

IN THE SUPREME COURT OF THE STATE OF NEVADA

JUSTIN ODELL LANGFORD,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

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Case No: A-18-784811-W
Related Case C-14-296556-1
Docket No: 88194

RECORD ON APPEAL VOLUME 6

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A-18-784811-W Justin Langford, Plaintiff(s) vs. Warden Renee Baker,
Defendant(s)

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9. Fantastical details analysis—the presence or absence of fantastical details in the allegations should be examined
10. Personological analysis—whether the child suffers from any mental health problems or history that may indicate an increased probability of either truth telling or problematic reports should be assessed

The basic idea is that these dimensions of a sexual abuse allegation are central to understanding what the child is indeed saying or attempting to say. Children, due to a variety of factors, may not be able to articulate clearly what happened and the interviewer needs to be mindful and probe key dimensions of a possible sexual abuse allegation so that the interview provides as much clarity and as much detail as possible. Moreover, problems with the child's statements need to be identified and disclosed and not ignored or swept under the rug—doing this is not consistent with objectivity. Thus, the degree to which the interview actually addresses these dimensions and attempts to resolve any problems with these, and objectively admits any of these in the conclusions is part of a forensic interview's being comprehensive and objective.

In this case there is no evidence that the interviewer used any protocol that met the psychometric conditions described above. Additionally, the sensitivity (false positives), specificity (false negatives), and interrater reliability (whether similar information would have been gained by another interviewer) of the assessment instrument are all unknown.

Protocol for the Evaluation of Forensic Interviews with Children (PEFIC)

Eighteen specific factors have been identified in the empirical research¹ related to potential bias in forensic interviews of children. The following report details the presence of these factors in available materials in the above-named proceedings. This review and report is limited insofar as it is limited to the materials available for review. The presence of additional information not available for review (e.g., video recordings of additional interviews) limits the ability to provide a comprehensive assessment. Should additional information become available at a later point that would meaningfully alter the content of this report or the conclusions therein, the undersigned may offer an amendment to this report.

1. The child, due to rapport problems, may not have been comfortable and therefore may not have answered in a complete and accurate manner.
2. The child did not know that she could say, "I don't know" when she did not know the truth.
3. The child did not understand what it means to tell the truth.
4. The child did not know the importance of telling the truth.
5. The child did not understand her role in the interview or the purpose of the interview and therefore her answers may have been distorted.
6. The child might have felt uncomfortable discussing certain topics with the interviewer, therefore may not have answered in a complete and accurate manner.

¹ Fanetti, M. & Boles, R. (2004). Forensic interviewing and assessment issues with children. In W. O'Donohue and E. Levensky, *Handbook of Forensic Psychology: Resource for Mental Health and Legal Professionals*. Elsevier Academic Press: New York.

7. The child had experienced some sort of externally derived threatening experience, which may have served to distort answers (e.g., fear of threats to self, loved-ones, or property).
8. Open-ended questions were not used appropriately.
9. The child answered in a certain way in an attempt to please an authority figure.
10. There were leading questions.
11. The child's verbalizations at times were disconfirmed.
12. The interviewer inappropriately reinforced certain types of answers.
13. There were repetitive and perhaps coercive questions.
14. There were aspects of the child's total response (e.g., body posture, facial expressions, etc.) that gave a different interpretation to the child's answer.
15. The interviewer encouraged the child to speculate about important details, after the child has indicated that she was not sure about an answer or did not have the information.
16. The interviewer referenced the fact that other individuals (e.g., peers) had been interviewed regarding the interview topic and/or indicated what the other individuals' responses were.
17. The interviewer focused or redirected the child toward information about a specific detail or individual.
18. The child's report has been contaminated by some outside source, such as experience with another professional (e.g., retroactive interference from some other interviews)

Interview with H.H. by Tiffany Keith Dated 01.21.2014

FACTOR 1) Establishing Rapport (NOT RULED OUT)

A good interview will begin by building rapport with the child. This should be an experience for the child where interaction with the interviewer is perceived as pleasant. This is very important due to the potential impact rapport can have later, particularly on the child's willingness to provide answers to difficult or uncomfortable questions without being directly cued. Moreover, good rapport is important so that the child can feel as comfortable as possible to resist leading questions, or to tell the interviewer about outside contaminating influences. It should be noted that while a child may smile and seem comfortable at the beginning of an interview, limitations in trust often emerge when the child reports the details of a sexual abuse event. At this point, if rapport is lower than expected, the child may find it extraordinarily difficult to report honestly and accurately, particularly about sensitive topics. The child may feel responsible for some of the event, and may not want to talk about things that may make him/her seem 'bad' or 'dirty'. Therefore, it is better to spend sufficient time building rapport at the beginning of the interview as well as intermittently throughout the interview.

The rapport section of a forensic interview with a child serves several purposes; first, rapport is hypothesized to promote truthful and detailed disclosures. It is recommended that interviewers "build rapport with children by asking open-ended questions about neutral, everyday events before questioning them about sensitive topics" (p. 58)². This leads to a second benefit in that it allows for the opportunity to assess the quality of rapport early in the interview (e.g., is the child

² Lamb, M. E., Hershkowitz, I., Orbach, Y. & Esplin, P. W. (2008). *Tell me what happened: Structured Investigative Interviews of Child Victims and Witnesses*. Wiley: West Sussex England.

providing curt responses, expansive answers, is the child able to participate in a question/answer interchange). It is recommended that the interview be suspended until a later date before questioning about sensitive topics, if the child is showing poor responsiveness during rapport building.³

The interviewer spent time building rapport with H.H. at the beginning of the interview. The interviewer asked H.H. open-ended questions about neutral topics, including her age, grade she's in, and school she attends. Therefore, rapport problems can be ruled out as a potential source of bias.

FACTOR 2) "I don't know" Responses (NOT RULED OUT)

Children may not understand that they are allowed to state, "I don't know." They may feel that they have a responsibility to provide details, even when they are unsure.

The interviewer did not tell H.H. that she could say, "I don't know" if she did not know the answer to a question and failed to practice this with her. Therefore, this potential source of bias cannot be ruled out.

FACTOR 3) Truth Meaning (NOT RULED OUT)

It is important to determine the child's knowledge of this concept, and it is beneficial to do this prior to any detail collection. Children may have skewed or unusual ideas about what it means to tell the truth. Without information related to this, it is impossible to determine whether the child's belief about the truth is correct. Extended truth-lie discussions (TLD) have been shown to lead to more accurate reporting in children.⁴ The American Professional Society on the Abuse of Children (APSC⁵) note that clarifying the child's ability to differentiate truth and lie prior to beginning abuse-specific questions can indicate aspects of the child's competence and credibility.

The interviewer never assessed H.H.'s ability to differentiate between truth and lie. Therefore, this potential source of bias cannot be ruled out.

FACTOR 4) Truth Importance (NOT RULED OUT)

Stating the actual truth has different importance in varying situations and children may confuse the relative importance in the interview setting. For example, stating the truth (related to reality) is not valued while playing games (e.g., cops and robbers, etc.). Moreover, there are other situations where truth can have easily confused importance. When a loved-one asks for an opinion regarding a recent hair cut even adults may have difficulty determining where to place

³ Lamb et. al. (2008).

⁴ Huffman, M. L., Warren, A. R., & Larson, S. M., (1999). Discussing truth and lies in interviews with children: Whether, why, and how? *Applied Developmental Science*, 3, 6-15.

⁵ American Professional Society on the Abuse of Children (APSAC) (2002). *Practice Guidelines: Investigative interviewing in cases of alleged child abuse*.

truth in terms of importance. Children are exposed to this type of determination being made by others and being increasingly asked of them as they mature. Therefore, it is vital to assess where children have placed the importance of truth in the interview setting.

The interviewer did not assess the degree of importance H.H. placed on telling the truth. Therefore, truth importance cannot be ruled out as a potential source of bias.

FACTOR 5) Role/Purpose (NOT RULED OUT)

Children may have a skewed or inaccurate idea about their role in the interview, or the purpose of the interview itself. They may believe that their role is to convict someone or to protect someone. Likewise, they may believe that the purpose of the interview is to convict or protect someone. These beliefs may affect the child's willingness or ability to provide accurate information. Lamb et al. (2008) state "interviewers must be sensitive to children's perceptions of their knowledge and status. To facilitate comprehensive and accurate reporting by children, for example, interviewers should emphasize that they do not know what the children experienced, and that it is thus important for the children to tell as much as they know⁶ (p. 23).

The interviewer did not ask H.H. why she thought she was there that day, nor did she ask her what she thought the purpose of the interview was. Therefore, this potential source of bias cannot be ruled out.

FACTOR 6) Disclosure Inhibition (NOT RULED OUT)

Disclosure inhibition concerns willingness to discuss certain subject matter. Sometimes, children might feel afraid to discuss particular topics, such as parts of her body. Therefore, this might interfere with children's abilities to openly disclose certain information.

The interviewer did not assess H.H.'s level of comfort in talking about her experiences. Therefore, this potential source of bias cannot be ruled out.

FACTOR 7) Threats/Bribes (NOT RULED OUT)

Children may have been exposed to experiences that can affect their willingness to provide some details or their willingness to tell the truth. A child may be threatened with harm to self, to loved-ones, to pets, or to personal property, if they provide a specific detail or class of details. Also, the same pressures may be experienced because the child was promised special things (i.e. bribes) to provide or not provide specific details or classes of details. The interviewer has a responsibility to assess for these possible influences. This may be done through simple, non-leading questions.

The interviewer did not assess if any bribes or threats could have possibly influenced the disclosure. Thus, this potential source of bias cannot be entirely ruled out.

⁶ Sternberg, K. J., Lamb, M. E., Esplin, P. M., Orbach, Y., & Hershkowitz, I. (2002). Using a structured protocol to improve the quality of investigative interviews. In M. Eisen, G. S. Goodman, & J. Quas (Eds.), *Memory and suggestibility in the forensic interview* (pp. 409-436). Mahwah, NJ: Erlbaum.

FACTOR 8) Use of Open-ended Questions (NOT RULED OUT)

The form of some questions can make it seem as though only specific responses are wanted, even if the direction of the responses is not hinted. For example, yes/no questions often seem to require yes/no responses, even when accurate responses do not clearly fall in either category. For example, if a child is asked, “Did your step father touch you in a bad way?” and that this sentence structure implies to the child that a yes or no answer is required they may not ask for clarification when they are confused whether placing certain lotions on parts of their body is acceptable. In addition, research has shown that free narratives and open-ended prompts are the best way to gain accurate information from a child (e.g., Dent & Stephenson, 1979; Goodman et al., 1991), and that close-ended questions result in significantly more inaccurate answers than open-ended questions. It is important that the interviewer structure the questioning so this mode of questioning is most frequent. In an interview setting, children should feel free to answer in a manner, which makes them feel most comfortable. The best way to determine how free they feel in providing their answers is to ask them about this, and provide examples.

APSAC recommends asking open invitation questions (i.e. “tell me everything about...” (p. 7)) rather than closed questions such as who, what, where, when, and why questions.⁷ Lamb et al. (2007) recommend a “funnel approach” to interviewing in which open-ended questions are asked first to elicit free narratives from the child and in which close-ended questions are used sparingly to clarify content. Closed questions limit the options of responses available to the child, and the child may feel that she can only answer from options provided.

Some of the questions in this interview were open-ended prompts. However, most of the questions in this interview were closed-ended prompts. For instance, the interviewer asked, “Okay, so, was this – did this all happen in California?” The interviewer asked, “Is that your dad?” The interviewer asked, “So, she goes to your grandpa’s house for school?” The interviewer asked, “Okay, and then you come here to school?” The interviewer asked, “Okay, um so you said he’s been part of your life for seven years?” The interviewer asked, “But when mom’s not around that doesn’t happen?” The interviewer then asked, “Has he ever hit you where you had any marks or bruises on your body?” The interviewer asked, “Okay, and I just want to make sure, because I don’t remember if I asked you this. So when you said that you almost saw him break your mom’s arm that one time, have you ever seen any other times where he’s put his hands on your mom?” The interviewer asked, “Did you see that happen?” The interviewer asked, “Okay, um, so when, like those types of things happen, have the police ever had to come out to your house for that?” The interviewer asked, “Okay, so let me go back for a second, okay? Because I’m a little confused. So, you said you were six?” The interviewer asked, “Or, I’m sorry, in Search Light or?” The interviewer asked, “So, this was in Search Light?” The interviewer asked, “Which house were you – was it still grandma’s house or is this mom’s house?” The interviewer asked, “So, it’s the house that you are in now or something different?” The interviewer asked, “Okay, so you said he’s rubbing it, and moving it, holding it and you showed – and then you said he was moving it and you showed like an up and down motion. Is that right? I can’t hear you.” The interviewer asked, “Okay, so he said you could wipe off and that you

⁷ American Professional Society on the Abuse of Children (APSAC) (2002). Practice Guidelines: Investigative interviewing in cases of alleged child abuse. Self published.

could put your clothes on after you took a shower?" The interviewer asked, "Okay, and when – when you were standing over him, did, uh, you said that he was touching his wee-wee. Um, was anybody touching you on any of your vaginal area or your anal area or your chest?" The interviewer asked, "Okay, so you said – did you say he licked your – his fingers?" The interviewer asked, "Okay, so when he would rub your vaginal part, was that outside, inside, or something else of your vaginal part?" The interviewer asked, "Okay, and did he say anything while he would do that?" The interviewer asked, "Okay, and did you say anything when he would do that?" The interviewer asked, "Okay, and did anything happen to your private part when he did that?" The interviewer asked, "Okay, that's okay. Does he still work at McDonalds?" The interviewer asked, "Okay, does she go to school here?" The interviewer asked, "Okay, and does she go to school here?" The interviewer asked, "Okay, so you told them?" The interviewer asked, "About what happened?" The interviewer asked, "Well, this time was it just your backside or something else?" The interviewer asked, "Okay, well when you were on your backside you said then he put oil on your legs?" The interviewer asked, "Okay, and then he put oil on his wee-wee and then he told you to close your legs tight and he put his wee-wee between your vaginal area?" The interviewer asked, "Okay, and so when his wee-wee was touching your vaginal area, was it outside, was it inside, was it something else?" The interviewer asked, "Okay, and when his wee-wee was touching your anal area, was that outside, inside, or something else?" The interviewer asked, "Okay, and when there was sperm, was that when you were laying on your stomach or when you were laying on your back or something else?" The interviewer asked, "Okay, and this is in his room?" The interviewer asked, "Is there not a TV there anymore or?" The interviewer asked, "Okay, [unintelligible], okay. So we're just going to put under here, okay, towel, so I know, okay? So, and did you ever tell anybody about this incident that you just told us about?" The interviewer asked, "Not usually, okay. Um, had – did he ever do anything different to your vaginal area?" The interviewer asked, "Okay, and is that in the house you live in now, um, another house, or something else?" The interviewer asked, "Okay, and you said he came in and his pants were down and he had no underwear on, is that right?" The interviewer asked, "Okay, and did his wee-wee change when you were sucking his wee-wee? I can't hear you." The interviewer asked, "Okay, and did anything come out of his wee-wee when you sucked his wee-wee?" The interviewer asked, "Oh, when he did everything. Okay, but when you were sucking his wee-wee, did anything come out of his wee-wee?" The interviewer asked, "Okay, and then you said that he was – he did the same thing to your vaginal area?" The interviewer asked, "Okay, and when you said that he was rubbing his wee – or stroking his wee-wee, did the sperm come out when he was doing that or something else?" The interviewer asked, "Okay, and do you know is that the same towel that he used before or something else?" The interviewer asked, "Okay, and was this the same time as when you were telling me that you had to suck on his wee-wee or was this a different time?" The interviewer asked, "So this was all the same time?" The interviewer asked, "Okay, and did he ever put his wee-wee anywhere else besides your buttohole and your mouth?" The interviewer asked, "Okay, and did you ever tell anybody about that time?" The interviewer then asked, "Okay, and one of the things, um, that when we do talk – and I know we've talked about a lot, is that we want to make sure that we've only talked about things that are the truth. So, is everything you told me and Ms. Chelsea the truth today?" Thus, this potential source of bias cannot be ruled out.

FACTOR 9) Authority Pleasing (NOT RULED OUT)

Children, especially young children, sometimes seek to please adults who appear to them as authority figures. This is often reinforced by parents and teachers and is often not a problem of any sort. However, it can be a problem in forensic interviews of children, or in the testimony of children. The task for the child in such a setting should be to relate the remembered details of a potential event, without regard to what others wish to hear. However, in pure form, this is not always 100% likely with adults, and perhaps less so with children. The job of the interviewer is to assess for this influence. The interviewer should ask about it and provide corrective information and assurances when called for.

The interviewer did not assess whether H.H. would acquiesce to a press of the interviewer. Therefore, this potential source of bias cannot be ruled out.

FACTOR 10) Leading Questions (NOT RULED OUT)

The term "leading questions" requires some clarity in definition. Questions that require the endorsement of some antecedent information in order to be answered are the clearest example. For instance, the question, "While he was in your room, what was he wearing?" can be a perfectly acceptable question, or a leading question. If the child previously stated that the man was "in the room," the question is not leading. However, if the first piece of information was not provided, the question is problematic. To answer the question, "What was he wearing?" the child implicitly endorses the statement, "While he was in your room." This can happen even if the child states, "I don't remember." In fact, it not only implies that the man was there, but the child may incorporate the detail in future reports. Such leading questions should be avoided.

The interviewer asked leading questions in this interview. For instance, the interviewer asked, "Is that your dad?" The interviewer then asked, "Has he ever hit you where you had any marks or bruises on your body?" The interviewer asked, "Okay, um, so when, like those types of things happen, have the police ever had to come out to your house for that?" The interviewer asked, "Which house were you – was it still grandma's house or is this mom's house?" The interviewer asked, "Okay, and when – when you were standing over him, did, uh, you said that he was touching his wee-wee. Um, was anybody touching you on any of your vaginal area or your anal area or your chest?" The interviewer asked, "Okay, and so when his wee-wee was touching your vaginal area, was it outside, was it inside, was it something else?" The interviewer asked, "Okay, and when his wee-wee was touching your anal area, was that outside, inside, or something else?" The interviewer asked, "Okay, and when there was sperm, was that when you were laying on your stomach or when you were laying on your back or something else?" The interviewer asked, "Okay, and did his wee-wee change when you were sucking his wee-wee? I can't hear you." The interviewer asked, "Okay, and did anything come out of his wee-wee when you sucked his wee-wee?" The interviewer asked, "Oh, when he did everything. Okay, but when you were sucking his wee-wee, did anything come out of his wee-wee?" The interviewer asked, "Okay, and when you said that he was rubbing his wee – or stroking his wee-wee, did the sperm come out when he was doing that or something else?" The interviewer asked, "That's okay, okay. When you said that he put it in your buttole, and when you said put it in, what are you talking about? What part of his body?" The interviewer then asked, "And did anything, um, did you notice anything with your buttole after he did that to you?" The interviewer asked, "Okay, and when did this time

happen – how old were you, oh, you said seven or eight, right?” Thus, this potential source of bias cannot be ruled out.

