post Mortem Findings in Trauma'	Aug 2009
Balkan Academy of Forensic Sciences, Kavala, Greece 'Death Resulting From Police Applying Force in Cases of Excited Delirium'	Jun 2009
William Beaumont Hospital Emergency Department, Royal Oak, MI Clinico-Pathology Correlation/Mortality Conference	May 2009
Oakland Police Academy, Oakland Community College, Auburn Hills, MI 'Preliminary Investigation of Death'	May 2009
Harvard Associates in Police Science Seminar, Baltimore, Maryland 'Cause of Death and Manner of Death'	May 2009
Lakes' Area Citizen's Police Academy, Wixom, MI 'Role of the Medical Examiner in Law Enforcement'	May 2009
Dr. R. Aranorian/POH Memorial Trauma Symposium, Auburn Hills, MI 'Post Mortem Findings of Trauma'	May 2009
William Beaumont Hospital Emergency Department, Royal Oak, MI Clinico-Pathology Correlation/Mortality Conference	Apr 2009
International Workshop on Forensic Death Investigation, Department of Forensic Medicine, Shanghai Medical College, Fudan University, Shanghai, China 'Cause & Manner of Death' 'Blunt Force Injuries' 'Death in Police Custody'	Apr 2009
White Lake Citizens' Police Academy, Pontiac, MI 'Medical Examiner in Law Enforcement'	Mar 2009
William Beaumont Hospital Emergency Department, Royal Oak, MI Clinico-Pathology Correlation/Mortality Conference	Feb 2009
Symposium, U.S. Dept. of Justice/OPDAT Belgrade, Serbia 'Forensic Medicine – Scope of use in criminal cases' 'Cause, Manner & Mechanism of Death' 'Minutia non sunt trivia/'The Devil is in the Details'	Dec 2008
Medical Residents, Providence Hospital, Southfield, MI 'Medical Examiner Cases Defined'	Oct 2008
White Lake Citizens' Police Academy, Pontiac, MI 'Medical Examiner in Law Enforcement'	Oct 2008

**PRESENTATIONS CONTINUED:**

William Beaumont Hospital Emergency Department, Royal Oak, MI Clinico-Pathology Correlation/Mortality Conference	Oct 2008
Harvard Associates in Police Science Seminar, Baltimore, Maryland 'Cause of Death and Manner of Death'	Oct 2008
Lakes' Area Citizen's Police Academy, Wixom, MI 'Role of the Medical Examiner in Law Enforcement'	Oct 2008
POH Medical Center, Pontiac, MI, 'Scene Investigation as Integral Part of Diagnostic Process in Forensic Pathology'	Oct 2008
Providence Hospital, Southfield, MI, 'Medical Examiner Cases Defined'	Oct 2008
Oakland County Homicide Seminar, Pontiac, MI	Sep 2008
N.A.M.E. Annual Meeting, Louisville, KY 'Deaths Resulting From Confrontation With Law Enforcement' 'Killing of Law Enforcement Agents in the Line of Duty' 'Deaths Resulting from Application of Force in Cases of Excited Delirium' 'Deaths Resulting from Shooting by Police':	Sep 2008
William Beaumont Hospital Emergency Department, Royal Oak, MI Clinico-Pathology Correlation/Mortality Conference	Jul 2008
Oakland County Prosecutor's Training Seminar, Pontiac, MI	Jul 2008
School of Nursing, OCMEO, Pontiac, MI 'Cause and Manner of Death'	Jun 2008
Oakland Police Academy, OCMEO, Auburn Hills, MI 'Cause and Manner of Death;'	Jun 2008
White Lake Citizens' Police Academy, Pontiac, MI 'Medical Examiner in Law Enforcement'	May 2008
Harvard Associates in Police Science Seminar, Baltimore, MD 'Cause of Death and Manner of Death'	May 2008
Lakes' Area Citizen's Police Academy, Wixom, MI 'Role of the Medical Examiner in Law Enforcement'	Mar 2008
Lakes' Area Citizen's Police Academy, Wixom, MI 'Role of the Medical Examiner in Law Enforcement'	Mar 2008
William Beaumont Hospital Emergency Department, Royal Oak, MI Clinico-Pathology Correlation/Mortality Conference	Jan 2008
Clinico-Pathology Correlation/Mortality Conference, Royal Oak, MI	Jan 2008

**PRESENTATIONS CONTINUED:**

William Beaumont Hospital Emergency Department, Royal Oak, MI Clinico-Pathology Correlation/Mortality Conference	Nov 2007
Oakland Police Academy, OCMEO, Auburn Hills, MI 'Cause and Manner of Death'	Nov 2007
Harvard Associates in Police Science Seminar, Baltimore, Maryland 'Cause of Death and Manner of Death'	Oct 2007
Lakes' Area Citizen's Police Academy, Wixom, MI 'Role of the Medical Examiner in Law Enforcement'	Oct 2007
White Lake Citizens' Police Academy, Pontiac, MI 'Medical Examiner in Law Enforcement'	Oct 2007
National Association of Medical Examiners Mtg., Savannah, GA 'A Case of "Burking" and a Lesson for Forensic Pathologists'	Oct 2007
Child Death Investigation Seminar, Oakland County, MI 'Scene Assessment and the Limitations of "Autopsy Only"' 'Neuropathology of Child Abuse' 'Limitations of Expertise in Medical Professions'	Oct 2007
Police Reserves, Police Auxiliaries and Victim Advocates, Madison Heights Police Department 'Patterns of Trauma'	Sep 2007
Evidence Technicians' Training Course, OCME 'Cause and Manner of Death'	Sep 2007
Beaumont Hospital "CSI" Sexual Assaults and Domestic Violence Seminar, Sterling Heights, MI 'Patterns of Trauma'	Aug 2007
William Beaumont Hospital Emergency Department, Royal Oak, MI Clinico-Pathology Correlation/Mortality Conference	Jul 2007
William Beaumont Hospital, Department of Emergency Medicine, Royal Oak, MI Medical Examiner's Cases Defined'	Jul 2007
Keynote Lecture, Balkan Academy of Forensic Sciences, Ohrid, Macedonia 'The Role of Scene of Death in Medico-Legal Investigation'	Jun 2007
Bloomfield Public Library 'The Role of Medical Examiner in a Community'	Jun 2007
White Lakes Citizens' Police Academy, Pontiac, MI 'Medical Examiner in Law Enforcement'	Apr 2007
Oakland County Bar Association's 13 <sup>th</sup> Annual Youth Law Conference, Troy, MI 'Using Forensic Evidence to Solve Crimes'	Apr 2007



**PRESENTATIONS CONTINUED:**

William Beaumont Hospital Emergency Department, Royal Oak, MI Clinico-Pathology Correlation/Mortality Conference	Mar 2007
Lakes' Area Citizen's Police Academy, Wixom, MI 'Role of the Medical Examiner in Law Enforcement'	Mar 2007
William Beaumont Hospital Emergency Department, Royal Oak, MI Clinico-Pathology Correlation/Mortality Conference	Dec 2006
White Lakes Citizens' Police Academy, Pontiac, MI 'Medical Examiner in Law Enforcement'	Nov 2006
Lakes' Area Citizen's Police Academy, Wixom, MI 'Role of the Medical Examiner in Law Enforcement'	Nov 2006
Harvard Associates in Police Science Seminar, Baltimore, Maryland 'Cause of Death and Manner of Death'	Oct 2006
Lakes' Area Citizen's Police Academy, Wixom, MI 'Role of the Medical Examiner in Law Enforcement'	Sep 2006
William Beaumont Hospital Emergency Department, Royal Oak, MI Clinico-Pathology Correlation/Mortality Conference	Jul 2006
Lakes' Area Citizen's Police Academy, Wixom, MI 'Role of the Medical Examiner in Law Enforcement'	Jul 2006
Oakland County Prosecutors' Training Program, Pontiac, MI 'Introduction to Forensic Pathology'	Jul 2006
Balkan Academy of Forensic Sciences, Stara Zagora, Bulgaria 'Domestic Violence – A Hydra with Countless Heads'	Jun 2006
William Beaumont Hospital Emergency Department, Royal Oak, MI Clinico-Pathology Correlation/Mortality Conference,	May 2006
Harvard Associates in Police Science Seminar, Baltimore, Maryland 'Cause of Death and Manner of Death'	May 2006
17 <sup>th</sup> Michigan Violent Crime Seminar, Ann Arbor, MI 'Forensic Pathology'	May 2006
Oakland Police Academy, Oakland Community College, Auburn Hills, MI 'Preliminary Investigation of Death'	May 2006
Lakes' Area Citizen's Police Academy, Wixom, MI 'Role of the Medical Examiner in Law Enforcement'	Apr 2006
Genesee County Elder Death Review Team, Flint, MI	Apr 2006

**PRESENTATIONS CONTINUED:**

White Lake Citizens' Police Academy, Pontiac, MI 'Medical Examiner in Law Enforcement'	Apr 2006
William Beaumont Hospital Emergency Department, Royal Oak, MI Clinico-Pathology Correlation/Mortality Conference	Mar 2006
Oakland County Bar Association's 12 <sup>th</sup> Annual Youth Law Conference, Troy, MI 'Using Forensic Evidence to Solve Crimes'	Mar 2006
Michigan Task Force on Elder Abuse, East Lansing, MI 'Medical Examiner's Role in Fatal Elder Abuse/Neglect'	Feb 2006
Oakland Community College, Police Academy, Auburn Hills, MI 'Death Investigation for Police Evidence Technicians'	Feb 2006
Pontiac Osteopathic Hospital, Pontiac, MI 'Cause of Death/Manner of Death'	Jan 2006
William Beaumont Hospital Emergency Department, Royal Oak, MI Clinico-Pathology Correlation/Mortality Conference	Jan 2006
William Beaumont Hospital Emergency Department, Royal Oak, MI Clinico-Pathology Correlation/Mortality Conference	Nov 2005
Auburn Hills Citizens' Police Academy 'Medical Examiner in Law Enforcement'	Nov 2005
Oakland Police Academy, Oakland Community College, Auburn Hills, MI 'Preliminary Investigation of Death'	Nov 2005
Harvard Associates in Police Science Seminar, Baltimore, Maryland 'Cause of Death and Manner of Death'	Oct 2005
Lakes' Area Citizen's Police Academy, Wixom, MI 'Role of the Medical Examiner in Law Enforcement'	Oct 2005
White Lake Citizens' Police Academy, Pontiac, MI 'Medical Examiner in Law Enforcement'	Oct 2005
William Beaumont Hospital Emergency Department, Royal Oak, MI Clinico-Pathology Correlation/Mortality Conference	Sep 2005
Evidence Technicians Training Course, Oakland Community College, Pontiac, MI 'Cause and Manner of Death'	Sep 2005
International Order of Reserve Police, Pontiac, MI 'Cause and Manner of Death'	Aug 2005
William Beaumont Hospital Emergency Department, Royal Oak, MI Clinico-Pathology Correlation/Mortality Conference	Jul 2005

**PRESENTATIONS CONTINUED:**

Michigan Trial Lawyers' Association, Novi, MI 'Conscious Pain and Suffering'	Jun 2005
Pontiac Osteopathic Hospital, Pontiac, MI 'Cause of Death/Manner of Death'	Jun 2005
William Beaumont Hospital Emergency Department, Royal Oak, MI Clinico-Pathology Correlation/Mortality Conference	May 2005
Harvard Associates in Police Science Seminar, Baltimore, Maryland 'Cause of Death and Manner of Death'	May 2005
Oakland County Bar Association, Troy, MI 'Using Forensic Evidence in Solving Crime'	Apr 2005
William Beaumont Hospital Emergency Department, Royal Oak, MI Clinico-Pathology Correlation/Mortality Conference	Mar 2005
Michigan Trial Lawyers' Association Seminar, Novi, MI 'How to Prove a Cause of Death in an Individual with Multiple Medical Problems'	Jan 2005
William Beaumont Hospital Emergency Department, Royal Oak, MI Clinico-Pathology Correlation/Mortality Conference	Dec 2004
Oakland Police Academy, Oakland Community College, Auburn Hills, MI 'Preliminary Investigation of Death'	Nov 2004
Genesee County Law Enforcement In-service, Pontiac, MI 'Cause and Manner of Death'	Nov 2004
William Beaumont Hospital Emergency Department, Royal Oak, MI Clinico-Pathology Correlation/Mortality Conference	Oct 2004
Harvard Associates in Police Science Seminar, Baltimore, Maryland 'Cause of Death and Manner of Death'	Oct 2004
Oakland County Prosecutor's Office Training, Pontiac, MI 'Medical Examiner in Law Enforcement'	Sep 2004
William Beaumont Hospital Emergency Department, Royal Oak, MI Clinico-Pathology Correlation/Mortality Conference	Aug 2004
Genesee County Law Enforcement In-service, Pontiac, MI 'Cause and Manner of Death'	Aug 2004
William Beaumont Hospital Emergency Department, Royal Oak, MI Clinico-Pathology Correlation/Mortality Conference	Jul 2004
White Lake Citizens' Police Academy, Pontiac, MI 'Medical Examiner in Law Enforcement'	Jul 2004

**PRESENTATIONS CONTINUED:**

Balkan Academy of Forensic Sciences, Serres, Greece ‘Special Considerations in Investigation of Asphyxia Deaths’	Jun 2004
Forensic Pathology Experts, Michigan Trial Attorneys' Association, Novi, MI ‘Louis Brandeis Searching For Dr. Waldo’	Jun 2004
William Beaumont Hospital Emergency Department, Royal Oak, MI Clinico-Pathology Correlation/Mortality Conference	May 2004
Harvard Associates in Police Science Seminar, Baltimore, Maryland ‘Cause of Death and Manner of Death’	May 2004
Oakland Police Academy, Oakland Community College, Auburn Hills, MI ‘Preliminary Investigation of Death’	May 2004
FBI Homicide Investigation Seminar, Ann Arbor, MI ‘Medico-Legal Investigation of Death’	May 2004
Oakland Community College, Police Academy, Auburn Hills, MI ‘Death Investigation for Police Evidence Technicians’	May 2004
Lakes' Area Citizen's Police Academy, Wixom, MI ‘Role of the Medical Examiner in Law Enforcement’	Apr 2004
Clawson Alliance Against Drugs, Clawson, MI ‘A Reflection on Addiction’	Mar 2004
Evidence Technicians Training Course, Oakland Community College, Pontiac, MI ‘Cause and Manner of Death’	Feb 2004
Troy Alliance Against Drugs, Troy, MI ‘A Reflection on Addiction’	Jan 2004
William Beaumont Hospital Emergency Department, Royal Oak, MI Clinico-Pathology Correlation/Mortality Conference	Jan 2004
Oakland County Prosecutor's Office Training, Pontiac, MI ‘Medical Examiner in Law Enforcement’	Dec 2003
Botsford General Hospital, Emergency Department, Farmington Hills, MI ‘Cause of Death/Manner of Death’	Dec 2003
William Beaumont Hospital Emergency Department, Royal Oak, MI Clinico-Pathology Correlation/Mortality Conference	Nov 2003
Harvard Associates in Police Science Seminar, Baltimore, Maryland ‘Cause of Death and Manner of Death’	Oct 2003
Lakes' Area Citizen's Police Academy, Wixom, MI ‘Role of the Medical Examiner in Law Enforcement’	Oct 2003

**PRESENTATIONS CONTINUED:**

Oakland Police Academy, Oakland Community College, Auburn Hills, MI 'Preliminary Investigation of Death'	Oct 2003
William Beaumont Hospital Emergency Department, Royal Oak, MI Clinico-Pathology Correlation/Mortality Conference	Sep 2003
International Order of Reserve Police, Pontiac, MI 'Cause and Manner of Death'	Aug 2003
William Beaumont Hospital Emergency Department, Royal Oak, MI Clinico-Pathology Correlation/Mortality Conference	Jul 2003
Harvard Associates in Police Science, Orilia, Ontario, Canada 'Deaths Resulting from Confrontation with Law Enforcement	Jun 2003
West Bloomfield Police Dept, Evidence Technicians Training Session, West Bloomfield, MI	Jun 2003
Victims' Advocates and Prosecutors Training Seminar	Jun 2003
William Beaumont Hospital Emergency Department, Royal Oak, MI Clinico-Pathology Correlation/Mortality Conference	May 2003
Harvard Associates in Police Science Seminar, Baltimore, Maryland 'Cause of Death and Manner of Death'	May 2003
Lakes' Area Citizen's Police Academy, Wixom, MI 'Role of the Medical Examiner in Law Enforcement'	Apr 2003
Homicide Investigation Seminar, Pontiac, MI	Apr 2003
William Beaumont Hospital Emergency Department, Royal Oak, MI Clinico-Pathology Correlation/Mortality Conference	Mar 2003
Oakland Bar Association Moot Court Training Session	Feb 2003
William Beaumont Hospital Emergency Department, Royal Oak, MI Clinico-Pathology Correlation/Mortality Conference	Jan 2003
Bloomfield Township Fire Department, Bloomfield, MI 'Patterns of Trauma'	Nov 2002
Harvard Associates in Police Science Seminar, Baltimore, Maryland 'Cause of Death and Manner of Death'	Oct 2002
Lakes' Area Citizen's Police Academy, Wixom, MI 'Role of the Medical Examiner in Law Enforcement'	Oct 2002
C.A.P. Wayne County Bar Association Seminar 'Controversies in Forensic Pathology'	Oct 2002

**PRESENTATIONS CONTINUED:**

Oakland County Board of Commissioners Auditorium, Pontiac, MI ‘Child Death Investigation Seminar for Law Enforcement’	Oct 2002
William Beaumont Hospital, Royal Oak, MI ‘Physical Evidence Preservation in Perioperative Trauma Care’	Oct 2002
Oakland Community College, Department of Criminal Justice ‘Cause and Manner of Death’	Oct 2002
William Beaumont Hospital, Royal Oak, MI ‘Investigating Deaths in Emergency Department’	Oct 2002
First Turkish-U.S. Forensic Sciences Meeting, Istanbul, Turkey ‘Special Considerations in Child Death Investigation’ ‘Asphyxia’ ‘Deaths in Confrontation with Law Enforcement Agents’	Sep 2002
Harvard Associates in Police Science Seminar, Baltimore, Maryland ‘Cause of Death and Manner of Death’	May 2002
Lakes' Area Citizen's Police Academy, Wixom, MI ‘Role of the Medical Examiner in Law Enforcement’	Apr 2002
2002 Annual Spring Meeting, The American Academy of Psychiatry and the Law - Midwest Chapter, Ann Arbor, MI ‘Death Scene Investigation’	Apr 2002
Firefighters and Paramedics Training, Bloomfield Township Fire Dept, Bloomfield Township, MI ‘Penetrating Trauma’	Apr 2002
Advanced Trial Advocacy Seminar, Okemos, MI ‘Pitfalls and Misunderstandings in Forensic Pathology - Limitations of Science’	Apr 2002
Southeast Michigan Chapter of Certified Fraud Examiners, West Bloomfield, MI ‘Expert Witness in Court’	Feb 2002
2002 Regional Arson Seminar, International Association of Arson Investigators, Michigan Chapter, Southfield, MI ‘Fire and Explosive Death Investigations’	Jan 2002
Oakland Police Academy, Auburn Hills/Pontiac, MI Advanced Homicide Investigators’ Training Program,	Dec 2001
Harvard Associates in Police Science Seminar, Baltimore, Maryland ‘Cause of Death and Manner of Death’	Oct 2001
Lakes' Area Citizen's Police Academy, Wixom, MI ‘Role of the Medical Examiner in Law Enforcement’	Oct 2001

**PRESENTATIONS CONTINUED:**

9 <sup>th</sup> Annual Investigation for Identification, Pensacola, FL ‘Euthanasia and Complications Thereof’	Oct 2001
National Association of Medical Examiners Annual Meeting, Richmond, VA ‘Role of the Medical Examiner in Bereavement Counseling’	Oct 2001
William Beaumont Hospital Emergency Department, Royal Oak, MI Clinico-Pathology Correlation/Mortality Conference	Sep 2001
6 <sup>th</sup> Annual International Reserve Police Officers Association Conference, Pontiac, MI ‘Deaths Resulting from Confrontation with Law Enforcement Agents’	Aug 2001
Pediatric Mortality Rounds, St. Joseph Mercy–Oakland Hospital, Pontiac, MI	Jun 2001
Oakland County Homicide Investigation Seminar, Pontiac, MI ‘Cause and Manner of Death’	Jun 2001
Oakland Police Academy, Auburn Hills/Pontiac, MI Advanced Homicide Investigators’ Training Course,	Jun 2001
Homicide Investigation, Detective School, Oakland County Police Academy Oakland Community College, Criminal Justice Department	Jun 2001
Harvard Associates in Police Science Seminar, Baltimore, Maryland ‘Cause of Death and Manner of Death’	May 2001
Turning Point SANE Program, Warren, MI ‘Patterns of Injury’	May 2001
William Beaumont Hospital Emergency Department, Royal Oak, MI Clinico-Pathology Correlation/Mortality Conference	Apr 2001
Lakes' Area Citizen's Police Academy, Wixom, MI ‘Role of the Medical Examiner in Law Enforcement’	Apr 2001
Oakland Criminal Justice Association, Pontiac, MI ‘Role of Drugs in Deaths Resulting from Confrontation with Law Enforcement’	Mar 2001
Emergency Department, Botsford General Hospital, Farmington Hills, MI ‘Patterns of Injury; Cause and Manner of Death’	Feb 2001
Homicide Investigation, Detective School, Oakland Police Academy Oakland Community College, Criminal Justice Department, Auburn Hills, MI	2001
William Beaumont Hospital Emergency Department, Royal Oak, MI Clinico-Pathology Correlation/Mortality Conference	Nov 2000
Harvard Associates in Police Science Seminar, Baltimore, Maryland ‘Cause of Death and Manner of Death’	Oct 2000

**PRESENTATIONS CONTINUED:**

Lakes' Area Citizen's Police Academy, Wixom, MI 'Role of the Medical Examiner in Law Enforcement'	Oct 2000
Oakland County Medical Examiner's Office, Pontiac, MI Homicide Investigation Seminar	Sep 2000
William Beaumont Hospital Emergency Department, Royal Oak, MI Clinico-Pathology Correlation/Mortality Conference	Jun 2000
Harvard Associates in Police Science Seminar, Baltimore, Maryland 'Cause of Death and Manner of Death'	May 2000
Featured Speaker, Michigan Osteopathic Association, Dearborn, MI 'Into the 21 <sup>st</sup> Century: Professional Responsibility and Complications Thereof'	May 2000
ISEF 2000 Judge, Detroit, MI	May 2000
Statewide Prosecutors' Training, Boyne Highlands, Harbor Springs, MI Cross Examination of Expert Witness	Mar 2000
Oakland Bar Association, Bloomfield Hills, MI Criminal Justice Controversies/Wound Patterns	Mar 2000
Oakland Bar Association, Bloomfield Hills, MI 'Criminal Justice Controversies/Wound Patterns'	Mar 2000
Statewide Prosecutors' Training, Boyne Highlands, Harbor Springs, MI 'Cross Examination of Expert Witness'	Mar 2000
Clawson Police Department and City Activists Luncheon, Clawson, MI 'Role of Medical Examiner'	Feb 2000
Evidence Technicians Course, Oakland Community College, Auburn Hills, MI 'Gunshot Wounds and Stab Wounds'	Feb 2000
William Beaumont Hospital Emergency Department, Royal Oak, MI Clinico-Pathology Correlation/Mortality Conference	Feb 2000
St. Clair Shores Kiwanis Club, St. Clair, MI 'Role of Medical Examiner'	Jan 2000
Statewide Prosecutors' Training Program, Midland, MI	Nov 1999
Jackson County Medical Society, Jackson, MI 'Role of Medical Examiner'	Nov 1999
Harvard Associates in Police Science Seminar, Baltimore, Maryland 'Cause of Death and Manner of Death'	Oct 1999



**PRESENTATIONS CONTINUED:**

Michigan Association of Medical Examiners, Auburn Hills, MI	Oct 1999
William Beaumont Hospital, Royal Oak, MI ‘Preservation of Physical Evidence in Emergency Room Conditions’	Oct 1999
International Post Blast Training Program, Bureau of Alcohol, Tobacco & Firearms National Academy, Glynco, GA ‘Investigation of Fatal Explosions/Bombings - Forensic Pathologist's Prospective’	Oct 1999
Homicide Investigation, Detective School, Oakland County Police Academy Oakland Community College, Criminal Justice Department	Jun 1999
Harvard Associates in Police Science Seminar, Baltimore, Maryland ‘Cause of Death and Manner of Death’	May 1999
Lakes' Area Citizen's Police Academy, Wixom, MI ‘Role of the Medical Examiner in Law Enforcement’	Apr 1999
Infants and Children Death Investigation Seminar, Pontiac, MI	Feb 1999
C-Span Symposium, Journalism on Euthanasia and Aided Deaths, University of Michigan, Ann Arbor, MI ‘Manner of Death’	Feb 1999
Saginaw County Medical Society ‘Child Death Investigation’	Jan 1999
Oakland Community College, Department of Criminal Justice, Auburn Hills, MI ‘Autopsy as Physical Evidence in Death Investigation/Evidence Technicians Course’	Jan 1999
Homicide Investigation, Detective School, Oakland Police Academy Criminal Justice Department, Oakland Community College, Auburn Hills, MI	1999
International Post Blast Training Program, Bureau of Alcohol, Tobacco & Firearms National Academy, Glynco, GA ‘Investigation of Fatal Explosions/Bombings – Forensic Pathologist’s Prospective’	Dec 1998
Prosecuting Attorney's Coordinating Council and Prosecuting Attorneys Association of Michigan, Grand Rapids, MI ‘Child Death Investigation - A Rejoinder, Homicide II: Specialized Topics in the Investigation and Prosecution of Homicide Cases’	Dec 1998
Detectives' Course, Oakland Police Academy, Auburn Hills, MI ‘Homicide Investigation’	Dec 1998
Harvard Associates in Police Science Seminar, Baltimore, Maryland ‘Cause of Death and Manner of Death’	Oct 1998
Florida Medical Examiner's Association Suicide Conference, Marco Island, FL ‘Euthanasia in Michigan’	Oct 1998

**PRESENTATIONS CONTINUED:**

Birmingham Senior Business Club, Birmingham, MI ‘Role of Medical Examiner in Law Enforcement’	Jul 1998
Detectives’ Course, Oakland Police Academy, Auburn Hills, MI ‘Homicide Investigation’	Jun 1998
Harvard Associates in Police Science Seminar, Baltimore, Maryland ‘Cause of Death and Manner of Death’	May 1998
Lakes' Area Citizen's Police Academy, Wixom, MI ‘Role of the Medical Examiner in Law Enforcement’	Apr 1998
William Beaumont Hospital - Royal Oak Trauma Service, Royal Oak, MI ‘Surgical Mortality Review’	Apr 1998
Troy Fire Department, Troy, MI ‘Investigation of Fire Deaths’	Apr 1998
Oakland Police Academy, Auburn Hills, MI ‘Homicide Investigation - Evidence Technicians Course’	Feb 1998
Prosecuting Attorneys Association of Michigan, Lansing, MI ‘Capabilities and Limitations of Forensic Pathology’	Dec 1997
Pediatric Grand Rounds, William Beaumont Hospital, Royal Oak, MI ‘Sudden Infant Death Syndrome vs. Asphyxia’	Dec 1997
Harvard Associates in Police Science Seminar, Baltimore, Maryland ‘Cause of Death and Manner of Death’	Oct 1997
Lakes' Area Citizen's Police Academy, Wixom, MI ‘Role of the Medical Examiner in Law Enforcement’	Oct 1997
XVII Congress of the International Academy of Legal Medicine, Dublin, Ireland ‘Euthanasia and Physician Aided Death in Southeastern Michigan’ ‘Accidental Position/Compression Asphyxia in Infancy and Childhood’	Aug 1997
Seventh Masters Conference for Advanced Death Investigation, St. Louis, MO ‘Euthanasia - The Michigan Experience’	Jul 1997
Detectives’ Course, Oakland Police Academy, Auburn Hills, MI ‘Homicide Investigation’	Jun 1997
Oakland Police Academy, Oakland Community College, Auburn Hills, MI ‘Preliminary Investigation of Death’	Jun 1997
International Post Blast Training Program, Bureau of Alcohol, Tobacco & Firearms National Academy, Glynco, GA ‘Investigation of Fatal Explosions/Bombings – Forensic Pathologist’s Prospective’	Jun 1997

**PRESENTATIONS CONTINUED:**

Harvard Associates in Police Science Seminar, Baltimore, Maryland 'Cause of Death and Manner of Death'	May 1997
Dayton Right to Life Society and Greater Miami Medical Society, Dayton, OH 'Euthanasia and Physician Aided Deaths in Southeast Michigan'	May 1997
Oakland County Sheriff's Department, Pontiac, MI 'The Role of Medical Examiner in Law Enforcement'	May 1997
Lakes' Area Citizen's Police Academy, Wixom, MI 'Role of the Medical Examiner in Law Enforcement'	Apr 1997
Michigan Vascular Society, Novi, MI 'Euthanasia in Southeast Michigan'	Apr 1997
American Association of Suicidology, 30th Annual Conference, Memphis, TN 'Euthanasia and Physician Assisted Death in Southeast Michigan'	Apr 1997
Exchange Club, Farmington, MI 'Controversies in Forensic Pathology'	Apr 1997
California Homicide Investigators Association, Reno, NV 'Investigation of Euthanasia'	Mar 1997
Department of Psychology, Wayne State University, Detroit, MI 'Euthanasia'	Mar 1997
Diocese of Cleveland/Notre Dame College, Cleveland, OH 'Euthanasia and Physician Aided Death in Southeastern Michigan'	Feb 1997
Lakes' Area Citizen's Police Academy, Wixom, MI 'Role of the Medical Examiner in Law Enforcement'	Oct 1996
Washington State Criminal Justice Training Program, Chelan Lake, WA 'Euthanasia and Physician Aided Deaths in Southeastern Michigan'	Oct 1996
Berrien County Medical Society, Niles, MI 'Euthanasia and Physician Aided Deaths in Southeastern Michigan'	Oct 1996
National Association of Medical Examiners Meeting, Traverse City, MI 'Euthanasia and Physician Aided Deaths in Southeastern Michigan'	Sep 1996
Homicide Investigation, Detective School, Oakland County Police Academy Oakland Community College, Criminal Justice Department	Jun 1996
Ypsilanti Regional Center for Forensic Psychiatry 'Role of Medical Examiner/Forensic Pathologist'	Jun 1996

**PRESENTATIONS CONTINUED:**

Citizens Police Academy, Madison Heights, MI ‘Role of the Medical Examiner in Law Enforcement’	Apr 1996
Harvard Associates in Police Science Seminar, Baltimore, Maryland ‘Cause of Death and Manner of Death’	Apr 1996
Citizens Police Academy, Madison Heights, MI State Regional Center for Forensic Psychiatry, Ypsilanti, MI ‘Medicolegal Investigation of Death’	Apr 1996 Mar 1996
Troy Fire Department, Troy, MI ‘Investigation of Fire Deaths’	Mar 1996
Oakland Community College, Police Academy, Auburn Hills, MI ‘Death Investigation for Police Evidence Technicians’ ‘Role of the Medical Examiner in Law Enforcement’	Feb 1996
Homicide Investigation, Detective School, Oakland Police Academy Oakland Community College, Criminal Justice Department, Auburn Hills, MI	1996
Lakes' Area Citizen's Police Academy, Wixom, MI ‘Role of the Medical Examiner in Law Enforcement’	Oct 1995
Pontiac Osteopathic Hospital Emergency Trauma Center, Pontiac, MI Penetrating Trauma Course’	Oct 1995
Rotary Club of Novi, Novi, MI ‘Forensic Controversies’	Oct 1995
Citizens Police Academy, Madison Heights, MI ‘Role of the Medical Examiner in Law Enforcement’	Oct 1995
Harvard Associates in Police Science Seminar, Baltimore, MD ‘Cause of Death and Manner of Death’	Oct 1995
Transplantation Society of Michigan, University of Michigan Medical Center Symposium, Ann Arbor, MI ‘Role of the Medical Examiner in Organ Procurement’	Sep 1995
Medicolegal Investigation in the Living and Dead, Grand Junction, CO ‘Cause and Manner of Death’ ‘Traffic Injuries’ ‘Elderly Abuse and Euthanasia’	Aug 1995
Rochester Hills Lions Club ‘Role of the Medical Examiner in the Society’	Aug 1995
Pontiac Osteopathic Hospital, Pontiac, MI ‘Medical Examiner's Cases Defined for Emergency Room Physicians’	Aug 1995
Michigan Association of Traffic Accident Investigators ‘Motorcycle Related Injuries’	Jun 1995

**PRESENTATIONS CONTINUED:**

Harvard Associates in Police Science Seminar, Baltimore, Maryland 'Cause of Death and Manner of Death'	May 1995
Harvard Associates in Police Science Seminar, Baltimore, MD 'Wounds by Firearms'	May 1995
Lakes' Area Citizen's Police Academy, Wixom, MI 'Role of the Medical Examiner in Law Enforcement'	Mar 1995
Oakland County Medical Examiner, Pontiac, MI 'Forensic Pathology Seminar/Homicide Investigation'	Mar 1995
Bureau of Alcohol, Tobacco, Firearms, Detroit, MI 'Limitations of Protective Vests'	Dec 1994
Defender Training Institute, Criminal Defense Attorney's Association of Michigan, Ypsilanti, MI, 'Forensic Pathology Issues'	Dec 1994
Michigan Dental Association, Lansing, MI 'Forensic Pathology for Dentists'	Nov 1994
Lakes' Area Citizen's Police Academy, Wixom, MI 'Role of the Medical Examiner in Law Enforcement'	Oct 1994
The Engineering Society for Advancing Mobility Land, Sea, Air and Space, Head and Neck Injury Symposium, Troy, MI 'Cranio-Cerebral Trauma'	Sep 1994
Wayne State University, Detroit, MI 'Neuropathology Review Course for Medical Students'	Aug 1994
Homicide Investigation, Detective School, Oakland County Police Academy Oakland Community College, Criminal Justice Department	Jun 1994
Lakes' Area Citizen's Police Academy, Wixom, MI 'Role of the Medical Examiner in Law Enforcement'	May 1994
Royal Oak Kiwanis Club, Royal Oak, MI 'Role of the Medical Examiner'	Mar 1994
Law Enforcement and Security Association of Washtenaw County	Mar 1994
Federal Correctional Facility, Milan, MI 'Forensic Pathology Controversies'	
Medicolegal Investigation of Death Seminar, Dearborn, MI 'Forensic Controversy Debate'	Mar 1994
Oakland Community College, Police Academy, Auburn Hills, MI 'Death Investigation for Police Evidence Technicians'	Feb 1994

**PRESENTATIONS CONTINUED:**

American Academy of Forensic Sciences, San Antonio, TX 'Fatal Injuries Resulting From Infant/Child Car Safety Seat'	Feb 1994
Royal Oak Lions, Royal Oak, MI 'Role of the Medical Examiner'	Feb 1994
Detroit Mercy Law School, Detroit, MI 'Lecture to Law Students'	Feb 1994
Neurology Grand Rounds, Wayne State University School of Medicine, Detroit, MI 'Brain Trauma and Drugs'	Feb 1994
Saginaw Medical/Dental Society, Saginaw, MI 'Forensic Pathology Controversies'	Jan 1994
Homicide Investigation, Detective School, Oakland Police Academy Oakland Community College, Criminal Justice Department, Auburn Hills, MI	1994
The Engineering Society for Advancing Mobility Land, Sea, Air and Space Head and Neck Injury Symposium, Denver, CO 'Craneo-Cerebral Trauma'	Dec 1993
Defender Training Institute, Criminal Defense Attorneys Association of Michigan, Flint, MI 'Forensic Pathology Issues'	Dec 1993
Oakland County Medical Examiner's Office, Pontiac, MI Forensic Pathology Seminar	Dec 1993
Lake Orion Optimist's Club, Lake Orion, MI 'Forensic Controversies'	Nov 1993
Birmingham Kiwanis Club, Birmingham, MI 'Forensic Controversies'	Oct 1993
Pontiac Osteopathic Hospital, Pontiac, MI 'Medical Examiner's Cases Defined'	Jun 1993
Homicide Investigation, Detective School, Oakland County Police Academy Oakland Community College, Criminal Justice Department	Jun 1993
Michigan-Ontario Identification Association 'The Role of the Medical Examiner in Death Investigation'	May 1993
Oakland Police Academy, Auburn Hills Campus, MI Fatal Motor Vehicle Accident Investigation Seminar	Apr 1993
Federal Bureau of Investigation Academy, Quantico, VA V.I.C.A.P. International Homicide Symposium	Mar 1993
American Academy of Forensic Sciences, Boston, MA 'Euthanasia and Physician Assisted Death' Plenary Session	Feb 1993