FACTOR 11) Disconfirmation (RULED OUT)

Children sometimes respond to being told that they are incorrect. If a child disagrees, this is usually apparent in the child's verbalizations. However, if the child accepts the assertion that she has actually made a mistake, they may re-evaluate their recall and make alterations to match the authority's assertion. If it is believed that a child is being incorrect in her recall a direct disconfirmation does not clarify the issue of fact, because it is simply more likely to establish a correlation with the disconfirmer's belief.

H.H.'s responses were not disconfirmed in this interview. Therefore, this potential source of bias can be ruled out.

FACTOR 12) Inappropriate Reinforcement (NOT RULED OUT)

Basic and well-established principles of behavior theory indicate that the behavior following reinforcement will increase and those that are punished or not reinforced will decrease. This applies to child interviews as well. It is important to consider very carefully how to respond to specific types of responses that a child may provide. For example, if an interviewer never looks interested in details, which can be used to show guilt, but pays particular attention to the details, which can be used to acquit, the child may begin to provide only exculpatory information, and vice-versa. In essence, the interviewer may shape not only the information the child provides, but also the way the child recollects additional information. The goal for an interviewer should be to respond very neutrally to different types of information, but reinforce talking and participating in general.

H.H.'s answers were inappropriately reinforced during this interview. The interviewer said, “Okay, well, we’re not worried about, you know, if you have a crush on him. That’s okay. Right now, like I said, we’re here to make sure that you’re safe and figure out what’s going on at home. So, we won’t – I’m not worried about Sean kissing you to make you feel better.” H.H. said, “Sorry.” Later on in the interview, the interviewer asked, “Okay, we’ll talk about that time. Let’s talk about this first time, okay? And then we’ll talk about sugar. So, he told you that if you didn’t, he was gonna shove it down your throat. And where were you at?” Therefore, this potential source of bias cannot be ruled out.

FACTOR 13) Repetitive Questions (RULED OUT)

Repetitive questions are problematic with children. They can alter a child's response rather than to increase the accuracy of the response. The child should be asked questions only one time. Repeated statements that are false can contribute to a non-veridical memory in a child. Moreover, asking a question several times when no responses are given may indicate to the child that non-responses are not sufficient and that something must be said. However, the child may be non-responding simply because of uncertainty and the non-response is then functionally accurate. If they later provide a detail, there is as much reason to be suspicious of the detail as

there is to believe it. In the case of non-responses, it is imperative to assess why the child is not responding.

The interviewer did not ask repetitive questions in this interview. Therefore, this potential source of bias can be ruled out.

FACTOR 14) 'Total Response' Confusion (NOT RULED OUT)

Humans respond to queries and generate communication in three forms: verbal, para-verbal, and non-verbal. Verbal communication refers to the words chosen. Para-verbal communication refers to the tone of voice, pitch, and volume of the delivery. Non-verbal communication refers to the body posturing and body language surrounding the communication. All three forms of communication are important. In fact, some tests indicate that in normal interpersonal face-to-face exchanges, non-verbal is the most important, followed by para-verbal, and verbal is the least important. Additionally, these modes can transmit different messages simultaneously. Saying, "I love you" in a disdainful tone of voice is an excellent example. Another example is stating, "I did that," in a questioning tone of voice. Lack of information about possible confusion is problematic. Also, a lack of follow-up inquiry when such potential confusions are identified is also problematic. This is one of the more powerful rationales for videotaping interviews.

Because the document reviewed was not in video recording form, this potential source of bias cannot be ruled out.

FACTOR 15) Encouraging Speculation (NOT RULED OUT)

The purpose of the forensic interview should be to generate as much information about reliable memory of experienced events as possible. The concept of guessing or speculating is contrary to that goal. In addition, children may be more likely to incorporate details that they speculate about into their actual event recall or reported memory. Therefore, not only should speculation not be encouraged, it should actively be discouraged.

The interviewer did not discuss speculation or guessing with H.H. and never practiced with her. Therefore, this potential source of bias cannot be ruled out.

FACTOR 16) Conformity Press (RULED OUT)

People are likely to desire to be consistent with each other or with their previous positions, even when they are unsure of the accuracy of those people or positions. Therefore, if the best independently remembered recall is sought, then children should not be made aware of the reports of others and should not be reminded of their previous statements. However, it is acceptable to ask open-ended questions about inconsistent statements the child has previously provided.

Conformity press was not an issue in this interview. Therefore, this potential source of bias can be ruled out.

FACTOR 17) Response Class Focus (NOT RULED OUT)

Occasionally, interviewers can respond differently to details provided about one individual or about one type of event. For example, if Mr. X is thought to have committed a crime, but the child says something about Mrs. X., interviewers sometimes make statements like, "But I want to know about Mr. X." In this case, the child has just received information that other information is not sought. Other people who may be guilty may now not be implicated, and other information that may be exculpatory may be overlooked. Similarly, a lack of follow-up questions about Mrs. X., and a multitude of follow-up questions about Mr. X. can function to communicate to the child that the interviewer is only interested in Mr. X.

Practice guidelines for professional conducting forensic interviews of children recommended that interviewers "should approach the interview with an open mind about what may have happened. An interviewer's determination to confirm a particular hypothesis, without consideration of plausible, alternative explanations, may impair the capacity to receive and objectively interpret information from the child and may lead to substantial interviewer error⁸ (p. 5).⁹

Response class focus was a problem in this interview; H.H. disclosed being kissed by an older male who was over the age of majority but the interviewer did not pursue any details regarding this interaction to determine if it met criteria for abuse. According to testimony by her friend H.H. disclosed to her that this male would fondle her breasts. However H.H. subsequently denied this. Therefore, this potential source of bias cannot be ruled out.

FACTOR 18) Outside Contamination (NOT RULED OUT)

Rarely is a child interviewed only once about an alleged illegal event that happened to them, or that they witnessed. Parents and teachers may wish to thoroughly interview the child to determine if they should call the authorities; likewise, therapists working with children with alleged histories of abuse may prompt for details as part of the therapeutic process. However, this questioning has as much potential to influence the child's reported memory, as do subsequent professional interviews. Furthermore, bias in early interactions or interviews may later influence a child's memory to the degree that it becomes ingrained and, in subsequent interviews, the incorrect information seems like truthful recollection to the child. Without knowledge of previous interviews' contents, even a perfect previous contact others have had with the child, and to determine (as well as possible) the contents of those contacts. If previous bias can be ruled out, the current interview is considerably stronger.

H.H. discussed her allegations with her friends Sean, E.A., L. LNU, X.C., and M.J. and her mother Shayleen Coon prior to the interview. She also discussed the allegations with the safety officer at her school. Therefore, this potential source of bias cannot be ruled out.

⁸ Sorensen, E., Bottoms, B. & Perona A. (1997). Handbook on intake and forensic interviewing in the child advocacy center setting. Washington DC: National Network of Children's Advocacy Centers.

⁹ American Professional Society on the Abuse of Children (APSAC) (2002). Practice Guidelines: Investigative interviewing in cases of alleged child abuse. Self published.

Literature Review

Vulnerability to Suggestion

According to the documents reviewed, biased interviewing techniques were practiced (e.g., **“I don’t know” Responses, Truth Meaning, Truth Importance, Role/Purpose, Disclosure Inhibition, Threats/Bribes, Use of Open-ended Questions, Authority Pleasing, Leading Questions, Inappropriate Reinforcement, ‘Total Response’ Confusion, Encouraging Speculation, Outside Contamination**). Several studies have been conducted that are relevant to the consideration of children’s event recall. For example, Ceci et al. (1990) found that children were significantly more likely to make recall errors when incorrect, biased information was used in the questioning procedure. In addition, these children were also more likely to make recall errors when the person presenting the incorrect information was an adult, rather than a child. The experimenter concluded that when information (even incorrect information) was presented by an adult, who is viewed as a credible source of information, the child is more likely to incorporate new information in their verbal report. In general, research suggests that preschool children are more susceptible to misleading or incorrect post-event information including that which is included in biased interviewing techniques than older children and adults (Ceci & Bruck, 1993; McAuliff, Kovera, & Viswesvaren, 1998) although biased interviewing techniques are problematic with older children as well. In fact, some argue that younger children are not more susceptible to bias when the act in question is significant, when the child is a participant (as opposed to a bystander), or when the report is a free narrative as opposed to prompted (e.g., Fivush, 1993; Goodman, Rudy, Bottoms, & Aman, 1990). Ceci and Bruck (1995) agree that children are less prone to suggestions about actions to their own bodies, however they review numerous studies that demonstrate that bodily acts are not impervious to distortion (e.g., Bruck, Ceci, Francoeur, & Barr, 1995; Lepore & SESCO, 1994; Ornstein, Gordon, & Larus, 1992; Poole & Lindsay, 1996).

The susceptibility of older children and adolescents to suggestion

Research suggests that yield and shift to interrogative suggestibility generally decreases with age, but that leading questions can impact responses across all ages. Cohen and Harnick (1980) completed a study to find whether age differences exist in susceptibility to suggestion. They asked 36 participants (12 from grade 3, 12 from grade six and 12 college students) to watch a movie depicting a petty crime. Session one, which consisted of 22 questions asked in a suggestive manner (that contained false information about an event in the movie) or nonsuggestive manner, was conducted right after the movie. The authors carried out session two a week later in which 22 multiple choice questions were asked, and one of the incorrect answers for each question was directly linked to the “information contained in the suggestive form of the question used in the first session” (p. 205). The results of the first session showed that the third grade participants performed significantly more poorly and were more suggestible than the other two groups when nonsuggestive questions were used. There wasn’t a significant difference in suggestibility and performance between the sixth graders and the college students. Session two demonstrated that once again, the third graders answered wrong significantly more times than the two older groups. However, an analysis of wrong responses showed that all three groups chose

the response that was in agreement with the misleading knowledge from the first session. The authors concluded that sixth grade children are just as “capable of perceiving, interpreting, and reporting an event” (p. 209) as older adults. They also noted that persons of all ages can be affected by leading or suggestive questions, primarily because these provided an answer when the person doesn’t remember an event. These results suggest that leading questions should be avoided not just with young children, but also with persons of all ages as they increase the rates of wrong responses. Finally, the authors pointed out that while third grade children may not have been as accurate when remembering events, they still were “good sources of eyewitness information” (p.209).

In terms of specifics, when the participants were exposed to misleading suggestions during the first session, 75% of third grader responses were made in the direction of the suggestion, with that number decreasing to 30% for 6th graders. 20% of college student statements were made in the direction of the suggestions if exposed to the suggestible questions during the first session. In sum, it can be concluded that the grade 3 subjects gave a poorer memory performance than the older students, in the case of the nonsuggestive questions. Further, the grade 3 students showed a much greater tendency to accept (false) suggestion, than did the older subjects, although all three groups were influenced to some extent. From the point of view of both the straightforward memory test (nonsuggestive questions) and the degree of susceptibility to suggestion (suggestive questions), the grade 6 subjects and the college subjects can be regarded as equivalent.

Other studies have suggested that while adolescents and older adolescents (age 16 and older) demonstrate similar rates of yielding to leading questions to young adults, adolescents are more likely to be susceptible to interrogative pressure. Specifically, adolescents are more prone to shifting answers in response to negative feedback than are their adult counterparts (McLachlan, Roesch & Douglas, 2011). In a study conducted by Redlich and Goodman (2003), 3 age groups were examined; 12-13 year-olds, 15-16 year-olds, and young adults. Participants were instructed to use a computer and told that they would be typing letters on a keyboard read by the experimenter. Participants were told not to press one of the keys as it would shut down the computer. After 115 letters were pressed, the computer stopped functioning and participants were asked if they had hit the key to shut down the computer. All participants denied hitting this key. Half the participants were provided with false evidence, in which the experimenter returned with a printout suggesting the participant had hit the key to shut down the computer. Compliance was measured by asking participants to sign a handwritten statement stating that they had hit the key and caused the computer to crash. Internalization was assessed by asking the degree to which participants actually believed they hit the key to shut down the computer. Finally, confabulation was assessed by asking participants to “retrace their steps,” and show the experimenter which keys they had hit. In total, 69% of participants confessed to hitting a key they had not touched, 29% internalized this false evidence, and 9% engaged in confabulation by demonstrating how they had done so. Younger participants (12-13 year-olds) were more likely to engage in compliance by signing the false confession than were older adolescents and young adults (Redlich & Goodman, 2003).

Parental/ Caregiver Suggestion

Parents can subtly suggest false information to their children who end up believing and making false allegations. **According to the documents reviewed, there may have been parental or**

caregiver suggestion in this case. Specifically, H.H. discussed her allegations with her mother. Parental/ caregiver suggestion was not adequately explored in the forensic interview. Poole & Lindsay (1995) had preschool-aged children witness four science demonstrations in a university laboratory. Four months later parents were mailed stories that contained descriptions of their children's visit to the lab. Two of the stories were true and two were false (i.e., described experiments that the children had not seen). Each story finished with a fabricated account of what happened when it was time to leave the lab: "Mr. Science wiped (child's name) hands and face with a wet-wipe. The cloth got close to (child's name) mouth and tasted really yucky." Parents read the story to their children three times. Later, children told the experimenters that they had participated in demonstrations that they had not (i.e., the false stories read by their parents). More than half of the participants said that Mr. Science had wiped their mouths and many elaborated on their "yes" answers. When asked if Mr. Science had actually wiped their mouths or did their mother just read the story 71% of the children maintained that it really happened. This study was replicated (Poole & Lindsay, 1996) using children from a wider age range (3-8 year olds). Findings were similar except they found that when asked if Mr. Science wiped their mouths or if their mother just read the story the older children tended to recant their claims and said that their mother told them. **Research findings demonstrate that children are significantly more prone to memory errors created by false, misleading information, than are adolescents or adults. Children can be divided into three groups (young childhood, middle childhood, and adolescence), with the younger children most susceptible to bias, followed by middle-aged children, followed by adolescents and parents have the ability to bias their children's memory.**

Children's Credibility

Children and adolescents do not always tell the truth. It is not the case that there are special topics—such as their own abuse—in which children and adolescents are incapable of lying. As a field we know little about the variables that cause children or adolescents to lie or tell the truth. Researchers have suggested that personality variables, habit (Lowenstein, 1994), a developing central nervous system, a congenitally acquired defect in the central nervous system (CNS), the presence of an emotional disturbance, the desire to please others (i.e., parents, therapists, lawyers) (Kaplan, 1990), and behavioral disorders (such as conduct disorder and oppositional defiant disorder; Webster-Stratton & Dahl, 1995) may contribute to a child lying and thus result in an invalid statement. Although lying is not a frequent pathway; lying about child sexual abuse does occur. Children at times recant (see Bradley & Wood, 1996). Thus, children sometimes claim that they have previously lied or at least were mistaken. **According to the documents reviewed, personological factors do not appear to have been present in the allegations. However, little personological information was provided. It would have been useful to examine school records and mental health records to better understand these, especially if H.H. had a history of lying or exaggerating.**

Inconsistencies within and/or between Statements

When children are suggestively interviewed their subsequent false reports are consistent with the suggestions (Bruck et al., 1995, 1997). Subsequent ratings by trained professionals reveal that these children are credible and these professionals cannot discriminate accurate from inaccurate reports as a result of suggestive interviewing (Leichtman & Ceci, 1995; Ceci et al., 1994a; Ceci, Loftus, Leichtman, & Bruck, 1994b). Also, linguistic markers do not consistently distinguish

true from false reports that emerge from problematic interviews (Bruck et al., 1997). In the Bruck et al. (1997) study children were more likely to repeat the same details across interviews when their narratives were true as compared to when they were false. Two measures did differentiate true from false narratives. False stories tended to expand or sometimes change with each retelling as the children included new details. The number of aggressive, exaggerated, or fantastical details increased for false narratives as compared to true narratives for some children subjected to repeated suggestive interviews. **According to documents reviewed, there were 11 significant inconsistencies in core details between the statements H.H. provided. Logically inconsistent statements cannot all be true by definition.**

Memory Recall: Including Memory Errors due to False, Misleading Information

Even though experimental methodologies are varied (i.e., testing many types of memories, witnessed events, and cuing strategies), the results generally agree that children are significantly more prone to memory errors created by false, misleading information, than are adolescents, than are adults, who are more prone than adults. However, it should be noted that older children and adults are also susceptible to bias (see Ceci & Bruck, 1995, for a review). Notwithstanding these conclusions, children, even preschoolers, are capable of accurately reporting events *in the absence of suggestive techniques* (e.g., Fivush, 1993; Goodman, Batterman, Faunce, & Kenney, 1992, for reviews).

The effects of the above patterns of children's information processing and event recall have been studied in ways that are directly relevant to the issue of children's testimony subsequent to interviews with professionals. The following section will investigate some of these highly relevant studies.

A study that highlights the problems of child witnesses who are interviewed for testimony is the "Sam Stone" study conducted by Ceci and Liechtman (1992). Young children were told that a visitor, Sam Stone, was clumsy and always broke things that were not his. When "Sam" came to visit he did not touch or break anything. The next day the children saw a soiled stuffed bear and a torn book. Even though no child had seen Sam do anything, when asked, 25% hinted that he might have had a part in the problem. Over the next ten weeks they were asked misleading questions/statements by the first interviewer such as, "I wonder if Sam Stone got the teddy bear dirty on purpose or by accident?" On the tenth week, a second (seemingly independent) interviewer asked what had happened to the toys. 72% of the children overtly accused Sam of having ruined the toys, and 45% reported remembering having seen Sam do it.

Another study conducted by Clark-Stewart et al. (1989) sought to determine whether or not a reported memory for observed events could be changed by suggestions made by an authoritative adult. Three groups of children observed a janitor, Chester. One group saw a working janitor, the second group saw a playing janitor, and the third group saw a janitor who was playing mildly suggestively with a doll. The 'playing' Chester bribed the children with candy not to tell his boss that he had been playing instead of working. Shortly thereafter, the children were questioned by Chester's boss. The children were asked what Chester had been doing. Initially, gentle suggestions were made opposite to the child's actual observations. If the child observed a working Chester the boss suggested he might have been playing, and vice-versa. 25% of the children changed their story after the initial suggestions. After stronger suggestions were made, every child changed stories to be inconsistent with their observations and consistent with the suggestion. In fact, they did not revert their stories when later asked about the incident by their parents, who were unaware of the child's actual observations or the direction of the

suggestions made. This indicates that not only did the children respond to the suggestion, but also they have seemed to have incorporated the details into their report on a longer-term basis.

In a similar study, Bruck and colleagues (1997) examined the impact of repeatedly interviewing children with a combination of suggestive procedures. Preschool children were asked to tell about two true events (a recent punishment and helping a visitor who had hurt her ankle) and about two false events (helping a lady find her monkey in the park and witnessing a thief steal food from the day-care facility). Children were interviewed on five different occasions about the four events. In the first interview, the children were asked if the event had occurred and if so to provide as many details as possible about the event. The next three interviews included suggestive interviewing techniques (i.e., the use of peer pressure, guided imagery techniques, repeating misinformation, and providing selective reinforcement) and during the fifth interview, a new interviewer questioned each child about each event in a non-suggestive manner. While across the five interviews all the children consistently assented to the true- helping event, children were at first reluctant to talk about the true-punishment event, many denying that it had occurred. With repeated suggestive interviews, however, the children agreed that the punishment had occurred. With regard to false events, children initially denied the false events, but with repeated suggestive interviews they began to assent to these events. In fact, by the third interview, almost all the children had assented to all true and false events. The results from this study clearly demonstrate that the combination of suggestive techniques produced high assent and research has demonstrated that while older children (i.e., seven-year-olds) are more accurate younger children (i.e., four-year-olds) this age difference is not relevant when misleading questions are used (Rudy & Goodman, 1991). In fact, Rudy and Goodman (1991) examined the accuracy of children's reports after they had been participants in an event that was reminiscent of some types of sexual abuse. Pairs of four-year-old and seven-year-old children were left in a trailer with a stranger and one child played a game with the stranger, who dressed the child in a clown's costume and lifted and photographed him/her and the other child was instructed to observe this event as a bystander. Afterwards (10 days later) children were interviewed, first with open-ended questions, and then with 58 questions that were either direct or misleading. Results from this study indicated that seven-year-olds were more accurate than four-year-olds for all types of questions except misleading questions that implied abuse (e.g. "He took off your clothes, didn't he?"). Thus while there may be age differences in suggestibility for non-central features of an event, there are no age differences when children are asked misleading questions about central salient events.

Gulotta and Ercolina (2000) interviewed 53 children (ages 6-8) about an event that had taken place in their classrooms. Children were initially asked 6 open-ended, non-suggestive questions and subsequently 20 suggestive, close-ended questions. Results from this study indicated that generally, children interviewed with non-suggestive open-ended questions accurately recounted the classroom event. However, when asked close-ended and suggestive questions children authenticated events that had never actually occurred. Results also demonstrated that when children are asked certain questions twice (repeated questions), they altered their previous answers. This study illustrates that children can be misled by adults such that they sanction untrue information that is suggested to.

The above studies are important because they may illuminate the effects of post-event suggestion made by adults to children. The Sam Stone study incorporated less authoritative questioning styles, while the Chester study used more authoritative styles. However, both studies included misleading questioning that in turn altered the reported memories of the children. As

previously mentioned, research findings demonstrate that children are significantly more prone to memory errors created by false, misleading information, than are adolescents. **Given that H.H. was repeatedly asked about the allegations by a number of people it is important to consider the above scientific literature.** A discussion of memory processes follows.

Memory Encoding, Storage, & Retrieval

Because disclosure of sexual abuse involves a past event and because children are questioned about the past event, the child's memory and how the child processes information is very important. O'Donohue and Fanetti (1996) discuss the information processing of children as it applies to childhood sexual abuse. They summarize the five steps of information processing: sensation, perception, encoding, storage, and retrieval.

Sensation

In the sensation step, the individual's sense organs receive input from the environment about changes that have occurred. Sensation occurs in all five senses and does require that one attend to or understand the input. This information is then transferred to other areas of the body to be used. Sensation does not involve the integration of present experiences with other experiences, or the interpretation of the experience in any manner.

Perception

In the perception step, the stimuli that have been sensed are brought into attentional awareness and interpreted. Meaning, past experience, or memory and judgment are involved in allowing the individual to better understand what they are sensing. *Schemas* (perceptual mechanisms that organize social sensory information) become useful in this step. Prior experience, knowledge, or expectation come into play at this stage. In fact, research has demonstrated that children and adults use event-related schemata, or scripts, to interpret new experiences. Scripts may impact which aspects of a given event call attention from the observer. New or unexpected stimuli often draw greater attention than do typical or expected stimuli (Crockett, 1988). Scripts may also be useful when information is ambiguous or difficult to understand (Bargh, 1988; Crockett, 1988). Because the amount of information that is available for interpretation is always too much for the receiver to take in, scripts can be used to direct attention to stimuli that are relevant for the given interaction. This decreases the amount of processing needed for understanding and results in selective attention. Details that are interpreted as irrelevant are not processed further and may be unavailable for encoding and storage. The script that is used may also facilitate the explanation of the ambiguous stimuli in arbitrary terms dictated by the script itself. O'Donohue and Fanetti (1996) site the following example,

“Bobby was told that nobody should ever be allowed to touch his ‘private parts,’ and if they do, it is sexual abuse. During a routine medical examination, the doctor does just that. The conclusion by Bobby that the doctor is a sexual abuser may be more likely. If Bobby had been told about medical examinations beforehand, other conclusions by Bobby might have been more likely.”

Encoding and Storage

Encoding and storage follow sensation and perception. The encoding and storage process are greatly dependent on the way in which the information was perceived. These processes may be thought of as a filing process for our memories. In the example provided above, the examination conducted by the physician may be perceived and then encoded differently depending on the script that was used. The encoding process influences how information is stored in long-term memory.

Retrieval

The last stage in processing information is retrieval and involves accessing information that is stored in long-term memory. Information might be sought by using cues (other details that were encoded and stored at the same time). O'Donohue and Fanetti (1996) provide the following example:

“People sometimes report that after losing their ‘train of thought,’ they can sometimes remember their point by retracing the prior discussion. The other details of the discussion may serve as temporal cues for the target information. However, due to the notion that scripts contain information about the way events usually occur, as well as information about the way a specific event occurred, cues may contaminate the recall of details for a specific event.”

In fact, this may impact the accuracy of memories and will be elaborated in a later section on suggestibility.

O'Donohue and Fanetti (1996) go on to emphasize that if information is never sensed, perceived, encoded or stored, it cannot be recalled. They stress that every stage of information processing must be considered in any memory investigation.

Retrieval failures can result in an inability to recall or recognize details of an event (failure of omission) and can be caused by 1) a failure in any stage of information processing whereby the information never reaches storage, 2) faulty retrieval, and 3) degenerative mechanisms such as memory decay. An additional way in which information processing can go awry is when an individual recognizes or recalls details that never occurred (failures of commission). These errors may be caused by proactive interference (when details of prior experiences are intermingled with the details of the target experience) or retroactive interference (when details experienced after the target event are intermingled with the details of the target event). In reference to proactive interference the experiences that served to create schemata may also add interfering information to memories of the target experience. In fact, children's use of scripts may have an impact on memory as the more experience an individual has with a certain type of event, the more difficult it is to recall specific details about one target event. Postevent suggestion can actually create retroactive interference (Cohen & Harnick, 1980; Cole & Loftus, 1987; Dale, Loftus, & Rathburn, 1987; Davies, 1989; King & Yuille, 1987; Peters, 1987). **In this case H.H. spoke about the allegations to the following friends: E.A., L. LNU, M.J., Sean, and X.C. She also discussed the allegations with her mother and her school safety officer, Christy Thunstrom. These conversations were not adequately explored in the forensic interview.** While the above emphasizes the child's sensing, perceiving, encoding, storing, and retrieving of any possible abusive experience it is also important to note that any event, question, or test item presented to the child in the assessment process also is processed by the child. Thus, errors or biases that enter into the assessment-as-an-information-processing-event also are very relevant and must be considered. A literature review on problematic interviewing techniques follows.

Problematic Interview Techniques

- *Interviewer bias.* Interviewer bias occurs when interviewers hold antecedent beliefs about the occurrence of certain events and therefore conduct the interview in such a way to maximize disclosures from the interviewee that are consistent with the interviewer's beliefs (Bruck & Ceci, 1999). Interviews do not explore alternative explanations for allegations (e.g., suggestion of their parents versus actually witnessing the event), do not assess events that may be inconsistent with their hypotheses (e.g., if anyone else touched

the child), do not question the authenticity of the child's report (e.g., establishing the importance of telling the truth), and ignore inconsistent or bizarre evidence or interpret within the framework of the original hypotheses (Bruck & Ceci, 1999) are considered problematic. **In this case, biased interviewing techniques (e.g., "I don't know" Responses, Truth Meaning, Truth Importance, Role/Purpose, Disclosure Inhibition, Threats/Bribes, Use of Open-ended Questions, Authority Pleasing, Leading Questions, Inappropriate Reinforcement, 'Total Response' Confusion, Encouraging Speculation, Outside Contamination), were practiced in the interview with H.H.**

- *Emotional tone of the interview.* Interviewers of children place particular importance on building rapport with their young clients so they feel relaxed and unthreatened. They may spend time talking or playing with the child before beginning the actual interview and may spend time talking about school or after-school activities. Interview statements with the intention of building rapport and providing support can become problematic. Specifically, statements such as "we know something bad happened," "it isn't good to let people touch you," "you'll feel better once you tell," or "don't be afraid to tell" can be reliability risks as they can create an accusatory tone. In interviews where statements such as these were used, children were more likely to fabricate reports of past events, even in cases when they had no memory of an event occurring (Ceci & Bruck, 1995). **Rapport problems could be ruled out as a source of bias in the forensic interview conducted with H.H.**
- *Leading Questions.* To obtain confirmation of their suspicions, interviewers may not ask children "open ended" questions, but resort to very specific questions which may be repeated or leading. Ceci, Ross and Toglia (1987) grouped 3-12 year olds in groups of 10-20 to listen to a story about a girl's first day of school. Pictures were used to illustrate the story (which lasted approximately 2.5 minutes). The day following, children were interviewed individually using either biased or unbiased questions. Two days after that, children were given a forced-choice recognition test by an adult involving four total pictures and were told to pick the two pictures that accompanied the story. Results indicated that all children had high percentages of correct responses to unbiased questions (84% for children aged 3-4, 87% correct for children ages 5-6 and 95% correct for children ages 7-12), however, percentage of correct responses to biased questions was much lower, with only 37% correct for 3-4 year olds, 58% correct for 5-6 year olds, 67% correct for 7-9 year olds and finally 84% correct for 10-12 year olds. Roberts (2002) sought to determine how well memory recall and the confidence of that recall are correlated as well as how this can be affected by question format (unbiased vs. misleading) and age. The study included total of 183 participants from 3 age groups, 65 children in the 8-year-old group, 61 children in the 10-year-old group and 57 adults. The children were shown a video in small groups and were individually questioned 6 weeks later. The children were questioned in either an unbiased or misleading condition. After answering each question, participants rated their confidence level on a pictorial scale of 1-5. Results indicate that under suggestive questioning, there was no differentiation in confidence ratings between correct and incorrect answers showing that children's metacognitive monitoring abilities are impaired. Results indicate that children age 3 and 4 assent to misleading abuse-analogue questions as much as 20% of the time in related studies, whereas older children do so much less often (Goodman, Bottoms, et al., 1991; Goodman, Rudy, Bottoms & Aman, 1990). **H.H. was asked leading questions.**

- Repeated Questioning.* Repetitive questions are problematic with children. They can alter a child's response rather than to increase the accuracy of the response. The child should be asked questions only one time. Repeated statements that are false can contribute to a non-veridical memory in a child. Moreover, asking a question several times when no responses are given may indicate to the child that non-responses are not sufficient and that something must be said. However, the child may be non-responding simply because of uncertainty and the non-response is then functionally accurate. If they later provide a detail, there is as much reason to be suspicious of the detail as there is to believe it. In the case of non-responses, it is imperative to assess why the child is not responding. There are a plethora of scientific research studies that have demonstrated that repetitive questioning can be extraordinarily problematic. For example, Poole and White (1991) included 4-, 6-, and 8-year olds as well as adults (N = 133) in their study who had individually witnessed an ambiguous incident (a man bursts into the experiment room in need of a pen where a woman was guiding the subject through a questionnaire – the man takes the pen from the subject, engages in a playful argument with the woman, kisses her on the cheek and then leaves). Half were interviewed immediately after and then again 1 week later, and the other half were only interviewed a week later. Inconsistencies in open-ended questions were relatively similar between *all age groups*, with the number of inconsistencies decreasing as age increased. Two years after the 1991 study, the same subjects were interviewed again about the same ambiguous event. Children were less consistent than adults across sessions on yes-no questions, less accurate in response to open-ended questions, and more likely to fabricate answers to a question (e.g., inaccurate responses included: 10-year old reported that the man came to return the pen he borrowed, another 10-year old reported that the man found the pen in the drawer, and finally an 8-year old and 1 adult reported that the man wrote with the pen during the session). Most subjects did not mention that the man grabbed the pen from them. Repeated questioning also increased the number of subjects who speculated inappropriately – some children credited action to the wrong individual (Poole & White, 1993). **H.H. was not asked repetitive questions in her forensic interview. Repetitive questions also occurred across conversations as H.H. had discussed the allegations with other individuals prior to the interview. This was not adequately explored in the forensic interview.**

Videotaped Interviews

A video of the forensic interview conducted with H.H. was not available for review. Experts recommend interviews with children be recorded, preferably by videotape. Finally, while written summaries of the police questioning were provided, research has shown that written summaries of interviews are often inaccurate. Below please find a review of relevant scientific literature.

Expert Recommendations Concerning Videotaping

Several organizations and child sexual abuse researchers recommend that interviews with children be recorded, preferably by videotape.

Recommendation	Source
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“Videotaping, when possible, can serve several useful purposes...”	American Academy of Child & Adolescent Psychiatry (1990). Guidelines for the Clinical Evaluation of Child and Adolescent Sexual Abuse.
“If possible, audiotape or videotape the interview.”	American Academy of Child & Adolescent Psychiatry (1997). Practice Parameters for the forensic evaluation of children and adolescents who may have been sexually abused.
“Videotape, or at least audiotape, all contacts with the child from introduction to farewell.”	Annon, J. (1994). Recommended guidelines for interviewing children in cases of alleged sexual abuse. <i>Issues in Child Abuse Accusations</i> , 6,
“Live and/or videotaped supervision and viewing of one’s own videotapes are a useful safeguard against biased behavior.” “Audiotaping is an excellent choice for field interviewing situations and when video is unavailable or not workable for a particular child.”	Bourg, W., Broderick, R. Etc. (1999). <i>A Child Interviewer’s Guidebook</i> . Thousand Oaks London New Delhi : SAGE publications
“Although one would excuse such missing data [no interview] when the allegation was first made to parents, one would hope that it would be normal procedure for the police, social workers, and therapists to have recorded all interviews with the children, if the purpose of the interview could—even remotely—be considered “forensic.” If videotaping is mandated, all interviews should be recorded.	Ceci, S., & Bruck, M. (1995). <i>Jeopardy in the Courtroom</i> . Washington, DC: American Psychological Associations.
In many cases it is a good idea to make audio/video tapes of the interviews.	Gardner, R. (1995). <i>Protocols for the Sex-Abuse Evaluations</i> . New Jersey : Creative Therapeutics
In many cases it is a good idea to make audio/video tapes of the interviews.	Gardner, R. (1992). <i>True and False Accusations of Child Sex Abuse</i> . New Jersey: Creative Therapeutics
“It is proposed that video recorded interviews should take place ...1) children giving evidence in sexual offence cases, and 2) children giving evidence in cases involving an offence of violence, abduction, or neglect, child witness cases, unless the child objects, and/or there are insurmountable difficulties which prevent video recording taking place (this may include that the child has been involved in abuse involving video-recording or photography).	UK Home Office Communication Directorate (2000). Achieving best evidence in criminal proceedings: Guidance for vulnerable or intimidated witnesses, including children.

Videotaping is one of the seven reforms considered “best practice” for child sexual abuse investigations: “Many professionals consider it best practice to videotape child forensic interviews, and hundreds of jurisdictions routinely videotape interviews.”	Jones, M., Cross, T. P., Walsh, W. A., & Simone, M. (2005). Criminal investigations of child abuse: The research behind “best practices”. <i>Trauma, Violence, and Abuse</i> , 6, 3, 254-268.
Experts from Europe, North America, & the Middle East met at a conference in 1993 and co-signed this statement: “...It is desirable to tape record—preferably in video format—all primary investigative interviews.”	Lamb, M. E. (1994). The investigation of child sexual abuse: An international, interdisciplinary consensus statement. <i>Family Law Quarterly</i> , 28, 1, 151-162.
“Eyewitness researchers generally favor videotaping all interviews (e.g., Ceci & Bruck, 1995; Lamb, 1994), a policy that has been in practice for some locations for years.”	Poole, D., & Lamb, M. (1998). <i>Investigative Interviews of Children: A Guide for Helping Professionals</i> . Washington, DC: American Psychological Association.
Forensic assessment requires interviews designed to complete information from a child in the form of a tape-recorded statement. An interview must be recorded in it’s entirely, preferably on videotape with equipment located unobtrusively.	Rakin, D., & Esplin, P. (1991). Statement validity assessment: interview procedures and content analysis of children’s statements of sexual abuse. <i>Behavioral Assessment</i> , 13, 266-291.
“Our goal should not be to hide poor interviews, for it is important that the adequacy of the methods used to obtain children’s evidence be assessed...It is in the best interest of the child reduce the number of interviews and only recordings can accomplish this goal.”	Yuille, J. , Hunter, R., Joffe, R., & Zaparniuk, J. (1993). Interviewing Children in Sexual Abuse Cases. In Goodman G., & Bottoms, B. (Eds.), <i>Child Victims, Child Witness</i> (pp. 95-101). New York : The Guilford Press.

Research Concerning Written Summaries of Interviews

Another reason that interviews should be recorded is that research has shown that written summaries of interviews are often inaccurate. According to Ceci and Bruck (1994), “Written summaries of unrecorded interviews are subject to a number of distortions, especially if the interviewer is questioning a number of children and parents. If the interviewer has bias that the child was sexually abused, this can color his interpretation of what the child said or did; it is this interpretation that can appear in the summary in lieu of a factual account of what transpired” (p. 242). Several studies have demonstrated the limitations of written summaries of interviews:

- There is substantial literature to document that verbatim memory for conversations fades within seconds (Ceci & Bruck, 1994). Therefore, it is not possible to remember the forms of all questions asked and answers provided, their contexts and antecedents, and the emotional tone of participants (Ceci & Bruck, 1994).
- Bruck, Ceci, and Francoeur (1999) had mothers interview their children (ages 3-5) about a structured play activity that had occurred earlier when their mothers were absent. Three to four days later mothers reported on the conversation. Mothers accurately represented the meaning of information disclosed by their children but misrepresented conversational structure by failing to mention their own prompts and misquoted a number of statements.