**PRESENTATIONS CONTINUED:**

Forensic Pathology Seminar, Oakland Police Academy, Auburn Hills Campus, MI	Dec 1992
Michigan Association of Medical Examiners, Midland, MI ‘Michigan Serial Killers’	Oct 1992
University of Michigan, Ann Arbor, MI ‘Cause and Manner of Death’	Sep 1992
Forensic Pathology Seminar, Oakland Police Academy, Auburn Hills Campus, MI	Dec 1991
Office of the Chief Medical Examiner, State of Maryland, Baltimore, MD ‘Patterns in Cranio-Cerebral Trauma’	Nov 1991
University of Michigan, Ann Arbor, MI ‘Forensic Aspects of Neuropathology’	Sep 1991
Oakland Police Academy, Auburn Hills, MI ‘Medicolegal Investigation of Death and Trauma’	Dec 1990
Michigan Association of Medical Examiners, 1990 Annual Meeting, Midland, MI ‘Basics of Cranio-Cerebral Trauma’	Oct 1990
Neurology Grand Rounds, Kresge Auditorium, Detroit, MI ‘Neuropathology of A.I.D.S.’	Feb 1990

**PUBLICATIONS:**

Dragovic, L.J.: **Sharp Force Trauma**, Ch. 3, Forensic Medicine, LingLi, Ed., People’s Medical Publishing House, Shanghai, China 2014

Dragovic, L.J., Rubio, A.: **Blunt Force Trauma**, Ch. 4, Forensic Medicine, LingLi, Ed., People’s Medical Publishing House, Shanghai, China 2014

*Accepted for publication at the American Journal of Forensic Medicine and Pathology:*  
Finnberg, A., Junuzovic, M., Dragovic, L., Ortiz-Reyes, R., Hamel, M., Davis, J., Eriksson, A.:  
**“Homicide by Poisoning”**

Dragovic, L.J. Book Review of: **FORENSIC NEUROPATHOLOGY, Second Edition**, by Leestma, J.E. Boca Raton, Florida: CRC Press/Taylor & Francis Group 2009, in J Forensic Sci, Vol. 55, No. 1 Jan. 2010

Stoukas, V., Dragovic, L.J.: **Sudden Deaths from Eosinophilic Coronary Monoarteritis: A Subset of Spontaneous Coronary Artery Dissection**. The American Journal of Forensic Medicine and Pathology, 30(3) 268-269, September 2009

Dragovic, L.J.: **Neuropathology of Brain Trauma in Infants and Children**, Ch. 16, in Essential Forensic Neuropathology, Troncoso, J.Ed. Walters Kluwer Health/Lippincott Williams & Wilkins, 2009

Dragovic, L.J.: **Systems of Medicolegal Investigation of Death in the U.S.A.**, Expertus Forensis, Montenegro, June 2008

**PUBLICATIONS CONTINUED :**

- Chowdhury, P.S., Franklin, B. A., Boura, J.A., Dragovic, L.J., Kanluen, S., Spitz, W.U., Hodak, J., O'Neill, W.W.: **"Sudden Cardiac Death After Manual or Automated Snow Removal"**, *The American Journal of Cardiology*, Vol. 92, 833-835, October 1, 2003
- Fischer, H., Hammel, P.W., Dragovic, L.J.: **"Human Bites Versus Dog Bites"**, *New England Journal of Medicine*, 349, 11, September 11, 2003
- Roscoe, L.A., Malphurs, J.E., Dragovic, L.J., Cohen, D.: **"Antecedents of Euthanasia and Suicide Among Older Women."** *Journal of the American Women's Association*, Vol. 58, No. 1, 44-48, 2003
- Ortiz-Reyes, R., Dragovic, L.J., Eriksson, A.: **"Sudden Unexpected Death Resulting from Previously Non Symptomatic Subependymoma"**, *The American Journal of Forensic Medicine and Pathology*, 23 (1); 63-67, 2002
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**PROFESSIONAL AFFILIATIONS:**

Michigan Maternal Death Review Team	2005-present
Troy Community Coalition, Advisory Board	2005-2010
O.C.M.S./O.C.B.A. Medical/Legal Committee	2003-present
Two North Regional Bioterrorism Advisory Committee	2003-present
Oakland County Domestic Violence Review Team	2003-present
Oakland County Child Death Review Team	1997-present
<i>Board of Editors</i> , American Journal of Forensic Medicine and Pathology	1996-present
<i>Board of Directors</i> , Grosse Pointe Community Science Foundation, Inc.	2001-2007
Governor Grahholm’s Elder Abuse Task Force	2005-2006
National Association of Medical Examiners	
<i>Board of Directors</i>	1999-2005
<i>Ethics Committee</i>	1991-1998
College of American Pathologists	
Canadian Association of Pathologists	
International Academy of Pathology, U.S. - Canada Division	
Michigan Society of Pathologists	
American Medical Association	

**PROFESSIONAL AFFILIATIONS CONTINUED:**

American Association of Neuropathologists

American Academy of Forensic Sciences

Michigan Association of Medical Examiners

International Society of Neuropathology

**EDUCATION:**

Faculty of Medicine, University of Belgrade, Belgrade, Yugoslavia 1975  
M.D.

St. Joseph's Hospital, San Francisco, CA 1972  
Clinical Externship

Pre-University. - III Gimnazija, Belgrade, Yugoslavia 1968

**MILITARY SERVICE:**

Yugoslav National Army 1976-1977  
*Regimental Medical Officer*

**POSTDOCTORAL TRAINING:**

Forensic Pathology, Office of the Chief Medical Examiner, State of Maryland, Baltimore 1986-1987  
*Russell S. Fisher Fellow*

Department of Pathology, University of Toronto, Toronto, Canada 1983-1984  
*Senior Resident, Neuropathology*  
*Clinical Instructor, Applied Neurosciences, 3<sup>rd</sup> and 4<sup>th</sup> year medical students*

Queen's University, Kingston, Ontario, Canada 1982-1983  
*Senior Resident, Hematopathology, Surgical Pathology, Neuropathology*  
*Clinical Instructor, Pathology, second year medical students*

Department of Pathology, Queen's University, Kingston, Ontario, Canada 1981-1982  
*Resident IV, Neuropathology*  
*Clinical Instructor, Pathology, second year medical students*

Department of Pathology, Queen's University, Kingston, Ontario, Canada 1980-1981  
*Chief Resident*  
*Clinical Instructor, Pathology, second year medical students*

Department of Pathology, Queen's University, Kingston, Ontario, Canada 1979-1980  
*Resident II, Anatomic Pathology*  
*Clinical Instructor, Pathology, second year medical students*

**POSTDOCTORAL TRAINING CONTINUED:**

Department of Pathology, Queen's University, Kingston, Ontario, Canada <i>Resident I, Anatomic Pathology</i> <i>Clinical Instructor, Pathology, second year medical students</i>	1978-1979
Medical Center Vrsac, Yugoslavia <i>General Practice</i>	1977-1978
Clinical Hospital of the City of Belgrade, Medical Faculty, Univ. Belgrade <i>Rotating Internship</i>	1975-1976

**PROFESSIONAL LICENSURE:**

Michigan  
New York



8 January 2020

Carrie E. Wood, Esq.  
Assistant District Attorney  
Conviction Integrity/Special Investigations Unit  
Philadelphia Office of the District Attorney  
3 South Penn Square  
Philadelphia, PA 19107

**Re: Barbara Jean Horn**

Dear Ms. Wood,

Please accept this communication as a biomechanical review and analysis of the above-referenced matter. The following materials were received for review in the preparation of this analysis:

- Testimony transcripts for:
  - Haresh Mirchandani, MD (Grand Jury, Trials 1 and 2);
  - Lucy Rorke, MD (Trials 1 and 2);
  - Louis Brenner (Trial 1);
  - Richard Saferstien, PhD (Trial 1);
  - Detective Manuel Santiago (Grand Jury);
  - Lieutenant Maureen Kelly (Trial 2);
- Homicide File/Police Investigation File;
- Various information pertaining to the lat bar;
- Medical Examiners Office file, including:
  - Autopsy worksheet;
  - Blood typing;
  - Diagrams illustrating external findings;
  - Autopsy report from Paul Hoyer, MD, PhD;
  - Typewritten notes of observations made by Paul Hoyer, MD, PhD;

Neuropathology report from Lucy Rorke, MD;

Toxicology report;

Certification of Identification for Barbara Jean Horn;

Photographs of the investigation scene and post-mortem examination;

- Statement of Walter Ogrod;
- Affidavits of Marcella Fierro, MD, Ian Hood, MD and Paul Hoyer, MD, PhD;
- Photographs of the basement of the residence of Walter Ogrod, 1986.

On 26 February 2019, I inspected and photographed an exemplar lat bar at the Office of the District Attorney in Philadelphia, Pennsylvania.

## **1. Incident Description**

According to the data available for review, the incident in question occurred on or around the afternoon hours of 12 July 1988. A Search Warrant and Affidavit record indicates:

*On Tuesday, July 12, 1988 at 5:30PM, Mr. Stanley ZABLOCKY, 60 w/m, residence 1409 St. Vincent's Street, Philadelphia, PA. went outside his residence to investigate a large cardboard box which had been left on his sidewalk. Upon opening the box on his sidewalk, Mr. ZABLOCKY looked inside and observed the body of a small white child, partially covered with a green plastic trash bag. Mr. ZABLOCKY stopped a marked police vehicle and directed the officer to the body.*

*Police Officer Erman HENDRICKS #1644, 2nd Police District, was interviewed on 7-12-88 inside the Homicide Division by Detective James MORTON #933. Officer HENDRICKS stated that he was assigned to Radio Patrol Car #23 and at 5:30PM, he was stopped by Stanley ZABLOCKY at Loretta and St. Vincent's Streets. ZABLOCKY directed the officer to the cardboard box on the sidewalk of 1409 St. Vincent's Street and the officer observed the body of a small white child who was obviously dead. The officer observed blood on the child's head and the child was partially covered with a green plastic trash bag.*

*Medical Examiner Investigator Eugene SUPPLEE arrived on the scene at 7:55PM on July 12, 1988 and pronounced the child, which was now determined to be a young white female. The decedent was identified as Barbara Jean HORN 4 W/F, residence 7245 Rutland Street. The decedent had been reported missing by her stepfather, John FAHY 27 W/M, and he had last seen her playing in front of her house on July 12, 1988 between 3:00PM and 3:30PM.*

*On Wednesday, July 13, 1988, Doctor Paul J. HOYER, Assistant Medical Examiner for the City and County of Philadelphia, conducted the post-mortem examination on the decedent Barbara Jean HORN. Dr. Hoyer determined that the cause of death was multiple blunt trauma to the head and the manner of death was Homicide.*

Ultimately, the police interviewed Walter Ograd, a 27-year-old white male (DOB 3 February 1965) who lived at 7244 Rutland Street (across the street from the decedent) at the time of the subject incident. An Investigation Interview Record cover sheet indicates that, on 5 March 1992, Mr. Ograd offered an account of events leading to the death of Ms. Horn (note that the typed transcript of the statement is dated 5 April 1992 as is the signature line of the handwritten interview transcript). He recounted being down in his basement with the decedent to "play doctor" with her. He stated that, at some point, he forced her head down and she started to scream. He stated:

*I don't know what happened to me then I just went crazy. I remember picking up what felt like a pipe at the time and I just started hitting her in the head. The best I can see it in my mind is that I was holding her head down and hitting her with this pipe. It might have been my small "pull down" bar to my weight set. I hit her at least four times maybe more. She didn't move after that. I got real scared after that. She was bleeding and I didn't know what to do. I grabbed some kind of cloth that was down there and I held it on her head to I could get her over the basin tub and when I got her by the tub I turned on the cold water and I either put her in the tub or held her under the faucet to clean her off. After that I think I left her in the tub and went out the back door to the garage and I opened the garage door to look in the garage to see if there was something inside to put her in. I found a green or blue trash bag and I went back in the basement and wrapped the bag around her to cover her and then I carried her out the back door to the garage. I didn't want nobody to find her in the basement. After I got her in the garage I put her down and covered her up some more with clothes in the garage and I left the garage, closed the door and went looking for something else to put her in. I walked up my back driveway towards St. Vincent St. and I saw this box in the back of the house near the corner so I grabbed it. I took the box back to the garage and I put Barbara Jean in the box and I put the bag on top of her and closed the box.*

Mr. Ograd stated that he tried to find a location to deposit the box, ultimately placing it near "some trash cans." He described the "pull down bar" from his weight set: "It's about 2 ft or 2 1/2 feet long and then both ends bend down about 8-9 inches."

## **2. Medical Findings for Barbara Jean Horn**

### **2.1. Autopsy Report for Barbara Jean Horn - Case 88-3336**

On 13 July 1988 at 0840 hours, a post-mortem examination and autopsy for Ms. Horn, Case 88-3336, was performed by Paul J. Hoyer, MD, PhD, Assistant Medical Examiner for the City of Philadelphia. The autopsy report indicates a date and hour of injury as 12 July 1988 between 1530 and 1630 hours, with the date and time of pronouncement of death as 12 July 1988 at 1852 hours. The report indicates that Ms. Horn was 4-1/2 years old, 42 inches tall and weighed 43 pounds. The pathologic diagnosis was:

1. Cerebral injuries
  - a. Scalp lacerations and contusions
  - b. Subarachnoid hemorrhage
  - c. Focal superficial brain lacerations and contusions
  - d. Mild brain swelling
2. Postmortem anthrapophagia

The Cause of Death was listed as "Cerebral Injuries" and the Manner of Death was "Homicide." The autopsy report lists the external evidence of injury as:

1. There is a 1 x 3/8 inch laceration of the left parietal region of the scalp centered 1-1/2 inches to the left of the midline, 1/2 inch below the top of the head and 3 inches above the top of the left ear. There is a 1/16 to 1/8 inch wide red zone of abrasion. The wound margins are somewhat irregular. The laceration extends into the scalp to a depth of 1/4 Inch. There are bridging fibers present in the depths of the wound. No fracture of the underlying bone is appreciated.
2. There is a 1-1/2 x 3/8 inch gaping scalp laceration of the left parietal region of the scalp centered 3/4 inches to the left of the midline directly above the left ear. There is a red 1/16 inch wide zone of abrasion on the anterior margin. Bridging fibers are appreciated in the depths of the wounds. No defect in the underlying skull is appreciated.
3. There is a 1-1/2 x 3/4 inch swelling associated with red skin discoloration of the left posterior parietal region of the scalp centered 3/4 inches to the left of the midline and 1 inch below the top of the head.
4. There is a 3/4 x 1/4 inch scalp laceration, centered 1/2 inch to the left of the midline and 1-1/2 inches below the top of the head. The long axis is oriented at 4 o'clock.



There are bridging fibers present in the depths of the wound. No defect of the underlying bone is appreciated.

5. There is a gaping 1-3/4 x 1/2 inch scalp laceration of the occipital region centered 1 inch to the left of the midline and 2-1/2 inches below the top of the head. Bridging fibers are appreciated in the depths of the wounds. There is no palpable skull defect.
6. There is a 1/8 x 1/16 inch yellow-pink superficial skin abrasion of the left side of the forehead centered 3/8 inches to the left of the midline and 3 inches below the top of the head.
7. There is a 3/16 x 1/8 inch pink-tan superficial skin abrasion of the forehead centered in the midline 3 inches below the top of the head.
8. There is a 1/4 x 5/16 inch red-blue bruise of the left side of the forehead centered 1-3/4 inches to the left of the midline and 3 inches below the top of the head.
9. There are 2 superficial pink-tan skin abrasions of the right side of the face measuring respectively 1/16 x 1/16 and 1/8 x 1/8 inches. They are separated by 1/16 inch of unaffected skin. This pair of injuries is located 1 inch to the right of the midline and 5 inches below the top of the head.
10. There is a slightly swollen 1-3/4 x 1 inch blue-purple bruise on the top of the left shoulder centered 4-1/2 inches to the left of the midline and 6 inches below the top of the head.
11. There are superficial red skin denudations of the back of the left thigh, back of the right hand and back of the right wrist. These are suggestive of postmortem anthrapophagia.

Figures 1, 2 and 3 (Appendix A) are excerpted from the post-mortem examination record and contain sketches of the various external findings detailed in the above list.

The report details related to the internal evidence of injury indicates that the brain weight was 1355 grams. The report indicates:

*The scalp is reflected to demonstrate no evidence of prior injury or disease. The calvarium is intact with no evidence of prior injury or disease. The dura is thin, fibrous and glistening. The leptomeninges are thin and transparent. The cerebral hemispheres are symmetrical. The gyri have a normal pattern and a decreased degree of prominence. The cerebellum, medulla and pons are normal on external surface. The vascular pattern at the base of the brain is unremarkable. The pituitary is present in the usual anatomic location.*

A post-mortem report related to the gross and microscopic neuropathology of Ms. Horn's brain, dated 24 October 1988, was prepared by Dr. Lucy Rorke. The

report of the gross examination indicates:

*The unfixed brain weight is 1355 grams. The brain is received in formalin. The hemispheres are symmetrical although there is some artefactual flattening of the right hemisphere. There is mild gyral widening and flattening throughout. The leptomeninges are transparent. There is an area of hemorrhagic infiltration into the lateral gyri of the occipital lobe. This area of discoloration involves a region measuring 3x2 cm. The tissue is not especially soft.*

*Examination of the ventral surface discloses a few scattered subarachnoid hemorrhages involving the cerebellum. There are two on the ventral aspect of the left cerebellar hemisphere and one involving the right tonsil. The orbital surfaces of the frontal lobes are free of abnormalities. There are bilateral uncal grooves but no parahippocampal herniation and no tonsillar herniation. The brain stem is not swollen. The vasculature is normally formed.*

*Section through the frontal lobes discloses no abnormality. The ventricular system is small. The corpus callosum is intact and no specific focal lesion is identified. The more posterior portions of the corpus callosum show fracturing of the fibers but there is no significant associated hemorrhage.*

*Section into the occipital lobe lesion discloses this is be quite superficial and involve only the cortex and there is no significant extension into the white matter.*

*Similarly, section into the superficial areas of damage In the cerebellum discloses that these do not extend into the folia. There are no obvious lesions of the brain stem.*

*Gross Dx: (Micro to follow)*

- 1. Acute head injury with focal contusions and lacerations*
- 2. Mild brain swelling.*

The microscopic examination report indicates:

*Multiple sections are evaluated but changes are widely scattered and subtle.*

*Cerebellar folia contain parenchymal and subarachnoid hemorrhage. Acute hemorrhage accompanies a horizontal tear in the corpus callosum but no cellular reaction or retraction balls are seen. Acutely necrotic oligodendroglia are scattered about the cerebral white matter. These display crinkly nuclear borders and have a faint rim of surrounding pink cytoplasm.*

*Large foam cells distend the Virchow-Robin space of a vessel in the subcortical white matter. Small perivascular mineral deposits are found in thalamus and*

*deep gray, and the pineal contains a small glial lined cyst. Otherwise, the only other finding worth noting is tissue congestion.*

*Microscopic Diagnosis:*

- 1. Acute callosal tear*
- 2. Acute necrosis of oligodendroglia in cerebral white matter.*

## **2.2. Typewritten Notes of Observations by Paul J. Hoyer, MD, PhD**

This document contains an itemized list of observations and notes related to the post-mortem examination of Ms. Horn. The notes indicate:

Autopsy disclosed five (5) blunt injuries [to the?] head causing four (4) lacerations.

Two (2) to back of the head

Two (2) to left side of the head.

NO SKULL FRACTURES

Cause of death Cerebral Injuries (HEAD INJURIES)

Manner of death Homicide

Bruise to left shoulder consistent with the head injuries.

NO SEXUAL ABUSE

NO OLD INJURIES

Post mortem ant bites

Weapon: Probably a 2x2 or 2x4. Something lighter than a baseball bat or tire iron.

According to the Certification of Identification document from the Office of the Medical Examiner, Ms. Horn's date of birth was 18 October 1983.

## **3. Hearing and Trial Testimony**

Mr. Ogrod underwent two trials, one in 1993 and one in 1996. Testimony at both trials was offered by the Chief Medical Examiner of the City of Philadelphia, Dr. Haresh Mirchandani, and the neuropathologist who performed the gross and microscopic brain examination, Dr. Lucy Rorke. Appendix B presents some of the salient testimony from both doctors as it relates to the proposed mechanism of Ms. Horn's post-mortem findings.

#### 4. Affidavits and Declarations

Following Mr. Ogrod's trials, post conviction relief efforts resulted in the submission of affidavits containing expert opinions related to the mechanism of Ms. Horn's post-mortem findings. The following section presents a summary of the opinions from Dr. Marcella Fierro, Dr. Paul Hoyer and Dr. Ian Hood submitted as part of this post-conviction relief process.

##### 4.1. Affidavit of Dr. Marcella Fierro, 14 September 2010

The Affidavit indicates, in part:

###### *Conclusions*

*Attached hereto as Exhibit C are detailed photographs of the bruising on the back of the victim. Based upon my review of these photographs it is my opinion, to a reasonable degree of medical certainty, that the weight bar I examined did not cause the injuries to the victim's back. This conclusion contradicts with Mr. Ogrod's confession, in which he does not discuss using any weapon other than the weight bar (or possibly a "pipe"). My conclusion also contradicts the trial testimony of Dr. Merchandani [sic], who testified that the injuries to Barbara Jean Horn's body were consistent with having been inflicted by the weight bar.*

*The bruising on the victim's back shows a distinctive pattern. Each contusion shows a distinctive pattern that includes two central parallel lines and two oblique parallel lines impressed into the victim's skin. The pattern was imprinted into the flesh by the weapon used to make the blows to the back. The imprints indicate that the blows were made with considerable force. Most importantly, the pattern evident in each contusion on the back supports the conclusion that the weapon used to make the blows was flat on one side. This pattern could not have been caused by the weight bar, or any other smooth cylindrical object similar to the weight bar. This bruising was caused by the victim having been hit hard by a blunt, flat object with a distinctive pattern on its surface, such as a golf club.*

*I have discussed this conclusion with Dr. Hoyer, who was the medical examiner who performed the autopsy of Barbara Jean Horn. Dr. Hoyer agrees with me that the weight bar could not have caused the bruises to Barbara Jean Horn's back and that the bruising was caused by a different kind of blunt object with a specific pattern on its surface. Dr. Hoyer also believes that a golf club could have caused this bruising.*

*The autopsy photographs also show that the victim sustained four lacerations in her head and one smaller contusion. It is likely that the same object was used to cause the blows to the head and back since it is rare that multiple weapons are used when blunt force trauma is evident on a victim's body. A round object causing lacerations in the skin of the victim's head will leave abrasions on both sides of the laceration. A flat object with an edge will leave a laceration that has*

*less abrasion and if at an angle more marked on one side of the wound. The photographs of the lacerations in Barbara Jean Horn's head evidence an abrasion on one side of the wound. This is further evidence that the weapon used to hit the victim was flat with an edge in some respect. The weapon was not a round shape like the weight bar or a pipe.*

*The autopsy records and photographs show that the lacerations to the head and scalp of Barbara Jean Horn were significant wounds that would have bled profusely. The skin covering the human head contains many blood vessels, and a laceration of the head will break many veins and rapidly release a large amount of blood. Human blood is sticky and hard to clean up. Blood is very difficult to clean up at a crime scene, and its residue can be discovered years later. It is my opinion that there would have been significant amounts of blood present at the scene of Barbara Jean Horn's murder.*

*In what was presented to me as Mr. Ograd's signed confession, he describes picking up the victim and transporting her to a sink after the blows to the head were inflicted. In my opinion, given the nature of the injuries to the victim's head, it would have been virtually impossible for Mr. Ograd to carry the victim's body without getting significant amounts of blood on his person or his clothes. Additionally, there would have been substantial amounts of blood on the floor and on any rug or nearby furniture that would have been very difficult to clean up or remove.*

#### **4.2. Affidavit and Declaration of Dr. Paul J. Hoyer, 15 June 2017**

The Affidavit from Dr. Hoyer indicates, in part:

*I, Paul J. Hoyer, M.D., Ph.D., do hereby declare and verify as follows:*

*1. In 1988 I was employed as an Assistant Medical Examiner in the Office of the Medical Examiner for the City of Philadelphia. In that capacity, I performed the autopsy of Barbara Jean Horn on July 13, 1988. I understand Walter Ograd was arrested for her murder. At the time of Mr. Ograd's first trial in 1993, I was still employed by the Philadelphia Medical Examiner's Office, but was not called to testify in his case. By the time of Mr. Ograd's second trial in October of 1996, I was no longer employed at the ME's office, but was living in Philadelphia and available to testify. I was not asked by either the prosecution or defense to testify at Mr. Ograd's second trial.*

*2. I recently reviewed documents pertaining to the case including the postmortem report that I prepared, external photographs of the deceased and her injuries, the testimony of Dr. Haresh Mirchandani at Mr. Ograd's second trial, a copy of Mr. Ograd's confession, and a weight bar provided to me by Mr. Ograd's attorneys, who indicated it was the same make and model as the weight bar introduced at trial and portrayed by the prosecution as the weapon that caused the fatal injuries to Barbara Jean Horn.*

3. I also reviewed a one page typed document that contains a series of observations relating to the autopsy. This document was typed by Sgt. Robert A. Snyder records various observations that were made by me during the autopsy. One of the observations recorded in these notes is that the murder weapon was "probably a 2x2 or 2x4." I think Sergeant Snyder did not accurately quote me in this regard. I would have said the murder weapon "could have been a 2x2 or 2x4." This observation is based upon my conclusions regarding the likely weight, shape and finish of the murder weapon.

4. The victim sustained four significant lacerations to her head and one smaller head contusion, but her skull was not fractured. The skull of a four year old child is thinner than the skull of an older person and therefore more susceptible to fracturing. The lack of skull fractures indicates to me that it is unlikely that the murder weapon was the type of weight bar shown to me by counsel - which I determined weighs approximately 4 pounds. It is more likely that a lighter, less dense object, such as a wooden object, was the murder weapon.

5. The multiple wounds to the victim's scalp bled profusely. It is virtually certain that blood would have transferred to the murder weapon and the perpetrator's clothes and plausible that blood would have spattered onto the ceiling, floor and walls of the basement where the murder purportedly occurred.

#### **4.3. Affidavit of Dr. Ian Hood, 18 January 2018**

The Affidavit from Dr. Hood indicates, in part:

*Photographs of Barbara Jean Horn show that she sustained 2 lacerations of the left side of her scalp and two of the back of the head with no underlying skull fractures but her brain showed features of acceleration and deceleration and rotational injuries from these blows that were responsible for her death. She also had irregular bruises over the top of the left shoulder and in the area of each shoulder blade on her upper back. The lacerations were all quite uniform straight with minimal abrasion of their edges and not associated with much surrounding bruising which argues against their having been caused by a relatively broad surfaced object such as a 2 by 4 piece of lumber as claimed in the affidavit of Dr. Paul Hoyer and report of Dr. Marcella Fiero [sic] even if the perpetrator was able to succeed in striking the decent with just the edge of such a piece of lumber with all four responsible blows which would have been almost impossible to achieve. The exemplar weight pull down bar I have examined has a protruding central rectangular portion of steel about 1 inch square that would cause just the kind of minimally abraded and straight, minimally bruised lacerations found on the scalp of Barbara Jean Horn, especially if the bar were held at each end as intended for its original use and the central portion used to make contact with the head of Barbara Jean Horn, but it is somewhat shorter than the lacerations. However, I have noted quite some variability in the length of this rectangular portion between other examples of such weight lifting bars that contains a hole for the attachment of a cable that is then passed over a pulley to the weights being lifted and it is probable that the bar which was used to inflict the fatal*

*injuries on Barbara Jean Horn did have an appropriately sized cable attachment to cause just the lacerations found on her scalp.*

*Alternatively, the weight pull down bar may have been gripped at one end like a baseball bat and swung into the head of Barabara Jean Horn in which case its approximately 3/4 inch diameter would result in thinly abraded straight lacerations as noted in the trial testimony of Dr. Haresh Mirchandani but with more bruising so long as the child survived for the few minutes necessary for that to become apparent. The exemplar bar also has several bends in it to create a somewhat "W" shape and it would therefore be less likely to produce a skull fracture if swung while gripped at one end as would a straight bar or 2 by 4 piece of lumber making the exemplar bar the more likely weapon to have produced the fatal injuries on the head of Barbara Jean Horn.*

*The bruises over the top of the left shoulder and shoulder blade regions of Barbara Jean Horn did not cause her death and are irregular with no defining shape or pattern that I can discern contrary to the assertions of Drs. Hoyer and Fiero [sic] and as far as I can determine they could have been made with almost any object including the exemplar bar, especially one of its rubber covered ends, or by even incidental impact with a floor, wall or other piece of furniture while being assaulted. There is nothing about these injuries that favors a 2 by 4 piece of lumber or any other object as having caused them and they were incidental to the blows that caused the death of Barbara Jean Horn.*

*In summary, it is my opinion within a reasonable medical certainty, that Barbara Jean Horn died from blows to the head by an object that was entirely consistent with the type of weight pull down bar provided to me as an example of the kind of weapon used to kill her and not a broad surfaced heavy rectangular object such as a 2 by 4 or any other piece of lumber.*

## **5. Assignment**

The Office of the Philadelphia District Attorney, Conviction Integrity/Special Investigations Unit, has requested that I review the testimony and underlying evidence presented at the various proceedings and trials of Walter Ograd. I have been asked to review the opinions of Drs. Mirchandani and Rorke, specifically, as they relate to the biomechanics of the injuries sustained by Ms. Horn documented in the post-mortem examination. I have been asked to determine if the hypothetical injury mechanism that the head injuries sustained by Ms. Horn were the result of being struck by the "lat bar" is biomechanically compatible with Ms. Horn's post-mortem findings. I have also been asked to review the affidavits and reports from Drs. Fierro, Hoyer and Hood, and comment on the opinions contained in these documents, where appropriate, based on my field of expertise.

## 6. Biomechanical Analysis

Biomechanics is a science in the field of Bioengineering. The study of Biomechanics is based in the disciplines of physics, mechanics and the biological and natural sciences. Human Injury Biomechanics is the study of failure of the human body, anatomical region, organ, tissue or cell – this failure may be structural or functional and is commonly known as “injury” or “trauma” in the clinical setting.

The goal of human injury biomechanics is to analyze and understand the mechanical causes of trauma with the aim toward developing prevention, intervention and rehabilitation strategies. Common examples of human injury biomechanics research and application are found in the automotive, military, high-performance, recreational, athletic, industrial and clinical environments. The application of the principles of biomechanics permits the analysis of a particular event to determine whether the loading environment<sup>1</sup> presents the potential for failure of specific anatomy (i.e., “injury”). The data and methodologies upon which this analysis is based are published in peer-reviewed journals and texts and are generated by public and private research programs housed in university engineering, science and clinical programs, industry laboratories and governmental agencies, all of which are interested in understanding injury with an engineering, evidence-based approach.

Despite the extensive life sciences training associated with biomechanical education and research, biomechanical engineers are not medical doctors. The biomechanical engineer does not perform medical diagnosis and embraces the diagnosis within the medical records often provided for review in matters related to injury analysis.

In a prospective approach, the science of biomechanics may be applied to further our understanding of an injurious environment with the goal of developing protective countermeasures to prevent injury from occurring; similarly, once the injury has occurred, our understanding of the mechanism of that injury permits engineers, scientists and clinicians to develop therapeutic interventions (pharmacological, surgical, etc.) and rehabilitative strategies for recovery.

In a retrospective approach, one may apply the principles of biomechanics to analyze a particular event to determine whether the loading environment present during that event provided the potential for various forms of trauma and, if so,

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1. “Loading environment” refers to the physical forces (loads) acting on the human body in a given event to potentially cause failure (injury).



what types of trauma are to have been expected. Using these methodologies, the loading environment that produced a specific portrait of trauma may be reconstructed.

### **6.1. Exemplar Lat Bar Inspection, 26 February 2019**

During the various hearings and trials related to the subject incident the mechanism for the production of all of the post-mortem external findings of injury were attributed to blunt impact to the body from the "pull down bar" or "lat bar," as stated by Mr. Ograd in his interview with police in 1992. The original lat bar that was presented as an exhibit in the two trials was not made available to me for inspection and measurement, and there were no photographs of the trial exhibit that documented the lat bar alleged to have caused the injuries. Coincidentally, an unrelated police investigation had previously taken place in the basement of the house occupied by Mr. Ograd at the time of the subject incident - photographs of the basement taken in connection with this unrelated event depict the lat bar resting against the wall adjacent to a piece of weight lifting equipment (Figure 4, Appendix A). As part of my analysis of the subject incident, I was presented for inspection an exemplar lat bar that was represented to me to be similar to the subject lat bar presented at trial. I inspected, photographed and measured the exemplar lat bar at the Office of the District Attorney on 26 February 2019. Figure 5, Appendix A, depicts the exemplar lat bar as documented during my inspection.

The lat bar is constructed of chromed steel tubing and consists of a central length of tubing with handles at each end that are angled at approximately 45° to the central length of the bar. Affixed to the center of the bar is a tab, constructed from 0.25 inch thick plate, with a hole in it for attaching the lat bar to the weight lifting machine with which it is intended to be used. The joint between this tab and the central length of the lat bar is covered with a cylindrical piece of foam rubber. The handles of the bar are covered in thin, rubberized grip material. The diameter of the central length of the bar is approximately 1 inch, and the diameter of the grips on the handles at each end of the bar is 1.25 inches, implying that the grip material is approximately 0.125 inch thick. The exemplar lat bar weighed 3 lb 3 oz. Figure 5 includes photograph and a schematic diagram of the exemplar lat bar with some of the dimensions of the bar indicated for reference.

### **6.2. Analysis**

According to the data available for review, Ms. Horn was found deceased, partially covered with a green plastic trash bag within a cardboard TV box placed

on the sidewalk. The data indicate that Ms. Horn was found with four lacerations of the scalp, two generally located on the vertex of the head near the sagittal midline and two on the occipital area of the head near, or to the left of, the sagittal midline. There were also three distinct areas of contusion on the upper posterior torso area, one on the lateral aspect of the left shoulder, one on the left scapula and one on the right scapula. Photographs of these contusions indicate that they are generally ovoid in shape, with the one long end generally narrower than the opposite long end (one might envision this as flame-shaped, with the base of the flame wider than the tip of the flame). The areas of contusion generally exhibit red/purple discoloration around the perimeter, with a patch within each area of contusion that exhibits less discoloration of the skin. Based on a scale placed next to each contusion in the autopsy photographs, each contusion is generally approximately 1.5 inches long by approximately 0.75 inches wide. The two contusions on the shoulder blades are located just lateral to the medial border of each scapula and inferior to the spine of each scapula, as if they are mirror images across the body's sagittal plane of symmetry. The neuropathology results suggest that Ms. Horn sustained brain injury that resulted in mild brain swelling, subarachnoid hemorrhage and laceration of the corpus callosum, consistent with, according to Dr. Rorke's testimony, a coup-contrecoup injury and/or diffuse axonal injury (DAI). Both Dr. Mirchandani and Dr. Rorke testified that these findings were the result of blunt impact to the head, consistent with impact from the lat bar.

Drs. Hoyer and Fierro disagree with the opinion that the external evidence of injury was the result of impact from the lat bar. Dr. Hoyer noted in his affidavit that the external evidence of injury was likely from a lighter, less dense object such as a wooden object, similar to the notes made at the time of autopsy ("something like a 2x2 or 2x4"). Dr. Fierro indicated that the lacerations and contusions were likely caused by the same object, one that had a distinct pattern or edge to it, proposing that an object such as a golf club would fit this description. Dr. Fierro also indicated that she spoke with Dr. Hoyer about the matter, and that they both agreed that a golf club would be consistent with the external findings. Finally, Dr. Hood opined that the lacerations were not consistent with impact from a piece of wood, but were consistent with the head's being struck by the tab mounted at the center of the lat bar. Dr. Hood also opined that the contusions had no pattern that he could discern and could have been made by any object, including the lat bar.