- Bruck, Ceci, and Melnyk (1999) had mental health trainees interview four children about experienced events. Interviewers had difficulties remembering which children made certain statements and could not remember which details were produced spontaneously and which were prompted using leading questions.
- Warren and Woodall (1999) conducted an analogue study with experienced interviewers, who claimed to have asked few if any leading questions of five-year-old children. However, 80% of the questions they asked were specific or leading. Also, interviewers made notes after the interview and these notes included only 20% of the questions the interviewers actually asked.
- Lamb and colleagues (Lamb, Orbach, Sternberg, Hershkowitz, & Horowitz, 2003) compared audio recordings of 20 forensic interviews of alleged CSA victims to the notes made by youth investigators in Israel. They found that 25% of forensically relevant details were omitted from notes. Only .004% of the details noted by investigators were contraindicated by the audio recordings, suggesting that errors or commission were rare but errors of omission were frequent. All types of interviewer utterances (e.g., invitation, directive, option-posing, and suggestive) were under reported in interviewers' notes. Only 44% of the informative details in the audio recordings were attributed to the correct eliciting utterance. More specifically, interviewers had a tendency to misattribute details to more open-ended than focused prompts.

Summary & Conclusions

- **Outcry:** According to the documents reviewed, H.H. made her outcry to her school safety officer, Christy Thunstrom. Ms. Thunstrom reported that she called H.H. into her office for an interview after learning from a cafeteria worker that H.H. seemed sad. Outcry was not adequately explored in the forensic interview.
 - *Regarding H.H.'s outcry, it is my opinion that it was not spontaneous and only may have occurred because Ms. Thunstrom questioned her.*
 - *Additionally, the forensic interviewer failed to adequately explore this. The forensic interviewer should have asked H.H. what she recalled about this conversation to see if any potentially biasing questions were asked.*
- **Stake Analysis:** According to the documents reviewed, it is unclear whether someone may have had a stake in the allegations being made.
 - *It is my opinion that it is unclear whether stake may not have played a role in the allegations being made and the forensic interviewer also failed to explore this. A possible stake was her stated dislike of how her alleged perpetrator favored her younger sister. Another possible stake is her description of him as strict. Another possible stake is his alleged emotional and physical abuse of her. Another possible stake is her claim that he physically abused her mother. Finally, another possible stake is to seek attention. The forensic interviewer failed to adequately question her about these to rule these in or out.*
- **Parental/ Caregiver Suggestion:** According to the documents reviewed, there may have

been parental or caregiver suggestion in this case. Specifically, H.H. discussed her allegations with her mother.

- *It is my opinion that there may have been parental or caregiver suggestion in this case and this was not adequately explored in the forensic interview. The forensic interviewer should have questioned H.H. about her memory of this conversation to determine the extent to which potentially biasing questions were used.*
- **Outside Contamination:** According to the documents reviewed, the potential for outside contamination to have occurred is significant as H.H. spoke about the allegations to the following friends, Sean, E.A., M.J., L. LNU, and X.C. She also discussed the allegations with her mother and the school safety officer, Christy Thunstrom.
 - *It is my opinion that outside contamination has the potential to impact children's statements and in this case, there appears to be a significant potential for outside contamination to have occurred especially given that H.H. is at an age at which suggestibility is problematic.*
 - *Additionally, it is my opinion that this was not adequately explored in the forensic interview.*
 - *In addition, who she discussed her allegations with changed across her reports.*
- **Inconsistencies:** Scientific research has demonstrated that children are more likely to repeat the same details across interviews when their narratives were true as compared to when they were false (e.g., Bruck et al., 1997). Eleven significant inconsistencies in core details between the statements H.H. provided was noted.
 - *It is my opinion that these inconsistencies regarding core details in H.H.'s statements is substantial and unusual.*
 - *It is my opinion that these inconsistencies are a logically inconsistent allegation and thus all statements cannot be true. Thus, these inconsistencies in core details raises questions about what among multiple contradictions is true.*
 - *Research indicates that the overwhelming majority of children who are actually abused can provide core details about the abuse consistently in repeated tellings—one study for the rate of consistent reporting was 97% (O'Donohue et al) and thus inconsistent recounting of core details is statistically unusual in children who have been actually sexually abused.*
- **Amount of Details Provided:** According to the documents reviewed, the amount of Details provided was impoverished for her chronological age.
 - *It is my opinion that the narrative H.H. provided during the forensic interview was impoverished for her chronological age. She could not consistently recall the age at which the first instance of abuse occurred. The ages ranged from 6-9. There was also poor questioning technique by forensic interviewers regarding this. Forensic interviewers can use cues like who the teachers were, or what house they lived in, or what presents the child receive on special occasions. This was not done. Many of the alleged incidents were not described at all. Many aspects were not described in detail such as why she cooperated with his requests to take off her clothes or follow him in the bedroom after being abused there. Some details were unusual for her example her screaming during anal*

rape but then when her sister heard and called out to see if she was alright, she answered for her sister to mind her own business. Her sister never reported hearing this screaming and this is usually something a child would remember.

- *In addition, it is important to note that most details were elicited through closed-ended rather than open-ended questioning. This is particularly problematic because H.H. is at the age where she is highly suggestible.*
- *It is also important to recognize that children can gain developmentally unusual sexual knowledge from other sources than being abused, such as from other children or the internet.*

• **Problematic Logistical Details:** According to the documents reviewed, logistically problematic details may have been present in the allegation. Specifically, H.H.'s younger sister, K.L., was in the house during the alleged abuse and would hear H.H. scream at times. Abusers generally seclude children as to not get caught. Further, abuse is usually traumatic to a child and they will describe symptoms of trauma after the abuse such as avoidance of the abuser, fear, nightmares, inability to relax, and dysphoric emotion. H.H. did not describe these. Her interweaving her abuse to talk to a boy she had a crush on is also unusual. In cases of abuse involving a child performing oral sex on an adult usually there are descriptions of instructions the adult gives to the child because the child does not know how to do this. There were no such descriptions. One time she described the threat for her not telling was her perception that he would shoot her with his crossbow, but at other times she would not mention this. She never described any reluctance, avoidance, or escape behaviors which is unusual. The alleged abuse had some patterning in it, e.g., him telling her to go to his bedroom; his instructions to take off her clothes. However, she never described resisting this or avoiding this or attempting to escape from it, which is unusual in traumatized abuse victims.

- *It is my opinion that problematic logistical details may have been a factor in the allegations made.*
- *It is also my opinion that these potentially problematic were not adequately explored and resolved in the forensic interview.*

• **Suggestive Interviewing Techniques:** There were multiple problems in the interview that was conducted with H.H. Please see the evaluation of the interview for specifics. It is not clear if the interviewer followed an evidence-based interview protocol. Another concern is that the interviewing techniques used do not have well-established psychometrics; specifically their accuracy is unknown. The interviewer also used anatomical diagrams, which are not supported by the research as aids in forensic interviewing. Additionally, there is no basis to understand the protocol's error rates, including sensitivity (the ability to detect abuse if abuse is present) or specificity (ability to detect nonabuse, if abuse is actually absent). Questions remain regarding: 1) an attempt to understand problematic details; 2) an attempt to understand outcry 3) an attempt to understand parental suggestion and outside contamination. Finally, this interview appeared to have a confirmatory bias: there were no questions aimed at understanding whether false memories and suggestibility or lying could be involved in the case. It is not apparent that any other alternative hypotheses were explored.

- *It is my opinion that the scientific literature shows that suggestive interviewing techniques can have a distorting effect of children's memory of these ages such that they can form false memories.*
- *Another concern is that the interviewing techniques used do not have well-established psychometrics; specifically their accuracy is unknown. There is no basis to understand their error rates, including sensitivity (its ability to detect abuse if abuse is present) or specificity (its ability to detect nonabuse, if abuse is actually absent).*
- *It is also unclear whether any other alternative hypotheses were explored, or whether questions were asked to determine whether false memories and suggestibility or lying were involved in the case.*
- *The interviewer also used anatomical diagrams, which are not supported by the research as aids in forensic interviewing and can be quite suggestive with young children.*
- *The child also gave some initial statements that could have described another sexual victimization, but because of the interviewer's response class focus this was not followed up on. Subsequently one of her friends stated that H.H. reported that this adult male had sexual contact with her. H.H. subsequently denied both the contact and telling the friend this. There is both poor interview practice and possible inconsistent responding here.*
- **Memory: Encoding, Storage, & Retrieval:** Because disclosure of sexual abuse involves a past event and because children are questioned about the past event, the child's memory and how the child processes information is very important.
 - *It is my opinion that memory functions should be considered when examining H.H.'s allegations considering that:*
 - *It is my opinion that H.H. had allegedly discussed the allegations with her mom, Christy Thunstrom, Sean, L. LNU, E.A., M.J., and X.C.*
 - *There is a memory phenomenon called primacy and recency effect where the first and the last incidents of serial events are remembered well. H.H. gave inconsistent details regarding her alleged first abuse.*
 - *These were not adequately explored in the forensic interview.*
- **Personological Details:** According to the documents reviewed, personological factors do not appear to have been present in the allegations but there was not sufficient documentation to form a firm conclusion regarding this. School and mental health records would have been useful.
 - *It is my opinion that this should be taken into consideration when examining H.H.'s allegations.*
 - *It is also my opinion that that personological details such as a history of lying or exaggeration or attention seeking or vindictive behavior was not adequately explored by the interviewer.*
- **Interviewer Training.** *It is my opinion that it is unclear whether the interviewer was trained in an evidence-based forensic interview, which protocols were the focus of training, and whether there are fidelity checks for compliance.*

- **Video-Recorded Interviews:** Videos of the forensic interviews conducted with H.H. were not available for review. Instead, written transcripts were provided. It is my opinion that interviews with children that are not recorded are problematic, as we cannot assess for protocol used, biasing techniques used and whether alternative hypotheses were explored.

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Licensed Psychologist

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EXHIBIT 13

EXHIBIT 13

Keith Inman
660 Glen Road
Danville, CA

Laura Barrera
Assistant Federal Public Defender, Non-Capital Habeas Unit
411 East Bonneville Avenue, Suite 250
Las Vegas, Nevada 89101

Review Report

State of Nevada v. JUSTIN O. LANGFORD CASE NO. C-296556

July 24, 2023

1. Requested Review

The current counsel for Mr. Langford, attorney Laura Barrera, has asked that I review the DNA work performed in this case and determine whether issues related to this DNA analysis required the review by, and consultation with, a DNA expert. She further requested that I identify those issues.

The two significant items examined include a hand towel (Item 1) and a bedsheet (Item 7). It is assumed for purposes of this examination that Justin Langford and “HH” lived in the same house, and therefore had access to the same items within the house. It is also assumed that the biological mother (Shayleen Coon) of HH lived in this house, and also had access to items within.

Under these assumptions, the key question is not whether DNA from either or both are present on the examined items, but whether DNA from the two individuals can be linked to the same event; that is, deposited at the same time, thereby linking the two individuals.

2. Material Reviewed

The following material was available for my review:

- LVMPD Report of Examination – dated 07/08/2014
- State’s Trial Exhibit 50 – PowerPoint (Tiffany Adams) – dated 03/11/2016
- Transcript – Jury Trial – Day 5 – dated 03/11/2016 (Testimony of Tiffany Adams at pgs. 4-84)

3. DNA prevalence¹:

Individuals constantly shed skin cells into their environment, the rate varies by individual. People who shed lots of skin cells — ‘high status shedders’ —are more likely to deposit DNA.

This shed DNA gets everywhere. Besides the more obvious methods of DNA transfer, including drops of blood or deposits of semen, small amounts of DNA can also find their way onto people, places and objects

¹ Much of this background material is adapted from *Making Sense of Forensic Genetics*, 2017, published by Sense about Science, <https://senseaboutscience.org/activities/making-sense-of-forensic-genetics/>

via droplets of saliva from talking, sneezing, skin cells shed into house dust or by being left on the surfaces that individuals might touch, sit on, lie on, or use in the everyday course of living.

Given how easily DNA can be transferred, this means that one's DNA could be in a room even if the individual was not. DNA from individual A present at a specific location could be from:

1. Individual A actually being present and depositing the DNA directly;
2. Individual A directly touching an object that was later carried to the location by someone else (e.g. an item of clothing or other object);
3. Individual A encountering and touching Individual B, who soon after touches an item in another location, inadvertently leaving DNA from Individual A on the examined item.
4. Multiple individuals using an item (such as a communal hand towel) and each leaving DNA on the item in the same area at different times, creating a mixture of DNA types.

4. Consultation with counsel:

Numerous items present in the report and testimony raise questions that might have benefitted counsel for defendant. Examples are provided below. Material indented and in italics are paraphrased, in part, from the report, with commentary on the issues raised in the subsequent text.

Lab Item 1.1.3 (possible hair root)

The DNA profile obtained from the possible hair root (Item 1.1.3) is consistent with a mixture of two individuals with at least one being a male. The partial major DNA profile is consistent with Justin Odell Langford (Item 5). The estimated frequency of the partial major DNA profile among unrelated individuals in the general population is rarer than 1 in 700 billion (identity assumed). No conclusions can be made regarding the minor contributor.

- A hair by itself can only be from one person, and therefore can't be a mixture; thus it is unclear whether the profile concluded to be from Langford is from the hair or some adhering biological fluid. This requires further investigation.

Lab Item 1.1.6 (possible hair root)

The DNA profile obtained from the possible hair root (Item 1.1.6) is consistent with a mixture of two individuals with at least one being a male. The major DNA profile is consistent with Justin Odell Langford (Item 5). The estimated frequency of the major DNA profile among unrelated individuals in the general population is rarer than 1 in 700 billion (identity assumed). HH (Item 6) cannot be excluded as a contributor to this mixture. Approximately 1 in 19.5 thousand individuals in the general population can be included as a possible DNA contributor to the mixture profile obtained.

- As above, a hair by itself can only be from one person, and therefore can't be a mixture. For this item, DNA from both HH and Langford are concluded to be present
- It is unclear whether the major or minor profile is from the hair, and which from some other biological material.

- No comment is made as to whether a combination of the DNA from Langford and HH would provide the profile detected, or whether other types are present that would suggest yet another person.
- The wording of the statistic including HH suggests that it was computed in a different manner than the statistic for Langford. For both Items 1.1.3 and 1.1.6, a more suitable statistic (known at the time) is known as the likelihood ratio, calculated by specific software written for precisely this situation. This should have been performed to determine whether the preferred statistic properly encompassed the complexity of the DNA profile.
- These issues require further investigation.

Lab Item 1.2 White hand towel (Stain near corner by tag)

The DNA profile obtained from the epithelial fraction of the corner stain near the towel's tag (Item 1.2-EF) is consistent with a mixture of two individuals with at least one being a male. The partial major DNA profile is consistent with Justin Odell Langford (Item 5). The estimated frequency of the partial major DNA profile among unrelated individuals in the general population is rarer than 1 in 700 billion (identity assumed). The partial minor DNA profile is consistent with HH (Item 6). The estimated frequency of the partial minor DNA profile among unrelated individuals in the general population is rarer than 1 in 700 billion (identity assumed).

Lab Item 1.3 White hand towel (Stain near corner opposite tag)

The DNA profile obtained from the epithelial fraction of the corner stain opposite the towel's tag (Item 1.3-EF) is consistent with a mixture of two individuals with at least one being a male. The major DNA profile is consistent with Justin Odell Langford (Item 5). The estimated frequency of the major DNA profile among unrelated individuals in the general population is rarer than 1 in 700 billion (identity assumed). HH (Item 6) cannot be excluded as a contributor to this mixture. Approximately 1 in 111 thousand Individuals in the general population can be included as a possible DNA contributor to the mixture profile obtained.

- Semen was detected on these items, and combining text in the same paragraph about the presence of semen from Langford with the presence of DNA from HH suggests to the reader that the profiles were deposited at the same time on each item.
- As outlined above, this inference cannot be supported merely by the DNA alone. No evidence exists that would allow for a scientific determination that the biological material from each contributor was deposited at the same or different times.
- In addition, the amount of DNA attributable to HH was not reported, leaving open the possibility that it was deposited not by HH, but by an intermediate target.
- These issues require further investigation.

Lab Item 1.4 (Stain near center of hand towel)

The DNA profile obtained from the epithelial fraction of the stain near the towel's center (Item 1.4-EF) is consistent with Justin Odell Langford (Item 5). The estimated frequency of the DNA profile among unrelated individuals in the general population is rarer than 1 in 700 billion (identity assumed).

The DNA profile obtained from the sperm fraction of the stain near the towel's center (Item 1.4-SF) is consistent with Justin Odell Langford (Item 5). The estimated frequency of the DNA profile among unrelated individuals in the general population is rarer than 1 in 700 billion (identity assumed).

- Given that this stain is described as a “Full male profile,” the implication is that it is a single source semen source. It’s relevance to the alleged crime cannot be determined.
- Counsel should have been made aware of this.

Lab Item 7.2 (Two stains near bottom right corner of white fitted sheet)

The DNA profile obtained from the two stains near the bottom right corner of the fitted sheet (Item 7.2) is consistent with a mixture of at least two individuals with at least one being a male. The major DNA profile is consistent with Justin Odell Langford (Item 5). The estimated frequency of the major DNA profile among unrelated individuals in the general population is rarer than 1 in 700 billion (identity assumed). No conclusions can be made regarding the minor contributor(s).

- Semen was **not** demonstrated to be present in these samples.
- It is important to know the identity of the other donor. If the other donor is not HH, then the relevance of these two stains cannot be established.
- Again, a likelihood ratio estimated by specific software written for this situation is the appropriate method to use. Such software is designed to evaluate the minor contributor in the complex DNA profile described here.
- This should have been performed to determine whether the preferred statistic properly encompassed the complexity of the DNA profile.

At least two other issues arise for all of these samples.

The first is the use of the phrase “*identity assumed*” in many of the statistics. The implication is that the DNA profile is from the identified individual to the exclusion of all others. While this was adopted by some labs, it was soundly criticized as unscientific and without foundation. It is rarely, if ever, used in current reporting. Even in 2014 this use was discouraged by scholars.

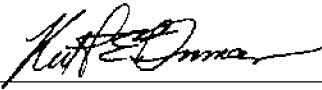
The second issue that applies to all samples inferred to arise from HH is that her mother, Shayleen Coon, also lived in the residence. This means that at least one half of HH’s types are possessed by Ms. Coon. This complicates the interpretation of complex samples (mixtures of two or more individuals) in that types similar to Coon are also found in HH, and might be mis-attributed to HH, even if they came from Coon. The trial transcript clearly shows, through testimony by the DNA analyst, that the reference sample from Ms. Coons was not available for her testing. Cross examination on this issue consisted of one inartful question, without follow-up, and failed to establish the possibility that some of the profiles (for example, on the white fitted sheet) might have originated from Ms. Coons rather than HH.