The findings and opinions contained in the data available for review suggest that Ms. Horn sustained blunt impact to the head resulting in brain injuries, as well as blunt impact trauma to the upper posterior torso. The inference that must be

drawn from the previous testimony is that Ms. Horn was struck on the head with sufficient force to produce closed head injury - Dr. Rorke's testimony suggested that Ms. Horn sustained coup-contrecoup trauma and/or DAI resulting from acceleration of the head that produced relative motion between the brain and the skull and stretched and tore the corpus callosum. The various experts express disagreement about the weapon used to inflict the observed findings, and these disagreements appear to be based on geometric arguments related to the shape and nature of the observed superficial findings (lacerations, contusions) or the weight or physical properties of the object (soft wood, rounded edge of light weight 2x4, patterned edge of a golf club).

All of these opinions are generally speculative and ignore the biomechanical inconsistency underlying the premise that Ms. Horn was struck multiple times in the head with sufficient force to produce fatal brain injury but *without the production of skull fracture from the applied impacts*. Had Ms. Horn been struck with force sufficient to produce moderate to severe levels of DAI (i.e., tearing of the corpus callosum) the force that must have been applied to the head to accelerate Ms. Horn's brain beyond its injury tolerance would have exceeded Ms. Horn's skull fracture tolerance<sup>2</sup>. In this regard, one would expect Ms. Horn to have sustained skull fractures underlying the locations where the impact force would have been sufficiently great to produce the brain injury mechanisms proposed by Dr. Rorke. Had these impacts been delivered with the lat bar, the resulting fractures would probably have had a comminuted, depressed element given the bar's relatively small projected area and the focused cylindrical surface that would have been driven into Ms. Horn's scalp and skull. In addition, these impacts would probably have resulted in focal contusions to the cortical surface underlying the location of the impacts, as well as inertially-induced vascular trauma - for example, acute subdural hemorrhage (SDH). The data available for review indicate none of these findings in the post-mortem examination. From a biomechanical perspective, the proposed mechanism of multiple blunt impacts to Ms. Horn's head from the lat bar is not biomechanically compatible with the evidence available for review and can be reasonably ruled out as a cause of the findings in Ms. Horn's autopsy report.

### 6.3. Commentary on the Opinions Presented at Trial and in Affidavits

The following discussion will provide commentary on the various expert opinions as they relate to the mechanism of Ms. Horn's findings and the hypothesis that

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2. Please see Appendix C of this report for a detailed description of the analysis performed to support this conclusion.

they resulted from blunt impact to the head and torso, delivered by the lat bar.

### **6.3.a. Opinions of Dr. Haresh Mirchandani**

In the Grand Jury testimony and two separate trials, Dr. Mirchandani testified that the external findings of injury observed at autopsy were the result of blunt impact to Ms. Horn's head and upper torso. He testified that the findings were consistent with being caused by blunt impact from the lat bar shown as an exhibit at trial, but acknowledged that he "could not say" [Trial 1, 450] that the lat bar was the weapon used to inflict the observed findings, and "I can't say if [the lat bar] was the object, no way." [Trial 2, 126] Dr. Mirchandani reasoned that the size (diameter) of the tubing of the lat bar was similar to the width of the contusions on Ms. Horn's scapulae and shoulder, and that the lacerations on Ms. Horn's scalp similarly resulted from blunt impact from the bar. Dr. Mirchandani pointed out that the soft tissue of the scalp sustained lacerations because the skin was backed by bone, versus the scapulae and shoulder sustaining contusions because of the underlying soft tissue and muscles in those anatomical regions. Dr. Mirchandani testified that there were no fractures underlying these areas of blunt impact, and reasoned that this was because a child's skull is more pliable and less likely to fracture than an adult's.

In general, Dr. Mirchandani's opinions are based on the geometric similarity between the width of the shoulder contusions and the diameter of the lat bar - in fact, Dr. Mirchandani testified to this in the second trial, indicating that this opinion "has more to do with the dimensions [of the wounds and the lat bar] than anything else." [127, Trial 2] Given this testimony, Dr. Mirchandani has implied that Ms. Horn was struck with the cylindrical tubing section of the lat bar, versus the end of a handle or the tab projecting from the center of the bar. His opinion is not, however, biomechanically compatible with the totality of the observed findings (and lack thereof) documented in the evidence available for review. One particularly glaring inconsistency in this regard is the lack of fractures underlying the lacerations on the scalp (as discussed previously); and, possibly, the lack of fractures underlying the contusions on each scapula. As depicted in Figure 6, Appendix A, the lat bar would have had to penetrate the overlying soft tissue fully and penetrate the underlying bony tissue partially to produce contusions and lacerations that were the dimension of the lat bar's full projected diameter (the lat bar is one inch in diameter and the scalp thickness, for example, is 0.25 inch according to Dr. Mirchandani). In other words, for the lat bar impacts to have produced the superficial injuries to the scalp and scapulae (laceration and contusion), there would necessarily have been fracture to the underlying bony tissue, findings explicitly absent on post-mortem examination.

Dr. Mirchandani attempted to explain why the inflicted blows were forceful enough to result in the scalp lacerations and brain trauma, but not skull fractures:

*There was not force enough to cause fractures but you must also realize that child's bones, they don't fracture very easily. They bend before they break. So if it was an older person, certainly in an older person, one would have seen the fracture and the reason you don't see a fracture in the child, the child's bones are very soft and pliable. [Trial 1, 455]*

This explanation is factually inaccurate and conflates failure force ("force") with stiffness ("pliable"), two distinctly different mechanical properties of the skull that affect its response to external loading. In fact, the failure load for the immature pediatric skull is significantly less than that of the adult skull, even for a four year old. In other words, the skull of a young child, such as Ms. Horn, will fail and fracture at a lower level of force (or stress, when accounting for area) than the adult skull, all else being equal (for example, the area of the contact surface). In contrast, the stiffness of the child's skull will affect how much the child's skull will *deform* during the application of a force, but it has little to do with the force (or stress) required to produce fracture. While Dr. Mirchandani testified at trial about the mechanisms of the external findings of injury, it is apparent that he did not understand the fundamental aspects of those injury mechanisms as they relate to the impact response of the skull and brain of the young child.

### **6.3.b. Opinions of Dr. Lucy Rorke**

Dr. Rorke's testimony related to the mechanism of Ms. Horn's neuropathology is vague and ill-defined. It is almost impossible to perform a specific biomechanical analysis of Dr. Rorke's opinions because Dr. Rorke opined that Ms. Horn sustained coup-contrecoup injury in Trial 1 and diffuse axonal injury in Trial 2, two distinctly different injuries with two distinctly different injury mechanisms. Further, it is not clear when reviewing the testimony given by Dr. Rorke if she believes that Ms. Horn sustained both coup-contrecoup injury *and* DAI, or if Dr. Rorke changed her explanation for the neuropathological findings between trials.

Coup-contrecoup<sup>3</sup> injury describes a pathological entity in which the brain sustains contusion under the area of an impact (the "coup" injury) and at an area directly opposite the area of impact (the "contrecoup" injury). An example of a

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3. The naming of this pathological entity is from the French: *coup* meaning "strike" or "blow" and *contrecoup* meaning "against" or "opposed" to the blow.

classic coup-contrecoup injury is one in which a person sustains an impact to the occipital region of their head (the back of their head), resulting in a coup injury in the occipital region of the brain, as well as a contrecoup injury to the frontal lobe of the brain opposite the point of impact. While the exact mechanism of a coup-contrecoup injury is not known precisely (explanations include wave propagation through the brain, as well as cavitation at the point of the contrecoup injury) the injuries result from direct contact loading from the impact itself. This is in distinction to the mechanism for diffuse axonal injury, a pathological entity which is characterized by injury to the white matter axonal tissue of the brain. DAI is the result of angular acceleration of the head, resulting in the brain's lagging the head's motion during rotation, deforming the brain and causing the axons to stretch and become dysfunctional. While coup-contrecoup trauma is the result of the contact loading acting on the head during an impact, DAI is the result of the acceleration of the head induced by the impact. As such, DAI is often referred to as an "inertially-induced" brain injury, meaning that it is the result of the mass of the brain (its inertia) and its motion relative to the head when the head is accelerated.

In the first trial, Dr. Rorke substantiates the coup-contrecoup mechanism by referring to pathology in the occipital region (the "coup" site), but the evidence of cortical contusion under the occipital "impact" site is vaguely described, if at all. Further, there is no description of "contrecoup" injury in the frontal regions where the contrecoup pathology would be expected to occur. The specific nature and extent of the neuropathological findings in the occipital region is not detailed in Dr. Rorke's report and no photographs or other documentation of these findings was available for review.

In the second trial, Dr. Rorke appears to substantiate the DAI injury mechanism with reference to the tear in the corpus callosum; however, due to the absence of observable hemorrhage in the region of the tear, it is not clear if this observation is simply post-mortem artifact or a real finding of primary, acute brain trauma. Dr. Rorke also does not appear to resolve the absence of other inertially-induced brain injuries that would be expected to occur with such severe rotational acceleration of the brain resulting in DAI, for example, acute subdural hematoma (SDH). For decades, Dr. Rorke has associated angular acceleration of the head with acute SDH in cases of alleged child abuse - it is not clear why Ms. Horn's post-mortem neuropathological findings would have suggested to Dr. Rorke an inertially-induced brain injury mechanism, given the absence of findings, such as acute SDH, that should be present under such loading conditions.

Finally, Dr. Rorke admits that she cannot explain the reason why Ms. Horn sus-

tained the observed brain injuries without sustaining skull fractures, offering the testimony “As I said, sometimes you get a fracture, sometimes you don’t and I don’t know how to explain why that occurs.” The inability to explain these paradoxical findings suggests that the findings are not compatible with blunt impacts to Ms. Horn’s head delivered with the lat bar - in spite of this, Dr. Rorke testified that the neuropathological findings she documented were “quite consistent” with being caused by a blunt object and that the lat bar “certainly would” cause the injuries Ms. Horn sustained if she were struck by it. In the context of this biomechanical analysis, the head accelerations required to produce moderate to severe DAI would necessarily require impact forces from the lat bar that would have produced skull fractures, findings absent in the post-mortem examination (please see Appendix C for the quantitative basis for this conclusion).

### ***6.3.c. Opinions of Drs. Fierro, Hoyer, and Hood***

Like the opinions presented by Dr. Mirchandani and Dr. Rorke, the opinions presented by Drs. Fierro, Hoyer and Hood all accept or embrace the notion that Ms. Horn’s injuries were the result of blunt trauma - the difference in their opinions essentially lies in the determination of the object used to inflict the trauma. Dr. Fierro makes no mention of the lack of skull fracture in the context of the inflicted blows. Although Dr. Fierro concludes that the blows are consistent with an object such as a golf club, it is not possible for me to comment further in this regard because Dr. Fierro offers no specifics about the club itself, or the part of the club that she believes struck Ms. Horn. Dr. Hood presents two theories for his determination that the lat bar impacted Ms. Horn. First, Dr. Hood opines that the rectangular tang of the lat bar was the impact surface and caused the lacerations to the scalp - of course, this rigid, edged portion of the lat bar would necessarily concentrate the impact force and cause comminuted, depressed skull fractures if it actually contacted Ms. Horn’s head with sufficient force, findings absent on post-mortem exam. Second, Dr. Hood comments that “The exemplar bar also has several bends in it to create a somewhat ‘W’ shape and it would therefore be less likely to produce a skull fracture if swung while gripped at one end as would a straight bar or 2 by 4 piece of lumber making the exemplar bar the more likely weapon to have produced the fatal injuries on the head of Barbara Jean Horn.” It is not entirely clear what Dr. Hood means by this peculiar statement, but it appears he is somehow implying that the bends in the exemplar lat bar make it less likely to produce skull fracture - it is difficult to comment on this statement without further clarification. However, this statement still does not reconcile the opinion that the lat bar was used to strike Ms. Horn and produce fatal brain injury without producing skull fractures at the points of impact. Finally, Dr. Hoyer attempts to reconcile the lack of skull fracture by stat-

ing that “The skull of a four year old child is thinner than the skull of an older person and therefore more susceptible to fracturing. The lack of skull fractures indicates to me that it is unlikely that the murder weapon was the type of weight bar shown to me by counsel - which I determined weighs approximately 4 pounds. It is more likely that a lighter, less dense object, such as a wooden object, was the murder weapon.” While this intuitive conjecture might rule out the lat bar, it does not reconcile how a lighter or less dense object delivered impacts to the head significant enough to produce fatal brain injuries in the absence of skull fracture. All of these opinions, more or less, fall victim to the same internal inconsistency as those of Drs. Mirchandani and Rorke, for the reasons previously discussed.

## **7. Conclusion**

The evidence available for review indicates that Ms. Horn was a four-year, nine-month old female child who was found deceased shortly after being reported missing by her father. According to the data provided for my review, Walter Ograd provided an account of striking Ms. Horn multiple times with the lat bar presented as the murder weapon during Mr. Ograd’s trials. This injury mechanism was adopted by the Chief Medical Examiner, Dr. Haresh Mirchandani, and neuropathologist, Dr. Lucy Rorke, during Mr. Ograd’s trials. From a biomechanical perspective, Ms. Horn’s post-mortem findings are not compatible with this hypothetical injury mechanism, especially in the absence of skull fractures and underlying focal brain injuries that would have necessarily occurred from impacts sufficient to produce the brain injury mechanisms proposed by Dr. Rorke. Similarly, the lack of fracture to the scapulae underlying the contusions on Ms. Horn’s upper posterior torso is not compatible with being struck by the lat bar.

These opinions are based upon my training, experience and knowledge within the field of human injury biomechanics as well as the methodologies, data and literature within the peer reviewed journals and texts in the relevant scientific, clinical and engineering communities. I reserve the right to amend or supplement my findings should additional information become available.

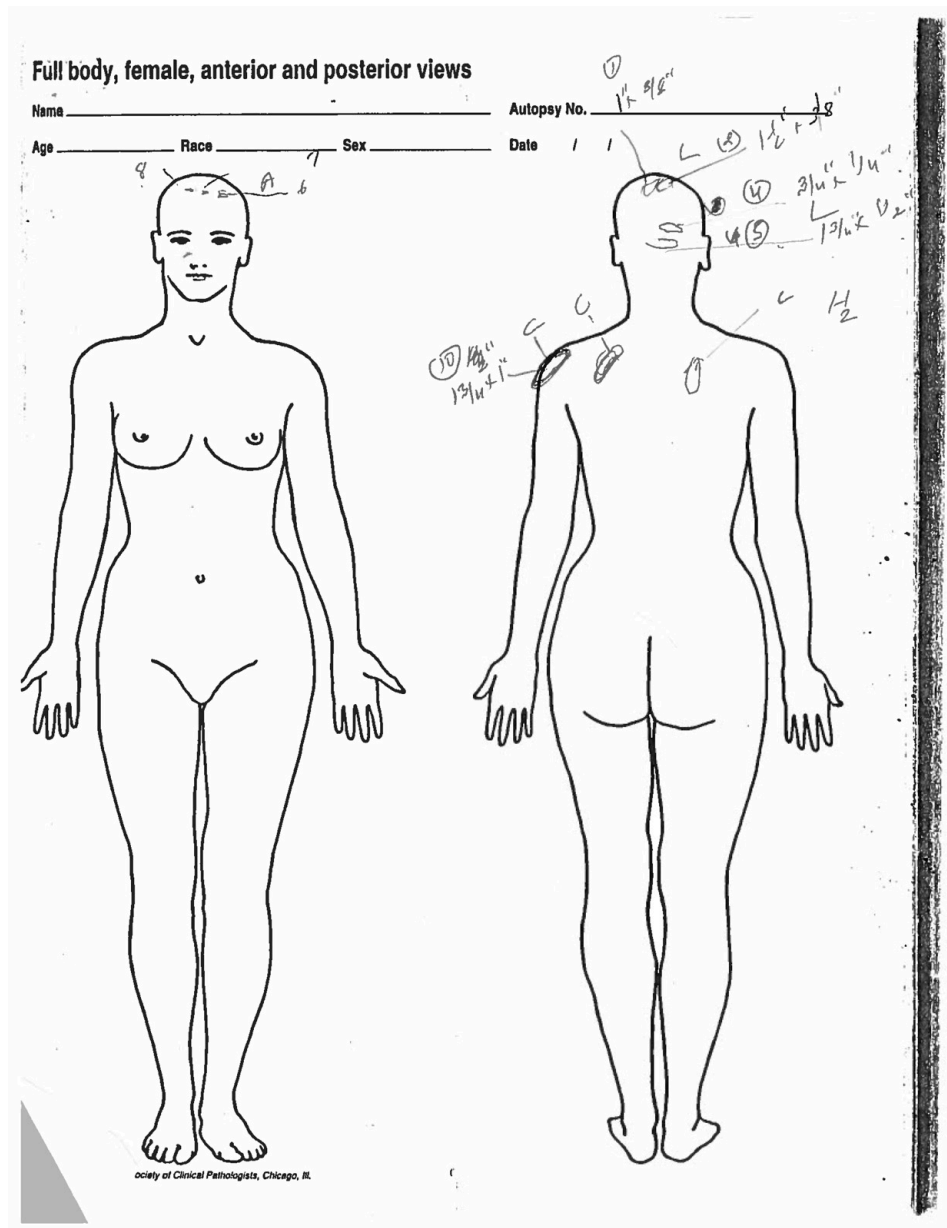
Yours truly,

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

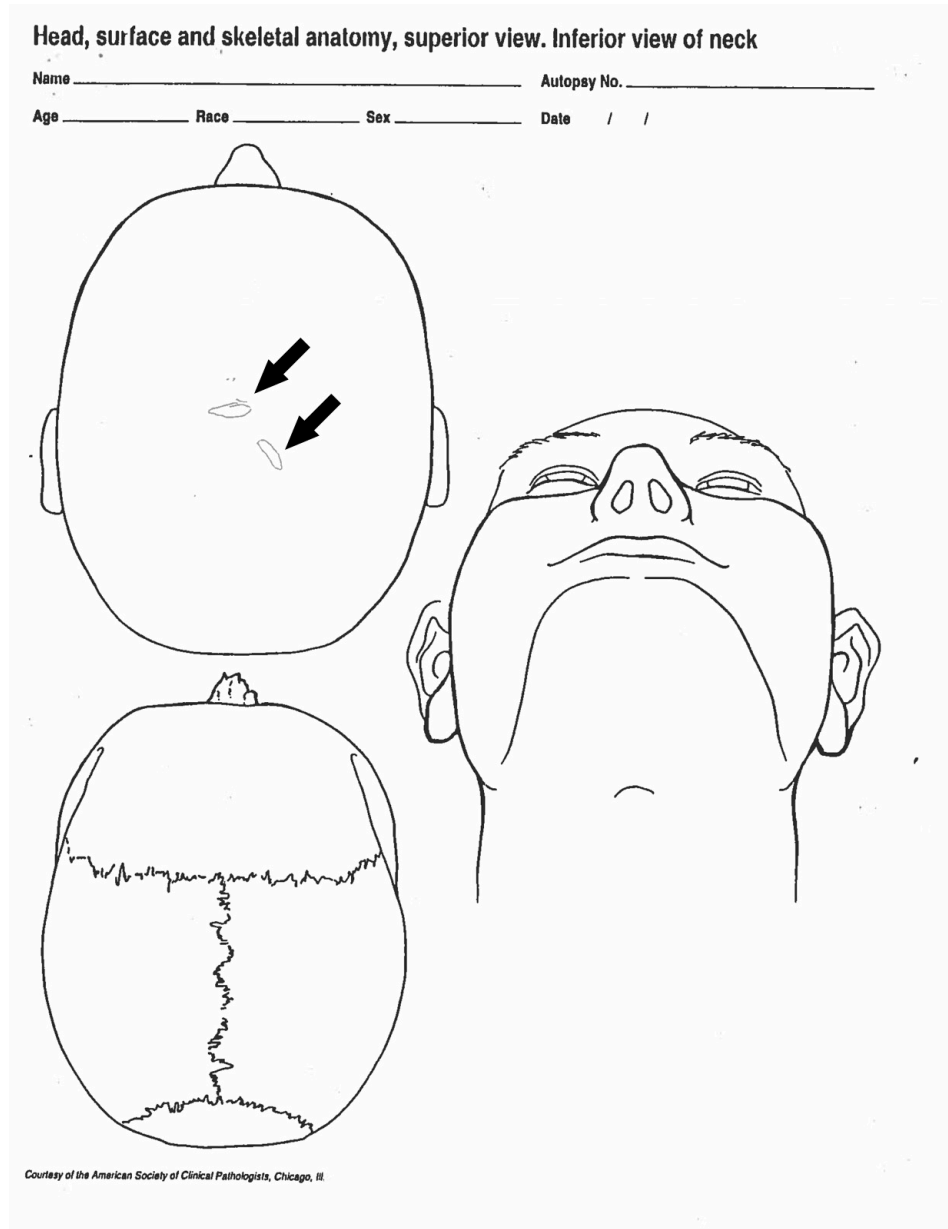
Kirk L. Thibault, PhD



## 8. Appendix A - Figures



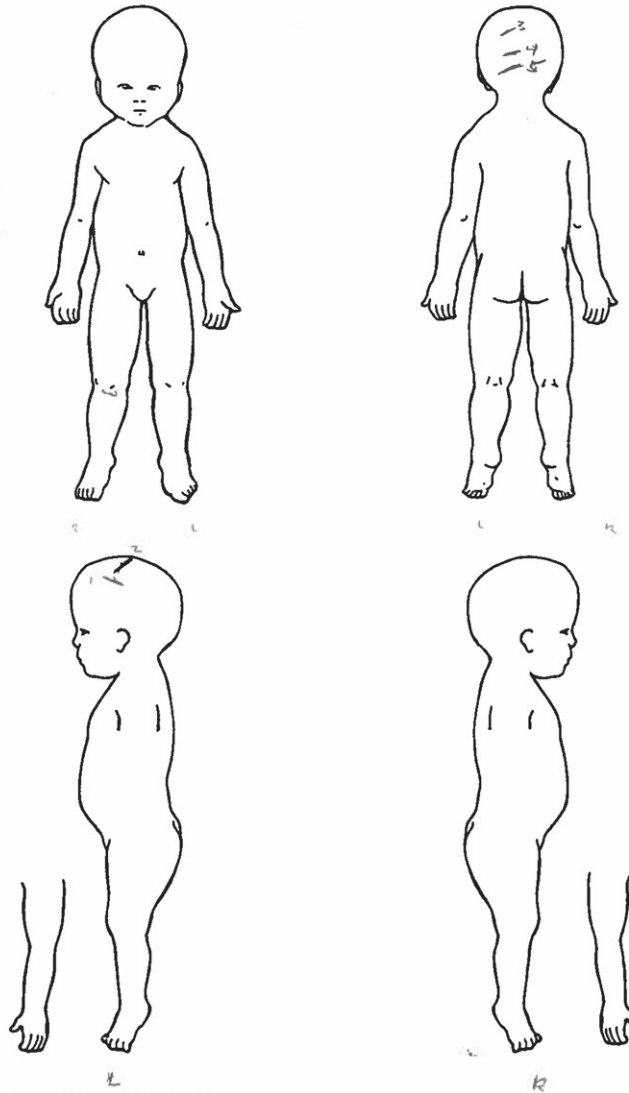
**FIGURE 1:** Whole body diagram from the post-mortem examination for Ms. Horn indicating the findings of external injury to the posterior aspect of the body.



**FIGURE 2:** Head diagram from the post-mortem examination for Ms. Horn indicating the findings of external injury to the head.

Infant, ventral, dorsal, and left and right lateral views

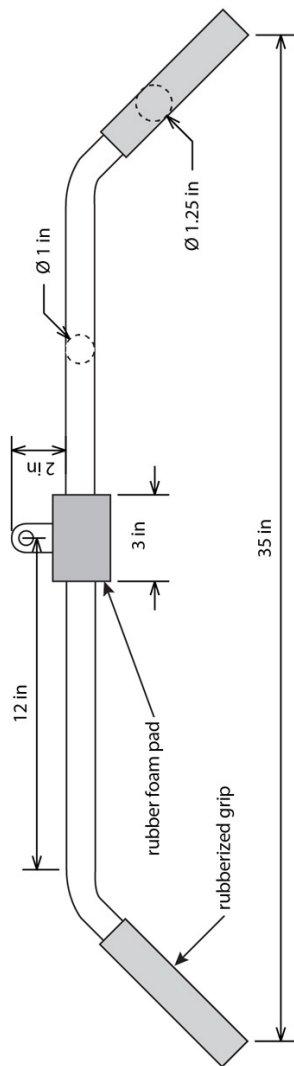
Name Horn Autopsy No. 3336  
Age \_\_\_\_\_ Race \_\_\_\_\_ Sex \_\_\_\_\_ Date 7/31



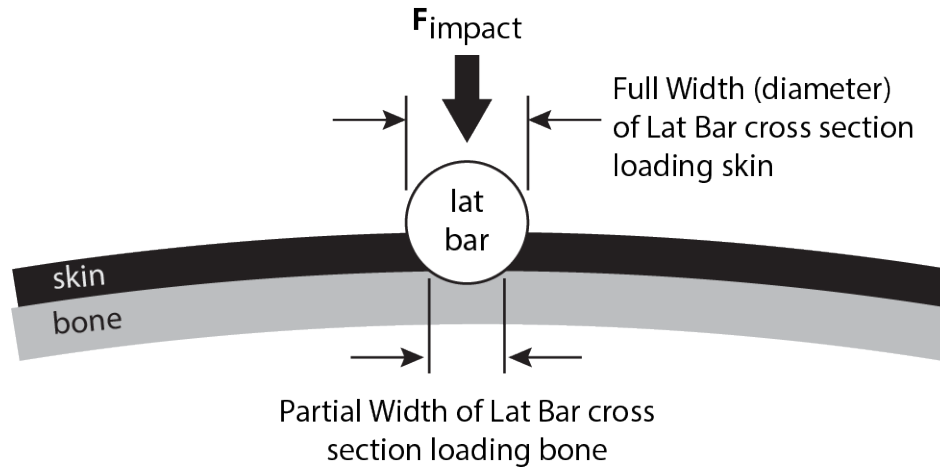
Courtesy of the American Society of Clinical Pathologists, Chicago, Ill.

**FIGURE 3:** Whole body diagram, infant, from the post-mortem examination for Ms. Horn indicating the findings of external injury to the posterior and left lateral aspect of the body.





**FIGURE 5:** Exemplar lat bar, schematic diagram with reference dimensions and photograph with scale, as measured and photographed during my 26 February 2019 inspection.



**FIGURE 6:** Schematic diagram depicting the penetration of the lat bar into the scalp overlying the skull. This diagram depicts the necessary condition in which the lat bar would have to penetrate the skull to result in the full projected area of the lat bar penetrating the scalp. As such, the lat bar would impact the skull and would likely produce comminuted, depressed fracture of the skull due to the concentrated projected area of the lat bar. A similar condition would also apply to impact between the lat bar and the skin overlying the scapulae, coincident with the surface contusions on Ms. Horn's upper posterior torso. The post-mortem findings indicate no evidence of fracture of the skull or the scapulae underlying the areas of scalp laceration or scapulae contusion.

## 9. Appendix B - Hearing and Trial Testimony

### 9.1. Testimony of Dr. Haresh Mirchandani, Trial No. 1 (1993)

At the time of the first trial, Dr. Mirchandani was the Chief Medical Examiner for the City of Philadelphia, having been appointed to that position in May of 1988 [424].<sup>4</sup> Dr. Mirchandani testified that he reviewed the autopsy report prepared by Assistant Medical Examiner P. J. Hoyer, MD, the neuropathology and toxicology [426], slides, post-mortem photographs and scene photographs [427]. Dr. Mirchandani testified that Ms. Horn's height was approximately 42 inches and her weight was approximately 43 pounds [428] at the time of the post-mortem examination.

Dr. Mirchandani testified that the external examination of Ms. Horn's body "showed evidence of multiple lacerations and contusions on the body" [428] and noted that a laceration is "an injury on the body that is seen when one is inflicted or struck by a blunt object on the area of the body where there is bone under." [428-429] Dr. Mirchandani further testified: "what actually causes the opening of the skin for the laceration, this is not a cut one would call from a sharp object. This is a blunt object. If you take a blunt object and strike it over an area of the body where there is soft tissue or muscles, one gets a contusion or a bruise. If you take the same blunt object and strike it with enough force over the area of the body where there is a bone under it, such as the head, one then sees a splitting or tearing of the skin, giving a laceration. That is what a laceration is." [429]

Dr. Mirchandani was asked during the trial to indicate how many lacerations were on Ms. Horn's body and was presented a mannequin head [Exhibit C-19] and asked to refer to it when describing the lacerations [430]. According to the transcript, Dr. Mirchandani had, prior to his testimony, drawn on the mannequin head the location of the lacerations on Ms. Horn [430]. Dr. Mirchandani testified that there were four lacerations: "by that, I mean she was struck with a blunt object in the region of the head. Two lacerations were at the top of the head ... and there were two more on the back of the head...." [430-431] Dr. Mirchandani also testified that there were three contusions on the body: "One was on the top or more towards the back ... on the left shoulder. There was another contusion ... on the back near the left shoulder blade, and the third contusion was on the back towards the right shoulder blade." [431] "There were three con-

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4. Numbers in brackets indicate transcript page from which information was cited.

tusions and four lacerations on the body." [431] Dr. Mirchandani opined that "at least seven blows" caused the findings on Ms. Horn's body [431]. He also indicated that there were "very small, tiny" abrasions or scrapes on the forehead and another on the right cheekbone [432].

Dr. Mirchandani was shown Exhibit C-17, a pull-down bar, or "lat bar" [434] and was asked "whether or not that bar is consistent with having caused the four lacerations on Barbara Jean's head you described and three bruises or contusions, one on her shoulder and two over her shoulder blades?" Dr. Mirchandani replied: "In my opinion, an object like this, similar object, is consistent with having been struck with such an object." [434] Dr. Mirchandani testified that, based on the photographs of Ms. Horn's body where a scaled ruler is in the image next to the various observed contusions, the width of the contusions on the back was 7/8 inch to 1 inch [439]. Dr. Mirchandani was also asked how "wide" the bar was, to which he replied "that is about 7/8 of an inch to an inch just very close to this measurement." [440] In the presence of the jury, Dr. Mirchandani testified that the contusions were "generally 7/8 of an inch" and the contusion on the left shoulder was "about an inch and a half" in length [444]. The contusion on the right blade was described by Dr. Mirchandani "same as the other one on the left side." [444] Dr. Mirchandani confirmed that "on another occasion" he measured the diameter of the bar and found that it was "7/8 of an inch to an inch." [445]

With respect to the internal examination of the body, Dr. Mirchandani testified "except the injury to the brain, swelling and trauma to the brain, other than that, no, there were [sic] no evidence of internal injuries other than I have described from outside." [445] Dr. Mirchandani noted that the brain was examined by Dr. Lucy Rorke [445]. Dr. Mirchandani testified that Ms. Horn would not have died immediately as a result of the observed findings. He opined that Ms. Horn "could have survived anywhere from half an hour to 45 minutes." [423] Dr. Mirchandani testified that he believed that Ms. Horn was dead at the time her body was placed in the cardboard box where her body was ultimately found [433].

Dr. Mirchandani testified that the cause of death was "multiple blunt force injuries resulting in the brain injury" and the "manner of death would be Homicide." [446]

Dr. Mirchandani testified that there was no fracture of the skull found underlying the four lacerations on the head [448] or fracture of the bones underlying the three contusions on the left shoulder and the left and right shoulder blades [448-449]. Dr. Mirchandani testified that "there was not enough force to cause a fracture but there was enough force to cause the brain damage." [449] Dr. Mir-



chandani testified that the object identified as Exhibit C-17 [the lat bar] was consistent with the observed findings on the body of Ms. Horn but the object did not necessarily cause those findings [449-450] - he further testified that the wounds could have been caused by another blunt instrument "of equal dimension." [450] Dr. Mirchandani testified that he "could not say" that the lat bar was the murder weapon [450]. Dr. Mirchandani was asked to explain how the width of the contusions and the diameter of the lat bar were the same in the context of the cylindrical cross section of the bar having to penetrate fully into the soft tissue for the two widths to match, all in the absence of underlying bony fracture.

*Q. So for this object to have left an imprint anywhere from 7/8 to an inch, your testimony is it would have to go all the way down but your testimony also is that there were no fractures of the child's body. True?*

*A. There was not force enough to cause fractures but you must also realize that child's bones, they don't fracture very easily. They bend before they break. So if it was an older person, certainly in an older person, one would have seen the fracture and the reason you don't see a fracture in the child, the child's bones are very soft and pliable.*

*Q. Are you saying that a child's bones do not break?*

*A. They do not fracture as easily as an adult or older person [454-455].*

Dr. Mirchandani was given a hypothetical scenario in which the defendant pushed Ms. Horn's head down and "then she started to scream, and if the defendant then reached and took this bar and as he was pushing her head down hit her a number of times, you have seen the injuries, do you know, in your opinion, to a reasonable degree of scientific certainty, as to whether or not that description of the way the injuries are caused is consistent with this bar having caused those injuries on Barbara Jean?" Dr. Mirchandani responded, "it is very consistent." [458-459] "I would say it is a fairly accurate description of how the wound [sic] was inflicted." [462]

## **9.2. Testimony of Dr. Haresh Mirchandani, Trial No. 2 (1996)**

Dr. Mirchandani reiterated the mechanism of a laceration and contusion: "A laceration is a gash on the body. When a blunt object strikes the part of the body where there is a bone under it, it gapes, it's a gaping wound. Contusion, on the other hand, can be produced by the same object, a blunt object, if it is struck on the area of the body where there is some padding by the soft tissue or the muscle, so you can have the same object striking different parts of the body

producing different types of pathological [sic] changes, or one may produce a laceration, depending if there's a bone under it, and a bruising, or contusions may do the same thing, if it is struck with the body on an area the body where there is some padding by soft tissues or muscles." [111-112] Dr. Mirchandani repeated his general description of the number and location of lacerations and contusions observed on Ms. Horn's body, including indicating the location of the scalp lacerations on a styrofoam mannequin head [Exhibit C-10]: "And in addition to what I said, there was superficial scrapes on the front of Barbara Jean, this is one laceration or a gash here, on here, that I showed on the styrofoam; two more near the back of the head. There were two others on the top of the head. In addition, there were three bruises or contusions on the back of the child's body; one over here on the top of the left shoulder, left back of the shoulder blade, and one on the right, the third one on the right, also near the right shoulder blade." [113-114] Dr. Mirchandani again testified that the width of the two contusions shown with a scale in the post-mortem photographs were "from seven-eighths of an inch to about an inch" wide [115] and described their shape as "round or elongated." [116] The internal findings of injury "were confined to the brain only, namely, there was brain swelling and bleeding in the covering of the brain call sub-arachnoid hemorrhage." [116] Dr. Mirchandani testified that it was his opinion that the brain swelling and hemorrhage was caused by "brain trauma or blows inflicted." [116] Dr. Mirchandani was asked if he had an opinion as to the cause of Ms. Horn's death, to which he replied: "Yes. ... Multiple bruises that I described, blows to the head that I described in the – in my description." [116-117] Dr. Mirchandani opined that the manner of death was Homicide - "injuries inflicted by someone else." [117]

Dr. Mirchandani again testified that the diameter of the lat bar [Exhibit C-11] "rod" was "somewhat seven-eighths of an inch to an inch, including the rubber here" and that an object such as the lat bar would be consistent with "having inflicted the injuries that [Dr. Mirchandani] saw on the child's body that [he] measured." [118] Dr. Mirchandani also testified that the only dimension of significance for the lat bar would be the diameter of the bar [117-118]. Dr. Mirchandani testified that the rubber portion of the lat bar was "about an inch-and-a-half to perhaps one-eighth or so, to [sic] the metal would be about seven-eighths." [122] Dr. Mirchandani was again confronted with the concept of the lat bar cross section being round and the surface area that would present to a flat object it was contacting - Dr. Mirchandani responded: "But the skin is compressible, to some extent, and you would expect the rest of the surface to be in contact with the skin if it were a – you're right, if it were a flat, a hard object like this wooden area here, that's not the same as on the skin, there would be some rolling effect, there would be some compressing of the skin, so you would get about seven-

eighths, most of the diameter would be in contact with the skin." [123] Dr. Mirchandani testified that the thickness of the scalp at the top of a child's skull is a "quarter inch or so." [124] Dr. Mirchandani confirmed that there were four lacerations to the head and that this indicated that "some object" was contacting the child's head [124] - Dr. Mirchandani confirmed that there were no fractures of the skull [125]. Similarly, there were no fractures of the left and right scapulae associated with the contusions overlying those areas [125]. Dr. Mirchandani testified that his determination of the lat bar being consistent with an object that would produce the findings of laceration to the head and contusion to the shoulder and shoulder blades "has more to do with the dimensions [of the wounds and the lat bar] than anything else." [127] Dr. Mirchandani confirmed that a "similar object" to the lat bar would be "equally consistent" with the observed wounds and he testified, with respect to the lat bar, "I can't say if this was the object, no way" [126] "I mean, unless there's some blood or something there." [126]

### 9.3. Grand Jury Testimony of Haresh Mirchandani, 28 June 1990

During the Grand Jury Hearing, Dr. Mirchandani was asked "Can you quantify the force required to inflict the seven contusions, four on the hear [sic] and two on the left shoulder blade and one on the right? Do you have any way of quantifying that?" Dr. Mirchandani replied:

*Not in terms of pounds of pressure. I don't know how many pounds, but the force was severe enough for the laceration on the top of the head, as you saw; again, even if the force was not severe enough to cause the lacerations that you have seen, it still would be detrimental to the child because the child's brain is susceptible to injury because the child can die from the swelling alone. The skull of a child is soft, and there is not much protection as there is for an adult. As you grow older, the skull becomes thicker. And the thicker the skull, the more protection you have from any type of blow. So despite the force that was severe enough to produce the gaping injuries, even a lesser degree of a blow could have damaged the brain causing it to swell, thereby causing death [19-20].*

### 9.4. Testimony of Dr. Lucy Rorke, Trial No. 1

At the time of the first trial, Dr. Rorke was working as a neuropathologist at the Office of the Medical Examiner for the City of Philadelphia, and Children's Hospital of Philadelphia [496]. Dr. Rorke performed a gross and microscopic evaluation of Ms. Horn's brain as part of the autopsy examination of Ms. Horn [500]. As part of the examination, Dr. Rorke looked for evidence of damage to the surface of the brain because she was told that Ms. Horn had a "history of head injury." [502] Dr. Rorke testified that she received the information that Ms. Horn's brain weighed 1355 grams, noting that this weight was "heavier than it should be" for

a child of Ms. Horn's age [505-506]. Dr. Rorke testified that Ms. Horn's brain was "probably heavier because it was swollen, that is it had accumulated either some extra water or there was an excess amount of blood in it." [506]

Dr. Rorke noted that the cerebral hemispheres displayed widening and flattening of the cerebral gyri, indicating brain swelling, confirming her observation of the heavier than normal brain weight [506-507]. Dr. Rorke also testified that internal examination of the cut brain revealed that the ventricular system was observed to be "small" also confirming that the brain was swollen [519].