Finally, the prevalence of DNA in our environment, particularly in places where we live, constitutes a significant area for exploration with the DNA analyst on cross examination. Nothing in any of these samples

can be used to determine when any of the profiles were deposited; that is particularly important for those samples where Mr. Langford and HH were both concluded to be present.

5. Conclusion

Had I been consulted in 2014, I would have requested via discovery the bench notes and raw electronic data from the laboratory. I would have conducted an independent analysis and interpretation of the raw data; reviewed the notes for extraction and quantitation information; performed likelihood ratio statistical calculations on the complex DNA profiles; addressed the issues raised in this report; and consulted with defense counsel. Depending on my findings, I would be prepared to testify to those findings as well.



KEITH E. PETERSEN INMAN, B.S., M.CRIM

EXHIBIT 14

EXHIBIT 14

VITA

William T. O'Donohue, Ph.D.

PERSONAL HISTORY:

Rank: Professor
Business Address: Department of Psychology/297
 University of Nevada, Reno
 Reno, NV 89557-0062
 Phone: (775) 750 6082
 Fax: (775) 327-5394
 Email: wto@unr.edu
Date of Birth: August 18, 1957
Marital Status: Married, two children

EDUCATION:

M.A.	May 1988	Indiana University Bloomington, IN	Major: Philosophy
Ph.D.	June 1986	SUNY at Stony Brook Stony Brook, NY	Major: Clinical Psychology
M.A.	August 1982	SUNY at Stony Brook Stony Brook, NY	Major: Clinical Psychology
B.S.	August 1979	University of Illinois Urbana-Champaign, IL	Major: Psychology with honors

AREAS OF SPECIALIZATION AND/OR PRESENT RESEARCH INTERESTS:

Quality in mental health service delivery, integrated care, human sexuality (sexual harassment; assessment and treatment of sexual abuse victims and pedophiles), forensic psychology, forensic interviewing, cognitive behavior therapy, philosophy of psychology

PROFESSIONAL EXPERIENCE:

Academic:

Professor
 University of Nevada, Reno
 July, 2005 – present

Director, Victims of Crimes Treatment Center
 Treatment center for sexual abuse victims
 University of Nevada, Reno
 October 1996-present

Co-Director, Psychological Services Center
 Department of Psychology
 University of Nevada, Reno
 July, 2015-2019

Director, Psychological Services Center
 Department of Psychology
 University of Nevada, Reno
 March, 2019 to present

Faculty, The National Judicial College, University of Nevada, Reno
 June 2009 - present

Nicholas Cummings Professor of Organized Behavioral Healthcare Delivery
 University of Nevada Reno
 September, 1999 – July 1, 2005

Associate Professor of Philosophy (honorary)
 University of Nevada, Reno
 September, 1999 – present

Adjunct Professor of Psychiatry
 University of Nevada, Reno
 September, 2000 – present

Adjunct Associate Professor of Psychology
 University of Hawaii, Monoa
 August 2002-2003

Adjunct Professor of Psychology
 Forest Institute, Missouri
 August 2002-2008

Associate Chair of Psychology
 University of Nevada, Reno
 March 1998 – August 1999

Associate Professor of Psychology
 University of Nevada, Reno
 August 1995-July 1999

Director, Psychological Services Center
 Department of Psychology
 University of Nevada, Reno
 January 1996-July 1, 1998

Co-Director, Psychological Services Center
 Department of Psychology
 University of Nevada, Reno
 July 1, 1998-August 1999

Director, Sexual Assault Prevention and Counseling Services
University of Nevada, Reno
July 1996-July, 2008

Northern Illinois University, DeKalb, IL
Assistant Professor of Psychology
January 1991 to August 1995

University of Maine, Orono, ME
Assistant Professor of Psychology
August 1987 to January 1991

Clinical:

Licensed Psychologist, State of Nevada
#PY0323, September 1996-present

Licensed Psychologist Guam,
July, 2017-July 2018

Licensed Psychologist, State of Maine
#PSY00100656, 4/1/88-4/30/92

Licensed Psychologist, Indiana
8/87-8/89

Quinco Consulting Center, Seymour, IN
Part-time Outpatient Psychotherapist
April 1984 to August 1987

Quinco Consulting Center, Columbus, IN
Pre-doctoral Clinical Psychology Intern
September 1982 to August 1983

Private practice specializing in the assessment and treatment of child sexual abuse
victims and child abusers
January 1988 to January 1991

Consulting psychologist, Kishwaukee Community Hospital, DeKalb, IL
Child Development Clinic, March 1994 to August 1995

MEMBERSHIP IN PROFESSIONAL ORGANIZATIONS:

Advisor to the DSM-V Work Group on Sexual and Gender Identity Disorders of the
American Psychiatric Association, focusing on the diagnosis of Pedophilia, 2009-March
2013.

Member, Nevada Attorney General's Victims of Crime Subcommittee, Oct. 2009 – 2012

Member of Nevada Statewide Automated Victim Information Notification Everyday
Governance Committee, by appointment of Attorney General, State of Nevada, October,
2009-2010.

Nevada Committee on Child Testimony. June, 2013 to 2016.

Association for the Advancement of Behavior Therapy (ended 2003)
 Member of Board of Directors (Public Information Director), 1998-2001
 National Academies of Practice
 Cambridge Center for Behavioral Studies (www.behavior.org/whos_who)

BOARD MEMBERSHIP:

1999 - 2021 Cambridge Center for Behavioral Studies - Advisory Board
 1998 - 2001 Association for the Advancement of Behavior Therapy
 2007 - Present Journal of the Academy of Medical Psychology - Editorial Board

GRANTS AND AWARDS:

Social Science Fellow, University of Maine, Spring Semester, 1988.

"Habituation of Sexual Arousal" Awarded Biomedical Research Support Grant, National Institute of Health, Spring Semester, 1988.

"The Effects of Anxiety and Distraction on Female Sexual Arousal" Awarded Biomedical Research Support Grant, National Institute of Health, August 1992.

Awarded "Best Article to Appear in Journal, 1991", Journal of Behavior Therapy and Experimental Psychiatry.

Social Science Research Fellow, Northern Illinois University, 1994-1995.

National Institute of Mental Health "The Development and Validation of a Structured Interview for Children who may be Sexually Abused, 100,000, 1999 (with with Matthew Fanetti).

National Institute of Mental Health, "A Video Based Rape Prevention Program" STTR, funded, \$100,000, 1995.

National Institute of Mental Health, "Sexual Harassment Sensitivity and Prevention Training", STTR, funded, \$100,000, 1996.

National Institute of Justice, Victims of Crime Act, "Treatment of Sexually Abused Children and Rape Victims", \$41,000, funded, 1996.

National Institute of Justice, Victims of Crime Act, "Child Sexual Abuse Victims, Rape Victims, and Elder Abuse", \$71,911, Awarded, August 1997.

National Institute of Justice, Victims of Crime Act, "Child Sexual Abuse Victims, Rape Victims, and Elder Abuse", \$79,000, 1999.

National Institute of Justice, Victims of Crime Act, "Child Sexual Abuse Victims, Rape Victims, and Elder Abuse", \$240,000, 2000.

University Alliance for Behavioral Care Demonstration Project, Applied Research Initiative Grant, University of Nevada, Reno. Funded \$116,000, 2000.

Hawaii Medical Services Association Foundation, "Integrated Care", \$45,000, 2001.

National Institute of Justice, Victims of Crime Act, "Child Sexual Abuse Victims, Rape Victims, and Elder Abuse", \$240,000, 2003.

National Institute of Justice, Victims of Crime Act, "Child Sexual Abuse Victims, Rape Victims and Elder Abuse," Proposal awarded: \$270,000 Date awarded: 2006, End Date: 2009

National Institute of Justice, Victims of Crime Act, "Child Sexual Abuse Victims, Rape Victims and Elder Abuse," Proposal awarded: \$270,000 Date awarded: 2009, End Date: 2012. Provides free treatment to children who have been sexually abused and adults who have been sexually assaulted or harassed.

National Institute of Justice, Victims of Crime Act, "Child Sexual Abuse Victims, Rape Victims and Elder Abuse," Proposal awarded: \$270,000 Date awarded: 2012, End Date: 2015. Provides free treatment to children who have been sexually abused and adults who have been sexually assaulted or harassed.

National Institute of Justice, Victims of Crime Act, Recovery Grant. Proposal Awarded, \$40,000. 2010-2015. Assessment and Treatment of Children who have been Physically Abused.

National Institute of Justice, Victims of Crime Act, "Child Sexual Abuse Victims, Rape Victims, and Elder Abuse", \$175,000, 2015-2017.

National Institute of Justice, Victims of Crime Act, "Child Sexual Abuse Victims, Rape Victims, and Elder Abuse", \$175,000, 2018.

National Institute of Justice, Victims of Crime Act, "Child Sexual Abuse Victims, Rape Victims, and Elder Abuse", \$245,000 2019.

National Institute of Justice, Victims of Crime Act, "Child Sexual Abuse Victims, Rape Victims, and Elder Abuse", \$275,000 2020

Nevada Psychological Association, Outstanding Advocate for Psychology, 2019.

National Institute of Justice, Victims of Crime Act, "Child Sexual Abuse Victims, Rape Victims, and Domestic Violence", \$190,000 2021

National Institute of Justice, Victims of Crime Act, "Rural Grant: Child Sexual Abuse Victims, Rape Victims, and Domestic Violence", \$29,000 2021

PUBLICATIONS:

Books:

1. Geer, J. H., & O'Donohue, W. T. (Eds.). (1987). Theories of human sexuality. New York: Plenum Press.
2. O'Donohue, W. T., & Geer, J. H. (Eds.) (1992). The sexual abuse of children: Volume 1: Theory and research. Hillsdale, NJ: Lawrence Erlbaum.

3. O'Donohue, W. T., & Geer, J. H. (Eds.) (1992). The sexual abuse of children: Volume 2: Clinical Issues. Hillsdale, NJ: Lawrence Erlbaum.
4. O'Donohue, W. T., & Geer, J. H. (Eds.) (1993). Handbook of sexual dysfunctions: assessment and treatment. Boston: Allyn & Bacon.
5. O'Donohue, W. T., & Krasner, L. (Eds.). (1994). Handbook of psychological skills training. Boston: Allyn & Bacon.
6. O'Donohue, W. T., & Krasner, L. (Eds.). (1995). Theories of behavior therapy: exploring behavior change. Washington, D.C.: American Psychological Association Books.
7. O'Donohue, W. T., & Kitchener, R. (Eds.). (1997). Philosophy of psychology. London: Sage.
8. O'Donohue, W. T. (Ed.) (1997). Sexual harassment: Theory, research and treatment. Boston: Allyn & Bacon.
9. O'Donohue, W. T. (Ed.) (1997). Learning and behavior therapy. Boston: Allyn & Bacon.
10. Laws, D. R., & O'Donohue, W. (Eds.) (1997). Sexual deviance: Theory, assessment and treatment. New York: Guilford Press.
11. O'Donohue, W., & Kitchener, R. (Eds.) (1998). Handbook of behaviorism. San Diego: Academic Press.
12. O'Donohue, W., & Fisher, J. E. (Eds.) (1999). Management and administrative skills for the mental health professional. San Diego: Academic Press.
13. Cummings, N. A., O'Donohue, W., Hayes, S., & Follette, V. (Eds.) (2001). Integrated health care: Positioning mental Health Practice with Medical/Surgical Practice. San Diego, CA: Academic Press.
14. O'Donohue, W., Henderson, D. Hayes, S., Fisher, J., & Hayes, L. (Eds.) (2001). The history of the behavioral therapies: Founders Personal Histories. Reno, NV: Context Press. (translated into Japanese, September, 2013)
15. O'Donohue, W., & Ferguson, K. The psychology of B.F. Skinner. (2001). Thousand Oaks, CA: Academic Press.
16. Brunswig, K. & O'Donohue, W. (2002). Relapse prevention therapy for sexual harassers. New York: Sage.
17. Cummings, N. A., O'Donohue, W., & Ferguson, K. (Eds.) (2002). The impact of medical cost offset on practice and research: Making it work for you. Reno, NV: Context Press.

18. Thomas, L., Cummings, J. A., & O'Donohue, W. (2003). The entrepreneur in psychology: collected papers of Nicolas A. Cummings, Phoenix, AZ: Zieg.
19. O'Donohue, W., Fisher, J. E., & Hayes, S.C. (Eds.) (2003). Cognitive behavior therapy: A step-by-step guide for clinicians. NY: John Wiley.
20. O'Donohue, W. & Ferguson, K. (Eds.). (2003). Handbook of professional ethics. San Diego: Academic Press.
21. Cummings, N. O'Donohue, W., & Ferguson, K (Eds.). (2003). Behavioral health as primary care: beyond efficacy to effectiveness. Reno, NV: Context Press.
22. O'Donohue, W.T.& Levensky, E.R. (Eds.) (2004). Forensic psychology: A handbook for mental health and legal professionals. San Diego: Academic Press.
23. Sbraga-Penix, T. & O'Donohue, W. (2004). The sex addiction workbook. Oakland, CA: New Harbinger.
24. Cummings, N., Duckworth, M., O'Donohue, W., & Ferguson, K. (Eds.). (2004). Substance abuse in primary care. Reno, NV: Context Press.
25. O'Donohue, W., Henderson, D.A., Byrd, M., & Cummings, N. A. (Eds.). (2004) Treatments that work in primary care setting. New York: Bruner-Mazel.
26. O'Donohue, W. & Ferguson, K. (2005). The psychology of B.F. Skinner. In W.T. O'Donohue & K. E. Ferguson (Eds.), The psychology of B.F. Skinner. (T. Sakuma, Trans.). Osaka, Japan: Nihei-sha.
27. Cummings, N., O'Donohue, W. & Naylor, E. (Eds) (2005). Psychological approaches to chronic disease management. Reno: Context Press.
28. Cummings, N.A., O'Donohue, W., & Cucciarre, M.*.(Eds). (2006). Universal Healthcare: Readings for Mental Health Professionals. Reno: Context Press.
29. O'Donohue, W., Cummings, N. A., & Cummings, J. (Eds) (2006). Clinical strategies for becoming a master psychotherapist. Academic Press.
30. O'Donohue, W., Cummings, N., Cucciarre, M., Cummings, J., & Runyan, C.N. (2006). Integrated behavioral healthcare: A guide for effective action. New York: Prometheus.
31. Fisher, J.E. & O'Donohue, W. (Eds.). (2006). Practitioners' guide to evidence-based psychotherapy. New York: Kluwer Academic/Plenum Publishers.
32. O'Donohue, W. & Levensky, E. (Eds.). (2006). Treatment adherence: A practitioner's guide. Thousand Oaks, Sage Publications, Inc.

33. O'Donohue, W., Lilienfeld, S., & Fowler, K. (Eds.). (2007). Sage handbook of personality disorders. Thousand Oaks, CA: Sage Publications, Inc.
34. Jacobs, N. & O'Donohue, W. (2007). Coping with infertility: Clinically proven ways of managing the emotional roller coaster.
35. Lilienfeld, S. & O'Donohue, W. (Eds.). (2007). Great ideas in clinical science. Routledge.
36. O'Donohue, W. & Moore, B, Scott, B (Eds.). (2007). Handbook of pediatric and adolescent obesity treatment. Routledge.
37. Cummings, N.A., Cucciare, M. & O'Donohue, W. (Eds.). (2007). A clinician's guide to the theory and practice of termination in psychotherapy. Routledge.
38. O'Donohue, W. & Cummings, N. (Eds.) (2008). Evidence-based adjunctive treatments. New York: Elsevier.
39. Duckworth, M. Izzi, A. & O'Donohue, W. (Eds.) (2009). Motor vehicle accidents: A handbook. New York: Wiley.
40. Cummings, N. & O'Donohue, W. (2008). 11 blunders of contemporary psychotherapy. New York: Taylor and Francis.
41. O'Donohue, W. & Woodward, L. (Eds.) (2010). Handbook for the treatment of chronic illness in adolescents: An integrated care approach. New York: Sage.
42. Tolle, L. & O'Donohue, W. (2010). Help with the hard stuff: Adolescents and Type II diabetes. Health Press.
43. James, L & O'Donohue, W.. (Eds.) (2008). The primary care toolkit: Tools for behavioral medicine Springer, New York
44. Laws, D.R., & O'Donohue, W. (2008: 2nd Ed.).(Eds) Sexual deviance. New York: Guilford
45. O'Donohue, W. & Graybar, S. (Eds.) (2009) (Eds) Handbook of contemporary Psychotherapy: Toward an Improved Understanding of Effective Psychotherapy. Sage Publications, Inc., Thousand Oaks, CA
46. Cummings, N. O'Donohue, W. & Cummings, J. (2009) (Eds) Psychology's war on religion. Scottsdale: Tucker & Zeig,
47. O'Donohue, W.T., & Fisher, J.E. (2008). (Eds) Cognitive behavior therapy: applying empirically supported techniques to your practice. New York: Wiley.
48. O'Donohue, W.T., & Fisher, J.E. (2008). (Eds.) General principles and empirically supported techniques of cognitive behavior therapy. New York, Wiley.

49. O'Donohue, W, & Draper, C. (Eds) (2011). Stepped Care and evidence based ehealth. New York: Taylor and Frances.
50. O'Donohue, W.(2010) Difficult personalities: it's not you—it's them. Reno, NV: LB Books.
51. Lilienfeld, S. & O'Donohue, W. (Eds.). (2012) Great readings in clinical science. New York: Pearson.
52. O'Donohue, W. (2011). Dating IQ: Getting smart about going out. Reno: Lucky Bat Books.
53. Lloyd, A. & O'Donohue, W. (2012). Character building: An Army values workbook. Reno: Nevada: Lucky Bat Books.
54. O'Donohue, W. & Lilienfeld, S. (Eds) (2013). Case studies in clinical science. Oxford, England: Oxford University Press.
55. O'Donohue, W. (Ed). (2013). Case studies in sexual deviance. New York: Taylor and Francis.
56. Cummings, N. & O'Donohue, W. (Eds). (2011). Understanding the behavioral healthcare crisis New York: Routledge.
57. O'Donohue, W. & Fisher, J.E. (Eds.). (2012) Core principles of cognitive behavior therapy. Hoboken, NJ: John Wiley.
58. Tolle, L. T.; O'Donohue, W.T.. (2012). Improving the quality of child custody evaluations : A Systematic Model. Springer
59. Cummings, N.A. & O'Donohue, W. (Eds.). (2011) Restoring psychotherapy to the first line treatment. Ithaca, NY: Ithaca Press.
60. Bromberg, D. & O'Donohue, W. (Eds.) (2013) Child and adolescent sexuality: Developmental and forensic issues. New York: Elsevier
61. Lynn, S., O'Donohue, W. & Lilienfeld, S. (Eds.) (2013). Better, stronger and wiser: Psychological science and well being. New York: Sage.
62. O'Donohue, W., Benuto, L., & Tolle, L. (2013) Handbook of adolescent behavioral health. New York: S
63. O'Donohue, W. (2013). Clinical psychology and the philosophy of science. New York: Springer.
64. Wendell, J. & O'Donohue, W & Serett, , T. (2013). Healthcare economics. New York: Taylor and Francis
65. O'Donohue, W. & Maragakis, A. (Eds) (2016). Quality improvement and behavioral health. New York: Springer.