Dr. Rorke testified that her report indicated some hemorrhage into the lateral gyri in the occipital lobe [507] measuring 3 by 2 centimeters [509]. Upon internal examination of the occipital lobe sections of the brain, the hemorrhage was found to be contained to the cortex and did not extend deeper into the underlying white matter [520]. Dr. Rorke was shown the mannequin head exhibit [C-19] that had been previously marked by Dr. Mirchandani and was asked if the findings of the hemorrhage in the lateral gyri of the occipital region "were caused by any of those blows to the outside of the head, as marked by Dr. Mirchandani." Dr. Rorke replied "well, it could have been caused by this one or this one, indicating on the back [of the head]." [509] The significance of the finding of the hemorrhage is that "it is pathological. Unless there has been some injury or some other kind of disease associated with hemorrhage one should not expect to see anything like that in the brain." [509-510] Dr. Rorke went on to describe her finding of scattered subarachnoid hemorrhages over the left cerebellar hemisphere [511] that were described as "very superficial." [521] The brainstem was not swollen and the blood vessels on the ventral surface of the brain were normal [511-512]. There was also "additional damage to the corpus callosum" which was found on gross and microscopic examination [514], with the posterior portion of the corpus callosum described as "fractured, fibers are torn" upon internal examination of sections of the brain [520].

Dr. Rorke testified:

*Well, in this case, the pattern of injury that is, the damage to the occipital lobe, which I drew on the board and which we basically have marked here and the damage on the undersurface of the brain and the additional damage of the corpus callosum [sic] which we didn't go into here, but which was found at the time of gross examination and on microscopic study are all very characteristic of a pattern of injury that is seen in what we call closed head injury, and in which the forces producing the damage are caused by what as we describe it in pathology, a moving object hitting the fixed head [514].*

Dr. Rorke continued:

*Now, there are certain patterns of damage that occur. If an individual is walking down the street and comes to a patch of ice and falls down and strikes his head, usually the back, there is a very classical pattern of injury that we see. If the head is fixed, is not moving, and some kind of outer force comes, let's say somebody is struck with a brick that is falling down from the building as he is walking by, the pattern of injury is different. So we can determine by looking at the pattern of injury what the most likely lines of force were in producing that injury, and this of course is done at the same time that we examine the outer part of the skull and we know what kind of injuries are present in the scalp, in the skull. So all of these things are taken into account and a decision is made relative to what the circumstances were in producing the injury [515].*

Dr. Rorke was asked if she had an opinion related to "what the lines of force were that caused the injuries [she] observed in Barbara Jean Horn's head?"

Dr. Rorke replied:

*The opinion is that this child was struck with some kind of object, that her head was basically stationary, that her head was struck with an object in this area, the lines of force produced the superficial injury which I drew on the sheet for you, and this is very typical in this kind of injury, and in this circumstance, this is called acute injury.*

*The line of force then goes from the area where the injury is inflicted, through the brain and the brain moves and the opposite side of the brain to where the force is being applied is pushed against the bone on which it is resting, and the opposite injury in this case is called a contrecoup.*

*Now, occasionally, the tissue in between that line of force going from where the force was applied to a rebound kind of phenomenon, if you will, as far as the brain is concerned, is called an intermediate coup, and in this child, we had the coup lesion which when the head is struck with a fixed object is always the larger lesion. We had an intermedial coup lesion in the corpus callosum because the line of force was going down through that anatomical structure and the contrecoup lesion on the opposite side of the brain to where that force was going down and in this situation, the contrecoup lesion is always smaller than the coup lesion.*

*This is opposite to the situation if you fall down and hit your head where the contrecoup is larger and the coup lesion may not be present at all or may be small [516-517].*

Dr. Rorke testified that the coup lesion was in the occipital lobe of Ms. Horn's brain and the contrecoup lesion was in the ventral aspect of the cerebellum - "it was all in the back." [517]

Dr. Rorke was presented with a scenario in which Ms. Horn's head was pushed down and struck repeatedly with the object identified as Exhibit C-17 [the lat

bar] - Dr. Rorke was asked if the findings she described were consistent with this scenario, to which she replied "that is entirely possible." [518] Dr. Rorke was further asked "Because the head would be relatively stationary and the object would be moving rather than the other way?" to which Dr. Rorke replied "Yes, that is correct. It is a classical pattern of injury." [518]

Dr. Rorke testified that her gross diagnosis was acute head injury with focal contusions and lacerations, with the second diagnosis being mild brain swelling [521]. Dr. Rorke went on to describe the microscopic findings as well. In combination with the gross findings, Dr. Rorke opined "And so, the fact that I have these findings plus the swelling of the brain, these hemorrhagic lesions and so on, all corroborate the impression that the brain was subjected to a considerable amount of force and suffered damage as a consequence of that force." [526]

Dr. Rorke was told that the child's skull sustained no fractures and she was asked if that was something that she would expect or not expect [527].

Dr. Rorke replied:

*Well, you may or may not have fractures in this kind of injury. And it is very difficult for the pathologist to explain in physical terms why, in some instances, one sees a fracture and why, in other instances, you have external injury and brain injury but no fracture in between. These are forces that I, as a neuropathologist, can't explain to you, but this is something we observe and it is not surprising that there is no fracture in the skull underlying the area of trauma [527].*

Dr. Rorke testified "As I said, sometimes you get a fracture, sometimes you don't and I don't know how to explain why that occurs." [532] Dr. Rorke was asked:

*Would you agree with me the harder the force that is applied to the head the more likely a fracture would be apparent?*

*A. That would make sense on the physical principles but basically I am not a physicist or biomechanical engineer. I can't speak to that with any expertise.*

*Q. In your study, do you study at all, in analyzing brain damages and skull fractures or skull damages, the amount of force needed to cause a fracture of the skull?*

*A. No. My colleagues in the biomechanical engineering department at the university are involved with that, and although I have been part of the Head Injury Center at the University of Pennsylvania for many years and those kinds of studies are done, I don't specifically get involved in them [532].*

## 9.5. Testimony of Dr. Lucy Rorke, Trial No. 2

In the second trial, Dr. Rorke prepared sketches to “illustrate what [she] found” when she examined Ms. Horn’s brain, marked as Exhibits C-12A, B and C [134]. Dr. Rorke referred to these illustrations and noted “an area of bruising of the brain in the left occipital lobe” of Ms. Horn’s brain [135]. Dr. Rorke also referred to the illustration in Exhibit C-12C and noted “damage of the brain on the under surface of the left cerebral hemisphere.” [136] Dr. Rorke testified that the damage she found was the result of “blows to the head” and swelling of the brain [136].

Dr. Rorke provided a detailed explanation of the findings related to the corpus callosum:

*Now, these two parts of the brain we call the cerebral hemisphere are connected with each other. The brain basically consists of millions of small cells, which are called neurons, N-E-U-R-O-N-S, and every neuron is connected with many other neurons. And these neurons have little fibers which are really like electrical fibers, are telephone lines, if you will, and the message from one cell goes to another cell through these fibers.*

*Now, so the neurons on this side of the brain are connected with the neurons on this side of the brain by these fibers (indicating), and there is a large structure that consists of these fibers. They’re going from one side to the other, and that structure is called the corpus, C-O-R-P-U-S, callosum, C-A-L-L-O-S-U-M.*

*In traumatic head injury, the brain is disturbed in its position in the – within the skull, and when you strike blows to the head, the brain can rotate around, within the skull, and when the brain rotates with a sufficient force, it tears some of these fibers.*

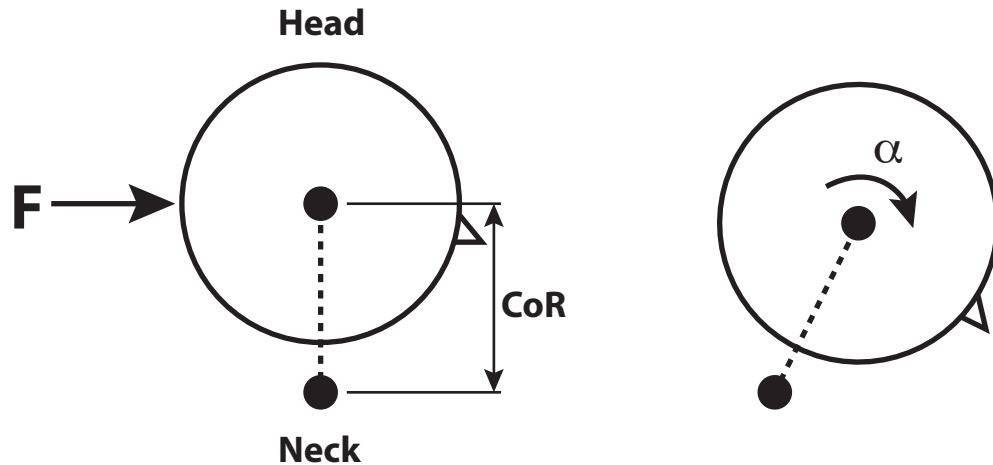
*This is a very well established phenomenon in head injury, and it has a name, and it’s called diffuse axonal, A-X-O-N-A-L, injuries. These wires that are connecting the cells are called axones, and in this particular child, in addition to the areas of damage that we had here, and on the under surface of the cerebellum, we also had tearing of the connecting fibers in this region. I have not drawn them in, but they’re in about this area (indicating). There was tearing of fibers, which would indicate rather significant force was applied to the child’s head, and it was sufficient to tear these fibers, the evidence of which I saw at the time of the examination before I did the microscopies, and which I confirmed on the microscopic examination [138-139]*

Dr. Rorke was told that Dr. Mirchandani found that the “cerebral injuries were caused by a blunt object” and was asked if she would agree or disagree with that finding, to which she replied “That’s quite consistent, yes.” [143] Dr. Rorke was asked “would an object such as [Exhibit] C-11 [the lat bar], which

is in front of you on the bar of the court, cause that type of an injury if the child was struck with it?" Dr. Rorke replied "It certainly would." [143]



## 10. Appendix C - Calculations



**Figure C1:** Schematic diagram depicting an applied impact force (F) causing the head to experience an angular acceleration ( $\alpha$ ) due to rotation about a point in the mid to lower cervical spine, where the center of rotation (CoR) is the distance between the center of gravity of the head and the point of rotation in the cervical spine.

According to anthropometry of the young child, the effective head mass of a 4.5 year-old is approximately 7 pounds. The brain mass of a 4.5 year-old female is approximately 1150gm, compared to an adult brain mass of approximately 1400gm.

The angular accelerations of the head required to produce moderate to severe diffuse axonal injury (DAI) in the adult human are approximately 15000 rad/sec<sup>2</sup> and 17500 rad/sec<sup>2</sup> respectively<sup>5</sup>. Utilizing the concept of brain mass scaling, the analogous injury tolerance levels for the 4.5 year-old human may be predicted from the following relationship:

$$\ddot{\theta}_{child} = \ddot{\theta}_{adult} \left( \frac{M_{adult}}{M_{child}} \right)^{2/3}$$

where  $\ddot{\theta}$  represents the angular acceleration of the head (also called “ $\alpha$ ”) and  $M$  repre-

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5. Ommaya, A. K., W. Goldsmith, and L. Thibault. "Biomechanics and neuropathology of adult and paediatric head injury." *British journal of neurosurgery* 16.3 (2002): 220-242.

sents the mass of the brain. As an example, consider scaling the angular acceleration of adult brain mass required to produce moderate DAI (15000 rad/sec<sup>2</sup>) to the level required to produce moderate DAI in the 4.5 year old child:

$$\ddot{\theta}_{child} = 15000 \frac{rad}{sec^2} \left( \frac{1400gm}{1150gm} \right)^{2/3} = 15000 \frac{rad}{sec^2} (1.14) = 17100 \frac{rad}{sec^2}$$

The corresponding calculation for scaling the angular head acceleration associated with the production of severe DAI in the adult (17500 rad/sec<sup>2</sup>) yields 19950 rad/sec<sup>2</sup> in the child. If one assumes that Ms. Horn sustained moderate to severe DAI as a result of the subject incident, as opined by Dr. Rorke in the second trial, then one can estimate the impact force (“F” in the Figure C1 above) applied to Ms. Horn’s head that would be required to produce the angular acceleration of the head associated with this severity of DAI.

From the definition of angular acceleration:

$$\alpha = \frac{a}{r} \quad \text{or} \quad a = \alpha r$$

where  $\alpha$  represents the angular acceleration of the head,  $a$  represents the linear acceleration of the head and  $r$  represents the distance between the center of gravity of the head and the point of rotation of the head in the cervical spine, here called the “center of rotation” (CoR) in Figure C1. The linear acceleration of the head,  $a$ , can then be related to the force applied to the head to cause that acceleration through Newton’s Second Law:

$$F = ma$$

where  $F$  represents the applied force and  $m$  represents the mass of the head (in this case the effective mass of the head and part of the neck, i.e., the portion of the body being accelerated).

As an example, consider the scenario in which the injury threshold for moderate DAI is utilized to calculate the impact force applied to the head that would be required to cause moderate DAI. In this scenario, we are given the values:

$$\alpha = 17100 \frac{rad}{sec^2} \quad r = 0.25 ft \quad m_{head} = \frac{W_{head}}{g} = \frac{7lbs}{g}$$

which leads to the solution:

$$a = \alpha r = 17100 \frac{rad}{sec^2} \cdot 0.25 ft = 4275 \frac{ft}{sec^2} = 133g$$

and

$$F_{impact} = \frac{W_{head}}{g} a = \frac{7lbs}{g} \cdot 133g = 929lbs$$

That is, in order to cause the angular acceleration of the head required to produce moderate DAI, the impact force must be approximately 930 pounds. By varying the CoR between reasonable values of 3 inches and 4.5 inches, and using the DAI tolerance for moderate and severe DAI, the following range of values for impact force was estimated (Table 1):

**Table 1** - Impact force required to produce DAI of a given severity and CoR

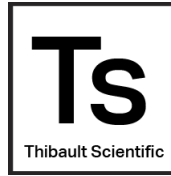
<b>CoR</b> (inch)	<b>Moderate DAI</b> ( $\alpha = 17100 \text{ rad/sec}^2$ )	<b>Severe DAI</b> ( $\alpha = 19950 \text{ rad/sec}^2$ )
3	929 lbs	1349 lbs
4.5	1084 lbs	1626 lbs

Loyd<sup>6</sup> reported the pediatric skull fracture failure loads for drop tests conducted using post-mortem human heads. These drops included fractures in specimens ranging in age between 5 months and 16 years old. Fitting the failure force data for the specimens up to 9 years old indicates that the estimated failure force associated with fracture caused by impact with a flat, rigid plate in a 4.5 year old (54 month-old) is approximately 860 pounds. Comparing this value with the forces noted in Table 1 indicates that the forces required to produce moderate to severe DAI exceed the fracture threshold predicted by Loyd's skull fracture data. Loyd's skull fracture data are also likely conservatively high in the context of Ms. Horn's alleged impacts with the lat bar, as the lat bar is a concentrated, curved surface versus the flat plate used in the Loyd experiments.

The conclusion that may be reached through this analysis is that the forces acting to accelerate the head as required to produce moderate to severe DAI in the 4.5 year-old brain are sufficiently high that skull fracture would result from impact to the head by the subject lat bar. As the medical records in this matter indicate, there were no skull fractures identified on post-mortem examination, a finding not compatible with impact to Ms. Horn's head from the lat bar sufficient to produce moderate to severe DAI.

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6. Loyd, Andre Matthew. "Studies of the human head from neonate to adult: an inertial, geometrical and structural analysis with comparisons to the ATD head." *Duke University* (2011).



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Ph.D., University of Pennsylvania, 1997 (University Fellow)

*Thesis – Pediatric Head Injuries: The Influence of Brain and Skull Mechanical Properties.* University of Pennsylvania, 1997.

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February 25, 2020

**To:** Patricia Cummings, Esq.  
Supervisor, Conviction Integrity Unit  
Office of the District Attorney, Philadelphia, PA

**From:** Christian A. Meissner, PhD  
Steven M. Kleinman, Colonel, USAF (Ret.)

**Subject:** Commonwealth of Pennsylvania v. Walter Ogrod

## **I. Purpose**

We have been asked to review this case with a focus on the reliability of the reported admissions and confession rendered by Mr. Ogrod in the course of his interview with investigating officers of the Philadelphia Police Department. In completing this review, which is summarized herein, we relied upon the information found in these primary sources:

### **A. Official Records of the Philadelphia Police Department and District Attorney, including:**

- 1) The June 16<sup>th</sup>, 2011, review of this case completed by Mr. James L. Trainum, Criminal Case Review & Consulting
- 2) The June 2<sup>nd</sup>, 2011, review conducted by Dr. Richard A. Leo as requested by Mr. Andrew Gallo of Bingham McCutchen LLP, Boston, MA
- 3) The transcripts of the October 1993 sworn testimonies of Philadelphia Police Department Detectives Martin Devlin and Paul Worrell given in the first criminal trial of Mr. Ogrod (Note: Detectives Devlin and Worrell are the two investigating officers who conducted the interview and interrogation of Mr. Ogrod and prepared the statement Mr. Ogrod signed at the conclusion. They are hereafter referred to variously as “the detectives,” “the investigators” or “the interviewers” wherever specific actions or nonactions are attributed to the Det. Devlin and Det. Worrell.)
- 4) The April 5, 1992, Philadelphia Police Department, Homicide Division, Investigation Interview Record of the interview of Mr. Ogrod conducted by Detectives Devlin and Worrell
- 5) Mr. Ogrod’s October 29, 1993, testimony in the first trial



- 6) Dr. Peter Ganime's September 22, 1993, testimony in the first trial
  - 7) Det. Martin Devlin's October 3, 1996, testimony in the second trial
  - 8) The May 24<sup>th</sup>, 2011, Neuropsychological Evaluation of Mr. Ogrod conducted by Harry Krop, Ph.D., a licensed clinical psychologist
  - 9) The May 18<sup>th</sup>, 2011, Psychological Evaluation of Mr. Ogrod conducted by Frank M. Dattilio, a licensed Forensic and Clinical Psychologist, as well as the raw data from Dr. Dattilio's evaluation
  - 10) The April 30<sup>th</sup>, 1993, Psychological Evaluation of Mr. Ogrod conducted by Allan M. Tepper, a license Forensic and Clinical Psychologist
  - 11) The April 18<sup>th</sup>, 2011, Psychological Evaluation of Mr. Ogrod conducted by Bruce Frumkin, Ph.D., a licensed clinical psychologist, as well as the raw data from Dr. Frumkin's evaluation
  - 12) The February 9, 2020, Ogrod "confession" chart prepared by the Conviction Integrity Unit, Philadelphia District Attorney
- B. The interview conducted by Col. Kleinman with Mr. Ogrod on February 11, 2020, at the Pennsylvania State Correctional Institute—Phoenix (Note: This interview was captured in its entirety by video recording. This assessment includes a review of that recording.)

## II. Qualifications

**Christian A. Meissner, PhD:** I am a Professor in the Department of Psychology at Iowa State University, Ames, IA. I obtained a Ph.D. in Cognitive & Behavioral Sciences from Florida State University in 2001, and previously completed my Bachelor of Arts in Psychology from Pfeiffer University in 1996. I lead the Applied Cognition Laboratory at Iowa State University, where I supervise graduate students and postdoctoral fellows as we conduct research on various aspects of police interviewing, including the collection of eyewitness evidence, the detection of deception in forensic interviews, the conduct of interrogations of suspects, and the assessment of confession evidence obtained therein. I have published more than 100 peer-reviewed journal articles, book chapters, and edited volumes, and have presented more than 150 papers at national and international conferences on these topics. I have received more than \$16 million in grant funding from a variety of federal agencies to support my empirical research, including the National Science Foundation, the U.S. Intelligence Community, and the U.S. Departments of Defense, Homeland Security, and Justice. I have served as both an editor and peer-reviewer for research articles of primary research journals in the fields of psychology and criminal justice, and served as Director of the Law & Social Program at the National Science Foundation from 2010-2012. Based upon my research, I have also served as a consultant and expert witness on issues of eyewitness misidentification or false confession in numerous state and federal courts in the U.S. My curriculum vitae is attached.

**Steven M. Kleinman:** I am a retired U.S. Air Force colonel with over thirty years of experience as an intelligence officer. I am a recognized subject matter expert in strategic interrogation, debriefing, and clandestine collection operations with experience in multiple conflicts in regions that span the globe. I have personally conducted and directly supervised the interrogation and interviews of individuals under a variety of conditions, from long-term custodial detention to meetings in safehouses. These individuals include foreign military personnel, senior political officials, violent extremists, high value detainees, and members of criminal syndicates. In addition to my operational experience, I have collaborated with behavioral scientists for more than a decade in conducting empirical research and field validation studies involving the interrogation context. I have authored or co-authored more than thirty peer-reviewed research papers and book chapters relating to this topic that have been published in leading peer-reviewed journals in the psychological sciences, law, and intelligence domains. My curriculum vitae is attached.

### III. Assessment of the Reliability of the Alleged Confession

We conducted an assessment of the reliability of the confession statement provided by Mr. Ogrod regarding the extent to which the statement (a) provided any new information unknown to investigators at the time of the interview that was later corroborated by further investigation, (b) contained information known to investigators that, given the use of accusatorial approaches and suggestive/leading questions, could constitute contamination, and (c) included information that was inconsistent with known facts of the crime.

- A. Mr. Ogrod's statement failed to include any novel or unique information about the crime that might demonstrate guilty knowledge outside of information already known to police and/or the public via media coverage of the incident.
- B. Mr. Ogrod's statement primarily included details that were already known to police at the time of his interrogation. Mr. Ogrod's description of hitting the victim in the head and later washing the blood away in a sink are consistent with findings from the autopsy conducted on July 13, 1988, and the body having been found with a wet head. Further, Mr. Ogrod's description of retrieving a colored trash bag, locating a box in which to place the body, and walking through the vicinity to identify a location to place the body are consistent with evidence known to investigators. The inclusion of such details in Mr. Ogrod's statement is likely due to contamination resulting from the accusatorial style of interrogation that Mr. Ogrod described – including the use of closed-ended, leading, and suggestive questions.
- C. Finally, Mr. Ogrod's statement also included information that was inconsistent with the available evidence, including such details as (a) the clothing worn by the victim (one-piece vs. two-piece), (b) the lack of any forensic evidence indicating the presence of blood or body fluids in the basement, (c) the absence of any throw rugs in the basement at the time of the incident, (d) that the back door to the garage could not be opened at the time of the incident, and (e) that the alleged pull-down bar used to strike the victim was

inconsistent with the type of wound indicated by the autopsy. Further, Mr. Ogrod's statement fails to note a discussion with another individual as he was seeking a location for the body – a discussion that Mr. Schectman described in his testimony.

- D. Our assessment also suggests that investigators in the Ogrod case were influenced by confirmation bias (see Section V). Our review uncovered substantial evidence of investigators' presumption of guilt throughout their handling of this case, a mindset that consistently impeded the collection of more complete and reliable disclosures, explanations, and insights from Mr. Ogrod. For example, the nature of investigators' questioning of Mr. Ogrod is consistent with patterns that reflect unchallenged confirmation bias. While Mr. Ogrod was allowed to provide full, uninterrupted answers during the initial interview (a process described to Mr. Ogrod as an "oral interview" and is consistent with the Behavioral Analysis Interview of the Reid Technique described in Section V), investigators dramatically shifted their questioning tactics once they directly accused him of committing the crime. At that point, investigators began to relentlessly and exclusively pose direct, leading, and suggestive questions designed to extract potentially damaging admissions and even an outright confession. From an investigative perspective, such questions can rapidly lead to confusion and stress on the part of the individual being questioned. Moreover, when an investigator asks primarily (and often exclusively) closed-ended questions, they suppress a suspect's opportunity and even ability to provide qualifications and/or verifiable details that are critical to uncovering key investigative facts and context.
- E. Mr. Ogrod's testimony in his first trial and his February 11, 2020, interview (conducted by Col. Kleinman) provide detailed descriptions of psychologically manipulative tactics, including maximization (e.g., exaggerating the consequences associated with the crime, presenting exaggerated or false evidence linking the suspect to the crime) and minimization (e.g., asserting that he was suffering from mental illness and would be given the mental health care he needed in exchange for a confession). In the present case, investigators maximized the gravity of the crime by 1) threatening his personal safety when/if taken to jail (i.e., they would let the other prisoners know of the nature of his crime, which, they told him, would lead to his being physically assaulted) and 2) confronting him with false evidence of witness testimony. The investigators prevented Mr. Ogrod from denying his guilt, and instead repeatedly showed him photographs of the crime scene and suggested details regarding his alleged activities with the victim. These tactics were interwoven with efforts to minimize Mr. Ogrod's responsibility for the crime by asserting he had a severe mental illness that required psychiatric care, that he had blocked his memory for the crime, and that they wanted to get him the help he needed, provided that he confessed. Investigators ultimately offered a motive to Mr. Ogrod, suggesting a sexual interest on his part that led to him panicking and losing control. Taken together, the questioning of Mr. Ogrod was a classic Reid-style interrogation (see Section V), initiated by a belief that he had committed the crime and designed solely for the purpose of extracting a confession. Our assessment of the tactics used to elicit the present confession is that they are consistent with those that are likely to yield a compliant false confession. Further, the investigators in this case repeatedly asked Mr. Ogrod to "imagine" himself committing the crime, often placing a photograph of the

victim before his eyes, and suggested that he had blocked his memory of the incident and that they could help him to remember. Such tactics placed Mr. Ogrod at significant risk for generating an internalized false confession.

- F. Testimony by Mr. Ogrod indicates that he underwent a lengthy interrogation. While the facts relating to the exact number of hours Mr. Ogrod was kept at the police station and interrogated by the investigators is in dispute, what appears certain is that the interrogation itself lasted at least six hours. On its own, this is potentially problematic as research has shown that more than 80% of false confession cases occur in the course of interviews that last six hours or more (see Section V). Another aggravating factor is that Mr. Ogrod reports having been awake for more than 24 hours at the time the interview began. As a result, investigators had to awaken him on multiple occasions during the interrogation and to repeatedly provide him with coffee. If true, such a lengthy, sleep-deprived, and coercive interrogation process undermines the reliability of the statement provided by Mr. Ogrod.
- G. Multiple clinical psychologists have evaluated Mr. Ogrod and assessed him as: (a) having difficulty processing verbal information; (b) suffering from a Personality Disorder (not otherwise specified) that represented an extreme mental or emotional disturbance, likely stemming from a childhood of neglect and emotional and physical abuse; (c) having excessive social anxiety and a chronic inability to deal with stressors; (d) lacking interpersonal skills that led him to act in ways that facilitated acceptance and appreciation by others (particularly authority figures); and (e) being more suggestible than 95% of the population as measured by the Gudjonsson Suggestibility Scale. When considered in the context of research on dispositional factors (see Section IV) that make certain individuals even more susceptible to an accusatorial interrogation, these clinical assessments suggest that Mr. Ogrod was significantly more vulnerable than the average person to the pressures of the interrogation room and thereby was at an increased risk of suggestibility, compliance with investigators requests, and offering a false confession.
- H. Given the available scientific understanding of (a) the interrogation techniques and situational factors that can lead an innocent person to provide a false confession, (b) the particular vulnerabilities of certain individuals who are more suggestible and therein more likely to provide a false confession, and (c) the lack of indicia of reliability in the statement provided by Mr. Ogrod, it is our conclusion that the purported confession was not only unreliable but almost certainly coerced.

#### **IV. Dispositional and Situational Factors That Can Lead to an Unreliable Confession**

Both *dispositional* and *situational* factors can contribute to false confessions (Kassin et al., 2010; Meissner, Kelly, & Woestehoff, 2015). Below we provide a summary of the research literature the delineates such factors.

A. **Dispositional Factors.** Dispositional characteristics of the suspect can amplify the risk of eliciting a false confession, particularly in the context of a coercive and lengthy interrogation. Factors relevant to the present case include:

1. **Personality and Psychopathology.** Personality, anxiety, depression, and certain psychotic disorders such as schizophrenia are prevalent among subjects that are interrogated by police, and such disorders are also more prevalent among false confessors when compared with the general population (Gudjonsson, 2006, 2018; Redlich, 2004; Redlich, Summer, & Hoover, 2010). It appears that the effects of erroneous beliefs related to psychological manipulation in the interrogation context (minimization and maximization tactics, see Section IV, B and V, B) and/or an intolerance for police questioning may be enhanced in persons with mental illness (Redlich, Kulish, & Steadman, 2011).
2. **Suggestibility and Compliance.** False confessions have been shown to be significantly associated with interrogative suggestibility, namely the “extent to which...people come to accept messages communicated during formal questioning” (Gudjonsson, 2010, p. 202). The Gudjonsson Suggestibility Scales (GSS) have been used to assess interrogative suggestibility (Gudjonsson, 1997). Those who score high on the GSS have been shown to be at increased risk of providing a false confession (Gudjonsson, 1991; Gudjonsson & Clare, 1995), and to have poorer comprehension of Miranda (Redlich, Silverman, & Steiner, 2003; Rogers, Harrison, Rogstad, LaFortune, & Hazelwood, 2010). An individual’s general tendency or susceptibility to comply with requests and obey instructions that they would rather not do (referred to as compliance) has also been shown to be related the likelihood of false confession (Gudjonsson, 1991, 2018; Gudjonsson, Sigurdsson, Bragason, Newton, & Einarsson, 2008). Interrogative suggestibility has also been linked to a desire to alleviate anxiety or distress and from compliance in the context uncertainty (Drake, 2010).

B. **Situational Factors.** Situational factors directly shape and influence the overall nature of the interrogation. These include:

1. **Investigative Mindset.** The accusatorial approach (see Section V) is generally informed by the investigators’ unshakable belief in the suspect’s guilt. As addressed above, this belief is the product of confirmation bias that will significantly diminish the investigators’ openness to alternative scenarios, evidence that does not support their investigative hypothesis, and—most importantly—the possibility of the subject’s innocence (Meissner et al., 2015).
2. **Interrogation Methods.** Foremost among the situational factors are the methods employed by the investigators. In this case, investigators employed an interrogation methodology known in the scientific literature as the *accusatorial interrogation techniques*, which has been empirically shown to increase the incidence of false confessions. Central to this construct is the use of the aforementioned *minimization* and *maximization* tactics that influence a suspect’s

perception of the evidence against them and the potential consequences associated with maintaining their innocence vs. providing a confession (Kassin et al., 2010; Meissner et al., 2015).

3. **Contamination of the Interrogation.** Investigative bias and a confirmatory mindset often lead to contamination of the suspect's confession. Investigators may suggest a crime scenario (often in the context of minimization) that offers a moral justification to the incident (e.g., it was an accident, unintentional, or provoked behavior on the part of the suspect). The confirmatory and confession-focused nature of accusatorial interrogations carry the potential for contamination and confabulation leading to false information or false admissions on the part of the suspect (Garrett, 2015; Loftus, 2011; Shaw & Porter, 2015).
4. **Length of Interrogation and Sleep Deprivation.** Research has found that as the interrogation lengthens, suspects may feel increased pressure to "escape" — to withdraw from the pressure both psychologically and physically (Kassin et al., 2010). People also become more suggestible to leading questions in longer interrogations (Madon et al., 2017). While the average interrogation conducted by police has been estimated at 1.50 hours (Kassin et al., 2007), the majority of false confessions have occurred following lengthy interrogations. For example, Drizin and Leo (2004) found that 84% of false confessions were elicited following interrogations that lasted longer than 6 hours, and that 50% lasted longer than 12 hours. Further, while it has been estimated that more than 80% of interrogations are conducted during normal waking hours (Kassin et al., 2007), deprivation of sleep has been shown to heighten suggestibility and to produce false confessions (Frenda, Berkowitz, Loftus, & Fenn, 2016).
5. **Physical Setting.** In its landmark decision of *Miranda v. Arizona* (1966), the Supreme Court explicitly acknowledged that "[t]he atmosphere and environment of incommunicado interrogation as it exists today is inherently intimidating and works to undermine the privilege against self-incrimination." (p. 384). It is clear that the context in which the interrogation takes place is believed to play a large role in the success of obtaining a confession. In this regard, Inbau et al. (2013) suggest that interrogations take place in a setting that is designed to deprive the suspect of any comforts and to isolate him/her in unfamiliar surroundings far from any moral support that might be offered by family or friends. Such a setting is likely to increase the stress and anxiety associated with confinement, to build uncertainty and insecurity in what may happen beyond the interrogation, and to ultimately promote feelings of isolation and a dependency upon the interrogator (see Irving & Hilgendorf, 1980; Zimbardo, 1967).



## V. Research on Police Interrogations

- A. Confirmation Bias and the Investigative Mindset.** In general terms, confirmation bias refers to the judgmental heuristic or mental shortcut that leads to an individual singularly looking for, recognizing, and ascribing value to only the data or information that directly supports their present belief(s). In an investigative interviewing context such as this, confirmation bias can manifest as a *presumption of guilt* (Meissner & Kassin, 2002). Research has shown that a belief in guilt can lead to longer, more pressure-filled interrogations of suspects that lead to false confessions (Kassin, Goldstein, & Savitsky, 2003; Hill, Memon, & McGeorge, 2008; Liden, Grans, & Juslin, 2018; Narchet, Meissner, & Russano, 2011).
- B. Accusatorial Interrogation Model.** The most well-known accusatorial interrogation “model” is the Reid Technique. We describe the Reid Technique below because: (a) it is the most common interrogation technique trained to police investigators in the United States (Kassin et al., 2007; Leo, 2004), and (b) it is our assessment that investigators in this case primarily employed tactics and techniques that reflect this approach to questioning a suspect. Reid, like other accusatorial interrogation models, lacks empirical validation and is demonstrably problematic in terms of increasing the likelihood of eliciting a false confession.
- 1. Evolution of Accusatorial Techniques.** As policing practice has evolved, the methods used by investigators to breakdown a suspect’s resistance and extract a confession have also changed. In the early 20<sup>th</sup> century, the overtly coercive “third degree” tactics (e.g., beatings, sleep deprivation; see Leo, 2004) gave way to practices that instead involved the application of substantial psychological pressure and the use of gambits (i.e., deception) to extract admissions and confessions (White, 2003). One of the most heralded and widely used interrogation procedures in the U.S. is known as the *Reid Technique* of investigative interviewing. According to the website run by John E. Reid and Associates, over 300,000 investigators have been instructed in the Reid Technique since 1974 (see [www.reid.com](http://www.reid.com)). Now in its fifth edition, the Reid Technique manual, entitled *Criminal Interrogation and Confessions* (Inbau, Reid, Buckley, & Jayne, 2013), has served as a primary source for police investigators (Kassin et al., 2007; Leo, 2004). In general, this interrogation technique hinges on the ability of an investigator to subjectively detect deception in the context of an initial interview, and to subsequently employ a series of techniques intended to overcome a suspect’s denials and to elicit a confession.
  - 2. Assessing Deception in an Initial Interview.** Accusatorial approaches such as the Reid Technique (Inbau et al., 2013) encourage investigators to initiate an interview of the suspect by employing a non-accusatorial approach (often referred to as the Behavioral Analysis Interview or BAI). This initial interview is intended to assess verbal and nonverbal indicators of deception. A growing body of research, however, suggests that law enforcement officers perform only slightly better than chance when attempting to distinguish truth from deception (Bond &

DePaulo, 2006; Vrij, 2000, 2008). Furthermore, research suggests that police investigators demonstrate a *guilt bias* in their perception of suspects (Meissner & Kassin, 2002; 2004), including their perception of true versus false confession statements (Kassin, Meissner, & Norwick, 2005). A recent empirical test of the BAI procedure found that the technique produced an opposite pattern of behaviors than had been predicted by Inbau et al. (Vrij, Mann, & Fisher, 2006, 2007), a finding that could produce false presumptions of guilt being placed upon innocent suspects who exhibit BAI “symptoms.”

3. **Accusatorial Interrogation Tactics.** In circumstances where a finding of “deception” based upon the BAI has been reached, investigators are encouraged to apply the Reid Interrogation Technique. As Kassin and Gudjonsson (2004) note, the nine-step Reid technique can be readily reducible to three general phases involving: (a) *custody and isolation*, in which the suspect is detained in a small room and left to experience the anxiety, insecurity, and uncertainty associated with police interrogation; (b) *confrontation*, in which the suspect is presumed guilty, is told (often falsely) that he is guilty (regardless of the evidence against him/her), is warned of the consequences associated with his/her guilt, and is prevented from denying his/her involvement in the crime; and finally (c) *minimization*, in which a now-sympathetic interrogator attempts to gain the suspect’s trust, offers the suspect face-saving excuses or justifications for the crime, and implies more lenient consequences should the suspect provide a confession.
4. **Maximization and Minimization Tactics.** Researchers (Kassin & McNall, 1991) generally distinguish between two broad types of interrogation techniques. The first is known as *maximization* techniques. Maximization centers around the use of “scare tactics” designed to intimidate a suspect by overstating the seriousness of the offense and magnitude of the charges, as well as making false/exaggerated claims about evidence. The second is referred to as the aforementioned *minimization* techniques (i.e., “soft sell” technique). When employing a minimization strategy, investigators attempt to lull the suspect into a false sense of security by offering sympathy, tolerance, or excuses; by blaming the victim and/or accomplice; or by underplaying the seriousness/magnitude of charges.
5. **Utility and False Confessions.** The Reid Technique is effective in eliciting confessions largely as a result of formidable social influence processes that have been shown to produce powerful effects in psychological studies of conformity (Asch, 1956), obedience to authority (Milgram, 1974), and compliance to requests (Cialdini, 2001). Given the potentially coercive influence of these principles of social persuasion, behavioral scientists sought to explore a critically important research question: Could such a technique also yield false confessions? Yes, numerous researchers have demonstrated that such techniques place innocent suspects in danger (Kassin, 1997; 2005; Kassin & Gudjonsson, 2005; Meissner, Redlich, Michael, Evans, Camilletti, Bhatt, & Brandon, 2014). For example, Kassin and Kiechel (1996) have shown that presentation of false evidence can

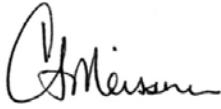


significantly increase the likelihood of producing a false confession. Other research (Horgan, Russano, Meissner, & Evans, 2012; Russano, Meissner, Narchet, & Kassin, 2005; Narchet, Meissner, & Russano, 2011) has demonstrated that minimization techniques can increase the likelihood of both true and false confessions. Cases of wrongful conviction in the U.S., in which false confession evidence is a primary factor, also point to the power of such psychologically-based techniques in eliciting false confessions (Drizin & Leo, 2004; Gudjonsson, 2003).

**C. Types of False Confessions.** Researchers have classified false confessions into three types: *voluntary*, *compliant*, and *internalized* (see Kassin et al., 2010).

1. **Voluntary.** Voluntary false confessions are given without prompting from authorities by suspects who accept blame to protect someone else, or because they seek to take credit for the crime (Kassin et al., 2010). The majority of the false confessions in Malloy and colleagues' (2014) sample were voluntary, frequently involving the assumption of blame for a friend (see also Redlich et al., 2011). People may also provide a voluntary false confession because they seek fame for committing a high-profile crime, or to relieve feelings of guilt for an unrelated offense (Kassin et al., 2010).
2. **Compliant.** *Compliant* false confessions are given by suspects who capitulate under pressure during an interrogation (Kassin et al., 2010). Compliant false confessors may confess believing that the evidence will subsequently exonerate them (Perillo & Kassin, 2011), that they would be afforded leniency, or that they would be able to go home after confessing (Redlich et al., 2011). The length of the interrogation may also play a role and people undergoing a prolonged interrogation tend to discount the long-term consequences of confessing (Madon, Yang, Smalarz, Guyll, & Scherr, 2013) and also become more suggestible to leading questions in longer interrogations (Madon et al., 2017). The aforementioned accusatorial interrogation techniques can also increase the likelihood of a compliant false confession (Meissner et al., 2015).
3. **Internalized.** Internalized false confessions occur when innocent suspects come to believe that they actually committed the crime (Kassin et al., 2010). Internalized false confessions are more likely to occur when the suspect believes it is plausible they could have committed the crime (Kassin & Kiechel, 1996; Klaver, Lee, & Rose, 2008); when the interrogator lies about having evidence implicating the suspect; or when the suspect is particularly susceptible to memory failure or suggestibility due to factors such as youth, intoxication, or low intelligence (Kassin, 1997). Internalized false confessions may also result from interrogation techniques that distort a suspect's memory, causing them to create false memories of their involvement in the crime (Henkel & Coffman, 2004).

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "C. Meissner". The signature is fluid and cursive, with the first letter "C" being large and prominent.

Christian A. Meissner, PhD

A handwritten signature in black ink, appearing to read "Steven M. Kleinman". The signature is fluid and cursive, with the first letter "S" being large and prominent.

Steven M. Kleinman

Attachments: Meissner CV  
Kleinman CV  
Ogrod "Confession Chart"  
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Confession Detail	<i>Fit:</i> Does this detail match the physical evidence?	<i>Source of Contamination:</i> What police knew before interrogation <sup>1</sup>	<i>Source of Contamination:</i> Media Coverage of Crime	<i>Source of Contamination:</i> Suspects' Pre-Existing Familiarity with Crime Scene
BJH found dead in a cardboard TV box	BJH was found dead in a cardboard 13-inch Hitachi television box	Devlin knew BJH was found in a cardboard television box N.T. Suppression (09/07/93) at [p.94-95]	<p><b>DAO – UKN (4) - 7/12/88*</b></p> <p>Daily News 7/13/1988 (found in “blood soaked box”; “cardboard television-set box”)</p> <p>Daily News 7/14/1988 (found stuffed in Hitachi 13-inch television carton)</p> <p>Daily News 7/15/1988</p> <p>Daily News 7/16/1988 (cardboard TV box; Hitachi television carton)</p> <p>Daily News 7/20/1988 (in cardboard Hitachi TV box)</p> <p>Daily News 7/22/88 (in a box)*</p> <p><b>DAO – Daily News 8/6/88*</b></p> <p>Daily News 4/13/1989 (cardboard box)</p>	Ogrod lived in his house (the crime scene at trial) and the neighborhood, and testified that he read the news coverage

<sup>1</sup> Inspector Laurence Nodiff was the supervisor in the SIU [unit of homicide] on the Barbara Jean Horn murder case. Deposition of Inspector Laurence Nodiff, Shaurn Thomas v. City of Philadelphia, 2:17 -cv-04196, Sept. 24, 2018, Vol I, (“Nodiff Depo. I”) p. 93. Inspector Nodiff described it as a “protracted investigation that we handled.” Nodiff Depo. I, p. 93. Inspector Nodiff stated “[t]hat was a lengthy investigation where we went back from the very beginning and redid neighborhood surveys. We read all of the interviews, the file, the activity sheets for the murder of Barbara Jean Horn.” Nodiff Depo. I, p. 95. “It was a protracted investigation. Myself and the team went back to Square 1, 13 reviewed all of the interviews, grand jury note, spoke to the investigators that initially had the investigation, went back to the neighborhood and started over by knocking on every single door in the neighborhood, and doing neighborhood surveys to see if there were still people who lived on the block that might have any useful information. Deposition of Inspector Laurence Nodiff, Shaurn Thomas v. City of Philadelphia, 2:17 -cv-04196, Oct. 10, 2018, Vol I, (“Nodiff Depo. II”) p. 50.

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			Daily News 11/30/1989 (body found in box) Daily News 1/12/1990 (stuffed into TV carton) Daily News 6/4/1990 Inquirer 7/13/1988 (cardboard carton which originally contained a 13-inch Hitachi television set)** Inquirer 7/15/1988 (cardboard TV carton) ** Inquirer 7/16/1988 Inquirer 7/18/1988 Times Newspapers 7/21/88 (2 other articles that pre-date Ogrod's confession) *** Inquirer 7/28/1988 Inquirer 8/21/1988** Inquirer 8/28/1988 Inquirer 9/11/1988 Inquirer 9/17/1988 Inquirer 10/20/1988 Inquirer 11/6/1988** Inquirer 11/20/1988** Inquirer 1/26/1989 Inquirer 4/13/1989 Inquirer 4/23/89*	



Confession Detail	<i>Fit:</i> Does this detail match the physical evidence?	<i>Source of Contamination:</i> What police knew before interrogation <sup>1</sup>	<i>Source of Contamination:</i> Media Coverage of Crime	<i>Source of Contamination:</i> Suspects' Pre-Existing Familiarity with Crime Scene
			Inquirer 5/7/1989 Inquirer 12/31/1989 Inquirer 1/12/1990	
Ogrod saw BJH sometime in the afternoon on day she was found dead in box. Guesses between 1PM and 3PM	N/A	Neighborhood survey, Linda Green, 7/13/88, says she looked out her window and saw BJH outside her house by herself WO (HF) <sup>2</sup>  Neighborhood survey, Nov. 1989, Walter Ogrod says he was home on the day of the incident. He went out around 2:45 and returned around 3:30. That's when the father knocked on his door asking if he had seen his daughter. WO (HF)	Daily News 7/13/1988 (BJH last seen playing with her toys around 2PM and her frantic stepfather going through the neighborhood banging on doors around 4 PM) Daily News 7/14/1988 (BJH last seen at 3:30PM) Inquirer 7/14/1988 (John Fahy reported BJH missing around 3:30)	Ogrod lived in his house (the crime scene at trial) and the neighborhood, and testified that he read the news coverage

<sup>2</sup> WO (HF) means located in the Philadelphia Police Department's Walter Ogrod Homicide File.

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		Police neighborhood surveys document people seeing BJH in the neighborhood between 1PM and 3PM. WO (HF) #'s: 1941, 1922, 1939, 1836, 1842, 1948, etc.		
BJH came to Ogrod's house looking for Charlie	N/A	<p>Devlin states he may have read the statement of John Fahy taken the day of the murder which states Fahy spoke to Charlie's mother a little after 3PM and she stated BJH had been there around 2PM N.T. Suppression (09/07/93) at [p. 80-82]</p> <p>John Fahy told detectives on 7/12/88 at 9PM, the day the crime occurred he spoke to Charlie Green's mother who told him she saw</p>	Suggested in Inquirer 8/21/1988	Ogrod lived in his house (the crime scene at trial) and the neighborhood, and testified that he read the news coverage

Confession Detail	<i>Fit:</i> Does this detail match the physical evidence?	<i>Source of Contamination:</i> What police knew before interrogation <sup>1</sup>	<i>Source of Contamination:</i> Media Coverage of Crime	<i>Source of Contamination:</i> Suspects' Pre-Existing Familiarity with Crime Scene
		BJH around 2PM. WO (HF) 000439		
Ogrod answered door, let her in, and told her to see Mrs. Green in the other room because Ogrod did not know where Charlie was. BJH walked past Ogrod and he thinks he went upstairs. Last time Ogrod saw BJH	N/A	Linda Green said BJH came to the door before 2PM looking for Charlie, Jr. but left because Charlie was not there. Linda Green said that around 2PM she saw BJH playing outside. WO (HF) 583		Ogrod lived in his house (the crime scene at trial) and the neighborhood
BJH came over to Ogrod's house and knocked on front door looking for Charlie Bird (6 y.o.). Charlie was not in the house but Ogrod says he let her in anyway	CIU Interview of Linda Green Luterman and Charlie Green, Jr.: Charlie Jr. was at the pool with Ingrid Green that day	Neighborhood survey, Linda Green, 7/13/88, says she looked out her window and saw BJH outside her house by herself WO (HF)  Neighborhood survey, Nov. 1989, Walter Ogrod says he was home on the day of the incident. He went out around 2:45 and returned around 3:30. That's		Ogrod lived in his house (the crime scene at trial) and the neighborhood, and testified that he read the news coverage

Confession Detail	<i>Fit:</i> Does this detail match the physical evidence?	<i>Source of Contamination:</i> What police knew before interrogation <sup>1</sup>	<i>Source of Contamination:</i> Media Coverage of Crime	<i>Source of Contamination:</i> Suspects' Pre-Existing Familiarity with Crime Scene
		when the father knocked on his door asking if he had seen his daughter. WO (HF)		
Ogrod and BJH alone in the dining room. Usually Linda is in the dining room but she must have stepped out or was upstairs	CIU Interview of Linda Green Luterman: Afternoon of murder, Linda Green was in the kitchen preparing a roast for dinner. Sarge (Charlie Green, Sr.) was asleep in the living room. He had taken pain medication.			Ogrod lived in his house (the crime scene at trial) and the neighborhood
Ogrod got idea to ask BJH to come down to basement and BJH followed him down to the basement	CIU Interview of Linda Green Luterman: Linda did not see Walter with BJH			Ogrod lived in his house (the crime scene at trial) and the neighborhood, and testified

Confession Detail	<i>Fit:</i> Does this detail match the physical evidence?	<i>Source of Contamination:</i> What police knew before interrogation <sup>1</sup>	<i>Source of Contamination:</i> Media Coverage of Crime	<i>Source of Contamination:</i> Suspects' Pre-Existing Familiarity with Crime Scene
	on the day of the murder. CIU Interview of Ingrid Green: stairs to the basement were creaky and loud.			that he read the news coverage
Ogrod asked BJH if she wanted to play doctor and she said yes, so Ogrod began to undress BJH	BJH was found naked	Worrell knew BJH had been found nude N.T. Trial 1 (10/25/93) at [p.352-353]	Daily News 7/13/1988 (found naked) Daily News 7/14/1988 (found naked) Daily News 7/20/1988 (naked) Daily News 7/22/1988 (naked) Daily News 4/3/1989 (naked) Daily News 1/12/1990 (BJH's body stripped of clothes) Inquirer 7/13/1988 Inquirer 7/14/1988 (nude body) Inquirer 7/15/1988 (nude) Inquirer 7/18/1988 Inquirer 9/11/1988 Inquirer 9/17/1988 Inquirer 10/20/1988 Inquirer 11/6/1988 Inquirer 11/20/1988 Inquirer 1/26/1989 Inquirer 4/13/1989 Inquirer 12/31/1989	Ogrod lived in his house (the crime scene at trial) and the neighborhood, and testified that he read the news coverage

Confession Detail	<i>Fit:</i> Does this detail match the physical evidence?	<i>Source of Contamination:</i> What police knew before interrogation <sup>1</sup>	<i>Source of Contamination:</i> Media Coverage of Crime	<i>Source of Contamination:</i> Suspects' Pre-Existing Familiarity with Crime Scene
BJH was wearing a one piece	BJH wearing shorts and a top.	<p>Worrell knew BJH had been wearing shorts and a top. Outfit was two pieces based on information John Fahy gave the day the murder occurred. N.T. Trial 1 (10/25/93) at [p.370-371]</p> <p>John Fahy told police on 7/12/88, the day of the murder that BJH was wearing pink shorts, a top with horizontal pink, green and yellow stripes and strings with flip flops. WO (HF) 000437</p>	<p>Inquirer 1/12/1990</p> <p>Inquirer 8/21/1988 Daily News 7/14/1988 – the clothing BJH was wearing when she disappeared has not been recovered. Daily News 7/16/1988: police checking trash and sewers trying to locate BJH's missing clothes Inquirer 7/14/1988 (BJH was dressed in shorts and a top the day she was murdered) Inquirer 7/15/1988 (sanitation workers began rifling through trash cans for evidence, particularly for the shorts and top the child was seen wearing before she disappeared)</p>	Ogrod lived in his house (the crime scene at trial) and the neighborhood, and testified that he read the news coverage
BJH was barefoot	BJH was nude (barefoot)	<p>Devlin states he knew BJH had been found barefoot. N.T. Suppression (09/07/93) [p. 91]</p>	Inquirer 8/21/1988	Ogrod lived in his house (the crime scene at trial) and the neighborhood, and testified

Confession Detail	<i>Fit:</i> Does this detail match the physical evidence?	<i>Source of Contamination:</i> What police knew before interrogation <sup>1</sup>	<i>Source of Contamination:</i> Media Coverage of Crime	<i>Source of Contamination:</i> Suspects' Pre-Existing Familiarity with Crime Scene
		<p>John Fahy told detectives on 7/12/88 during his 6:30PM statement he thinks BJH may have been barefoot because her flip flops were in the living room. WO (HF) 000446-000447</p> <p>John Fahy told detectives in his statement on 7/12/88 at 9PM, the day of the crime BJH was barefoot the last time he saw her. WO (HF) 000441</p>		that he read the news coverage
Ogrod stroked BJH's shoulders and back; rubbed her feet	N/A			
Ogrod pulled down pants and kneeled down and says he is getting hard	N/A			

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Ogrod held BJH "real tight" and starting rubbing his penis against her leg; Ogrod could not recall if he ejaculated.	No handprint or fingerprint bruises  Dr. Hood stated that the Medical Examiner's Office disagreed with Louis Brenner's visualization of single sperm head; likely cat urinated in the box.  The three bruises on her back/shoulders are hickeys.	Louis Brenner states substances in the box were identified as sperm and vomitus particles indicating a penis may have been between the lips of someone with food particles present N.T. Trial 1 (10/21/93) at [p.117-118]  The report which this testimony was based is dated 9/8/88 and states the box which BJH was found in contains a vomitus stain. The vomitus stain contains Spermatozoa in one area of the stain WO (HF) 001717  Paragraph 3 of the Medical Examiner's Autopsy report completed on 7/13/88	Daily News 7/13/1988 (medical examiner's source says no immediate indication of sexual abuse) Daily News 7/14/1988 (not sexually molested) Inquirer 7//13/1988 (no outward signs that she had been sexually assaulted said one investigator) Inquirer 7/14/1988 (no signs of struggle or sexual assault; the body bore no scratches or cuts) Inquirer 7/15/1988 (no signs of struggle or sexual assault)	



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		and signed on 7/29/88 state the oral, rectal and vaginal smears of BJH do not show sperm. Postmortem Report WO (HF)		
Ogrod pushed BJH's face down towards his penis and BJH started to scream	CIU Interview of Linda Green: Linda was in the kitchen making dinner and did not hear any screaming. She did note the air conditioner was on because Sarge was asleep in the living room. CIU Interview of Ingrid Green: Ingrid stated you could hear everything in the house.	See above re evaluation of stains in the box	Daily News 7/13/1988 (medical examiner's source says no immediate indication of sexual abuse) Daily News 7/14/1988 (not sexually molested)	

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	1986 Maureen Dunn Homicide File: Murder occurred in the basement of Ogrod's home. Ogrod heard her screams from the 3 <sup>rd</sup> floor of the house.			
Ogrod hit her in the back of the head	BJH had 2 lacerations and 1 bruise on the back of her head <b>and</b> 2 lacerations to the top of her head.	Devlin had autopsy report stating BJH had wounds to the back of the head N.T. Suppression (09/07/93) at [p. 91–92].  Paragraphs 1-5 of the Medical Examiner's Autopsy report completed on 7/13/88 by Paul Hoyer describe wounds to the back and top of the head. Postmortem Report [p.3] WO (HF)	Inquirer 7/14/1988 (hit on top and back of her head)  Daily News 7/14/1988 (beaten to death; struck on the back and top of her head 5 times with a blunt instrument; BJH apparently did not fight back because no scratches or bruises on the rest of her body)  Daily News 7/15/1988: (severe head wounds)	Ogrod lived in his house (the crime scene at trial) and testified that he read the news coverage

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		<p>Paragraphs 1,2,4 and 5 of the Medical Examiner's Autopsy report completed on 7/13/88 by Paul Hoyer describe 4 lacerations to the head. Postmortem Report at [p.3] WO (HF)</p> <p>Paragraph 3 of the Medical Examiner's Autopsy report completed on 7/13/88 by Paul Hoyer describe a swollen area in which the skin was not broken at the top of the head. Postmortem Report at [p.3] WO (HF)</p> <p>Paragraphs 6,7,8 and 9 of the Medical Examiner's Autopsy report completed on</p>		

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		7/13/88 by Paul Hoyer describe abrasions to the head. Postmortem Report at [p.3] WO (HF)		
Ogrod hit BJH in the head at least four times, maybe more; BJH did not move after that	<p>BJH had 2 lacerations and one bruise on the back of her head; 2 lacerations on the top of her head.</p> <p>However, the head wounds were not the cause of death.</p> <p>Although cause of death cannot be conclusively determined, asphyxia is likely the cause of death.</p>	<p>Worrell knew BJH was hit at least a minimum of 6 times, possibly more. N.T. Trial 1 (10/25/93) at [p.372-373]</p> <p>Paragraphs 1,2,4 and 5 of the Medical Examiner's Autopsy report completed on 7/13/88 by Paul Hoyer describe 4 lacerations to the head.</p> <p>Postmortem Report at [p.3] WO (HF)</p>	<p>Daily News 7/13/1988 (medical examiner's source says the girl was badly beaten, probably with a blunt object)</p> <p>Daily News 7/14/1988</p> <p>Daily News 7/16/1988 (beaten to death with a blunt object, police said)</p> <p>Inquirer 7/13/1988 (child badly beaten with some sort of blunt object)</p> <p>Inquirer 7/14/1988 (an autopsy conducted on Tuesday showed she had been hit 5 times with a blunt object on top and back of head. The autopsy, performed at the Medical Examiner's Office, showed that blows on the top and back of head probably killed the girl).</p> <p>Inquirer 7/15/1988 (autopsy determined she died of blows on the head with a blunt object)</p>	Ogrod lived in his house (the crime scene at trial) and the neighborhood, and testified that he read the news coverage

Confession Detail	<i>Fit</i> : Does this detail match the physical evidence?	<i>Source of Contamination</i> : What police knew before interrogation <sup>1</sup>	<i>Source of Contamination</i> : Media Coverage of Crime	<i>Source of Contamination</i> : Suspects' Pre-Existing Familiarity with Crime Scene
			Daily News 1/12/1990 (repeatedly struck on the head; "bludgeon murder")	
Ogrod held BJH's head and hit BJH in the head	Rorke testified that BJH's head was hit with significant force causing a rotational force on the brain from head movement <sup>3</sup>			Ogrod lived in his house (the crime scene at trial) and the neighborhood, and testified that he read the news coverage
Ogrod initially says he hits BJH with a pipe, but then says it might have been a pull-down bar from weight lifting set	Weapon is not a pipe or the pull-down weight bar. The object that caused the lacerations was narrow/thin margins and light weight,	Rocks knew about weight set and lat bar in Ogrod's basement since 1986 (Dunne homicide) and has access to the photo of the lat bar. N.T. Trial 1 (10/25/93) at [p.399-401]  Sgt. Robert Snyder was the homicide sergeant on	Daily News 7/13/1988 (blunt object) Inquirer 7/13/1988 (some sort of blunt object) Inquirer 7/14/1988 (blunt instrument)** Daily News 7/15/1988 (blunt instrument, police said) Daily News 7/16/1988 (beaten to death with a blunt object, police said) Inquirer 7/18/1988 Inquirer 8/21/1988	Ogrod lived in his house (the crime scene at trial) and the neighborhood, and testified that he read the news coverage

<sup>3</sup> Rorke testified in the first trial about coupe and contre coup injuries which would indicate that the head was stationary and hit with an object. However, this was abandoned in the second trial and no reviewing expert identified coup or contre coup injuries.

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	likely with sharp edges	<p>the Dunne homicide. Sgt. Snyder was also the detective present taking notes at BJH's autopsy. Sgt. Snyder was one of three SIU supervisors, when fellow SIU supervisor Nodiff assigned Devlin and Worrell to the BJH murder.</p> <p>Devlin had prior knowledge that BJH was struck with a blunt instrument N.T. Suppression (09/07/93) at [p. 105-106]</p> <p>Dr. Mirchandani said the lacerations on BJH's head were caused by a blunt object N.T. Trial 1 (10/25/93) at [p.429]</p>	<p>Inquirer 9/17/1988  Inquirer 11/6/1988*  Inquirer 11/20/1988**  Inquirer 4/13/1989*  Inquirer 1/12/1990  Daily News 1/12/1990 (a blunt object)</p>	

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		<p>Dr. Mirchandani said the two lacerations on top of BJH's head and the two lacerations on the back of BJH's head were caused by a blunt object. N.T. Grand Jury (06/28/90) at [p.10-12]</p> <p>Dr. Mirchandani said two severe blows were struck to the top of the head by a blunt object N.T. Grand Jury (06/28/90) at [p.10-11]</p>		
BJH was bleeding from the head and lying on a throw rug (there were little throw rugs all over the floor). Ogrod cleaned up the blood, rolled up the rug and threw it out.	CIU Interview of Linda Green Luterman and Charlie Green, Jr.: There were no rugs in the basement at the time of BJH's murder	<p>Dr. Mirchandani: Q: Does the condition of the body suggest she was cleaned up before she was put in the box...? A: I would expect to see a lot more blood from what is shown in the box. In fact, there is not much, as you can see... Blood would be clotted</p>		

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		in this area of the head because after a person bleeds, the blood clots. And I would expect clotted blood in this area. So I feel she was cleaned somehow after, and placed in the box. Grand Jury XI, 89-00-8134, C7, June 28, 1990, p. 15.		
BJH bleeding and Ogrod did not know what to do so he grabbed a cloth and held it to her head to get BJH over to the basin tub to wash her off	BJH's hair was wet when she was found in the box BJH's head injuries would have bled a lot  There is a large, deep sink next to the washing machine in the basement of Ogrod's home	Dr. Mirchandani: Q: Does the condition of the body suggest she was cleaned up before she was put in the box...? A: I would expect to see a lot more blood from what is shown in the box. In fact, there is not much, as you can see... Blood would be clotted in this area of the head because after a person bleeds, the blood clots. And I would expect clotted blood in this area.	Daily News 7/13/1988 (medical examiner's source says the body appeared to have been washed) Daily News 7/14/1988 (body apparently washed off) Daily News 7/15/1988 (body washed off and placed in box) Inquirer 7/15/1988	Ogrod lived in his house (the crime scene at trial) and the neighborhood, and testified that he read the news coverage



Confession Detail	<i>Fit:</i> Does this detail match the physical evidence?	<i>Source of Contamination:</i> What police knew before interrogation <sup>1</sup>	<i>Source of Contamination:</i> Media Coverage of Crime	<i>Source of Contamination:</i> Suspects' Pre-Existing Familiarity with Crime Scene
		So I feel she was cleaned somehow after, and placed in the box. Grand Jury XI, 89-00-8134, C7, June 28, 1990, p. 15.		
Ogrod either put her in the basin tub or held her under the faucet to clean her off		<p>Devlin knew there was a wet stain in the box when BJH was found and BJH's head was wet N.T. Suppression (09/07/93) at [p.92-93].</p> <p>Worrell knew it appeared that BJH had been washed off because she was wet when found in the box. N.T. Trial 1 (10/25/93) at [p.373]</p> <p>Rocks knew there was a tub in the basement from a prior homicide in the basement of the home N.T. Trial 1 (10/25/93) at [p.400]</p>	<p>Daily News 7/13/1988 (medical examiner's source says the body appeared to have been washed)</p> <p>Daily News 7/14/1988 (body apparently washed off)</p> <p>Daily News 7/15/1988 (body washed off and placed in box)</p> <p>Daily News 1/12/1990</p> <p>Inquirer 7/13/1988 (assailant may have tried to wash the body)</p> <p>Inquirer 7/15/1988 (no blood on the body suggesting someone might have washed her after beating)</p> <p>Inquirer 7/18/1988</p> <p>Inquirer 8/21/1988</p>	Ogrod lived in his house (the crime scene at trial) and the neighborhood, and testified that he read the news coverage

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Ogrod left BJH in the basin tub and went out the back door to get to the garage and open the garage door	Maureen Dunn 1986 Homicide File: Investigators type written notes describing the scene indicate the back door off the basement was nailed shut and large transmission blocking door from the outside. CIU Interview of Charlie Green, Jr.: Agrees that the back door was nailed shut. However, thinks it might have been operational at the time of BJH's murder.			

Confession Detail	<i>Fit:</i> Does this detail match the physical evidence?	<i>Source of Contamination:</i> What police knew before interrogation <sup>1</sup>	<i>Source of Contamination:</i> Media Coverage of Crime	<i>Source of Contamination:</i> Suspects' Pre-Existing Familiarity with Crime Scene
	<p>However, Charlie said no one used the door.</p> <p>CIU Interview of Ingrid Green: No one used the back door off the basement. Greg's car was firebombed behind the house years earlier, so no one used back door. She doesn't recall whether it was nailed shut.</p>			
Ogrod found a green or blue trash bag in the garage to cover BJH	CIU Interview of Linda Green: Trash bags were in the kitchen in the house; Linda says Walter did not enter the	Buick manager, Michael Massi saw green trash bags sticking out of the TV box N.T. Trial 1 (10/22/93) at [p.154]	<p>Inquirer 7/14/1988 ("dark plastic trash bag")</p> <p><b>DAO – UKN(1) – 7/21/88***</b></p> <p>Daily News 7/14/1988 (plastic trash bag)</p> <p>Daily News 7/20/1988 (plastic bag)</p>	Ogrod testified that he read the news coverage

Confession Detail	<i>Fit:</i> Does this detail match the physical evidence?	<i>Source of Contamination:</i> What police knew before interrogation <sup>1</sup>	<i>Source of Contamination:</i> Media Coverage of Crime	<i>Source of Contamination:</i> Suspects' Pre-Existing Familiarity with Crime Scene
	kitchen on the day of the murder.	<p>On the day of the crime 7/12/88, Michael Massi told police he saw the suspect drag the box by the green plastic trash bag which was sticking out from underneath the box. WO (HF) 000909</p> <p>Worrell knew BJH was found with a dark green trash bag over her. N.T. Trial 1 (10/25/93) at [p.374].</p> <p>David Schectman saw the suspect dragging the box by the plastic that was inside it N.T. Trial 2 (10/01/96) at [p.14].</p> <p>David Schectman told detectives on 7/12/88 the day the crime occurred</p>		

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		that he saw the suspect dragging the box by the green plastic trash bag that was underneath the box.  David Schectman Statement to Detectives (7/12/88) at [p.1]		
Ogrod went back to the basement and covered BJH with the trash bag and carried her out the back door to the garage, put BJH in the garage, covered her with clothes, and closed the garage door.	Maureen Dunn 1986 Homicide File: Investigators type written notes describing the scene indicate the back door off the basement was nailed shut and large transmission blocking door from the outside. CIU Interview of Charlie Green, Jr.:		Daily News 7/14/1988 (plastic trash bag) Daily News 7/20/1988 (plastic bag) Inquirer 7/14/1988 (dark plastic trash bag)	Ogrod testified that he read the news coverage

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	<p>Agrees that the back door was nailed shut. However, thinks it might have been operational at the time of BJH's murder. However, Charlie said no one used the door.</p> <p>CIU Interview of Ingrid Green: No one used the back door off the basement. Greg's car was firebombed behind the house years earlier, so no one used back door. She doesn't recall</p>			

Confession Detail	<i>Fit:</i> Does this detail match the physical evidence?	<i>Source of Contamination:</i> What police knew before interrogation <sup>1</sup>	<i>Source of Contamination:</i> Media Coverage of Crime	<i>Source of Contamination:</i> Suspects' Pre-Existing Familiarity with Crime Scene
	whether it was nailed shut.			
Ogrod walked up the back driveway towards St. Vincent Street in search of something to put her in				
Ogrod grabbed a box in the back of the house near the corner	Police traced the serial number of TV box to a purchase by the Ward family (who lived on Rutland near St. Vincent) for their son Wesley Ward	Devlin knew BJH was found in a cardboard television box and the box had been taken from the back of a house on the corner N.T. Suppression (09/07/93) at [p.94-95]	Daily News – 7/22/88* Daily News 1/12/1990 (detectives traced box to the family that bought the television and store where it was purchased)	Ogrod lived in his house (the crime scene at trial) and the neighborhood, and testified that he read the news coverage
Ogrod then walked back, put BJH in the box, put the trash bag on top of her, and closed the box			Daily News 7/14/1988 (BJH was naked and partly covered with plastic trash bag inside box) Inquirer 7/14/1988 (nude body inside box partially covered by dark plastic trash bag) Daily News 7/20/1988 (found under plastic bag inside cardboard Hitachi TV box)	Ogrod lived in his house (the crime scene at trial) and the neighborhood, and testified that he read the news coverage

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Ogrod was going to put the box out with the trash but realized the trash had already been picked up	Investigation in 1988 revealed trash pick up on the day of the murder was ~10AM	Lorraine Schectman told detectives on 7/13/88 that her husband informed the suspect he had missed the trash pickup for the day and the suspect remarked he thought trash would've been collected the following day WO (HF) 001116  Santiago states David Schectman told him that he informed the suspect he had missed the trash collection earlier that day N.T. Grand Jury (01/05/90) at [p.6]	Daily News 7/13/1988 (police disclose they are looking for a man seen walking in the area of Castor Avenue and St. Vincent Street carrying a box) Daily News 7/15/1988 DAO – UKN (1)- 7/21/88***	
Ogrod walked up to St. Vincent Street and turned onto St. Vincent			Daily News 7/13/1988 (police disclose they are looking for a man seen walking in the area of Castor Avenue and St. Vincent Street carrying a box) Daily News 7/15/1988 (several people seen carrying the box) DAO – Inquirer – 8/28/88*	Ogrod lived in his house (the crime scene at trial) and the neighborhood, and testified