66. O'Donohue, W. & Fanetti, M. (Eds) (2016). Forensic interviewing of children. New York: Springer.
67. O'Donohue, W. & Maragakis, A. . (Eds.). (in press). Behavioral health in the patient centered medical home. New York: Springer.
68. O'Donohue, W., James, L., & Snipes, C (Eds.) (in press). Patient engagement: Practical tools and strategies. New York: Springer.
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- O'Donohue, W. T., & Houts, A. C. (1983, May). Research methodologies and mediating variables in applied behavior analysis and cognitive behavior therapy. Paper presented at the annual convention of the Midwestern Psychological Association.
- O'Donohue, W. T., Curtis, S. D., & Fisher, J. E. (1984, May). Science and practice in community mental health: A case study. Paper presented at the annual convention of the Midwestern Psychological Association.
- Fisher, J. E., O'Donohue, W. T., & Krasner, L. (1984, May). Behavioral geriatrics: Conceptual and value issues. Paper presented at the annual convention of the Midwestern Psychological Association.
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- Klonsky, E D., Bootzin, R., Goldfried, M., Hollon, S., Lilienfeld, S., McFall, R., Norcross, J., O'Donohue, W. T., Persons, J., Sher, K., Weisz, J., Westen, D., Klein, D. Report of the Task Force on Strengthening and Promoting Science in Clinical Psychology. To be presented to the Division 12 Board of the American Psychological Association's bi-annual meeting in Austin, TX (January 26, 2008).

ADDRESSES AND SYMPOSIA:

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- O'Donohue, W. T. (1989, November). Discussant, Symposium on "Is there a need for theory in behavior therapy?" Annual convention of the Association for the Advancement of Behavior Therapy.
- O'Donohue, W. T. (1990, August). Discussant, Symposium on "The implications of Popper's philosophy for clinical assessment." Presented at the annual convention of the American Psychological Association, Boston, MA.
- O'Donohue, W. T. (2000, March). "The next generation of managed health care." Address to the Nevada State Psychological Association, Reno, NV.
- Brunswig Newring, K. & O'Donohue, W. (2006). I did it, she did it: The creation of false confessions and false implicating witness statements using a Reid interviewing technique with undergraduates. Presented at the annual convention for American Psychology and Law, St. Petersburg, FL.
- Keynote, Missouri Psychological Association Convention, Maryville University, St. Louis, MO, June 8-10 2007 "Integrated Healthcare: The Promise, Progress, and Problems."
- Invited address to the American Enterprise Institute, November 2007, Washington D.C. "The Role of Psychology in Reforming the Politically Correct University."
- Invited address to The California Foundation, September 2007 "How to Implement Integrated Care."
- Faculty participant in California Attorneys for Criminal Justice (CACJ) 2009 Annual Fall Criminal Defense Seminar, December 11 & 12, 2009, San Francisco. Presentation on Forensic Interviews of Children.
- O'Donohue, W. Invited address. Quality process in behavioral health. Japanese Association of Behavior Therapy, Nagoya, Japan, December, 2010.
- O'Donohue, W. Workshop. The assessment and treatment of sexual deviance. Japanese Association of Behavior Therapy, Nagoya, Japan, December, 2010.
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PAPER/POSTER PRESENTATIONS:

- Avina, C., & O'Donohue, W. T. (1998) Measuring sexual behavior: Psychometric considerations. Paper presented at the 32nd annual meeting for the Association for the Advancement of Behavior Therapy, Washington, D.C.
- Brunswig, K. A. & O'Donohue, W. (1998) . Relapse Prevention, Harm Reduction and Sexual Harassment: Confronting Sexual Misbehavior in the Workplace. Workshop presented at the 17th Annual Meeting of the Association for the Treatment of Sexual Abusers, Vancouver British Columbia, Canada
- O'Donohue, W. T., Swingen, D., Dopke, C., & Regev, L. (1998). Psychotherapy for Male Sexual Dysfunction: A Review. Paper presented at the 23rd annual meeting of the Society for Sex Therapy and Research, Ft. Lauderdale, FL
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- Penix, T. M. & O'Donohue, W. (1998). The development of a clinical training program on CD-ROM for clinicians that work with sexual offenders. Paper presented at the annual convention of the Association for the Treatment of Sexual Abusers, Vancouver, British Columbia, Canada.
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- Regev, L. G., & O'Donohue, W. T. (1998). The structured clinical interview for the sexual dysfunctions. Paper presented at the 32nd annual convention of the Association for the advancement of Behavior Therapy, Washington, D.C.
- Yeater, E. A., & O'Donohue, W. T. (1998). Sexual assault prevention programs: Empirical, philosophical, and conceptual issues. Paper presented at the annual meeting of the American Psychological Association for the Advancement of Behavior Therapy, Washington, D.C.
- Avina, C., & O'Donohue, W. (1999). Sexual harassment and PTSD. Paper presented at the 18th annual research and treatment conference of the Association for the Treatment of Sexual Abusers, Orlando, FL.

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- O'Donohue, W., Fitzgerald, L., Brunswig, K. A. & Griffin, G. P. (1999). A Self-Report Sexual Harassment Inventory. Paper presented at the 18th Annual Meeting of the Association for the Treatment of Sexual Abusers, Orlando FL.
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- Penix, T. M. & O'Donohue, W. (1999). The feasibility of an effective clinical training program on CD-ROM. Poster presented at the annual convention of the Association for the Treatment of Sexual Abusers, Orlando, FL.
- Yeater, E. A., Avina, C., & O'Donohue, W. (1999). A survey of dating characteristics associated with sexual assault among college students. Poster presented at the 33rd annual meeting of the Association for the advancement of Behavioral Therapy, Toronto, Canada.
- Yeater, E. A. & O'Donohue, W. T. (1999). An evaluation of a sexual assault prevention program for college woman. Poster presented at the annual meeting of the Association for the Advancement of Behavior Therapy, Toronto, Canada.
- Avina, C., Bradley, A. R., & O'Donohue, W. What you don't know: High Risk Dating Behaviors in Male and Female College Students. Poster presented at the 11th annual Sexual Assault Harassment on Campus Conference, Orlando, FL.
- Bradley, A. R., Avina, C., & O'Donohue, W. Developing and Implementing a Sexual Assault Prevention Program for College Campuses. Paper presented at the 11th annual Sexual Assault Harassment on Campus Conference, Kissimmee, FL.
- Bradley, A. R. , Yeater, E., & O'Donohue, W. (2000). An evaluation of a Mixed Gender Sexual Assault Prevention Program. International Academy of Sex Research Annual Conference. Paris, France.
- Brunswig, K., Oksol, E., & Bowers, A. (Fall 2000). A Review of the Measeurement and Assessment of Sexual Harassment and Sexual Harassment-Related Phenomena. Poster presented at the conference for the Association for the Treatment of Sexual Abusers, San Diego, CA.
- Oksol, E., O'Donohue, W.T., Dickens, Y. (Fall 2000). An Empirical Analysis of the Reasonable Person and Reasonable Woman Standards of Sexual Harassment. Poster presented at the conference for the Association for the Advancement of Behavior Therapy, New Orleans, LA.

- Oksol, E., & O'Donohue, W.T. (Fall 2000). The Polygraph: Uses and Abuses. Poster presented at the Pseudoscience Significant Interest Group, conference for the Association for the Advancement of Behavior Therapy, New Orleans, LA.
- Regev, L., Clowers, S, Allen, R., & O'Donohue, W. (2000). Determining the effectiveness of the training protocol for administering the sexual functioning interview. Poster presented at the 34th annual convention of the Association for the Advancement of Behavior Therapy, New Orleans, LA.
- Yeater, E. A., & O'Donohue, W. T. (2000) . The potential efficacy of a skills-based bibliotherapy approach for the prevention of the sexual assault among college-aged woman. Paper presented at the annual meeting of the Association for the Advancement for Behavior Therapy, New Orleans, Louisiana.
- Avina, C. & O'Donohue, W. (2001). Contextual factors that predict sexual assault: An evaluation of dating behaviors among sexually victimized and nonvictimized female college students. Poster presented at the 34th annual meeting of the Association for the Advancement of Behavior Therapy, Philadelphia, Pennsylvania.
- Avina, C., & O'Donohue, W. (2001). Dating behaviors in college males as risk factors for sexual assault. Paper presented at the 34th annual meeting of the association for the Advancement of Behavior Therapy, Philadelphia, Pennsylvania.
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- Bradley, A. R., Avina, C. & O'Donohue, W. (2001). Contextual Variables Influencing Risk of Sexual Assault in a Female College Sample. Association for the Advancement of Behavior Therapy Annual Convention. Philadelphia, PA.
- Bradley, A. R., Yeater, E., & O'Donohue, W. (2001). Gender Differences in Response to a Mixed-Gender Sexual Assault Prevention Program. Western Psychological Association Annual Conference. Maui, HI.
- Yeater, E., Bradley, A. R., O'Donohue, W. (2001) An evaluation of a Skills Based Bibliotherapy Approach for the Prevention of Sexual Assault Among College Aged Woman. Association for the Advancement of Behavior Therapy Annual Convention. Philadelphia, P.A.
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- Yeater, E. A., Naugle, A. E. Bradley, A. R., & O'Donohue, W. T. (2001). An evaluation of a skills-based bibliotherapy approach for the prevention of sexual assault among

college-aged woman. Poster presented at the annual meeting of the Association for the Advancement for Behavior Therapy, Philadelphia, Pennsylvania.

O'Donohue, W. (2002). Willie Sutton, Sigmund Freud, and George Clooney: The Clinical Psychologist in Primary Care. Presented at the University of Hawai'i, Honolulu, Hawaii.

Bradley, A.R., O'Donohue, W., Pasillas, R. & Lloyd, A. (2002). The effects of Rapport and Interview Techniques on Children's Memory. Association for the Advancement of Behavior Therapy Annual Convention. Reno, NV.

Levensky, E.R., O'Donohue, W.T., Scott, J., Wiesberg, M., Bolan, B., & Knox, L. (2002). A Preliminary Evaluation of an Assessment-Based Intervention for Increasing Adherence to HIV Medications. Paper presented at the annual meeting of the Association for the Advancement of Behavior Therapy, Reno, NV.

Levensky, E., O'Donohue, W., Scott, J., Weisberg, M., Bolan, R. & Knox, L. (2002). Increasing adherence to HAART with a brief assessment-based intervention: A preliminary evaluation. Poster presented at Elements of Success, an International Conference on Adherence to Antiretroviral Therapy, Dallas, TX.

O'Donohue, W. (2002). The Hawaii integrated care project. Invited colloquium to the Department of Psychology, University of Hawaii, Monoa, May, 2002.

O'Donohue, W. (2002). What is integrated care? Invited colloquium to Forest Institute, Springfield, MO.

Cummings, N.A., & O'Donohue, W. (2002). Organized behavioral healthcare: Issues and Prospects. Invited colloquium to Forest Institute of Professional Psychology, November, 2002.

O'Donohue, W., (2002) Pedophilia, child abuse, and the Catholic Church, Invited talk to the Newman Center, July, 2002.

Sbraga, T. P. & O'Donohue, W. (2002). Nipping it in the bud: Relapse prevention for sexual offenders as a secondary prevention measure for early sexual self-control problems. In G. Ronan (Chair), Behavior therapy in criminal justice settings. Symposium presented at the 36th annual convention of the Association for the Advancement of Behavior Therapy, Reno, NV.

Otto, R. K., Emery, R., & O'Donohue, W. (2005). What is best for children in cases of contested custody? Paper presented at the Texas Bar Advanced Family Law Course, Dallas TX.

Oser, M., Levensky, E. & O'Donohue, W. (2006). Evaluation of Specific Adherence Enhancement Plans for Increasing Adherence to HIV Medications. Poster presented at the ABCT, Chicago, IL.

Oser, M. & O'Donohue, W. (2008) Evaluation of a Bibliotherapy for Improving Patients' Adherence to Antihypertensive Medications. Poster presented at the Society of Behavioral Medicine's 30th Annual Meeting and Scientific Sessions April 22-25, 2009 at the Palais des Congres de Montreal, Montreal, Quebec, Canada.

Wendel, J. & O'Donohue, W. Healthcare economics and the future of mental health practice. Hawaii Psychological Association, November, 2017.

James, L. & O'Donohue, W. Domestic terrorism. Hawaii Psychological Association. November, 2017. Vechiu, C., & O'Donohue, W.T. (November, 2017). Mental Health Service Utilization Among Men with a History of Trauma. Poster presented at the 33rd annual meeting of the International Society for Traumatic Stress Studies, Chicago, IL.

Vechiu, C., Zimmermann, M., & O'Donohue, W.T. (November, 2017). Gender Moderates the Relationship Between PTSD and Attitudes Towards Help-Seeking. Poster presented at the 33rd annual meeting of the International Society for Traumatic Stress Studies, Chicago, IL

OTHER PROFESSIONAL INFORMATION:

Teaching Experience:

January, 1991 to Present. Taught graduate behavior modification, history of psychology, introduction to psychotherapy methods (graduate and undergraduate), introduction to scientific inquiry, philosophical problems in psychological research and undergraduate behavior modification, psychopathology, forensic psychology, philosophy of science and clinical psychology, principles of intervention, developmental intervention, and introduction to clinical psychology, ethics.

August, 1987 to January, 1991. Taught undergraduate abnormal psychology, and advanced psychopathology at University of Maine.

August, 1984 to August, 1987. Independently taught six courses: Introduction to Philosophy (four times), Elementary Ethics, and Biomedical Ethics at Indiana University.

Series Editor:

Foundations of Clinical Science, Academic Books.

Grant Reviewer:

NIH, Special Emphasis Panel, March, 2000

SAMHSA

Trainings:

November, 2012, Child Protective Enforcement Team Training: Child Maltreatment: Investigation through Prosecution. Regional Training Center, Reno NV. Child Disclosures and the Psychological Basis of Forensic Interviewing. William O'Donohue and Olga Cirlugea.

Editorial Experience:

Editorial Board:

The Journal of Mind and Behavior,

Journal of Clinical Gerontology,

Journal of Behavior and Philosophy

Journal of Family Psychology

Special Interest Group Website

Manuscript reviewer for Abnormal Psychology, American Psychologist, Behavioral Assessment, Psychophysiology, Clinical Psychology Review, Criminal Justice and Behavior, New Ideas in Psychology, Violence and Victims, Psychological Assessment, Journal of Consulting and Clinical Psychology; Journal of Child Clinical Psychology, Psychological Bulletin, Sexual Abuse: A Journal of Research and Treatment; Sex Roles: A Journal of Research, Journal of Clinical Psychology, Journal of Sex Research.

Guest Associate Editor, Behavioral Assessment, Special Issue: Child sexual abuse.

Reviewed Thinking Clearly About Psychology: Essays in Honor of Paul Meehl, D. Cicchetti and W. M. Grove (Eds.), for University of Minnesota Press.

EXHIBIT 15

EXHIBIT 15

KEITH E. PETERSEN INMAN
Associate Professor
California State University, East Bay

EDUCATION

B.S., Criminalistics, University of California, Berkeley 1974

M.Crim (Criminalistics), University of California, Berkeley 1978

**ADDITIONAL ACADEMIC AND SPECIALIZED TRAINING COURSES
(CREDITED)**

Forensic Application of DNA Technology to Forensics, FBI Training Academy, 1990

General Genetics, University of California, 1991

OTHER PROFESSIONAL EXPERIENCE

2017–Present Visiting Fellow, Leverhulme Research Centre for Forensic Science, Dundee, Scotland

2014–Present Associate Professor, California State University, East Bay, Department of Criminal Justice Administration, Hayward, CA

2008-2014 Assistant Professor, California State University, East Bay, Department of Criminal Justice Administration, Hayward, CA

2016 Invited Researcher, Isaac Newton Institute for Mathematical Sciences, University of Cambridge, UK

2003-2011 Senior Forensic Scientist, Forensic Analytical Specialties, Inc. Hayward, CA

1997-2008 Instructor, California State University East Bay, Dept of Criminal Justice Administration, Hayward, CA

2001 Invited Lecturer, University of Lausanne, Institut de police scientifique et de Criminologie, Switzerland

1995-2003 Senior Criminalist, California Department of Justice, DNA Laboratory, Berkeley, CA

1994 Oakland Police Department, Oakland, CA

1990-1994 Senior Criminalist California Department of Justice DNA Laboratory, Berkeley

1983-1990 Criminalist Forensic Science Services of California, Inc., Signal Hill, CA

1982-1983 Research Criminalist Los Angeles County Chief Medical Examiner-Coroner Los Angeles, CA

1982 Criminalist III Los Angeles County Sheriff's Department Los Angeles, CA

1978-1982 Criminalist II Los Angeles County Sheriff's Department Los Angeles, CA

1978 Criminalist Orange County Sheriff-Coroner Santa Ana, CA

SPECIALIZED TRAINING COURSES (NON-CREDITED)

Bloodstain Pattern Institute, Elmira College, 1980

Basic Microscopy, McCrone Research Institute, 1981

Advanced Forensic Microscopy, McCrone Research Institute, 1982
 Non-Isotopic Analysis of DNA, Allo-Type Genetic Testing Center, 1988
 DNA in Forensic Science, University of California, Riverside, 1990
 Cetus PCR Amplitype Course, 1991
 Advanced DNA Methods, FBI, 1991
 Population Genetics and Statistics for Forensic Biology, 1992
 DNA-PCR AFLP: D1S80, 1996
 DNA-PCR STR Analysis and Typing, 1998
 STR Training, 1998
 CODIS/SDIS Training, 1998
 Shooting Incident Reconstruction, 2004

PEER-REVIEWED PUBLICATIONS

Buckleton, JS., Lohmueller, KE., Inman, K., Cheng, K., Curran, JM., Pugh, SN., Bright, J., Taylor, DA. Testing whether stutter and low-level DNA peaks are additive. *Forensic Science International: Genetics*, Volume 43, November 2019

Marsden, C.D., Rudin, N., **Inman, K.**, Lohmueller, K. An assessment of the information content of likelihood ratios derived from complex mixtures. *Forensic Science International: Genetics*. Volume 22, May 2016, Pages 64-72

Haned, H., Gill, P., Lohmueller, K., **Inman, K.**, Rudin, N. Validation of probabilistic genotyping software for use in forensic DNA casework: definitions and illustrations. *Science and Justice*. Volume 56, Issue 2, March 2016, Pages 104–108

Inman, K., et al. Lab Retriever: a software tool for calculating likelihood ratios incorporating a probability of drop-out for forensic DNA profiles. 2015. *BMC Bioinformatics* **16**:298.