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			DAO – UKN – (2,3)***	that he read the news coverage
There were people by the dumpster located by his driveway but people were waiting for the bus around Castor Ave so he couldn't put the box in the dumpster by throwing it over the fence			Daily News 7/13/1988 (police disclose they are looking for a man seen walking in the area of Castor Avenue and St. Vincent Street carrying a box) Inquirer 7/15/1988 Inquirer 8/21/1988	
Ogrod crossed St. Vincent to where Kutner Buick is located and then walked a few steps down Castor, but too busy (Ogrod went to the other side of Castor Avenue near Kutner Buick)	Walter Ogrod (at time of arrest in 1992): 23 y.o. at time of murder; 6' 1"; 240 lbs., brown hair, brown eyes, white male  Massi's description on 7/12/1988: white male, 5' 6"-5' 8"; medium build; 30ish; dark	Devlin knew from witnesses that the suspect had walked around the streets which Ogrod referred to in his statement N.T. Suppression (09/07/93) at [p.95].  Worrell knew the route taken by the suspect N.T. Trial 1 (10/25/93) at [p.379-380].	Daily News 7/13/1988 (police disclose they are looking for a man seen walking in the area of Castor Avenue and St. Vincent Street carrying a box)  Inquirer – 7/14/88 (Massi was sitting at a desk facing St. Vincent Street around 3:30/4:00 when he noticed a man walking north on the west side of Castor Avenue carrying a TV box in his arms. The man crossed St. Vincent Street about 20 feet in front of Massi and stopped in the front lawn of the Lutheran Church of St. Luke at 7200 Castor Avenue. "He put the box down	Ogrod lived in his house (the crime scene at trial) and the neighborhood, and testified that he read the news coverage

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	<p>complexion like he's been in the sun; hair on darker side and closer to head</p> <p>Lorraine Schectman 7/13/1988: white male, 20-25 y.o.; 5'7"-5'8"; tan but not real dark tan; light brown/dirty blond, curly/wavy hair, no facial hair</p> <p>David Schectman, 7/12/1988: white male, 25-30 y.o., dark blonde or dirty blonde, short hair, slightly tan,</p>		<p>and appeared to catch his breath." After 15-20 seconds, the man reached down and grabbed hold of a dark plastic bag that was protruding from the top of the box and began pulling the box along the sidewalk toward the middle of the 1400 block of St. Vincent Street)</p> <p>Inquirer 7/15/1988 (man spotted around 3:30/4:00 pulling a box along St. Vincent Street-had to catch his breath. Police theorize box too heavy for him. BJH is 43 lbs.)</p> <p><b>DAO – UKN (4) – 7/12/88***</b></p> <p>Daily News 7/14/1988 (Michael Massi, a car salesman at Kutner Buick on Castor saw a man dragging a TV box on a heavy piece of plastic past the dealership an hour before body discovered)</p>	

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	5'8"-5'9"; 160-165 lbs, medium build.			
So Ogrod walked back to St. Vincent and Castor and turned to walk down St. Vincent, but he had to put the box down for a moment because it was too heavy		<p>Worrell knew box had been put down and picked back up N.T. Trial 1 (10/25/93) at [p.380]</p> <p>Buick manager Michael Massi saw the suspect put the box down by the church at St. Vincent street, rest then drag the box N.T. Trial 1 (10/22/93) at [p.154].</p> <p>Santiago states David Schectman told him on the scene the suspect struggled with the box, switching from dragging it to carrying it N.T. Grand Jury (01/05/90) at [p. 5]</p>	<p>Daily News 7/13/1988 (police disclose they are looking for a man seen walking in the area of Castor Avenue and St. Vincent Street carrying a box)</p> <p>Daily News 7/15/1988 (police theorize he dumped the box because he got tired of carrying it)</p> <p>Inquirer 7/14/1988 (~4:00, Michael Massi, the new car manager at Kutner Buick, saw a man of similar description dragging a box for a 13" Hitachi TV set down; St. Vincent Street in city's Castor Gardens section)</p> <p>Daily News 4/13/1989 (man seen dragging box through the streets; cardboard box found on St. Vincent Street near Castor Avenue)</p> <p><b>DAO – Inquirer – 5/7/89*</b></p>	Ogrod lived in his house (the crime scene at trial) and the neighborhood, and testified that he read the news coverage

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		<p>David Schectman told detectives on 7/12/88 the day the crime occurred that he saw the suspect carrying the box. He rested for a short time, then picked up the box and carried it for about 5 feet. He put the box down again and began to drag it.</p> <p>David Schectman statement to Detectives (7/12/88) at [p.1-2]</p>		
Ogrod picked the box back up and went a little further down St. Vincent and put the box by some trash cans	Box found next to two metal trash cans	Worrell knew the box had been left by some trash cans N.T. Trial 1 (10/25/93) at [p.380].	<p>Daily News 7/13/1988</p> <p>Daily News 7/14/1988 (box left under tree on St. Vincent street, two blocks from BJH's home)</p> <p>Daily News 7/15/1988</p> <p>Daily News 7/20/1988 (box found outside home on St. Vincent Street near Loretto, 2 blocks from BJH's home on Rutland)</p> <p>Daily News 7/22/1988 (box outside home on St. Vincent Street near</p>	Ogrod lived in his house (the crime scene at trial) and the neighborhood, and testified that he read the news coverage

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			Loretto, 2 blocks from BJH's Rutland home) Daily News 4/13/1989 (cardboard box found on St. Vincent Street near Castor Avenue)	
Ogrod may have stashed BJH's clothes in the little air vent on the top of the garage basement wall where there is a crawl space – doesn't think he ever removed it from there	Clothing never recovered; House was searched in 1992, but it had long been cleared out and boarded up by the city. No child's clothing recovered from a crawl space			Ogrod lived in his house (the crime scene at trial)
The pull-bar is 2ft or 2.5 feet long and both ends bend down about 8-9 inches		Rocks had access to photos of the basement in the Ogrod home including the weight set from 1986 unrelated homicide at that address N.T. Trial 1 (10/25/93) at [p.399-401]		Ogrod lived in his house (the crime scene at trial)

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- \* The article is contained in a list in the DAO file
- A copy of an article from the print out list is in the DAO file
- \*\*\*Copy of article in the DAO file

Daily News, 7/20/1988:

- Many neighbors are convinced the killer is a local resident.

Note: Many of the early articles include interviews with terrified residents

Inquirer 7/14/1988:

- Homicide detective J.D. Fischer said the whole department would be getting involved (in the investigation)

Maureen Dunn – daughter of detective William Dunn, a 26-year veteran attached to West Detective Division at 55<sup>th</sup> and Pine Streets. She was the victim of a homicide (stabbing) that occurred in the basement of Walter Ogrod's house, where Ogrod's brother was also stabbed but survived.

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### EXPERIENCE SUMMARY

***Intelligence Officer***—Thirty years of operational and leadership experience with assignments worldwide. Recognized subject matter expert in human intelligence operations; strategic interrogation; intelligence support to special operations; counterterrorism; and special survival. DoD Senior Intelligence Officer for special survival training and resistance to interrogation; Senior Intelligence Officer at the Air Force Major Command and Joint Combatant Command level.

***Strategic Consulting and Research***—Executive-level experience in providing strategic consulting and training for public and private sector entities engaged in high-risk/high-gain enterprises. Specific areas of expertise include geopolitical risk analysis and the application of intelligence principles to meet government and commercial information requirements. Recent engagements include serving as a senior advisor to a study commissioned by the Director of National Intelligence involving the first contemporary examination into the science underlying interrogation, consulting on multiple research projects on interrogation-related topics conducted at academic institutions in the U.S., Europe, and Australia, and leading a multi-year international study that focused on the design, management, and evaluation of terrorist threat reduction and rehabilitation programs as part of an overall strategy for countering violent extremism

***Subject Matter Expert***—Testified as a subject matter expert on intelligence and interrogation policy before the Senate Armed Services, Intelligence, and Judiciary Committees, and the House Judiciary and Intelligence Committees. Interviewed as a subject matter expert on national security, strategy, intelligence, interrogation, and terrorism by the *New York Times*, *Newsweek*, the *Washington Post*, the *Boston Globe*, the *Los Angeles Times*, the *Christian Science Monitor*, National Public Radio, British Broadcasting Service, CNN, CBS News, and ABC News.

***Lecturer/Speaker***—A sought-after speaker on intelligence, strategy, human rights, mitigating violent extremism, and interrogation policy. Recent venues/audiences include the Human Rights First Summit, Georgetown Law School, Naval Postgraduate School, City University of New York School of Law, Harvard Law School Program on Human Rights, the John Jay College of Criminal Justice of the City University of New York, Harvard University Program on Negotiation, Singapore Home Team Academy, the London-based International Terrorism and Intelligence Conference, the National Defense Intelligence College Distinguished Speaker Series, the Federal Law Enforcement Training Center, Roger Williams University, Valparaiso University School of Law, the Quattrone Center for the Fair Administration of Justice at Penn Law School, and Amnesty International Western Regional Conference.

***Writer*** – Published author of articles and analyses on the science of interrogation, strategic and international affairs, national security issues, and geopolitical forecasts. Articles have appeared in academic and professional journals such as the *Applied Cognitive Psychology*, *Journal of Psychiatry and Law*, *Journal of Experimental Social Psychology*, *Journal of Peace Psychology*, and *Defense Intelligence Journal*. Authored or co-authored chapters for six books with intelligence- and military-related themes.

**Trainer**—Senior faculty member for the High-Value Detainee Interrogation Group (HIG) basic and specialized interviewing and interrogation courses; Senior faculty member for the Department of Defense Behavioral Science Consulting Team course; developer and course director for the Science-Based/Operationally-Vetted Interviewing and Interrogation Course; Director, U.S. Air Force Combat Interrogation Course; trained military attachés and their families in anti-terrorism and resistance to interrogation prior to overseas assignments.

#### PROFESSIONAL EXPERIENCE

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**Operational Sciences International/Operational Sciences Institute** **2013 - present**  
***Principal***

Operational Sciences International is a research, training, and consulting firm that leverages leading edge behavioral science and operational intelligence expertise to provide integrated solutions to complex global intelligence and information challenges. Focusing the multidimensional research expertise of behavioral scientists working at the world's leading academic institutions, Operational Sciences International has developed the most innovative training programs for intelligence services and law enforcement agencies in North America, Europe, and Asia. The firm's unique *science-based & operationally-vetted* training programs offer the world's first interrogation, interviewing, and source development courses founded on the synergy of research, carefully examined field experience, and respect for human rights. This same approach is employed in providing precision-based program and process evaluations for terrorist threat reduction, countering violent extremism, and rehabilitation programs.

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**United States Air Force** **1985 - 2015**  
***Intelligence Officer — Rank: Colonel***

Operational and leadership assignments worldwide with a focus on human intelligence collection, special operations, strategic-level interrogation, and special survival training. Designed, conducted, and managed global collection operations that centered around aerospace, military, scientific & technical, economic, counterterrorism, and counterdrug issues. Recipient of numerous awards from the Defense Intelligence Agency and Central Intelligence Agency for field performance. Served as the director, Air Force Combat Interrogation Course. Veteran of Operations Just Cause, Desert Shield/Storm, and Iraqi Freedom. Executive experience as a commander and senior intelligence officer.

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**The Soufan Group** **2009 - 2013**  
***Director of Strategic Research***

The Soufan Group LLC is an international strategic consultancy firm that advises governments and corporations on policy, strategy, security, risk management, and training. The company combines the technical knowledge and field experience of its experts with the skill sets of consultants to provide an unparalleled service for clients. The Soufan Group's representatives come from a combination of government agency, military, and private sector backgrounds, and are internationally recognized as the very best in their field. The Soufan Group serves both public and private clients across the world. It has operations in America, Europe, the Middle East, and Asia, with headquarters in New York and regional offices in London and Doha, Qatar.



**MITRE Corporation**

**2005-2008**

***Senior Research Advisor***

Served as a senior advisor to the Intelligence Science Board-sponsored Study on Educating Information. Conducted and managed research into a next generation model of strategic interrogation. Research efforts focused on the application of principles drawn from a diverse range of allied fields, to include negotiation theory, complex adaptive systems, behavioral science, cross-cultural communication, and strategic/critical thinking. Produced formal research papers that were distributed to senior policymakers in the intelligence, law enforcement, and national security communities. Co-authored papers on the role of memory, stress, sources of power, persuasion, and resistances. Prepared two chapters that appeared in the Phase 1 Educating Information Report published in December 2006 and co-authored multiple chapters for *Intelligence Interviewing: Teaching Papers and Case Studies*, published in April 2009.

**EDUCATION**

M.S., Strategic Intelligence, National Intelligence University, Washington, DC, 2002  
M.S., Forensic Sciences, Graduate with Distinction, National University, San Diego, CA, 1982  
B.A., Psychology, University of California, Davis, CA, 1980  
U.S. Air Force Air War College, 2004  
U.S. Naval War College Strategy and Policy Course, 2003  
U.S. Air Force Air Command and Staff College, 2001

**PROFESSIONAL AND SPECIALIZED TRAINING**

Human Intelligence Operations—Field Tradecraft Course, Strategic Debriefing Course, Combat Interrogation Course, British Tactical Interrogation Course, Air Force HUMINT Tradecraft Course  
Special Operations—Revolutionary Warfare; Dynamics of International Terrorism; Joint Psychological Operations; Cross-Cultural Communications; and Asia-Pacific, Sub-Sahara Africa, and Latin America Orientation Courses  
Special Survival—Special Survival for Sensitive Reconnaissance Operations (S-V83), Special Survival for Special Missions Units (S-V91), Introduction to Personnel Recovery (PR-10)

**AWARDS AND RECOGNITION**

- *Nine Heroes Who Stood Up Against Torture*, Human Rights First, Washington, DC, 2015
- *Defense Superior Service Medal*, U.S. Central Command, Tampa, FL, 2015
- *Commendation for Action Against Torture*, Common Cause, Washington, DC, 2014
- *Practitioner of the Year*, International Investigative Interviewing Research Group, Maastricht, Netherlands, 2013

**PROFESSIONAL ASSOCIATIONS**

Ambassador for Human Intelligence Research and Operations, the Centre for Research and Evidence on Security Threats, Lancaster University, United Kingdom  
Executive Committee, International Investigative Interviewing Research Group, Newcastle, United Kingdom  
Defense Intelligence University Alumni Association, Washington, DC

PUBLICATIONS

**Professional Journals**

- Oleszkiewicz, S., Granhag, P. A., Lefsaaker, M. & **Kleinman, S. M.** (2019). The Scharff technique: Training military intelligence officers to elicit information from small cells of sources. *Psychology, Crime, and Law*. DOI: 10.1080/1068316X.2019.1669600.
- Vrij, A., Meissner, C. A., Fisher, R. P., Kassin, S. M., Morgan, C. A., and **Kleinman, S. M.** (2017). Psychological Perspectives on Interrogation. *Perspectives on Psychological Science*, 12(6):927-955.
- Oleszkiewicz, S., Granhag, P. A., & **Kleinman, S. M.** (2017). Eliciting Information from Human Sources: Training Handlers in the Scharff Technique. *Legal and Criminological Psychology*, 22(2): 400-419.
- Oleszkiewicz, S., Granhag, P. A., & **Kleinman, S. M.** (2017). Gathering Human Intelligence via Repeated Interviewing: Further Empirical Tests of the Scharff Technique. *Psychology, Crime, and Law*, 23(7): 666-681.
- Granhag, P. A., Oleszkiewicz, S., and **Kleinman, S. M.** (2016). Eliciting information from small cells of sources. *Journal of Policing, Intelligence and Counter Terrorism*. 24(3), 43-52.
- Narchet, F. M., Russano, M. B., **Kleinman, S. M.**, & Meissner, C. A. (2015). A (nearly) 360° perspective of the interrogation process: Communicating with high-value targets. In G. Oxburgh et al. (Eds.), *Communication in investigative and legal contexts: Integrated approaches from forensic psychology, linguistics, and law enforcement* (pp. 159-178). Oxford, UK: Wiley Blackwell.
- Granhag, P.A., **Kleinman, S. M.**, & Oleszkiewicz, S. (2015). The Scharff Technique: On How to Effectively Elicit Intelligence from Human Sources. *International Journal of Intelligence and Counterintelligence*, 29(1): 132-150.
- Williams, M. J., & **Kleinman, S. M.** (2015). Uncharted Waters: Social Science in Intelligence Interviewing Contexts. *Investigative Interviewing: Research and Practice*, 7(2): 1-4.
- Granhag, P. A., Oleszkiewicz, S., Strömwall, L. A., & **Kleinman, S. M.** (2015). Eliciting intelligence with the Scharff Technique: Interviewing More and Less Cooperative and Capable Sources. *Psychology, Public Policy, and Law*, 21(1): 100-110.
- Oleszkiewicz, S., Granhag, P. A., & **Kleinman, S. M.** (2014). On Eliciting Intelligence from Human Sources: Contextualizing the Scharff-Technique. *Applied Cognitive Psychology*, 28(6): 898-907.
- Russano, M. B., Narchet, F. M., & **Kleinman, S. M.** (2014). Structured Interviews of Experienced HUMINT Interrogators. *Applied Cognitive Psychology*, 28(6): 847-859.
- Evans, J. R., Houston, K. A., Meissner, C. A., Ross, A. B., LaBianca, J. R., Woestehoff, S. A., and **Kleinman, S.M.** (2014). An Empirical Evaluation of Intelligence-gathering Interrogation Techniques from the United States Army Field Manual. *Applied Cognitive Psychology*, 28(6): 867-875.
- Russano, M. B., Narchet, F. M., & **Kleinman, S. M.** (2014). Analysts, Interpreters and Intelligence Interrogations: Perceptions and Insights,” *Applied Cognitive Psychology*, 28(6): 829-846.
- Kleinman, S.M.** (2014). The Arc of Terror: The Role of the Narrative in the Life Cycles of Extremist Groups. A research paper commissioned by the Qatar International Academy for Security Studies.
- Williams, M. J., & **Kleinman, S. M.** (2013). A Utilization-Focused Guide for Conducting Terrorism Risk Reduction Program Evaluations. *Behavioral Sciences of Terrorism and Political Aggression*, 6(2): 102-146.

- Kelly, C. E., Miller, J. C., Redlich, A. D., & **Kleinman, S.M.** (2013). A Taxonomy of Interrogation Methods. *Psychology, Public Policy, and Law*, 19 (2), 165-178.
- Kleinman, S. M.** (2012). World on Fire: The Vital—and Ethical—Role of Behavioral Scientists in National Security Operations. *Journal of Peace Psychology*, 18(4).
- Kleinman, S. M.** (2011). National Security Interrogations: Myth vs. Reality. A research paper commissioned and published by Third Way.
- Miller, J. C., Kelly, C.E., Redlich, A. R., & **Kleinman, S. M.** (2011). Making Sense of Interrogation Tactics, Techniques, and Procedures: A Synthesis of the Literature. American Society of Criminology Annual Meeting, Washington, DC.
- Evans, J. R., Meissner, C. A., Brandon, S. E., Russano, M. B., & **Kleinman, S. M.** (2010). Criminal versus HUMINT Interrogations: The Importance of Psychological Science in Improving Interrogative Practice. *Journal of Psychiatry & Law*, 38(1-2), 215-249.
- Kleinman, S.M.** (2009). Multiple entries in R. Fein (Ed.), *Intelligence Interviewing: Teaching Papers and Case Studies*. Washington, DC: National Defense Intelligence University Press.
- Kleinman, S. M.** (2009). Human Rights and the Interrogation of Detainees. *Interrogations and the Role of the Health Professional*, Cambridge, MA: Harvard University Press.
- Kleinman, S. M.** (2009). “The Promise of Interrogation v. the Problem of Torture,” *Valparaiso University Law Review*, Volume 43, Number 4.
- Kleinman, S. M.** (2008). “The Compatibility of Intelligence Gathering, Interrogation, and Preventing Torture,” *New York City Law Review*, Volume 11, Number 2.
- Kleinman, S.M.** (2006). KUBARK Counterintelligence Interrogation Review: Observations of an Interrogator—Lessons Learned and Avenues for Future Research. In R. Swenson (Ed.), *Educating Information—Interrogation: Science and Art*. Washington, DC: National Defense Intelligence College Press.
- Kleinman, S.M.** (2006). Barriers to Success: Critical Challenges in Developing a New Educating Information Paradigm. In R. Swenson (Ed.), *Educating Information—Interrogation: Science and Art*. Washington, DC: National Defense Intelligence College Press.
- Kleinman, S. M.** (2006). KUBARK Counterintelligence Interrogation Review: Observations of an Interrogator. *Defense Intelligence Journal*, 15(1), 79-134.
- Kleinman, S. M.** (2005). The Acme of Skill: Capturing the Potential of Strategic Interrogation. *Defense Intelligence Journal*, 13(1&2).
- Kleinman, S. M.** (2002). MIS-Y: U.S. Strategic Interrogation in World War II. Master’s thesis, Joint Military Intelligence College, Washington, DC.

## Book Chapters

- Kleinman, S. M. (2019).** “Operational Wisdom: Aggressive Restraint in the Global War on Terror in *Military Virtues*, Skerker, M., Whetham, D., and Carrick, D., eds., Chapter 5. Havant, UK: Howgate Publishing.
- Kleinman, S. M. (2019).** “Thinking Beyond The Past: Nudging the Pentagon Toward the 21<sup>st</sup> Century in *Military Virtues*, Skerker, M., Whetham, D., and Carrick, D., eds., Chapter 8. Havant, UK: Howgate Publishing.
- Brimbal, L., **Kleinman, S. M.**, Oleszkiewicz, S., & Meissner, C. A. (in press). Developing rapport and trust in the interrogative context: An empirically-supported and ethical alternative to

- customary interrogation practices. In S. Barela et al.'s (Eds.), *Interrogation and torture: Research on efficacy and its integration with morality and legality*. Oxford University Press.
- Brandon, S., Arthur, J., Ray, D., Meissner, C., **Kleinman, S.**, Russano, M., & Wells, S. (2019). The High-Value Detainee Interrogation Group (HIG): Inception, evolution, and impact in *Operational psychology: A new field to support national security and public safety*, Staal, M., and Harvey, S., eds. Santa Barbara, CA: ACB-CLIO.
- Brandon, S., **Kleinman, S.**, & Arthur, J. (2019). A Scientific Perspective on the 2006 U.S. Army Field Manual 2-22.3 in *Operational psychology: A new field to support national security and public safety*, Staal, M., and Harvey, S., eds. Santa Barbara, CA: ACB-CLIO.
- Borum, R., Gelles, M., & **Kleinman, S.** (2009). Interview and interrogation: A perspective and update from the USA. In R. Milne, S. Savage, & T. Williamson (Eds.) *International Developments in Investigative Interviewing* (pp 111-128). Cullompton, Devon, UK: Willan Publishing.

## Op-Eds

- Kleinman, S.** Reflecting on Torture After 'The Report.' *Lawfare*, December 16, 2019, <https://www.lawfareblog.com/reflecting-torture-after-report>
- Kleinman, S.**, & Camerino, A. Try a Little Tenderness. *New York Times*, March 10, 2009, <https://www.nytimes.com/2009/03/11/opinion/11alexander-1.html>
- Kleinman, S.**, & Smith, H. Abuse Has No Place in Interrogation Policy. *Nieman Watchdog*, *Nieman Foundation for Journalism at Harvard University*, July 29, 2008, <http://www.niemanwatchdog.org/index.cfm?fuseaction=Background.view&backgroundid=272>

## SPEAKING ENGAGEMENTS

- "Science to Wisdom: Security in a New Era," **University of Alabama, Huntsville**, College of Arts, Humanities, and Social Sciences, Huntsville, AL, September 2019
- "The Science of Investigative Interviewing," **California Robbery Investigation Association**, Las Vegas, NV, February 2019.
- "Interrogation & Torture: Integrating Efficacy with Law and Morality," **Center for Ethics and the Rule of Law (CERL)**, University of Pennsylvania, Philadelphia, PA, September 2018.
- "Re-Forming Criminal Justice: Structural Innovations to Improve the Administration of Justice," **The Quattrone Center, Penn Law School**, Philadelphia, PA, April 2018.
- "Torture v. the Science of Interrogation," **North Carolina Commission on Inquiry on Torture**, Raleigh, NC, November 2017.
- "Science in Support of National Security," keynote address, **Centre for Research and Evidence on Security Threats (CREST)** annual conference, London, UK, September 2016.
- "The Science of Interviewing and Interrogation," **Homeland Security Symposium sponsored by the U. S. Department of Homeland Security Center of Excellence**, Department of Homeland Security Science and Technology Directorate Center of Excellence through the Borders, Trade, and Immigration Institute, El Paso, TX, March 2017
- Public Policy Lecture Series: Panel Discussion, "Questioning High-Value Suspects: Confronting Torture and Advancing Effective Interrogation," **Reed College**, Portland, OR, April 2015.

- “Interrogation in the 21st Century: Merging Science and Human Rights,” **New America**, Washington, DC, January 2015.
- “The Impact of Science on the Evolution of Interrogation Doctrine,” keynote speech, **High-Value Detainee Interrogation Group Annual Research Symposium**, Washington, DC, October 2014.
- “Science and the Future of Interrogation,” **International Investigative Interviewing Research Group (iIIRG) Annual Conference**, Lausanne, Switzerland, June 2014.
- “Interrogation Policy and Human Rights,” **Human Rights First World Summit**, Washington, DC, December 2013.
- “Human Rights and Interrogation,” **Amnesty International Western Regional Conference**, Los Angeles, CA, November 2013.
- “Investigative Interviewing and Human Rights.” **United Nations Working Group on Human Rights while Countering Terrorism**, Ouagadougou, Burkina Faso, October 29-30, 2013.
- “Interrogation: Past, Present, and Possible Futures.” **Department of Psychology, Roger Williams University**, Bristol, RI, October 8, 2013.
- “A Strategic Overview of Interrogation: Operations and Research,” **Department of Forensic Psychology, University of Gothenburg**, Sweden, June 19, 2013.
- “The Strategic Requirement for Research in Interrogation and Debriefing,” **International Association for Intelligence Education**, 9th Annual Conference, El Paso, TX, May 21, 2013.
- “Investigative Interviewing and Human Rights.” **United Nations Working Group on Human Rights while Countering Terrorism**, Amman, Jordan, April 16-17, 2013.
- Invited Speaker, Conference on Conscience, **Stanford University**, Palo Alto, CA, November 8-9, 2012.
- Presenter, International Study on Countering Violent Extremism, **79<sup>th</sup> INTERPOL Assembly**, Doha, Qatar, 3-4 November 2010.
- Invited Speaker and Respondent, Tanner Lectures on Human Values, “Torture and the Forever War,” **Stanford University**, Palo Alto, CA, April 14-16, 2010.
- “Strategies of Influence in the Interrogation Setting,” **Department of Psychology, University of Nevada, Reno**, April 28, 2010.
- “Research into the Art of Interrogation: A Way Ahead,” **Department of Psychology, University of Nevada, Reno**, January 25-26, 2010.
- “Detecting Deception in the Operational Environment,” **National Academy of Sciences Workshop on Evaluating Behavioral & Cognitive Sciences-Based Methods and Tools for Intelligence and Counterintelligence**, Washington, DC, September 22, 2009.
- “A Four-Dimensional Paradigm for Understanding Strategic Interrogation,” **Institute for Creative Technologies, University of Southern California**, June 2009.
- “Trends in Human Intelligence at the National Level,” Guest Lecturer, **Naval Postgraduate School**, Monterey, CA, 2008-2009.
- “The Promise of Interrogation v. The Problem of Torture,” symposium sponsored by the **Valparaiso University School of Law**, Valparaiso, IN, February 2009.
- “An Operator’s Argument Against Coercion,” **Georgetown University School of Law and Amnesty International**, Washington, DC, October 2008.
- “The Compatibility of Intelligence Gathering, Interrogation, and Preventing Torture,” symposium sponsored by the **City University of New York School of Law and New York Bar Association**, New York, NY, April 2008.

“The Future of Strategic Interrogation,” **National Defense Intelligence College Distinguished Speaker Series**, Washington, DC, April 2008.

“The Art and Science of Strategic Interrogation,” **Singapore Home Team Academy**, Singapore. July 2007.

“Strategic Interrogation: A New Paradigm for the War on Terror,” **International Conference on Intelligence and Terrorism**, London, UK, June 2007.



CURRICULUM VITAE  
CHRISTIAN AUGUST MEISSNER

CONTACT INFORMATION

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Iowa State University  
W112 Lagomarcino Hall  
901 Stange Road  
Ames, IA 50011

Email: [cmeissner@iastate.edu](mailto:cmeissner@iastate.edu)  
Tel: 515-294-2119  
<http://appcoglab.psych.iastate.edu/>

EDUCATION

- Ph.D.      Cognitive & Behavioral Sciences, Florida State University (2001).  
M.S.      Cognitive & Behavioral Sciences, Florida State University (1999).  
B.A.      Psychology, Pfeiffer University (1996; *summa cum laude*).

PROFESSIONAL EXPERIENCE

- 2013 – Present      Professor, Department of Psychology;  
Iowa State University.
- 2005 – 2013      Assistant Professor to Professor, Department of Psychology;  
Associate Vice President for Research;  
Director, Center for Law & Human Behavior;  
Director, Legal Psychology Doctoral Program;  
University of Texas at El Paso.
- 2010 – 2012      Program Director, Law & Social Sciences, National Science Foundation.
- 2009      Visiting Research Scholar, Institute for Creative Technologies,  
University of Southern California.
- 2001 – 2005      Assistant Professor, Department of Psychology,  
Florida International University.

## **AWARDS & RECOGNITIONS**

- 2018 Excellence in Mid-Career Research Award, Iowa State University.
- 2015 Recognition for Outstanding Contributions to Research on Evidence-Based Practices, Federal Bureau of Investigation.
- 2013 Excellence in Research Award, International Investigative Interviewing Research Group.
- 2011 American Publisher's PROSE Award for "Professional and Scholarly Excellence in Psychology" for Lassiter & Meissner (2010, Eds.), *Police Interrogations and False Confessions: Current Research, Practice, and Policy Recommendations*.
- 2011 American Psychology-Law Society Book Award for Lassiter & Meissner (2010, Eds.), *Police Interrogations and False Confessions: Current Research, Practice, and Policy Recommendations*.
- 2008 Saleem Shah Award for Early Career Excellence in Psychology & Law, American Psychology-Law Society and American Academy of Forensic Psychology.
- 2006 Outstanding Contributions to Research & Sponsored Projects, University of Texas at El Paso. (Also received in 2008, 2010, 2011, 2012, 2013 and 2014.)
- 2003 MetLife Freedom Award, Florida International University.
- 2001 American Psychology-Law Society Dissertation Award.

## **RESEARCH GRANTS & CONTRACTS**

- 2018 – Present U.S. Department of Justice (\$422,739). *Reviving the Myth of Nonverbal Behavior: The Utility of Representational Gestures for Assessing Credibility in Interrogative Contexts*. (Principal Investigator, in collaboration with Dawn Sweet at the University of Idaho.)
- 2018 – Present U.S. Department of Justice (\$397,882). *Sleep and Interrogation: Improving Interrogator Vigilance and Information Diagnosticity*. (Co-Principal Investigator, in collaboration with Zlatan Krizan at Iowa State University.)
- 2017 – Present U.S. Department of Justice (\$404,729). *Training Assessment and Field Validation of Science-Based Interrogation Techniques with Law Enforcement Agencies*. (Co-Principal Investigator, in collaboration with Melissa Russano at Roger Williams University.)
- 2019 – 2020 U.S. Department of Justice (\$65,619). *Dissemination of Research on Effective Interviewing and Interrogation Practices*.
- 2016 – 2019 Laura & John Arnold Foundation (\$283,880). *Improving Cross-Racial Eyewitness Identifications via a Novel 3D Interactive Lineup Procedure*. (Co-Principal Investigator, in collaboration with Heather Flowe at University of Birmingham, UK.)



- 2015 – 2018 U.S. Department of Justice (\$674,828). *Countering Resistance Due to Identity and Affiliation Concerns: Secrecy as a Theoretical Framework for Eliciting Information from Non-Compliant Sources*. (Principal Investigator, in collaboration with Jessica Swanner at Iowa State University.)
- 2015 – 2018 U.S. Department of Justice (\$761,005). *Trust Building Strategies: Facilitating Cooperation in an Interrogative Context*. (Principal Investigator, in collaboration with Simon Oleszkiewicz at Iowa State University.)
- 2015 – 2018 U.S. Department of Justice (\$1,024,798). *Validation and Dissemination of Research on Intelligence Interviewing and Interrogation: What Works?* (Principal Investigator.)
- 2015 – 2017 U.S. Department of Justice (\$219,445). *Field Validation of Science-Based Methods of Interrogation*. (Co-Principal Investigator, in collaboration with Melissa Russano at Roger Williams University.)
- 2010 – 2015 U.S. Department of Justice (\$11,111,623). *Intelligence Interviewing and Interrogation*. (Principal Investigator. Center funding supporting a team of international researchers.)
- 2014 – 2016 National Science Foundation (\$15,999). *Industry/University Collaborative Research Center Planning Grant for Forensic Science*. (Principal Investigator, in collaboration with David Baldwin at the Ames Laboratory.)
- 2010 – 2012 U.S. Department of Homeland Security (\$402,622). *The Importance of Photographic, Target, and Perceiver Factors in the Perceptual Identification of Own- and Other-Race/Ethnicity Persons*. (Principal Investigator, in collaboration with Kyle Susa at the University of Texas at El Paso. Subproject of the National Center for Border Security & Immigration, University of Texas at El Paso.)
- 2009 – 2011 National Policing Improvement Agency and Campbell Collaborative (\$49,919). *Interview and Interrogation Methods: Effects on Confession Rate, Quality of Information Elicited, and Accuracy of Credibility Assessment*. (Principal Investigator, in collaboration with Allison Redlich at the University at Albany.)
- 2008 – 2011 U.S. Department of Defense (\$465,523). *Phase 2: Development of Evidence-Based Methods that Improve the Diagnostic Value of Interrogative Information*. (Principal Investigator, in collaboration with Melissa Russano at Roger Williams University.)
- 2008 – 2009 U.S. Department of Defense (\$100,000). *Intelligent Tutoring for Deception Detection and Investigative Interviewing*. (Co-Principal Investigator, in collaboration with Mike Schneider & Chad Lane at the Institute for Creative Technologies, University of Southern California.)

- 2007 – 2009 U.S. Department of Defense (\$191,390). *Phase 1: Development of Evidence-Based Methods that Improve the Diagnostic Value of Interrogative Information*. (Principal Investigator, in collaboration with Melissa Russano at Roger Williams University.)
- 2006 – 2007 American Psychological Association Science Directorate, Scientific Conferences Grant (\$8,000). *UTEP Interrogations & Confessions Conference*. (Co-Principal Investigator, in collaboration with G. Daniel Lassiter at Ohio University.)
- 2003 – 2007 National Science Foundation (\$196,977). *Skilled Perceptual-Memory and the Cross-Race Effect*. (Principal Investigator.)
- 2002 – 2003 FIU Foundation Research Grant (\$10,518). *Cross-Racial Identification: Basic and Applied Factors*. (Principal Investigator.)

#### **GRADUATE & POST-DOCTORAL RESEARCH TRAINING GRANTS & FELLOWSHIPS**

- 2018 – 2020 Laure Brimbal, Ph.D., American Psychology-Law Society (Div. 41 of APA), Early Career Research Grant (\$4,975). *Validating a Conceptual Framework for Resistance in Investigative Interviewing*.
- 2015 – 2016 Skye A. Woestehoff, National Science Foundation Dissertation Award (\$20,865). *“It’s (Not) Your Fault” – The Influence of Blame Mitigation and Guilt Induction on True Versus False Confessions*.
- 2014 – 2015 Sara Cowan, Social Sciences & Humanities Research Council, Foreign Research Grant (\$5,950). *The Effect of Guilt-Presumptive Interrogation Methods on Alibi Generation*.
- 2009 – 2011 Jacqueline R. Evans, Ph.D., Intelligence Community Research Post-Doctoral Fellowship, U.S. Office of Naval Research (\$239,484). *Scientific Development of a Psychologically-Based Credibility Assessment Tool (PBCAT)*.
- 2006 – 2010 Kyle J. Susa, Graduate Research Fellowship, U.S. Department of Homeland Security (\$82,800). *Impact of Training on the Cross-Race Effect in Memory for Faces*.
- 2002 – 2006 Fadia M. Narchet, Predoctoral Research Fellowship, National Institute of General Medical Science (\$100,000). *Hostile and Benevolent Prejudice: A New Perspective*.

## PUBLICATION & CITATION METRICS

Google Scholar (<https://scholar.google.com/citations?user=jXLWoU4AAAAJ&hl=en>):

- Journal Articles = 68
- Book Chapters & Other Contributions = 31
- Edited Volumes & Special Issues = 6
- Citations > 8,500
- h-Index = 44

## JOURNAL ARTICLES (STUDENT CO-AUTHORS IN BOLD)

Leach, A. M., Da Silva, C. S., Connors, C. J., Vrantsidis, M. R. T., Meissner, C. A., & Kassin, S. M. (2020, in press). Looks like a liar? Beliefs about native and non-native speakers' deception. *Applied Cognitive Psychology*. doi: /10.1002/acp.3624

Mindthoff, A., Evans, J. R., Perez, G., **Woestehoff, S. A.**, Olaguez, A. P., Klemfuss, J. Z., Vallano, J. P., Woody, W. D., Normile, C. J., Scherr, K. C., Carlucci, M. E., Carol, R. N., Hayes, T., Meissner, C. A., Michael, S. W., Russano, M. B., & Stocks, E. L. (2020). Juror perceptions of intoxicated suspects' interrogation-related behaviors. *Criminal Justice & Behavior*, 47(2), 222–246. doi: 10.1177/0093854819888962

Wells, G. L., Kovera, M. B., Douglass, A. B., Brewer, N., Meissner, C. A., & Wixted, J. T. (2020). Policy and procedure recommendations for the collection and preservation of eyewitness identification evidence. *Law & Human Behavior*, 44, 3-36. doi: 10.1037/lhb0000359

**Brimbal, L., Dianiska, R. E., Swanner, J. K., & Meissner, C. A.** (2019). Enhancing cooperation and disclosure by manipulating affiliation and developing rapport in investigative interviews. *Psychology, Public Policy, & Law*, 25, 107-115. doi: 10.1037/law0000193

**Dianiska, R. E., Swanner, J. K., Brimbal, L., & Meissner, C. A.** (2019). Conceptual priming and context reinstatement: A test of direct and indirect interview techniques. *Law & Human Behavior*, 43, 131-143. doi: 10.1037/lhb0000323

Meissner, C. A., & Lyles, A. M. (2019). Title IX investigations: The critical importance of training investigators in evidence-based approaches to investigative interviewing. *Journal of Applied Research in Memory & Cognition*, 8, 387-397. doi: 10.1016/j.jarmac.2019.07.001

**Susa, K. J., Dessenberger, S. J., Michael, S. W., & Meissner, C. A.** (2019). Imposter identification in low prevalence environments. *Legal & Criminological Psychology*, 24, 179-193. doi: 10.1111/lcrp.12138

Chan, J. C. K., Meissner, C. A., & Davis, S. D. (2018). Retrieval potentiates new learning: A theoretical and meta-analytic review. *Psychological Bulletin*, 144, 1111-1146. doi: 10.1037/bul0000166

- Mindthoff, A., Evans, J. R., Perez, G., **Woestehoff, S. A.**, Olaguez, A. P., Klemfuss, J. Z., Normile, C. J., Scherr, K. C., Carlucci, M. E., Carol, R. N., Meissner, C. A., Michael, S. W., Russano, M. B., Stocks, E. L., Vallano, J. P., & Woody, W. D. (2018). A survey of potential jurors' perceptions of interrogations and confessions. *Psychology, Public Policy, & Law*, 24, 430-448. doi: 10.1037/law0000182
- Meissner, C. A. (2017). The inaugural J. Don Read Early career award from the Society for Applied Research in Memory and Cognition. *Journal of Applied Research in Memory & Cognition*, 6, 211-212. doi: 10.1016/j.jarmac.2017.08.002
- Meissner, C. A., Surmon-Bohr, F., **Oleszkiewicz, S.**, & Alison, L. (2017). Developing an evidence-based perspective on interrogation: A review of the U.S. government's High-Value Detainee Interrogation Group research program. *Psychology, Public Policy, & Law*, 23, 438-457. doi: 10.1037/law0000136
- Sweet, D. M., Meissner, C. A., & **Atkinson, D. J.** (2017). Assessing law enforcement performance in behavior-based threat detection tasks involving a concealed weapon or device. *Law & Human Behavior*, 41, 411-421. doi: 10.1037/lhb0000243
- Vrij, A., Meissner, C. A., Kassin, S. M., Morgan III, A., Fisher, R. P., & Kleinman, S. M. (2017). Psychological perspectives on interrogation. *Perspectives on Psychological Science*, 12, 927-955. doi: 10.1177/1745691617706515
- Hauch, V., Sporer, S. L., **Michael, S. W.**, & Meissner, C. A. (2016). Does training improve the detection of deception: A meta-analysis. *Communication Research*, 43, 283-343. doi: 10.1177/0093650214534974
- Swanner, J. K.**, Meissner, C. A., **Atkinson, D.**, & **Dianiska, R. E.** (2016). Developing diagnostic, evidence-based approaches to interrogation. *Journal of Applied Research in Memory & Cognition*, 5, 295-301. doi: 10.1016/j.jarmac.2016.07.001
- Woestehoff, S. A.**, & Meissner, C. A. (2016). Juror sensitivity to false confession risk factors: Dispositional vs. situational attributions for a confession. *Law & Human Behavior*, 40, 564-579. doi: 10.1037/lhb0000201
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#### **BOOK CHAPTERS & OTHER CONTRIBUTIONS (STUDENT CO-AUTHORS IN BOLD)**

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### **EDITED VOLUMES & SPECIAL ISSUES**

- Granhag, P. A., Vrij, A., & Meissner, C. A. (2014). Information gathering in law enforcement and intelligence settings. *Applied Cognitive Psychology*, 28, 815-816. doi: 10.1002/acp.3093
- Lassiter, G. D., & Meissner, C. A. (2010). *Police interrogations and false confessions: Current research, practice, and policy recommendations*. Washington, DC: American Psychological Association. doi: 10.1037/12085-000
- Bornstein, B. H., & Meissner, C. A. (2008). Basic and applied issues in eyewitness research: A Münsterberg centennial retrospective. *Applied Cognitive Psychology*, 22, 733-736. doi: 10.1002/acp.1478
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- Meissner, C. A., & Memon, A. (2002). Verbal overshadowing: A special issue exploring theoretical and applied issues. *Applied Cognitive Psychology*, 16, 869-872. doi: 10.1002/acp.928

### **WORKING PAPERS**

- Brimbal, L.**, Meissner, C. A., Kleinman, S. M., Phillips, E. P., **Atkinson, D. J.**, **Dianiska, R. E.**, **Rothweiler, J.**, **Oleszkiewicz, S.**, & Jones, M. S. (under review). Evaluating the effectiveness of training an evidence-based approach to investigative interviewing with law enforcement investigators.
- Dianiska, R. E.**, **Cowan, S.**, Meissner, C. A., & **Swanner, J. K.** (under revision). Information-gathering approaches can improve the discrimination of innocent suspect alibi generation, but may harm mistaken alibi providers.
- Dianiska, R. E.**, Meissner, C. A., & Chan, J. C. K. (in preparation). Negation-induced forgetting: A replication and extension.

- Oleszkiewicz, S., Atkinson, D. J., Kleinman, S. M., & Meissner, C. A.** (under revision). Developing trust in the interrogative context.
- Snook, B., Fahmy, W., Fallon, L., Lively, C. J., Luther, K., Meissner, C. A., Barron, T., & House, J. C. (under revision). Challenges of a “toolbox” approach to investigative interview: A critical analysis of the RCMP’s Phased Interview Model.
- Woestehoff, S. M., & Meissner, C. A.** (under revision). Counter-explanation as a method to counteract the disbelief in false confession.
- Zabecki, J. M., Quigley-McBride, A., & Meissner, C. A.** (under revision). Information loss, contextual bias, and distinctiveness influence the discriminability of fingerprints.

### **SELECTED CONFERENCE PRESENTATIONS**

Dr. Meissner has contributed to more than 150 national and international conference presentations. A selection of recent presentations is provided below:

#### **2019**

- Rothweiler, J. N., Meissner, C. A., Colloff, M. F., & Flowe, H. D. (2019, Nov). *The influence of motion at encoding and test for same- and other-race face identifications*. Poster presented at the Psychonomic Society Conference, Montreal, Quebec, Canada.
- Dianiska, R. E., & Meissner, C. A. (2019, Nov). *The role of volitional deception on memory for the truth*. Poster presented at the Psychonomic Society Conference, Montreal, Quebec, Canada.
- Colloff, M., Smith, H., Meissner, C. A., & Flowe, H. (2019, June). *Interactive lineups can improve eyewitness performance*. Paper presented at the Society for Applied Research in Memory & Cognition Conference, Cape Cod, MA.
- Dianiska, R. E., & Meissner, C. A. (2019, June). *The influence of lying on memory and metamemory depends on the type of lie told*. Poster presented at the Society for Applied Research in Memory & Cognition Conference, Cape Cod, MA.
- Simsek, I., Brimbal, L., Meissner, C. A. (2019, April). *Mix or match? The effect of interviewer and suspect gender on disclosure*. Poster presented at the meeting of the Midwestern Psychological Association, Chicago, IL.
- Brimbal, L., Atkinson, D., Dianiska, R. E., Jones, M. S., Kleinman, S. M., Oleszkiewicz, S., Rothweiler, J., & Meissner, C. A. (2019, March). *Building rapport and trust in interviews: A controlled study of law enforcement training*. Paper presented at the American Psychology-Law Society Conference, Portland, OR.
- Brimbal, L., Oleszkiewicz, S., & Meissner, C. A. (2019, Feb). *Overcoming resistance in interrogations: The benefits of trust and rapport*. Poster presented at the Society for Personality & Social Psychology Conference, Portland, OR.

#### **2018**

- Dianiska, R. E., Meissner, C. A., & Chan, J. C. K. (2018, Nov). *Equating interference on an initial test eliminates the negation effect*. Poster presented at the Psychonomic Society Conference, New Orleans, LA.

- Rothweiler, J. N., & Meissner, C. A. (2018, Nov). *The cross-race effect: A reinvestigation of the confidence-accuracy relationship*. Poster presented at the Psychonomic Society Conference, New Orleans, LA.
- Meissner, C. A. (2018, July). *Developing an evidence-base for effective interviewing and interrogation practices*. Paper presented at the Behavioral & Social Sciences in Security Conference, University of Lancaster, UK.
- Colloff, M. F., Smith, L., Karoglu, N., Maltby, J., Smith, H. M. J., Meissner, C. A., & Flowe, H. D. (2018, March). *Can a novel interactive lineup procedure attenuate the own-race bias?* Poster presented at the American Psychology-Law Society Conference, Memphis, TN.
- Dianiska, R. E., Cowan, S., & Meissner, C. A. (2018, March). *Untruthful, but innocent: Discrimination of intentionally false and mistaken alibis*. Paper presented at the American Psychology-Law Society Conference, Memphis, TN.
- Guhin, A., Atkinson, D. J., & Meissner, C. A. (2018, March). *The influence of confirmation bias and criminal stereotypes on interrogation strategies*. Poster presented at the American Psychology-Law Society Conference, Memphis, TN.
- Mindthoff, A., et al. (2018, March). *Examining jurors' perceptions of interrogations and confessions: Are jurors finally starting to believe that false confessions exist?* Paper presented at the American Psychology-Law Society Conference, Memphis, TN.
- Russano, M. B., Meissner, C. A., & Atkinson, D. J. (2018, March). *Training science-based methods of interrogation to state and local law-enforcement officers: A training evaluation and field validation study*. Paper presented at the American Psychology-Law Society Conference, Memphis, TN.

## 2017

- Dianiska, R. E., & Meissner, C. A. (2017, Nov). *Conceptual priming of openness via lexical and embodiment primes in investigative interviews*. Poster presented at the Psychonomic Society Conference, Vancouver, BC.
- Meissner, C. A. (2017, Aug). *Using psychology to develop an effective and ethical approach to interviewing and interrogation*. Paper presented at the American Psychological Association Convention, Washington, DC.
- Phillips, E., Meissner, C. A., & Russano, M. B. (2017, July). *What works? A systematic review of interview and interrogation practices*. Paper presented at the International Investigative Interviewing Research Group Conference, Monterey, CA.
- Atkinson, D., & Meissner, C. A. (2017, March). *Memory for the model statement as a cue to deception: The moderating effects of lying strategy*. Paper presented at the American Psychology-Law Society Conference, Seattle, WA.
- Dianiska, R. E., Swanner, J. K., & Meissner, C. A. (2017, March). *Overcoming affiliation in HUMINT interviews*. Paper presented at the American Psychology-Law Society Conference, Seattle, WA.
- LaBianca, J., & Meissner, C. A. (2017, March). *Intelligence and torture justification: Effects of group membership, interrogation approach, and success on attributions of interrogator behavior and method acceptability*. Paper presented at the American Psychology-Law Society Conference, Seattle, WA.
- Oleszkiewicz, S., Kleinman, S., Atkinson, D., & Meissner, C. A. (2017, March). *Trust building strategies: Facilitating cooperation in an interrogative context*. Paper presented at the American Psychology-Law Society Conference, Seattle, WA.
- Swanner, J. K., Dianiska, R. E., & Meissner, C. A. (2017, March). *Rapport-building through coordination and verification in investigative interviews*. Paper presented at the American Psychology-Law Society Conference, Seattle, WA.

- Woestehoff, S., & Meissner, C. A. (2017, March). *"It's (not) your fault": The influence of blame mitigation vs. guilt induction on true and false confessions*. Paper presented at the American Psychology-Law Society Conference, Seattle, WA.
- Dianiska, R. E., & Meissner, C. A. (2017, Jan). *Memory load at encoding as a moderator of the negation effect*. Paper presented at the Society for Applied Research in Memory & Cognition Conference, Sydney, Australia.
- Dianiska, R. E., Meissner, C. A., & Cowan, S. (2017, Jan). *Can an information-gathering approach improve innocent alibi generation?* Poster presented at the Society for Applied Research in Memory & Cognition Conference, Sydney, Australia.
- Meissner, C. A., Russano, M. B., & Atkinson, D. (2017, Jan). *Science-based methods of interrogation: A training evaluation and field assessment*. Paper presented at the Society for Applied Research in Memory & Cognition Conference, Sydney, Australia.

## 2016

- Atkinson, D., & Meissner, C. A. (2016, Nov). *Memory for the model statement as a cue to deception*. Poster presented at the Psychonomic Society Meeting, Boston, MA.
- Dianiska, R. E., & Meissner, C. A. (2016, Nov). *A registered replication of the negation effect: Is there a consequence to saying "no"?* Poster presented at the Psychonomic Society Meeting, Boston, MA.
- Meissner, C. A., & Russano, M. B. (2016, May). *Field validation of the Cognitive Interview as a science-based approach to suspect interrogations*. Paper presented at the Festschrift in Honor of Ronald Fisher, Miami, FL.
- Morgan, K., Dianiska, R. E., & Meissner, C. A. (2016, April). *Negation-induced forgetting: Assessing the influence of encoding and retrieval orientations*. Poster presented at the Midwest Psychological Association, Chicago, IL.
- Swanner, J. K., Meissner, C. A., Dianiska, R. E., & Atkinson, D. (2016, March). *Guilt and openness: Embodiment and contextual priming in investigative interviews*. Paper presented at the American Psychology-Law Society Conference, Atlanta, GA.
- Woestehoff, S. A., & Meissner, C. A. (2016, March). *Dispositional vs. situational attributions for a confession*. Paper presented at the American Psychology-Law Society Conference, Atlanta, GA.

## 2015

- Chan, J., Davis, S. D., & Meissner, C. A. (2015, Nov). *Test-potentiated (new) learning: A meta-analytic review*. Paper presented at the Psychonomic Society Meeting, Chicago, IL.
- Dianiska, R. E. & Meissner, C. A. (2015, Nov). *Negation-induced forgetting: Assessing the influence of encoding and retrieval orientations*. Poster presented at the Psychonomic Society Meeting, Chicago, IL.
- Ray, D. & Meissner, C. A. (2015, Oct). *A field test of science-based methods of interrogation*. Paper presented at the International Association of Chiefs of Police Conference, Chicago, IL.
- Brandon, S. E. & Meissner, C. A. (2015, June). *Reforming interrogation procedures: Connecting science and policy*. Paper presented at the Society for the Psychological Study of Social Issues Conference, Washington, DC.
- Meissner, C. A., & Kleinman, S. M. (2015, June). *A collaborative, evidence-based approach to improving interrogation practices*. Paper presented at the Society for Applied Research in Memory & Cognition Conference, Victoria, BC.

- Michael, S. W., & Meissner, C. A. (2015, June). *Strategic approaches to lying: Understanding their impact on psychological processes*. Paper presented at the Society for Applied Research in Memory & Cognition Conference, Victoria, BC.
- Meissner, C. A. (2015, April). *Using science to improve the practice of interrogation*. Paper presented at the International Law Enforcement Educators and Trainers Association, Chicago, IL.
- Narchet, F. A., Russano, M. B., Kleinman, S. M., & Meissner, C. A. (2015, March). *A 360° perspective of the interrogative process: Factors associated with a successful interrogation*. Poster presented at the American Psychology-Law Society Conference, San Diego, CA.
- Swanner, J. K., Meissner, C. A., Atkinson, D., Dianiska, R., & LaBianca, J. (2015, March). *Priming openness, guilt, and warmth to facilitate disclosure in context reinstatement, positive confrontation, and rapport interviews*. Paper presented at the American Psychology-Law Society Conference, San Diego, CA.
- Sweet, D. M., & Meissner, C. A. (2015, March). *'It's a bomb!': Detection of nonverbal cues associated with attempts to conceal an unstable device*. Paper presented at the American Psychology-Law Society Conference, San Diego, CA.
- Woestehoff, S. A., Meissner, C. A., & Swanner, J. K. (2015, March). *The effect of interrogation scenario and perspective-taking on perceptions of false confession likelihood*. Paper presented at the American Psychology-Law Society Conference, San Diego, CA.

## **INVITED KEYNOTE & COLLOQUIA**

### **Interviewing & Interrogation:**

- Behavioral Analysis Unit, Federal Bureau of Investigation. (2020, April)
- International Homicide Investigators Association. (2020, March)
- Innocence Network Conference. (2020, March)
- Northern Lights Conference, University of North Dakota. (2019, Oct)
- Ontario Tech University, Canada. (2019, Oct)
- Ryerson University, Canada. (2019, Oct)
- ASIS, International, Central Iowa Chapter. (2019, July)
- Centre for Crime, Justice, & Policing at the University of Birmingham, UK. (2019, June)
- Behavioral Analysis Unit, Federal Bureau of Investigation. (2019, May)
- Behavioral Analysis Security Conference. (2019, May)
- Philadelphia District Attorney's Office. (2019, April)
- California Robbery Investigators Association. (2019, Feb)
- Behavioural Science Unit, MI-5, Great Britain. (2018, Oct)
- Federal Law Enforcement Training Center. (2018, Aug)
- Northwestern University Law School. (2018, May)
- Quattrone Center at the University of Pennsylvania Law School. (2018, April)
- Duke University Law School. (2018, March)
- University of Florida Law School. (2018, March)
- High-Value Detainee Interrogation Group, Federal Bureau of Investigation. (2017, Sept)
- University of Wyoming. (2017, Sept)
- International Investigative Interviewing Research Group Conference. (2017, July)
- Innocence Project Policy Conference. (2017, June)

Nebraska Department of Correctional Services. (2017, May)

Center for Borders, Trade, & Immigration Research at the University of Texas at El Paso. (2017, March)

Midwest Association of Threat Assessment Professionals. (2016, Sept)

University of Gothenburg, Sweden. (2016, June)

Federal Law Enforcement Training Center, Department of Homeland Security. (2016, June)

Terrorist Screening Center, Federal Bureau of Investigation. (2015, Dec)

Arizona State University. (2015, Nov)

Workshop on Wrongful Conviction at the National Science Foundation. (2015, Oct)

Yale University Law School. (2015, Oct)

Palmer Research Symposium at Morningside College. (2015, April)

Public Policy Lecture Series at Reed College. (2015, April)

National Security Program, New America Foundation. (2015, Jan)

University of Western Illinois. (2014, Nov)

Federal Law Enforcement Training Center, Department of Homeland Security. (2014, May)

Singapore Home Team Academy. (2014, Feb)

International Investigative Interviewing Research Group – Excellence in Research Award. (2013, July)

Social Psychology & Law Pre-Conference, Society for Personality & Social Psychology. (2013, Jan)

Iowa State University. (2012, Oct)

Federal Law Enforcement Training Center, Department of Homeland Security. (2012, Aug)

National Threat Assessment Center, United States Secret Service. (2012, June)

Florida International University. (2012, April)

Virginia Commonwealth University. (2011, Dec)

Newkirk Center, University of California at Irvine. (2011, Oct)

Federal Law Enforcement Training Center, Department of Homeland Security. (2011, Aug)

Campbell Collaborative Conference at George Mason University. (2011, Aug)

American Psychology-Law Society – Book Award. (2011, March)

High-Value Detainee Interrogation Group, Federal Bureau of Investigations. (2010, Aug)

Center for Evidence-Based Crime Policy at George Mason University. (2010, Aug)

CI Working Group (El Paso Region), Federal Bureau of Investigation. (2010, April)

National Police Improvement Agency, United Kingdom. (2010, March)

Defense Counterintelligence & Human Intelligence Center, Defense Intelligence Agency. (2010, Feb)

Center for Defense Systems Research at the University of Texas at El Paso. (2009, Oct)

Texas Criminal Defense Lawyer’s Association Conference. (2009, Oct)

Workshop on Field Evaluation in the Intelligence & Counterintelligence Context, National Academy of Sciences. (2009, Sept)

German Psychological Association. University of Giessen, Germany. (2009, Aug)

Institute for Creative Technologies, University of Southern California. (2008, Dec)

Texas Panhandle Paralegal Association Conference. (2008, Oct)

University of Wyoming School of Law. (2008, Oct)

University of Aberdeen. (2008, June)

American Psychology-Law Society – Saleem Shah Early Career Award. (2008, March)

U.S. Army Trial Defense Service Conference. (2008, March)

Federal Criminal Practice Conference. (2008, Jan)

University of Oklahoma. (2006, Sept)



University of Tennessee at Chattanooga. (2004, Nov)  
Canadian Institute for Peace, Justice, & Security. (2002, Nov)

### **Applied Memory for Persons & Events:**

Racial Equity Network, Chapel Hill, NC. (2015, Nov)  
Nebraska Criminal Defense Attorneys Association, Lincoln, NE. (2014, March)  
Committee on Scientific Approaches to Understanding and Maximizing the Validity and Reliability of Eyewitness Identification in Law Enforcement and the Courts, National Academy of Sciences. (2013, December)  
Office of Field Operations, U.S. Department of Homeland Security, El Paso, TX. (2013, April)  
Iowa State University. (2013, Jan)  
Committee on Science, Technology, & Law, National Academy of Sciences. (2012, Oct)  
Texas Christian University. (2011, Dec)  
Central Intelligence Agency Workshop on Face Recognition. (2011, Oct)  
George Mason University. (2011, Oct)  
University of Virginia. (2011, March)  
University of California at Irvine. (2011, Feb)  
Florida College of Advanced Judicial Studies. (2010, May)  
Social, Behavioral, & Economic Sciences Directorate, National Science Foundation. (2010, March)  
Actual Innocence Conference, Center for American & International Law. (2009, Aug)  
University of California, Los Angeles. (2009, July)  
University of New Mexico. (2009, May)  
Texas Criminal Defense Lawyer's Association Conference. (2008, Oct)  
Colorado State University. (2008, Oct)  
University of Wyoming. (2008, Oct)  
New York State Judicial Seminar. (2008, July)  
Louisiana State University. (2008, April)  
University of Victoria. (2007, Oct)  
University of Nebraska at Lincoln. (2007, April)  
National Legal Defense Conference. (2007, March)  
University of Regina. (2002, Nov)

### **TEACHING RESPONSIBILITIES**

Academic Learning Skills (undergraduate level)  
Actual Innocence & Wrongful Conviction (graduate & undergraduate levels)  
Advanced Cognition (graduate level)  
Applied Cognition (graduate level)  
Cognitive Processes (undergraduate level)  
Human Learning & Remembering (undergraduate level)  
Introduction to Psychology (undergraduate level)  
Psychology of Investigative Interviewing (graduate & undergraduate levels)  
Social Cognition (graduate level)

## **DEPARTMENTAL / UNIVERSITY SERVICE**

### **Iowa State University**

- Senator (At-Large, College of Liberal Arts & Sciences), Faculty Senate, 2017 – Present
- College & Departmental Document Review Committee, Faculty Senate, 2017 – Present
- Faculty Enhancement Committee, Psychology Department, 2014 – 2015, 2019 – Present
- Closing the Achievement Gap Committee, Student Success Council, 2017 – 2019
- Promotion & Tenure Committee, Psychology Department, 2015 – 2019
- Director, Cognitive Psychology Doctoral Program, 2015 – 2018
- Graduate Program Committee, Psychology Department, 2015 – 2018
- Research Participant Pool Committee, Psychology Department, 2014 – 2015
- Research Centers Task Force, College of Liberal Arts & Sciences, 2014 – 2015
- Executive Committee, Psychology Department, 2013 – 2014

### **University of Texas at El Paso**

- Director, Legal Psychology Doctoral Program, 2009 – 2010, 2012 – 2013
- Chair, Institutional Review Board, 2007 – 2010
- University of Texas System Institutional Review Board Oversight Committee, 2009 – 2010
- Strategic Planning Committee, Psychology Department, 2009 – 2010
- Undergraduate Program Committee, Psychology Department, 2005 – 2009
- Teaching Effectiveness & Development Committee, Faculty Senate, 2006 – 2009

### **Florida International University**

- Curriculum Committee, Psychology Department, 2003 – 2005
- Planning Committee, Psychology Department, 2003 – 2005
- Faculty Advisor, Psi Chi Honor Society, 2002 – 2005
- Facilities & Space Committee, Psychology Department, 2001 – 2003

## **PROFESSIONAL AFFILIATIONS & SERVICE**

### **American Association for the Advancement of Science**

#### **American Psychological Association**

- Fellow, 2018 – Present
- APA Science Directorate Dissertation Award Committee, 2007 – 2009

#### **American Psychology-Law Society (Div. 41 of APA)**

- Fellow, 2018 – Present
- Research Committee, 2011 – 2018 (Chair: 2011 – 2016)
- Awards & Nominations Committee, 2014 – 2017
- Book Award Committee, 2012 – 2014
- Professional Development of Women Committee, 2009 – 2012
- Member-at-Large, Executive Committee, 2009 – 2012
- Saleem Shah Award Committee, Chair: 2008 – 2009
- Dissertation Awards Committee, 2006 – 2009
- Conference Program Co-Chair, 2003 – 2004

#### **Association for Psychological Science**

- Fellow, 2013 – Present

#### **International Investigative Interviewing Research Group**

- Masterclass Instructor, 2017

#### **Psychonomic Society**

- Fellow, 2014 – Present

#### **Society for Applied Research in Memory & Cognition (SARMAC)**

- Past-President, 2017 – Present
- Chair, Publications Committee, 2017 – Present
- President, 2012 – 2016
- Secretary-Treasurer, 2007 – 2010
- Governing Board Member, 2006 – 2018
- Conference Program Committee, 2005, 2007, 2009, 2015, and 2017

## **PROFESSIONAL & GOVERNMENT COMMITTEE SERVICE**

2018 – Present	Drafting Committee, Development of Universal Standards for Non-Coercive Interviewing Methods and Procedural Safeguards (United Nations Special Rapporteur on Torture).
2015 – Present	Advisory Board, Center for Research & Evidence on Security Threats (Lancaster University, UK).
2010 – Present	Research Committee, High-Value Detainee Interrogation Group, Federal Bureau of Investigation (U.S. Department of Justice).
2014 – 2017	Human Factors Subcommittee, National Commission on Forensic Science (U.S. Department of Justice).
2014 – 2016	Executive Officer, Human Factors Committee, Forensic Science Standards Board of the Organization of Scientific Area Committees (National Institute of Standards & Technology and U.S. Department of Justice).
2013 – 2014	TSA Suspicious Indicators Working Group (U.S. Department of Homeland Security).
2010 – 2013	Research, Development, Testing, and Evaluation IWG, Subcommittee on Forensic Science, Committee on Science, National Science & Technology Council (Executive Office of the President of the United States).
2011 – 2012	Interdisciplinary Research in the Social, Behavioral, and Economic Science Working Group (National Science Foundation).
2011 – 2012	TSA Operational Screening Research and Evaluation Working Group, Science & Technology Directorate (U.S. Department of Homeland Security).
2008 – 2011	Future Attribute Screening Technology (FAST) Project Advisory Committee, Science & Technology Directorate (U.S. Department of Homeland Security).
2009 – 2010	Credibility Assessment Research Summit, Portals Committee (U.S. Department of Defense).

## **EDITORIAL RESPONSIBILITIES**

**Program Director:** Law & Social Sciences, National Science Foundation, 2010 – 2012

**Associate Editor:** *Applied Cognitive Psychology*, 2007 – 2010

### **Editorial Boards:**

*Applied Cognitive Psychology*, 2004 – Present

*Journal of Applied Research in Memory & Cognition*, 2011 – Present

*Law & Human Behavior*, 2005 – Present

*Legal & Criminological Psychology*, 2005 – Present

*Psychology, Public Policy, & Law*, 2012 – Present

*Canadian Journal of Police & Security Services*, 2002 – 2008

*Law & Society Review*, 2016 – 2020

### **Advisory Panel & Ad Hoc Grant Reviews:**

United States: MacArthur Foundation, National Science Foundation

Australia: Australian Research Council

Canada: Social Sciences & Humanities Research Council

Finland: Nordic Research Council

Great Britain: British Academy, Economic & Social Research Council, Leverhulme Trust

Israel: Israeli Research Foundation

New Zealand: Marsden Fund Council

South Africa: National Research Foundation

### **Ad Hoc Journal Reviews:**

*Acta Psychologica*

*American Psychologist*

*Applied Cognitive Psychology*

*Basic & Applied Social Psychology*

*Behavior Research Methods*

*British Journal of Psychology*

*Canadian Journal of Behavioural Science*

*Canadian Journal of Police & Sec Services*

*Current Directions in Psych. Science*

*Discourse Processes*

*European Journal of Cognitive Psychology*

*Experimental Psychology*

*Human Communication Research*

*Journal of Applied Social Psychology*

*Journal of Cognition & Development*

*Journal of Exp Psych: Applied*

*Journal of Exp Psych: Learn, Mem, & Cog*

*Journal of Exp Social Psychology*

*Journal of Nonverbal Behavior*

*Inv. Interviewing: Research & Practice*

*Journal of Memory & Language*

*Journal of Personality & Social Psych*

*Journal of Psychiatry & Law*

*Law & Human Behavior*

*Legal & Criminological Psychology*

*Memory & Cognition*

*Perception*

*Perceptual & Motor Skills*

*Personality & Individual Differences*

*Personality & Social Psychology Bulletin*

*PLOS-One*

*Psychological Bulletin*

*Psychological Science*

*Psychology, Crime, & Law*

*Psychology, Public Policy, & Law*

*Psychonomic Bulletin & Review*

*Quarterly Journal of Exp Psychology*

*Seeing & Perceiving*

*Social Behavior & Personality*

*Social Cognition*

*Trends in Cognitive Science*

*Visual Cognition*

## **FORMER DOCTORAL STUDENTS & POSTDOCTORAL SCHOLARS**

Justin Albrechtsen, Ph.D. (2010, UTEP): National Security Psychologist, NCSC, ODNI  
Dominick Atkinson, Ph.D. (2019, ISU): Postdoctoral Scholar, University of Idaho  
Laure Brimbal, Ph.D. (Post-Doc, ISU): Assistant Professor, Texas State University  
Jacqueline Evans, Ph.D. (Post-Doc, UTEP): Associate Professor, Florida Int'l University  
Allyson Horgan, Ph.D. (2011, UTEP): National Security Psychologist, NCSC, ODNI  
Kate Houston, Ph.D. (Post-Doc, UTEP): Assistant Professor, Texas A&M Int'l University  
Julie LaBianca, Ph.D. (2016, UTEP): Senior Research Analyst, Iowa State University  
Ryann Leonard, Ph.D. (2005, FIU): Professor, Big Bend Community College  
Jessica Marcon Zabecki, Ph.D. (2009, UTEP): Research Psychologist, U.S. Army  
Stephen Michael, Ph.D. (2013, UTEP): Lecturer, Whitman College  
Tara Mitchell, Ph.D. (2005, FIU): Professor, Lock Haven University  
Fadia Narchet, Ph.D. (2005, FIU): Professor, University of New Haven  
Simon Oleszkiewicz, Ph.D. (Post-Doc, ISU): Assistant Professor, University of Twente  
Melissa Russano, Ph.D. (2004, FIU): Professor, Roger Williams University  
Maria Krioukova Shpurik, Ph.D. (2003, FIU): Senior Lecturer, Florida Int'l University  
Kyle Susa, Ph.D. (2010, UTEP): Assistant Professor, California State University at Bakersfield  
Jessica Swanner, Ph.D. (Post-Doc, ISU): Senior Researcher, Workiva  
Skye Woestehoff, Ph.D. (2016, UTEP): Assistant Professor, Coastal Carolina University

### **External Dissertation Examiner:**

Flinders University (Australia)  
John Jay College of Criminal Justice  
University of Aberdeen (United Kingdom)  
University of Gothenburg (Sweden)  
University of Illinois at Chicago  
University of New South Wales (Australia)  
University of Windsor (Canada)  
University of Victoria (Canada)

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**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
CRIMINAL SECTION TRIAL DIVISION**

COMMONWEALTH OF PENNSYLVANIA	:	
	:	CP-51-CR-0532781-1992
v.	:	
	:	
WALTER OGROD	:	
	:	J. Shelley Robins New
	:	

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REPORT REGARDING JAILHOUSE INFORMANT COLLUSION AND UNRELIABILITY:  
PREPARED FOR THE OFFICE OF THE DISTRICT ATTORNEY, PHILADELPHIA, PA

Alexandra Natapoff  
Chancellor's Professor of Law  
University of California, Irvine School of Law  
February 15, 2020

I have been asked to prepare this Report in my capacity as a nationally recognized scholar and expert regarding the use and abuse of criminal informants, jailhouse informants in particular, and the attendant risks of wrongful conviction. I am the author of several law review articles on the subject<sup>1</sup> as well as the book *SNITCHING: CRIMINAL INFORMANTS AND THE EROSION OF AMERICAN JUSTICE* (NYU Press, 2009), which won the 2010 ABA Silver Gavel Award, Honorable Mention for Books. I am a 2016 Guggenheim Fellow and a member of the American Law Institute (ALI). I received my undergraduate degree from Yale University and my J.D. from Stanford Law School.

I have testified as an expert in numerous cases and before numerous state and federal tribunals regarding informant use, including the U.S. Congress, the California Assembly, the Texas Timothy Cole Commission, the Wisconsin Criminal Justice Commission, and in the following cases: *Williams v. Chappell*, Case No. 00-10637 (C.D.C.A. 2015), *Larson et al. v. State*, Case No. 14-2-00090-6 (Wash. 2015), *U.S. v. Savage*, Crim. No. 07-550 (E.D. P.A. 2013),

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<sup>1</sup> Alexandra Natapoff, *Deregulating Guilt: The Information Culture of the Criminal System*, 30 CARDOZO L. REV. 965, 992-1011 (2008); Alexandra Natapoff, *Beyond Unreliable: How Snitches Contribute to Wrongful Convictions*, 37 GOLDEN GATE U. L. REV. 107 (2006); Alexandra Natapoff, *Snitching: The Institutional and Communal Consequences*, 73 U. CIN. L. REV. 645 (2004).

*State v. Green*, Case No. 1170853 (Harris Cty., TX, 2010), and *State v. Leniart*, (Conn. Sup. Ct., Feb. 22, 2010) (New London, Jongbloed, J.). My CV is attached to this Report.