Inman K, Rudin N, Cheng K, Robinson C, Kirschner A, Inman-Semerau L, Lohmueller KE. Lab Retriever: a software tool for calculating likelihood ratios incorporating a probability of drop-out for forensic DNA profiles. *BMC Bioinformatics*. 2015 Sep 18;16(1):298.

Lohmueller, K.E., Rudin, N., **Inman, K.** Analysis of allelic drop-out using the Identifiler® and PowerPlex® 16 forensic STR typing systems. *Forensic Science International*. Vol 12. September 2014. pg 1-11

Mnookin, JL. Cole, SL. Dror, IE. Fisher, BAJ. Houck, MN. **Inman, K.** Kaye, DH. Koehler, JJ. Langenburg, G. Risinger, DM. Rudin, N. Siegel, J. & Stoney, DA. The Need for a Research Culture in the Forensic Sciences. 58 UCLA L. REV. 725

Jason R. Gilder, **Keith Inman**, William Shields, and Dan E. Krane, Magnitude-dependant variation in peak height balance at heterozygous STR loci. *International Journal of Legal Medicine*. 10.1007/s00414-009-0411-2. Published on-line Feb. 10, 2010

Jason R. Gilder; Travis E. Doom; **Keith Inman**; and Dan E. Krane. Run-Specific Limits of Detection and Quantitation for STR-based DNA Testing. *Journal of Forensic Sciences* 52

p.97-101 2007

Inman, K., and Rudin, N. The origin of evidence. *Forensic Science International* 126 p.11-16 2002

Rudin, N. and **Inman, K.** Exonerated by Science. Invited editorial. *Jurimetrics J.* 37: 319-323 (1997)

LETTERS

Krane, et.al. Time for DNA Disclosure. *Science* 326 p. 1631 December 18, 2009

Krane, et.al. Sequential Unmasking: A Means of Minimizing Observer Effects in Forensic DNA Interpretation. *Journal of Forensic Sciences.* 53(4) p.1006-1007 2008

Brenner, C. and **Inman, K.** Commentary on: How the Probability of a False Positive Affects the Value of DNA Evidence. *Journal of Forensic Sciences* 49: p.192-193 2004

Inman, K., Hardin, G., Sensabaugh, GF, and Thornton, JI. Concerning the solubility of sugar in gasoline. *Journal of Forensic Sciences* 38: p.757 1993

NON-PEER REVIEWED PUBLICATIONS

Inman, K. Some Observations on Gene Frequency Data. *Forensic Serology News* 6: p.1 1980

BOOKS

Rudin, N. and Inman, K. 2002 An Introduction to Forensic DNA Typing, 2nd Edition CRC Press 292pp

Inman, K. and Rudin, N. 2000 Principles and Practice of Criminalistics CRC Press 392pp

Inman, K. and Rudin, N. 1997 An Introduction to Forensic DNA Typing CRC Press 285pp

Rudin, N and Inman, K. 1994 DNA Demystified: An Introduction to Forensic DNA Typing. 121pp

BOOK CHAPTERS

Inman, K. **The Collection and Preservation of Physical Evidence** in The Los Angeles County Protocol for the Treatment of Rape and Other Sexual Assaults. Los Angeles Commission on the Status of Women 1981

Inman, K. **Laboratory Examination of Physical Evidence** in The Los Angeles County Protocol for the Treatment of Rape and Other Sexual Assaults. Los Angeles Commission on the Status of Women 1981

Rudin, N., Inman, K., Stolovitsky, G, and Rigoutsos, I **DNA Based Identification in Biometrics: Personal Identification in Networked Society** Kluwer Academic Publishers 1999

Inman, K., and Rudin, N. **Scientific Basis of DNA Typing and Overview of Forensic DNA Typing in Forensic Evidence** California District Attorneys Association 1999 (ISBN: 1-889110-13-2)

Inman, K., and Beck, J., **DNA Evidence in Courts, Law, and Justice**, edited by Chambliss and Golson, Key Issues in Crime and Punishment series, SAGE Publications Inc., Thousand Oaks, CA Vol. 3, pp 13-27

Inman, K. and Rudin N. *Sequential Unmasking: Minimizing Observer Effects in Forensic Science.*, Encyclopedia of Forensic Sciences 2nd Ed. Eds. Siegel, J.A., Saukko, P.J., Waltham:Academic Press, 2013.

OPINION AND EDITORIAL ARTICLES

Rudin, N., and Inman K., Causes of wrongful conviction (Don't believe everything you think), *CACNews*, 1st Quarter, 2014

Rudin, N., and Inman K., What science could (and should) do for justice, *CACNews*, 4th Quarter, 2013

Rudin, N., and Inman K., Can we talk?, *CACNews*, 3rd Quarter, 2013

Rudin, N., and Inman K., We're probably thinking About probabilistic approaches to weighting evidence, *CACNews*, 2nd Quarter, 2013

Rudin, N., and Inman K., Journey to the Red Planet: Curiosity meets Forensic Science *CACNews*, 1st Quarter, 2013

Rudin, N., and Inman K., The Proceedings of Dinner: Bridging the Generations *CACNews*, 4th Quarter, 2012

Rudin, N., and Inman K., Lake Erbegon "... where the evidence is unambiguous, the analyses robust, and all the criminalists are above average. " *CACNews*, 3rd Quarter, 2012

Rudin, N., and Inman K., A Decade of the Proceedings of Lunch – Thinking Allowed, and thinking aloud *CACNews*, 2nd Quarter, 2012

Rudin, N., and Inman K., The discomfort of thought – a discussion with John Butler *CACNews*, 1st Quarter, 2012

Rudin, N., and Inman K., To err is human and inevitable, *CACNews*, 4 Quarter, 2011 Rudin, N., and Inman K., Why politics is worse for science than the law, *CACNews*, 2nd Quarter, 2011

Rudin, N., and Inman K., That's not what we meant: Sequential Unmasking revisited, *CACNews*, 1st Quarter, 2011

Rudin, N., and Inman K., How low can you go? The experience fallacy: Quothe the raven “In my experience,” never more! *CACNews*, 4th Quarter, 2010

Rudin, N., and Inman K., How low can you go? Should you just say no? *CACNews*, 3rd Quarter, 2010

Rudin, N., and Inman K., ‘tis the Season: The NAS “one year later” Commemorative edition, 2nd Quarter, 2010

Rudin, N., and Inman K., Dining with a Founder: A conversation with Jay Siegel, *CACNews*, 1st Quarter, 2010

Thompson., *et al.*, Commentary on: Thornton JI., Letter to the editor – a rejection of “working blind” as a cure for contextual bias. *J Forensic Sci*, 55(6), 2011

Kranc, D., *et al.*, Commentary on: Budowle B., *et al.* A perspective on errors, bias, and interpretation in the forensic sciences and direction for continuing advancement. *J Forensic Sci*, 55(1), 2010.

Kranc, D., *et al.*, Time for DNA Disclosure, *Science*, 326, 2009.

Rudin, N., and Inman K., Dining with a Founder, A conversation with Jay Siegel, *CACNews*, 1st Quarter, 2010.

Rudin, N., and Inman K., How much should the analyst know and when should she know it, *CACNews*, 4th Quarter, 2009.

Rudin, N., and Inman K., Challenging the canon, *CACNews*, 3rd Quarter, 2009

Rudin, N., and Inman K., Stakes, steaks and stakeholders, *CACNews*, 2nd Quarter, 2009

Krane, D., *et al.*, Authors’ response to Ostrum B., Commentary on: sequential unmasking: a means of minimizing observer effects in forensic DNA interpretation. *J Forensic Sci* 54(6), 2009.

Kranc, D., *et al.*, Authors’ response to Wells, J.D., Commentary on: sequential unmasking: a means of minimizing observer effects in forensic DNA interpretation. *J Forensic Sci* 54(2), 2009.

Kranc, D., *et al.*, Sequential Unmasking, A Means of Minimizing Observer Effects in Forensic DNA Interpretation, *J. Forensic Sci*, 53(4), 2008.

Rudin, N., and Inman K., Administer this!, *CACNews*, 1st Quarter, 2009.

Rudin, N., and Inman K., Who speaks for forensic science, *CACNews*, 4th Quarter, 2008.

Rudin, N., and Inman K., The forensic disadvantage suffered by forensic scientists, *CACNews*, 3rd Quarter, 2008.

Rudin N., and Inman K., Genetic Witness: Through the Lens of a Social Scientist, *CACNews*, 2nd Quarter, 2008.

Rudin N., and Inman K., Keith and Norah's Top 10: Areas in which forensic science could improve, *CACNews*, 1st Quarter, 2008.

Rudin N., and Inman K., The Flodbit Problem: What are we Doing?, *CACNews*, 4th Quarter, 2007.

Rudin N., and Inman K., The Urban Myths and Conventional Wisdom of Transfer: DNA as Tracc Evidence, *CACNews*, 3rd Quarter, 2007.

Rudin N., and Inman K., Know the Code, *CACNews*, 2nd Quarter, 2007.

Rudin N., and Inman K., A frosty debate: The chilling effect of a cold hit in a DNA database, *CACNews*, 1st Quarter, 2007.

Rudin N., and Inman K., Seeing DeForest AND the Trees, *CACNews*, 4th Quarter 2006.

Rudin N., and Inman K., The Pen is Mightier than the Pipette, *CACNews*, 2nd Quarter, 2006.

Rudin N., and Inman, K., The Shifty Paradigm, Part II: Errors and Lies and Fraud, Oh My! *CACNews* 1st Quarter 2006.

Rudin N., and Inman, K., The Shifty Paradigm, Part I: Who Gets to Define the Practice of Forensic Science? *CACNews* 4th Quarter 2005.

Rudin N., and Inman, K., A Hitchhiker's Guide to Accreditation, *CACNews* 3rd Quarter 2005.

Rudin N., and Inman, K., Fingerprints in Print, The Sequel: The continuing saga of a latent print misidentification in the Madrid bombing case, *CACNews* 2nd Quarter 2005.

Rudin N., and Inman, K., Fingerprints in Print: The apparent misidentification of a latent print in the Madrid bombing case, *CACNews* 4th Quarter 2004.

Rudin N., and Inman, K., Myth or Aphorism: Sayings by which we live (The Dogma of forensic science), *CACNews* 3rd Quarter 2004.

Rudin N., and Inman, K., The Culture of Bias - Part II, *CACNews* 2nd Quarter 2004.

Rudin N., and Inman, K., The Culture of Bias - Part 1, *CACNews* 1st Quarter 2004.

Rudin N. and Inman, K. Which Came First, the Blood or the Print? The Rest of the Story. *CACNews* 4th Quarter 2003.

Rudin N. and Inman, K. Which Came First, the Blood or the Print? The Role of Experimentation in Forensic Casework *CACNews* 3rd Quarter, 2003.

Rudin N. and Inman, K. Experts on experts. What is the role of the scientist in assisting an attorney with an opposing expert? *CACNews* 2nd Quarter, 2003.

Rudin N. and Inman, K. Articulating Hypotheses – the null hypothesis and beyond. *CACNews* 1st Quarter, 2003.

Rudin N. and Inman, K. Biological Evidence as Trace Evidence: The Forensic Science of DNA Typing. *CACNews*, 4th Quarter, 2002.

Rudin N. and Inman, K. The Transfer of Evidence and Back Again. *CACNews*, 3rd Quarter, 2002.

Rudin N. and Inman, K. How Far Should an Analyst Go? *CACNews*, 2nd Quarter, 2002.

Rudin N. and Inman, K. Specialist vs. Generalist. *CACNews*, 1st Quarter, 2002.

Rudin N. and Inman, K. Divisible Matter. *CACNews*, 4th Quarter, 2001.

Inman, K. and Rudin N. How much should the analyst know? *CAC News*, Fall, 1997

PRESENTATIONS AND WORKSHOPS

Inman K., Konzak K., Brewer L., Buoncristiani M., Gima L., Horne M., Pierson M., Rudin N., Sims G., and Bashinski J. 1992. Establishing a Matching Guideline within the California Department of Justice DNA Laboratory. AAFS Meeting Abstracts. 85.

Rudin N, Konzak K, Gima L, Brewer L, Buoncristiani M, Horne M, Inman K, Ma M, Pierson M, Sims G, and Bashinski J. 1992. A Systematic Study of the Effect of Various Environmental Abuses on RFLP and PCR Analysis of Forensic Samples. AAFS Meeting Abstracts. 85.

Rudin N, Buoncristiani M, Horne M, Inman K, Myers, S, Sims G, and Bashinski J. 1992. A Systematic Study of the Effect of Various Environmental Abuses on RFLP and PCR Analysis of Forensic Samples. Proc. Third Int'l Symposium on Human ID. 421-422.

Rudin N, Konzak K, Gima L, Brewer L, Buoncristiani M, Horne M, Inman K, Ma M, Pierson M, Sims G, and Bashinski J. 1992. A Systematic Study of the Effect of Various Environmental Abuses on RFLP and PCR Analysis of Forensic Samples. J. For. Sci. Soc. **32**:274-275.

Horne ME, Inman KP , Brewer LM , and Pierson ML. 1992. DNA Extraction by Organic and Non-organic Procedures from Blood Standards Dried on Cloth and Filter Paper. J. For. Sci. Soc. **32**:263

Inman, K. Konzak, K. Gima L., Buoncristiani M., Dowden D., Bashinski J., Thompson L., Gregonis D., and Jones D. 1993. Demonstration of Concordance of RFLP Results Between Laboratories Contributing to the CAL-DNA Profiling Data Bank. Proc. of the Second International Symposium of the Forensic Aspects of DNA Analysis. 22.

Rudin, N. and K. Inman. 1993. Development of Minisatellite Variant Repeat (MVR) analysis for Forensic Samples. Proc. Fourth International Symposium on Human ID. 235.

Rudin, N. and K. Inman. 1993. Evaluation of Minisatellite Variant Repeat (MVR) analysis for Forensic science. J. For. Sci. Soc. **33**:192.

- Inman, K. 1993. Quantitative Variation in Molecular Weight of Environmentally Abused Samples Subjected to RFLP Analysis. J. For. Sci. Soc. **33**:125-126
- Lee, S.B., M. Ma, B. McNamee, G. Sims and K. Inman. 1995. Rapid Microwave Extraction and Quantitation of DNA from blood for RFLP and PCR. AAFS meeting Abstracts. 36.
- Inman, K. and Kung, Y. 1996 Case Report: The Identification of Brothers in a Single Rape Evidence Semen Sample California Association of Criminalists 1996 Spring Semi-Annual Seminar
- Rudin, N. and K. Inman. 1999 The Evolution of Forensic Science California Association of Criminalists 1999 Spring Semi-Annual Seminar
- Inman, K., and Rudin, N. 1999 The Origins of Evidence California Association of Criminalists 1999 Spring Semi-Annual Seminar
- Inman, K. 1999 Hit Confirmation Protocols for state of California 1999 CODIS Conference Washington DC November 1999
- Inman, K. 2001 Education of the Forensic DNA Analyst. Conference on DNA and the Law Duquesne University
- Inman, K. 2004 The historical development of the practice of forensic science: By what standards do we practice our discipline? Forensic Bioinformatics 3rd Annual Conference
- Inman, K. 2006 Objective characterization of degradation/inhibition Forensic Bioinformatics 5th Annual Conference
- Inman, K. 2006 Run-specific limits of quantitation and detection (an alternative to minimum peak height thresholds) California Association of Criminalists 2006 Fall Semi-Annual Seminar
- Inman, K. 2008 Crime lab fundamentals: What to expect from a crime lab from design to record keeping. Forensic Bioinformatics 7th Annual Conference
- Krane, et.al. 2008 Implementing sequential masking procedures International Association of Forensic Sciences
- Inman, K 2008 Facilitating Communication and Collaboration Between the Forensic Science Community and the Innocence Movement (Panel Moderator) California Association of Criminalists 2008 Fall Semi-Annual Seminar
- Krane, et.al. 2009 Sequential Unmasking: Determining What Information is Crucial and What is Extraneous in a Forensic Analysis American Academy of Forensic Sciences 2009 Annual Meeting

Lohmueller K., Rudin N., Inman, K. 2010, Tools for estimating the weight of evidence for difficult profiles. CAC meeting, Oakland, CA.

Rudin, N. and Inman, K., Workshop: Introduction to perception, observer effects, bias, and expectation in forensic science, AAFS, Seattle, WA.

Lohmueller K., Rudin N., Inman, K. Analysis of allelic drop-out using the Identifiler STR multiplex. Promega Human Identity Symposium, San Antonio, TX.

Inman, K., Rudin N., Lohmueller K. 2011. A review of detection thresholds and their application to low-template DNA samples. CAC meeting, Sacramento, CA.

Lohmueller K., Rudin N., Inman, K. 2011. Performance of statistical approaches to measure the strength of DNA evidence exhibiting possible stochastic effects. ICFIS meeting, Seattle, WA.

Lohmueller K., Rudin N., Inman, K. 2011. Performance of Statistical Approaches to Measure the Strength of DNA Evidence Exhibiting Possible Stochastic Effects, AAFS meeting, Chicago, IL.

Inman, K., Rudin N., Lohmueller K., 2012. Calculating Likelihood Ratios Incorporating a Probability of Drop-out: A New Web-based Tool, CAC meeting, Bakersfield, CA.

Inman, K. 2012 Where does Forensic Science 2.0 Lead Us? To the Crime Scene! European Academy of Forensic Sciences meeting, The Hague, The Netherlands

Inman, K. 2012 Forensic Science Practice and Research Doctoral Summer School in Forensic Science and Criminology, University of Lausanne, Arolla, Switzerland

Rudin, N., Inman, K., Circumstantial Evidence that Supports an Inference for the Defense: Getting the most out of your DNA profile, 2013. NACDL conference, Washington D.C.

Inman, K., Lohmueller K., Rudin N., 2013. Analysis of allelic drop-out using the Identifiler® and PowerPlex® 16 forensic STR typing systems I. Estimation of drop-out probabilities AAFS Annual Meeting, Washington DC

Lohmueller K., Rudin N., Inman, K., 2013. Analysis Of Allelic Drop-Out Using The Identifiler® And PowerPlex® Forensic STR Typing Systems II. Evaluation Of Estimated Drop-Out Probabilities AAFS Annual Meeting, Washington DC

Inman, K., Rudin N., Lohmueller K., 2013. Calculating Likelihood Ratios Incorporating a Probability of Drop-out: Introducing *Lab Retriever*, a free and user-friendly software program. Workshop, AAFS, Washington D.C.

Inman, K., Rudin N., Lohmueller K., 2013. Calculating Likelihood Ratios Incorporating a Probability of Drop-out using the free program *Lab Retriever*. 1/2 day Workshop, Promega International Symposium for Human Identity, Atlanta, GA.