There is substantial evidence that jailhouse informants collude in order to bolster the credibility of their testimony and to enhance the value of their cooperation to the government. In particular, experienced or repeat jailhouse informants have been known to develop collusive strategies to procure, fabricate, share, and trade information regarding other jail or prison inmates. Experienced informants learn that such collusive bolstering increases the appearance of credibility and therefore the value of their information, which in turn increases the likelihood of receiving rewards from the government. Because informant use and government interactions with informants are an under-documented, low visibility, and typically secretive law enforcement practice, there are no national data on the extent of such collusive practices or the frequency with which they lead to wrongful conviction, just as there are no national data on the extent of jailhouse informant use generally. Nevertheless, informant collusion is a documented aspect of informant culture in many jails and prisons.

Sometimes informant collusion is highly organized. For example, Ann Colomb and her three sons were wrongfully convicted of federal drug trafficking charges in Louisiana based on the testimony of a standing group of colluding prison informants. The informants were part of an information-selling network inside the federal prison in which inmates purchased files and photographs in order to help them fabricate testimony which they then marketed to prosecutors in exchange for sentence reductions. The presiding judge, U.S. District Court Judge Tucker Melancon, described the scheme as “revolving-door inmate testimony.” See Radley Balko, *Guilty Before Proven Innocent*, REASON MAGAZINE, May 2008, available at <http://reason.com/2008/04/14/guilty-before-proven-innocent/>.

A comparable informant collusion scheme operated for many years in the Atlanta jail. Inmates bought and sold “packages of information” to each other to be offered to the government in exchange for leniency. Prices for information ran as high as \$250,000. In 2010, U.S. District Court Judge Julie Carnes excoriated the situation as “abominable.” Brad Heath, *Federal prisoners use snitching for personal gain*, USA TODAY, Dec. 14, 2012, available at <http://www.usatoday.com/story/news/nation/2012/12/14/jailhouse-informants-for-sale/1762013/>.

Jailhouse informant collusion also takes place in a less organized fashion on an individual level. The 1989 Los Angeles Grand Jury Report provided one of the earliest and most detailed investigations of informant misconduct and collusion. Informants reported that they shared information and tactics with each other and collectively developed fabricated stories by running those stories repeatedly by law enforcement officials until they got the desired response. REPORT OF THE 1989-1990 LOS ANGELES COUNTY GRAND JURY: INVESTIGATION OF THE INVOLVEMENT OF JAIL HOUSE INFORMANTS IN THE CRIMINAL JUSTICE SYSTEM IN LOS ANGELES COUNTY, at 18, 26, 28, June 26, 1990, available at <http://grandjury.co.la.ca.us/pdf/Jailhouse%20Informant.pdf>.

In *United States v. Lewis*, the district court overturned Antun Lewis’s arson conviction and granted him a new trial based on the likelihood of collusion between multiple jailhouse



informants in the Cleveland jail. All of the informants had connections to a single, highly experienced ATF informant who claimed that Mr. Lewis had confessed to him in the jail. The main witness against Mr. Lewis was an accomplice who shared a pod in the jail with the ATF informant. Multiple other jailhouse informants came forward to corroborate the ATF informant's allegation that Mr. Lewis confessed to him. As the court put it, "the cumulative nature of the jailhouse testimony only served to highlight suspect connections." *United States v. Lewis*, 850 F. Supp. 2d 709, 761 (N.D. Ohio 2012), *aff'd*, 521 F. App'x 530 (6th Cir. 2013).

Jailhouse informants have developed an array of skills and strategies to acquire, fabricate, and deploy information. In particular, experienced informants have demonstrated highly entrepreneurial tactics which they often use repeatedly across different cases. Such tactics include researching other inmates' cases on the internet, in newspapers, in public court records, and getting friends and relatives to do so from outside the jail.<sup>2</sup> Access to this type of information permits informants to construct confessions that comport with information already known to law enforcement and thus renders those confessions more credible. For example, the Los Angeles Grand Jury found that informants routinely gathered information on other inmates from newspapers, external sources, law enforcement, and each other. In the Atlanta informant ring, jail inmates relied on and paid for information provided by individuals outside the jail.

In *Maxwell v. Roe*, the Ninth Circuit concluded that the testimony of a highly experienced jailhouse informant, Sidney Storch, was so unreliable as to violate due process. Describing Storch as "sophisticated 'booker' of defendants" and "a habitual liar," the Court held that his trial testimony could not reasonably be deemed truthful. At trial, Storch misrepresented his expectations that he would receive benefits in exchange for his testimony, as well as his prior criminal record and history of drug abuse. Storch's signature method of fabricating evidence was a common one among experienced informants: he would "gain physical proximity to a high-profile defendant, get information about the case from the media, usually a newspaper, and then call the District Attorney or law enforcement and offer to testify." *Maxwell v. Roe*, 628 F.3d 486, 502 (9th Cir. 2010).

California has formally recognized the high risk of jailhouse informant unreliability and collusion. California law contains a jailhouse informant corroboration requirement which bars the use of the uncorroborated testimony of an in-custody informant. The law specifically forbids the use of another jailhouse informant to serve as corroboration, unless the government can prove that the testifying informant has not communicated with other informants. Specifically, the statute provides:

Corroboration of an in-custody informant shall not be provided by the testimony of another in-custody informant unless the party calling the in-custody informant as a

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<sup>2</sup> See, e.g., Russell D. Covey, *Abolishing Jailhouse Snitch Testimony*, 49 WAKE FOREST L. REV. 1375, 1380 (2014) ("Snitches can [] obtain details about fellow prisoners' cases by speaking with complicit friends and relatives who can monitor preliminary hearings and other case proceedings and feed details to the aspiring snitch."); Valerie Alter, *Jailhouse Informants: A Lesson in E-Snitching*, 10 J. TECH. L. & POL'Y 223, 225 (2005) ("[B]y reading newspapers in the prison library, informants keep up-to-date on criminal investigations and then use the information they obtain to claim credibly that a cellmate, or another inmate housed in the same prison, confessed to the crime.").

witness establishes by a preponderance of the evidence that the in-custody informant has not communicated with another in-custody informant on the subject of the testimony. Cal. Penal Code § 1111.5 (West).

Other states that impose similar informant reliability regulations include Illinois, Texas, Connecticut, and Nebraska.<sup>3</sup>

Informant collusion and fabrication is consistent with and predictable given the secretive and deregulated nature of informant practices and the well-known incentives for jailhouse informants to fabricate evidence in order to obtain benefits. Government actors such as prosecutors and sheriffs have nearly unfettered discretion to communicate with and reward incarcerated informants in both formal and informal ways. Informal benefits can include improved conditions of confinement, money, and law enforcement interventions in other cases that result in leniency. Jailhouse informants, in turn, have enormous incentives to provide false information to the government in exchange for leniency, money, or improved conditions of confinement. Incarceration creates natural albeit perverse communities of interest, generating both pressures and opportunities for informants to collude and share information for their own benefit.

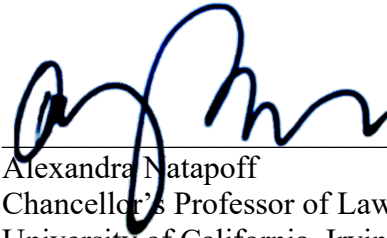
Informant unreliability and the risks of collusion are exacerbated by the implicit incentive structure of jailhouse informant culture. Jail inmates and law enforcement alike understand that inculpatory information will be rewarded. Likewise, informants know that their testimony will be more persuasive to juries, and thus more valuable to law enforcement, if they state that they have not been promised any benefits. These widely shared understandings have generated an implicit incentive structure in which informants often proactively come up with information and provide it to law enforcement in the absence of any express promise of a benefit. The understanding is that informants will be rewarded after their cooperation, and in practice they typically are. Ironically, jurors will often be the only people in the courtroom who do not understand this implicit arrangement.

As a result of these inherent and demonstrated risks of collusion, unreliability, and perverse incentives, evidence or testimony provided by multiple jailhouse informants should be viewed with presumptive skepticism. Informants are known to affirmatively collect information on which they base fabricated claims, to expect benefits in return even without express representations from law enforcement, and to share information with other informants. Collusion renders fabrication more believable and therefore more valuable, even as it may be difficult to identify or prove. Experienced informants in particular are adept at facilitating both fabrication and collusion. Evidence offered by multiple informants should thus be evaluated in light of the strong possibility of collusion and fabrication; the existence of multiple informants presenting the same or similar evidence should itself be viewed as a potential flag for unreliability.

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<sup>3</sup> 725 Ill. Comp. Stat. Ann. 5/115-21; Tex. Code Crim. Proc. Ann. art. 38.075; Conn. Gen. Stat. Ann. § P.A. 19-131, § 1; Neb. Rev. Stat. Ann. § 29-4704.

Submitted,

A handwritten signature in blue ink, appearing to read 'Alexandra Natapoff', written over a horizontal line.

Alexandra Natapoff  
Chancellor's Professor of Law  
University of California, Irvine School of  
Law

ALEXANDRA NATAPOFF

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ACADEMIC  
POSITIONS

UNIVERSITY OF CALIFORNIA, IRVINE SCHOOL OF LAW  
Chancellor's Professor of Law, 2019-present  
Professor of Criminology, Law and Society (by courtesy)  
Professor of Law, 2017-2019  
Co-Director, Center in Law, Society and Culture  
Advisory Committee, Center on Law, Equality and Race  
Equity Advisor, Spring 2019  
Teaching: Criminal Law; Criminal Procedure; Evidence; Criminal Justice Seminar

HARVARD LAW SCHOOL  
Visiting Professor, Fall 2018  
Teaching: Criminal Law; Misdemeanor Justice Reading Group

LOYOLA LAW SCHOOL, LOS ANGELES  
Professor of Law & Rains Senior Research Fellow, 2006-2017  
Associate Dean for Research, 2014-2016  
Associate Professor, 2003-2006  
Chair, Lateral Appointments Committee, 2010-2016  
Co-Director, Loyola Clemency Project, 2016-2017  
• Co-Founder/Director of one of the largest law school clemency projects in the country  
with 30 student/attorney teams drafting federal clemency petitions  
Teaching: Criminal Law; Criminal Procedure; Advanced Writing Seminar

NEW YORK UNIVERSITY SCHOOL OF LAW  
Scholar in Residence, Center on the Administration of  
Criminal Law, Summer 2012

UNIVERSITY OF SOUTHERN CALIFORNIA SCHOOL OF LAW  
Distinguished Visitor, September 2007 (one week in residence)

JUDICIAL  
CLERKSHIPS

THE HONORABLE DAVID S. TATEL, U.S. COURT OF APPEALS FOR THE DISTRICT OF  
COLUMBIA, Judicial Clerk, 1997-1998

THE HONORABLE PAUL L. FRIEDMAN, U.S. DISTRICT COURT FOR THE DISTRICT OF  
COLUMBIA, Judicial Clerk, 1995-1997

EDUCATION

STANFORD LAW SCHOOL, J.D.  
Graduated with Distinction  
Article Editor, Stanford Law Review  
Winner, Steven M. Block Civil Liberties Writing Award

YALE UNIVERSITY, B.A.  
Philosophy, *cum laude*

AWARDS &  
HONORS

2019 Marshall Project Best Criminal Justice Books  
2019 Chancellor's Professorship  
2018 Publishers Weekly Best Book Award  
2018 Green Bag Exemplary Legal Writing Award  
2017 Choice Outstanding Academic Title  
2016 Guggenheim Fellowship  
2013 Law and Society Association Article Prize  
2010 ABA Silver Gavel Award, Honorable Mention for Books  
2007 Elected to the American Law Institute  
2007 Outstanding Scholarship Award from the AALS Criminal Justice Section  
2007 AALS Scholarly Papers Competition, Honorable Mention  
2004 Outstanding Scholarship Award from the AALS Criminal Justice Section  
2004 Stanford/Yale Junior Faculty Scholarship Forum  
1995 Steven M. Block Civil Liberties Award for distinguished written work  
relating to personal freedom

SCHOLARSHIP

BOOKS

PUNISHMENT WITHOUT CRIME: HOW OUR MASSIVE MISDEMEANOR SYSTEM TRAPS THE  
INNOCENT AND MAKES AMERICA MORE UNEQUAL (Basic Books, 2018)  
• 2018 Best Books, Publishers Weekly  
• 2019 Best Criminal Justice Books, The Marshall Project  
• Exemplary Legal Writing of 2018, GREEN BAG  
• RAND Required Reading for all 2019 incoming graduate students  
• Mike Baker, *Whodunit in the Library: Someone Keeps Hiding the Anti-Trump Books*,  
N.Y. TIMES, Nov. 10, 2019 (one of several progressive books hidden from patrons in an  
Idaho public library)  
• Reviewed by Stephanos Bibas, *Small Crimes, Big Injustices*, 117 MICH. L. REV. 1025 (2019)

THE NEW CRIMINAL JUSTICE THINKING (co-editor, with Sharon Dolovich) (14-essay  
collection) (NYU Press, 2017)  
• 2017 Choice Outstanding Academic Title

SNITCHING: CRIMINAL INFORMANTS AND THE EROSION OF AMERICAN JUSTICE (NYU  
Press, 2009)  
• Winner, 2010 ABA Silver Gavel Award, Honorable Mention for Books  
• 2010 Barnes & Noble Best Pick

ARTICLES &  
BOOK CHAPTERS

*Abolition Criminal Procedure: Atwater and the Misdemeanor Carceral State*,  
HARVARD L. REV. F. (forthcoming 2020)

*The High Stakes of Low-Level Criminal Justice*, 128 YALE L.J. 1648 (2019) (book review  
of MISDEMEANORLAND)

*A Stop is Just a Stop: Terry's Formalism*, 15 OHIO ST. J. CRIM. L. 113 (2017)

*Misdemeanors*, in ACADEMY FOR JUSTICE, A REPORT ON SCHOLARSHIP AND CRIMINAL  
JUSTICE REFORM (Erik Luna ed., 2017), <http://academyforjustice.org/>

SCHOLARSHIP (CONT.)

*Negotiating Accuracy: DNA in the Age of Plea Bargaining*, in *WRONGFUL CONVICTIONS AND THE DNA REVOLUTION: TWENTY-FIVE YEARS OF FREEING THE INNOCENT* (editor, Daniel Medwed) (Cambridge University Press, 2017)

- Selected as a “must read” by the NACDL Getting Scholarship into Court Project *Introduction* (with Sharon Dolovich), in *THE NEW CRIMINAL JUSTICE THINKING* (2017)

*The Penal Pyramid*, in *THE NEW CRIMINAL JUSTICE THINKING* (2017)

*Criminal Misdemeanor Theory and Practice*, in *OXFORD HANDBOOK OF CRIMINAL LAW* (Markus Dubber & Tatjana Hörnle eds., 2016)

*Misdemeanor Decriminalization*, 68 *VANDERBILT L. REV.* 1055 (2015)

- Response by Darryl Brown in 69 *VAND. L. REV. EN BANC* 1 (2016)
- Reviewed on JOTWELL by Angela Harris, Oct. 23, 2015
- Reviewed on JOTWELL by Jennifer Chacón, Mar. 20, 2015

*Gideon’s Servants and the Criminalization of Poverty*, 12 *OHIO ST. J. CRIM. L.* 445 (2015)

- Scholarship of the Day, The Marshall Project, July 20, 2015

*Misdemeanors*, 11 *ANN. REV. L. & SOC. SCI.* 255 (2015)

- Excerpted in KAMISAR, LAFAVE ET AL., *MODERN CRIMINAL PROCEDURE* (15<sup>th</sup> ed. West 2019)

*Aggregation and Urban Misdemeanors*, 40 *FORDHAM URB. L.J.* 1043 (2013)

*Gideon Skepticism*, 70 *WASHINGTON & LEE L. REV.* 1049 (2013)

- Excerpted in ALLEN, STUNTZ ET AL., *COMPREHENSIVE CRIMINAL PROCEDURE* (4<sup>th</sup> ed. Aspen 2016)

*Misdemeanors*, 85 *S. CAL. L. REV.* 1313 (2012)

- Winner, 2013 Law and Society Association Article Prize
- Responses by Stephanos Bibas, Eve Brensike Primus, and Jonathan Simon in 85 *S. CAL. L. REV. POSTSCRIPT* (2012)
- Reviewed on JOTWELL by Erin Murphy, Apr. 18, 2012
- Excerpted in LEE AND HARRIS, *CRIMINAL LAW* (4<sup>th</sup> ed. West 2019)

“Snitching and the Use of Criminal Informants.” *Oxford Bibliographies in CRIMINOLOGY*. Ed. Richard Wright. New York: Oxford University Press (2012), [oxfordbibliographiesonline.com](http://oxfordbibliographiesonline.com)

*Deregulating Guilt: The Information Culture of the Criminal System*, 30 *CARDOZO L. REV.* 965 (2008)

*Underenforcement*, 75 *FORDHAM L. REV.* 1715 (2006)

- 2007 Outstanding Scholarship Award from the AALS Criminal Justice Section
- 2007 AALS Scholarly Papers Competition, Honorable Mention
- Excerpted in KADISH, SCHULHOFER, AND BARKOW, *CRIMINAL LAW AND ITS PROCESSES* (10<sup>th</sup> ed. Aspen 2017)

SCHOLARSHIP (CONT.)

*Beyond Unreliable: How Snitches Contribute to Wrongful Convictions*, 37 GOLDEN GATE U. L. REV. 107 (2006) (symposium on wrongful convictions at UCLA)  
• Excerpted in THE WRONGFUL CONVICTIONS READER (eds. Russell Covey and Valena Beety, Carolina Academic Press, 2018)

*Speechless: The Silencing of Criminal Defendants*, 80 N.Y.U. L. REV. 1449 (2005)  
• 2004 Outstanding Scholarship Award from the AALS Criminal Justice Section

*Snitching: The Institutional and Communal Consequences*, 73 U. CIN. L. REV. 645 (2004)  
• 2004 Stanford/Yale Junior Faculty Forum

*Madisonian Multiculturalism*, 45 AM. U. L. REV. 751 (1996)

*Trouble in Paradise: Equal Protection and the Dilemma of Interminority Group Conflict*, 47 STAN. L. REV. 1059 (1995)  
• Winner, Steven M. Block Civil Liberties Award for distinguished work relating to personal freedom

*Protecting the Rights of Deaf Children from Non-English Speaking Homes*, 24 J.L. & ED. 271 (1995)

*The Year of Living Dangerously: State Courts Expand the Right to Education*, 92 ED. LAW REP. 755 (1994)

PROFESSIONAL  
MEMBERSHIPS

American Law Institute, elected 2007  
Adviser, *ALI Principles of Law, Policing Project*, appointed 2015

JUDICIAL  
CITATIONS

*State v. Leniart*, 333 Conn. 88, 215 A.3d 1104 (Conn. 2019) (upholding trial court's exclusion of Natapoff's expert testimony in 2010), *reversing* 166 Conn. App. 142 (2016) (holding that defendant was entitled to present Natapoff's expert testimony to the jury)

*United States v. Wilmore*, 282 F. Supp. 3d 937 (S.D.W.Va. 2017) (citing SNITCHING: CRIMINAL INFORMANTS AND THE EROSION OF AMERICAN JUSTICE (2009))

*Rhoades v. State*, 880 N.W.2d 431 (Iowa 2016) (citing *Negotiating Accuracy: DNA in the Age of Plea Bargaining* and SNITCHING: CRIMINAL INFORMANTS AND THE EROSION OF AMERICAN JUSTICE (2009))

*Williams v. Davis*, 2016 WL 1254149 (C.D.C.A. Mar. 29, 2016) (vacating conviction and death sentence)

*United States v. Andrews*, 808 F.3d 964 (4<sup>th</sup> Cir. 2015) (citing *Speechless: The Silencing of Criminal Defendants*, 80 N.Y.U. L. REV. 1449 (2005))

*United States v. Stewart*, 686 F.3d 156 (2<sup>nd</sup> Cir. 2012) (citing *Speechless: The Silencing of Criminal Defendants*, 80 N.Y.U. L. REV. 1449 (2005))

JUDICIAL  
CITATIONS (CONT.)

*Carvajal-Montoya v. United States*, 2012 WL 3713110 (S.D.N.Y. Aug. 27, 2012) (citing *Speechless: The Silencing of Criminal Defendants*, 80 N.Y.U. L. REV. 1449 (2005))

*United States v. Luck*, 611 F.3d 183 (4<sup>th</sup> Cir. 2010) (citing SNITCHING: CRIMINAL INFORMANTS AND THE EROSION OF AMERICAN JUSTICE (2009))

*State v. Arroyo*, 292 Conn. 558 (2009) (citing *Beyond Unreliable: How Snitches Contribute to Wrongful Convictions*, 37 Golden Gate U.L. Rev. 107 (2006))

*DeLaventura v. Columbia Acorn Trust*, 417 F. Supp. 2d 147 (D. Mass. 2006) (citing *Speechless: The Silencing of Criminal Defendants*, 80 N.Y.U. L. REV. 1449 (2005))

COMMENTARY

*Why juries need expert help assessing jailhouse informants*, THE APPEAL, Sept. 23, 2019  
*U.S. misdemeanor system should honor principles of justice*, LAW360, June 16, 2019  
*How a simple misdemeanor could land you in jail for months*, N.Y. POST, Feb. 2, 2019  
*When the Police Become Prosecutors*, N.Y. TIMES, Dec. 26, 2018  
*States Take a Fresh Look at Snitching*, THE CRIME REPORT, Sept. 26, 2017  
*Young Black Men Coerced to Plead Guilty*, Guest Blog Post, WASH. POST, Nov. 11, 2015  
*The Dark Side of Decriminalization*, Op-ed, S.F. CHRON., Dec. 6, 2014  
*Why misdemeanors aren't so minor*, SLATE.COM, April 27, 2012  
*The Guilt Market*, REASON MAGAZINE, June 2011  
*Who 'snitching' really betrays*, CNN Opinion, Feb. 18, 2011  
*Secret Justice*, PRISON LEGAL NEWS, Feb. 2011  
*Regulating Criminal Snitching*, Op-ed, DAILY JOURNAL, Sept. 15, 2009  
*Kathryn Johnston paid price for police reliance on snitches*, S.F. CHRON., Aug. 16, 2007  
*California Reconsiders Snitching*, Op-ed, S.F. CHRON., Nov. 19, 2006  
*Gideon's Silence: What ever happened to the right to counsel?* SLATE.COM, May 31, 2006  
*Bait and Snitch: The high cost of snitching for law enforcement*, SLATE.COM, Dec. 12, 2005

PODCASTS

The Appeal Podcast, Oct. 10, 2019  
Voir Dire, Harvard Law School, June 28, 2019  
Free Thoughts, CATO Institute, June 7, 2019  
CATO Institute Daily Podcast, May 25, 2019  
Decarceration Nation, with Josh Hoe, April 1, 2019  
The David Pakman Show, March 6, 2019  
The Majority Report with Sam Seder, Feb. 20, 2019  
New Thinking Podcast, Center for Court Innovation, Feb. 7, 2019  
Cape UP, with Jonathan Capehart, Jan. 29, 2019  
Fresh Air with Terry Gross, Jan. 2, 2019  
Justice in America, with Josie Duffy Rice & Clint Smith, Aug. 1, 2018

WEBSITE/BLOG

Snitching Blog ([www.snitching.org](http://www.snitching.org)). Public education website/blog devoted to the law and public policy regarding the use of criminal informants



REVIEWER

Criminology & Public Policy  
Police Quarterly  
National Science Foundation  
Law & Society Review  
Oxford University Press  
Cambridge University Press  
University of California Press  
Routledge Press

SELECTED

PRESENTATIONS

Panelist, “Agency and Race in the Criminal System,” University of Wisconsin Law School, Madison WI, Dec. 4-5, 2019

Speaker, “Reporting on Criminal Law: Training Session,” National Press Foundation, San Francisco, CA, Nov. 11, 2019

Faculty Workshops, *Criminal Municipal Courts*

- Harvard Law School, Nov. 14, 2019
- USC Gould Law School, Oct. 31, 2019
- University of Chicago Law School, Oct. 15, 2019
- U.C. Davis Law School, Sept. 25, 2019

Distinguished Speaker, The Baldy Center for Law & Social Policy, Univ. at Buffalo School of Law, Sept. 20, 2019

Plenary Speaker, *The American Misdemeanor System*, Journalist Law School, Loyola Law School, Los Angeles, June 6, 2019

Keynote Speaker, Maryland Office of the Public Defender Annual Conference, Ocean City, MD, May 19, 2019

Speaker, CATO Institute, Washington, DC, May 7, 2019

Presenter, Criminal Justice Roundtable, Harvard Law School, April 3, 2019

Discussant, Roundtable on the Future of Justice Policy: Examining Criminalization, Punitive Excess and the Courts, The Square One Project, Oakland, Mar. 28-30, 2019

Presenter, U.C. Public Interest Law Conference, U.C. Berkeley, March 2, 2019

Faculty workshop, University of Seattle Law School, Feb. 26, 2019

Powell’s Bookstore, Portland, OR, Feb. 25, 2019

Author talk, Brooklyn Historical Society, Jan. 28, 2019

Politics and Prose, Washington, DC, Jan 3, 2019

Presenter, Judicial Symposium: The Law & Economics of Criminal Justice Reform, George Mason University Law & Economics Center, Arlington, VA, Oct. 22, 2018

Panelist, Supreme Court 2018 Term Preview, American Constitution Society/Federalist Society/Harvard Law Review, Harvard Law School, Cambridge, Sept. 24, 2018

Panelist, 8<sup>th</sup> Annual Supreme Court Term in Review, U.C. Irvine, July 9, 2018

Faculty Workshop, *Misdemeanor Justice*, University of Colorado Law School, Feb. 2018

Panelist, Misdemeanor Machinery, Boston University School of Law, Nov. 3, 2017

Faculty Workshop, *Misdemeanor Wrongful Convictions*, USC Gould Law School, Sept. 2017

Moderator, Judicial Responsibility for Justice in Criminal Courts, Hofstra University Law School, New York, April 6-7, 2017

Panelist, The National Registry for Exonerations as a Resource for Social Change, Newkirk Center for Science & Society, U.C. Irvine, March 16, 2017

Panelist and Moderator, Bridging the Gap: A Conference on Scholarship and Criminal Justice, Sandra Day O'Connor College of Law, Arizona State University, Feb. 10, 2017

Faculty Workshop, *Misdemeanors and Money*, Duke Law School, Feb. 6, 2017

Commenter, ACS Junior Scholars Public Law Workshop, American Constitution Society, San Francisco, CA, Jan. 5, 2017

Faculty Workshop, *Misdemeanors: The Institution*, University of Michigan Law School, Ann Arbor, Nov. 2, 2016

Panelist, *Privatized Probation and Modern Debtor's Prisons*, Practicing Public Interest Law in the South Conference, Vanderbilt Law School, Sept. 9-10, 2016

Keynote Speaker, Mississippi Public Defender Statewide Training on Misdemeanors, Biloxi, MS, Aug. 24, 2016

Keynote Speaker, Innocence Network Policy Conference, Kansas City, MO, June 2016

Speaker, AALS Workshop for New Law Teachers, Washington, D.C. June 9-10, 2016

Panelist, 11<sup>th</sup> Annual Summit on Public Defense, ABA Midyear Meeting, San Diego, CA, Feb. 2016

Panelist, *Elephants in the Courtroom: Examining Overlooked Issues in Wrongful Convictions*, National Science Foundation, Alexandria, VA, Oct. 15, 2015

Presenter, *Wrongful Convictions and the DNA Revolution: Twenty-Five Years of Freeing the Innocent*, Northeastern University Law School, Boston, MA, Sept. 25, 2015

Speaker, Innocence Seminar, Innocence Project of Texas, Austin, TX, Aug. 7, 2015

Presenter, *Misdemeanor Decriminalization*, Law & Society Annual Conference, Seattle, WA, May 30, 2015

Speaker, Misdemeanor Punishment & the Power of Fines, University of Oregon, Portland, OR, April 24, 2015

Panelist, *The Rehnquist Court: Ten Years Later*, Rehnquist Center on the Constitutional Structures of Government, University of Arizona College of Law, Feb. 6, 2015

Discussant, Prison Scholarship Roundtable, UCLA Law School, Oct. 31, 2014

Faculty Workshop, *Misdemeanor Decriminalization*, Pepperdine Law School, Oct. 2014

Presenter, *Misdemeanor Decriminalization*, Southern California Criminal Justice Roundtable, co-hosted by Loyola/UCLA/USC/Irvine, Los Angeles, CA, July 29, 2014

Discussant, *Misdemeanors: Racial Coercion and Net-widening at the Bottom of the Criminal Justice Pyramid*, Law & Society Annual Conference, Minneapolis, May 2014

Faculty Workshop, *The Penal Pyramid*, Univ. of Illinois College of Law, Nov. 14, 2013

Presenter, *The Penal Pyramid: Linking Criminal Theory and Social Practice*, Criminal Procedure Roundtable, Vanderbilt Law School, Nov. 1, 2013

Panelist, Gideon's Promise and Peril: Meeting the Mandate for Indigent Defense, Charles Hamilton Houston Institute for Race & Justice, Harvard Law School, Oct. 11, 2013

Plenary Speaker, *Misdemeanors*, AALS-ABA Criminal Justice Conference, San Diego, CA, June 2013

Presenter, *Aggregation and Urban Misdemeanors*, Univ. of Chicago Criminal Justice Roundtable, Univ. of Chicago School of Law, IL, April 26, 2013

Co-Convener/Presenter, Theorizing the Modern Criminal System: Law and Sociology in Conversation, NYU School of Law, April 5-6, 2013

- Co-convened (with Sharon Dolovich) two-day dialogue among distinguished legal theorists and social scientists to advance the interdisciplinary understanding of the criminal process

Faculty Workshop, *Aggregation and Urban Misdemeanors*, U.C. Davis School of Law, Feb. 2013

Presenter, Symposium: *Gideon at 50: Reassessing the Right to Counsel*, Washington & Lee School of Law, Lexington, VA, Nov. 9, 2012

Presenter, Cooper-Walsh Colloquium, "Legitimacy and Order: Analyzing Police-Citizen Interactions in the Urban Landscape," Fordham Law School, New York, Oct. 2012

Scholar-in-Residence, NYU School of Law, Center on the Administration of Criminal Law, July 2012

- Organized Misdemeanor Roundtable including academics and practitioners from NYU, Brooklyn, Cardozo, CUNY, Fordham, Seton Hall, Brennan Center, Ctr. for Constitutional Rights, Human Rights Watch, and the Innocence Project

Faculty Workshop, *Misdemeanors*, U.C. Irvine School of Law and the Center in Law, Society & Culture, Irvine, CA, Nov. 2011

Keynote Speaker, Prisoner's Family Conference, Portland, OR, February 2011

Panelist, Shaking the Foundations Conference, Stanford Law School, Oct. 2010

Author Talk, Enoch Pratt Central Library, Baltimore, MD, February 2010

Roundtable, *Snitching: Criminal Informants and the Erosion of American Justice*, Boalt Hall, Berkeley Center for Criminal Justice, January 2010

Public Lecture, co-sponsored by The Innocence Project & The Burns Center for Ethics, Cardozo Law School, New York, November 2009

Author Talk, sponsored by *American Criminal Law Review*, Georgetown Law School, Washington, DC, November 2009

Author Talk, Howard Law School, Washington, DC, November 2009

Symposium Presenter: *The Future of Self-Incrimination*, Cardozo Law Review, Cardozo Law School, New York, Mar. 2-3, 2008

*Deregulating Guilt: The Information Culture of the Criminal System*

- Faculty Workshop, UCLA, Los Angeles, CA, February 2008
- Faculty Colloquium, University of Colorado, Boulder, CO, Nov. 2007
- Faculty Workshop, University of Maryland, Baltimore, MD, Nov. 2007

Bauer Lecture, *The Silencing of Criminal Defendants*, Cardozo Law School, NY, Oct. 2007

Distinguished Visitor, University of Southern California School of Law (one week in residence), Los Angeles, CA, Sept. 2007. Presented *Discovering Guilt: The Politics of Information in the Criminal System*, and *Collecting Data on Confidential Informants*

*Underenforcement: New Perspectives on Criminal Justice*, Seasongood Visiting Speakers Series, University of Cincinnati College of Law, OH, April 2007

*Developments in the Law of Snitching*, ACLU Informant Roundtable, Atlanta, GA, March 2007

*Beyond a Physical Conception of the Fourth Amendment: Search and Seizure in the Digital Age*, Center for Internet and Society, Stanford Law School, January 2007

Award Recipient, *Underenforcement*, AALS Annual Conference, Wash. DC, Jan. 2007

- AALS Criminal Justice Section Outstanding Scholarship Award
- AALS Scholarly Papers Competition

Plenary Speaker, *Social and Ethical Implications of Client-Centered Strategies*, Federal Public Defender Annual Conference, San Francisco, CA, June 2006

Presenter, *Snitch Witnesses*, The Faces of Wrongful Conviction Conference, ACLU of Northern California, UCLA, Los Angeles, CA, April 2006

Award Recipient, *Speechless: The Silencing of Criminal Defendants*, AALS Criminal Justice Section Outstanding Scholarship Award, AALS Annual Conference, Jan. 2005

Stanford/Yale Junior Faculty Forum, *Snitching: The Institutional and Communal Consequences*, Yale Law School, June 2004

#### SELECTED PUBLIC TESTIMONY

Congressional Staff Briefing, “Misdemeanor Reform & Data-Driven Justice,” Washington DC, June 24, 2019

Testimony before the California Legislature, Assembly Committee on Public Safety, March 2017 (AB 359 jailhouse informant compensation and disclosure reform)

Testimony before the Timothy Cole Exoneration Review Comm’n, Austin, TX, June 28, 2016

Expert Witness Testimony, *Williams v. Chappell*, Case No. 00-10637 (C.D.C.A. 2015), relief granted in *Williams v. Davis*, 2016 WL 1254149 (Mar. 29, 2016) (vacating conviction and death sentence)

Expert Witness Testimony, *Larson et al. v. State*, Case No. 14-2-00090-6 (Wash. 2015), rev’d in part by *Larson v. State*, 194 Wash. App. 722 (June 28, 2016)

Expert Witness Testimony, *U.S. v. Savage*, Crim. No. 07-550 (E.D. P.A. 2013)

Testimony before the California Legislature, Senate Committee on Public Safety, June 2011 (SB 687 jailhouse informant corroboration, now Cal. Pen. Code § 1111.5)

Expert Witness Testimony, *State v. Green*, Case No. 1170853 (Harris Cty, TX, 2010) (hearing on constitutionality of Texas death penalty)

Expert Witness Testimony, *State v. Leniart*, Case No. \_ (Conn. Sup. Ct. Feb. 22, 2010), exclusion upheld in *State v. Leniart*, 33 Conn. 88 (2019)

Testimony before the Wisconsin Criminal Justice Commission, Madison, WI, Feb. 2009  
Brief Amicus Curiae of the ACLU, *Van de Kamp v. Goldstein* (U.S. Sept. 4, 2008) (No. 07-854)

Testimony before the U.S. House Judiciary Committee, Oversight Hearing on Law Enforcement Confidential Informant Practices, Washington, DC, July 19, 2007

ADDITIONAL LEGAL  
EXPERIENCE

OFFICE OF THE FEDERAL PUBLIC DEFENDER, Baltimore, MD

Assistant Federal Public Defender, 2000-2003

Lead counsel in noted case *U.S. v. Horn*, 185 F. Supp.2d 530 (D. Md. 2001) (first federal case to exclude field sobriety test evidence under *Daubert v. Merrell Dow*).

OPEN SOCIETY INSTITUTE COMMUNITY FELLOW, Baltimore, MD

Urban Law & Advocacy Project, Project Founder & Director, 1998-2000

Founded legal advocacy/education project to work with community organizations to identify legal strategies for urban empowerment. Provided legal education to community leaders and at-risk youth in cooperation with the Community Law Center. Funded by a Community Fellowship Award from the Open Society Institute.

SELECTED MEDIA  
APPEARANCES

The New Yorker, The Economist, The Atlantic, New York Times, Washington Post, Wall St. Journal, Los Angeles Times, Chicago Tribune, San Francisco Chronicle, USA Today, The Guardian, Christian Science Monitor, Philadelphia Inquirer, Dallas Morning News, Houston Chronicle, Fresh Air with Terry Gross, The Takeaway, NPR, C-SPAN, CBS, CNN, FOX, MSNBC, PBS, BET, ESPN, Huffington Post, Slate, BuzzFeed, Reason Magazine, The Champion, The Intercept; additional local newspapers and radio across the country