Inman, K., Rudin N., A Practical Solution to Training U.S. Forensic DNA Practitioners on Implementing Probabilistic Approaches to Weighting Forensic DNA Evidence, August 2014 International Conference on Forensic Inference and Statistics, Leiden, The Netherlands.

Inman, K., Lohmueller, K., Rudin, How Can We Assign a Quantitative Evidential Value to a Profile of a DNA Mixture? August 2014 International Conference on Forensic Inference and Statistics, Leiden, The Netherlands.

Inman, K., Rudin N., , Lohmueller K., 2014, Probabilistic Genotyping and *Lab Retriever*, CAC study group, Richmond CA.

Inman, K., Rudin N., Lohmueller K., 2014. *Lab Retriever*, Probabilistic Software Workshop, Promega International Symposium for Human Identity, Phoenix, AZ.

Marsden, C., Rudin, N., Inman, K., Lohmueller, K. Defining the limits of forensic DNA profile interpretation: An assessment of the information content inherent in complex mixtures. CAC meeting Rohnert Part, 2014.

Inman, K. Crime scene science - what will the future look like? The Paradigm Shift for UK Forensic Science. Royal Society, London, UK. 2015

Marsden, C., Rudin, N., Inman, K., Lohmueller, K. Defining the limits of forensic DNA profile interpretation: An assessment of the information content inherent in complex mixtures. AAFS Meeting, Orlando FL. 2015.

Inman, K., Rudin, N., Lohmueller, K., Marsden, C. Cross Validating Probabilistic Genotyping Software. Isaac Newton Institute of Mathematical Sciences, Cambridge UK November 2016.

Rudin, N., and Inman, K. Complex DNA Profile Interpretation. Isaac Newton Institute for Mathematical Sciences, Cambridge UK. November 2016.

Inman, K. Validation of probabilistic genotyping software for complex DNA samples: The promulgation of industry standards. Turing Gateway to Mathematics/Isaac Newton Institute for Mathematical Sciences. Cambridge, UK. December 2016

Haned, H., Gill, P., Lohmueller, K., Inman, K., Rudin, N Validation of probabilistic genotyping software for use in forensic DNA casework. AAFS Meeting, New Orleans, LA. 2017

Moss, S., and Inman, K. Undergraduate research in forensic science. California Association of Criminalists Meeting. San Francisco, CA May 2017.

Inman, K., Rudin, N., Lohmueller, K. Is it stutter or is it real? Only the profile knows for sure. California Association of Criminalists Meeting. San Francisco, CA May 2017

Inman, K., and Rudin, N. 1-day Workshop: Comparing Open-Source Free-of-Charge Software Programs for Assessing the Weight of Evidence. NIST Conference on Error Management in Forensic Science. Gaithersburg, MD. July 2017

Inman, K., Rudin, N., Lohmueller, K., Marsden, C. Cross Validating Probabilistic Genotyping Software. NIST Conference on Error Management in Forensic Science.

Gaithersburg, MD. July 2017

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Inman, K., Rudin, N., Lohmueller, K.E., 2018. Is it stutter or is it real, only the profile donor knows for sure, AAFS, Seattle, WA.

Inman, K. June 2018. Complex Mixture Interpretation Studies. National Forensic College, New York, NY.

Inman, K. June 2018. Assessing Information Content of likelihood ratios derived from complex mixtures. Forensic Analysis of Human DNA | Gordon Research Conference, ME

Willis, S., and Inman, K., August 2018. DNA: The ideal trace material? Workshop, European Academy of Forensic Science.

Inman, K. September 2018. Exploring the sources of variation in complex DNA samples. Royal Statistical Society, Cardiff, Wales.

Butler, et. al. 2019 Review DNA Mixture Interpretation Principles: Observations from a NIST Scientific Foundation Review Workshop, American Academy of Forensic Sciences

PROFESSIONAL ACTIVITIES

Chair, DNA Committee, California Association of Criminalists (1994 - 1995)

Speaker, NRC Committee on DNA in Forensic Science, November 1994

Author, Amicus Curiae Brief to the California Supreme Court from the California Association of Criminalists

Member, NIST DNA Foundational Review Advisory Board (2018 – present)

TRAINING PROVIDED

2-day training on interpretation of forensic science evidence. Denver PD forensic science laboratory, Oct 15-16, 2018 [with Glenn Langenburg, Cedric Neumann]

2-day training on probabilistic genotyping for attorneys, Cook County Public Defender's Office, May 2-3, 2018

1-day training on probabilistic genotyping for attorneys, California Innocence Project, May 11, 2018

1 day CLE training on probabilistic genotyping for attorneys. Oct 13, 2017

3.5-day training on forensic statistics, likelihood ratios incorporating a probability of drop-out, Lab Retriever statistical software, Denver PD forensic DNA laboratory, Aug 8-11, 2017.

1-day CLE training on probabilistic genotyping for attorneys. July 1, 2017

3-day training on forensic statistics, likelihood ratios incorporating a probability of drop-out, Lab Retriever statistical software, Lake Co. crime laboratory, June 20-22,

2017.1-day training on forensic statistics, likelihood ratios incorporating a probability of drop-out, SWAFS, Sept. 29, 2016

1-day training on forensic statistics, likelihood ratios incorporating a probability of drop-out, AFDA Summer workshop, June 15, 2016

2-day training on forensic statistics, likelihood ratios incorporating a probability of drop - out, Allegheny Co. PA, June 11-12, 2016

3-day training on forensic statistics, likelihood ratios incorporating a probability of drop - out, Lab Retriever statistical software, Johnson Co., KS, June 28 - 30, 2016

1-day training on forensic statistics, likelihood ratios incorporating a probability of drop-out, Lab Retriever statistical software, AFDA Winter workshop, Jan. 21, 2015

3-day training on forensic statistics, likelihood ratios incorporating a probability of drop-out, Lab Retriever statistical software, Cayman Islands Health Authority Forensic DNA laboratory, Mar 23-25, 2015.

1-day training on forensic statistics, likelihood ratios incorporating a probability of drop-out, Lab Retriever statistical software, San Francisco forensic DNA laboratory, Nov. 6, 2014

1-day training on forensic statistics, likelihood ratios incorporating a probability of drop-out, Lab Retriever statistical software, SWAFS, Sept. 25, 2014

3-day training on forensic statistics, likelihood ratios incorporating a probability of drop-out, Lab Retriever statistical software, Jefferson Co. Regional Crime laboratory, Sept. 9-11, 2014

3-day training on forensic statistics, likelihood ratios incorporating a probability of drop-out, Lab Retriever statistical software, Oregon State Police forensic DNA laboratory, July 22-24, 2014

2-day training on Advanced Topics in Forensic DNA Profiling, Cook County Public Defender Office, June 26-27, 2014

1-day training on forensic statistics, likelihood ratios incorporating a probability of drop-out, Lab Retriever statistical software, MAFS, June 9, 2014

1.5-day training on forensic statistics, likelihood ratios incorporating a probability of drop-out, Lab Retriever statistical software, NEAFS, May 21-22, 2014

1/2 day training on forensic statistics, likelihood ratios incorporating a probability of drop-out, Lab Retriever statistical software, MAAFS, May 20, 2014

3-day training on forensic statistics, likelihood ratios incorporating a probability of drop-out, Lab Retriever statistical software, Denver PD forensic DNA laboratory, July 15-17, 2013.

SOFTWARE

Principal in SCIEG, non-profit developer of the free, open-source software tool, *Lab Retriever*, for calculating Likelihood Ratios with a probability of drop-out.

AWARDS

2014-2015. National Institute of Justice Grant 2013-DN-BX-K029 2013-DN-BX-K029. Advancing probabilistic approaches to interpreting low-template DNA profiles and mixtures: Developing theory, implementing practice. (Co-PIs Kirk Lohmueller)

Distinguished Service Award, California Association of Criminalists, May 2009

Distinguished Member Award, California Association of Criminalists, October 2009

COURT TESTIMONY

Expert testimony in the following subjects

DNA
Serology
Hair
Shoeprints
Bloodstain Pattern Interpretation
Crime Scene Evidence Collection
Crime Scene Reconstruction

Updated Oct 2019



MSRC
Rene L. Valladares
Federal Public Defender
Nevada State Bar No. 11479
*Laura Barrera
Assistant Federal Public Defender
Michigan State Bar No. P80957
411 E. Bonneville Ave., Ste. 250
Las Vegas, Nevada 89101
(702) 388-6577
Laura_Barrera@fd.org

*Attorney for Petitioner Justin Langford

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY

Justin Odell Langford,

Petitioner,

v.

Warden Renee Baker, *et al.*,

Respondents.

Case No. A-18-784811-W
Dept. No. 2

Motion to Seal Exhibits

1 **POINTS AND AUTHORITIES**

2 Petitioner Justin Langford proposes to file the following exhibits under seal:

3

No.	Date	Document
4 16.	01/23/2014	SNCAC Clinic Assessment
5 17.	01/27/2014	Petition – Abuse/Neglect

6

7 While Nevada courts prefer that court documents remain publicly filed, a
8 litigant can request the sealing of a document by explaining “the ground upon which
9 sealing the subject documents is justified,” and by showing that “less restrictive
10 means will not adequately protect the material.” *See Howard v. State*, 128 Nev. 736,
11 746, 291 P.3d 137, 143 (2012). Under the Nevada Supreme Court’s Policy for
12 Handling Filed, Lodged, and Presumptively Confidential Documents (ADKT 410),
13 Rule 5, various types of documents are considered presumptively confidential,
14 including “(8) Child abuse or child neglect investigation reports”; “(19) Information
15 gathered for child custody records”; and “(22) Medical records, mental health records
16 . . . [and] treatment records for a party or witness.”

17 Here, the above exhibits are a medical assessment of the alleged minor victim
18 and a child abuse/neglect petition related to custody of the alleged victim and her
19 sister. Accordingly, in line with the Nevada Supreme Court’s policy on documents
20 that are presumptively confidential, Mr. Langford respectfully requests this Court
21 grant leave to file the above exhibits under seal.

22 //

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26 //

1 Dated September 19, 2023.

2 Respectfully submitted,

3
4 Rene L. Valladares
5 Federal Public Defender

6 /s/ Laura Barrera

7 Laura Barrera
8 Assistant Federal Public Defender
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CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2023, I electronically filed the foregoing with the Clerk of the Eighth Judicial District Court by using the Court's electronic filing system.

Participants in the case who are registered users in the electronic filing system will be served by the system and include: Steven Wolfson, Steven.Wolfson@clarkcountyda.com, Motions@clarkcountyda.com.

I further certify that some of the participants in the case are not registered electronic filing system users. I have mailed the foregoing document by First-Class Mail, postage pre-paid, or have dispatched it to a third-party commercial carrier for delivery within three calendar days, to the following person:

Justin Langford #1159546 Lovelock Correctional Center 1200 Prison Rd. Lovelock, NV 88419	Katrina Lopez Office of the Attorney General 555 E. Washington Ave Suite 3900 Las Vegas, NV 89101 KSamuels@ag.nv.gov
Clark County District Attorney 200 Lewis Ave. Las Vegas, NV 89101	

/s/ Kaitlyn O'Hearn
An Employee of the Federal Public
Defender, District of Nevada



MOT
Rene L. Valladares
Federal Public Defender
Nevada State Bar No. 11479
*Laura Barrera
Assistant Federal Public Defender
Nevada State Bar No. 14320C
411 E. Bonneville Ave., Ste. 250
Las Vegas, Nevada 89101
(702) 388-6577
Laura_Barera@fd.org

Attorney For Petitioner Justin Langford

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY

Justin Langford,
Petitioner,

v.

Renee Baker, et al.,
Respondents.

Case No. A-18-784811-W
Dept. No. 2

(C-14-296556-1)

NO HEARING REQUESTED

(Not a Death Penalty Case)

**MOTION FOR THE COURT TO TAKE JUDICIAL NOTICE OF THE
FILINGS IN MR. LANGFORD'S CRIMINAL CASE NUMBER**

As set forth in the attached points and authorities, Petitioner Langford would respectfully request this Court take judicial notice of all the documents filed in his criminal case.

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1 and are available on the docket. Instead, he assumed the Court would access those
2 documents through Mr. Langford's original criminal case number. On information
3 and belief, when a petitioner files a new postconviction petition and institutes a new
4 civil case in this Court under this new procedure, the Court's clerk's office has been
5 instructed to link or associate the civil and criminal cases in such a way that the
6 criminal and prior civil filings are accessible to the Court through the civil case
7 number. However, it is not clear when this will happen in this case.

8 In light of the current procedure for filing postconviction petitions in this
9 Court, and in an abundance of caution, Mr. Langford requests the Court formally
10 take judicial notice of the documents filed in his original criminal case number,
11 district court no. C-14-296556-1. Judicial notice is particularly appropriate given "the
12 closeness of the relationship between the two cases." *Mack*, 125 Nev. at 91-92, 206
13 P.3d at 106. Mr. Langford's petition in this civil case number challenges the judgment
14 of conviction in his criminal case number and raises constitutional claims regarding
15 pre-trial and trial; these claims turn on events that are memorialized by the
16 documents filed in the criminal case number. It is hard to imagine a closer
17 relationship between two case numbers, so the Court should take judicial notice of
18 the documents filed in the original criminal case number. Again, Mr. Langford has
19 already filed exhibits that haven't previously been filed in the original criminal case
20 number as exhibits to his new petition, and he proposes to continue doing so as
21 necessary in this litigation.

22 In the event the Court prefers not to take judicial notice of the documents in
23 the original criminal case number, Mr. Langford respectfully requests the
24 opportunity to file the relevant documents in this civil case number before the Court
25 enters any relevant orders in this case number, in order to ensure a complete record
26 for this Court, and, if necessary, for the Nevada appellate courts.

1
2 **CONCLUSION**

3 For the forgoing reasons, Mr. Langford respectfully requests the Court take
4 judicial notice of the documents filed in his criminal case number.
5

6 Dated September 19, 2023.

7 Respectfully submitted,

8 Rene L. Valladares
9 Federal Public Defender

10 /s/ Laura Barrera
11 Laura Barrera
12 Assistant Federal Public Defender
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on September 19, 2023, I electronically filed the
3 foregoing with the Clerk of the Eighth Judicial District Court by using the Court's
4 electronic filing system.

5 Participants in the case who are registered users in the electronic filing
6 system will be served by the system and include: Steven Wolfson,
7 Steven.Wolfson@clarkcountyda.com, Motions@clarkcountyda.com.

8 I further certify that some of the participants in the case are not registered
9 electronic filing system users. I have mailed the foregoing document by First-Class
10 Mail, postage pre-paid, or have dispatched it to a third-party commercial carrier for
11 delivery within three calendar days, to the following people:

12 Justin Langford 13 #1159546 14 Lovelock Correctional Center 15 1200 Prison Rd. 16 Lovelock, NV 88419	Katrina Lopez Office of the Attorney General 555 E. Washington Ave Suite 3900 Las Vegas, NV 89101 KSamuels@ag.nv.gov
17 Clark County District Attorney 18 200 Lewis Ave. 19 Las Vegas, NV 89101	

20 /s/ Kaitlyn O'Hearn
21 An Employee of the
22 Federal Public Defender
23 District of Nevada
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Electronically Filed
9/22/2023 3:16 PM
Steven D. Grierson
CLERK OF THE COURT



Justin Langford, Plaintiff(s)

vs.

Warden Renee Baker, Defendant(s)

Case No.: A-18-784811-W

Department 2

NOTICE OF HEARING

Please be advised that the Petitioner's Motion to Seal Exhibits in the above-entitled matter is set for hearing as follows:

Date: October 02, 2023

Time: 9:30 AM

Location: RJC Courtroom 12B
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Allison Behrhorst
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Allison Behrhorst
Deputy Clerk of the Court

Heather L. Hume
CLERK OF THE COURT

1 **NOH**

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3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5 JUSTIN LANGFORD,

6 Plaintiff,

7 -vs-

8 WARDEN RENEE BAKER,

9 Defendant.
10

CASE NO.: A-18-784811-W

DEPT. NO.: II

11
12 **NOTICE OF HEARING**

13 TO: ALL PARTIES AND THEIR COUNSEL OF RECORD

14 PLEASE TAKE NOTICE that the undersigned will bring this case on for the purpose of
15 setting a Briefing Schedule on January 3, 2024 at 9:30 a.m. in District Court Department 2.

16 The Blue Jeans Link is <https://bluejeans.com/280822683>. To call into the meeting,
17 please dial 1-408-419-1715 or 1-408-915-6290 and enter Meeting ID#280 822 683 – passcode
18 8599.

Dated this 15th day of December, 2023

19
20 *Carli Kierny*
21

22 **FAF F8D CD93 674F**
23 **Carli Kierny**
24 **District Court Judge**
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1 **CSERV**

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3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5	
6 Justin Langford, Plaintiff(s)	CASE NO: A-18-784811-W
7 vs.	DEPT. NO. Department 2
8 Warden Renee Baker,	
9 Defendant(s)	

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Notice of Hearing was served via the court's electronic eFile system to
all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 12/15/2023

15 ECF Notifications NCH Unit	ecf_nvnc@fd.org
16 maria case-bateson	maria.case-bateson@clarkcountyda.com
17 Kaitlyn O'Hearn	Kaitlyn_OHearn@fd.org
18 Laura Barrera	laura_barrera@fd.org
19 Steven Wolfson	Steven.Wolfson@clarkcountyda.com
20 ECF Notification Email CCDA	motions@clarkcountyda.com
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NOTA
Rene L. Valladares
Federal Public Defender
Nevada State Bar No. 11479
*Amelia L. Bizzaro
Assistant Federal Public Defender
Nevada State Bar No. 14015C
411 E. Bonneville Ave., Ste. 250
Las Vegas, Nevada 89101
(702) 388-6577
Amelia_Bizzaro@fd.org

Attorney For Petitioner Justin Langford

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY

Justin Langford,
Petitioner,
v.
Renee Baker,
Respondents.

Case No. A-18-784811-W
Dept. No. 2

NOTICE OF APPEARANCE

Assistant Federal Public Defender Amelia L. Bizzaro will serve as co-counsel for Petitioner Justin Langford in this case. Counsel requests the Court direct all further pleadings and court filings related to this case to counsel at the address noted above and further requests that petitioner's name and address be removed from the Court's proof of service.

1 Dated December 18, 2023.

2
3 Respectfully submitted,
4 RENE L. VALLADARES
Federal Public Defender

5 /s/ Amelia L. Bizzaro
6 Amelia L. Bizzaro
7 Assistant Federal Public Defender
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AFFIRMATION PURSUANT TO NEV. REV. STAT. § 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Dated December 18, 2023.

/s/ Amelia L. Bizzaro
AMELIA L. BIZZARO
Assistant Federal Public Defender

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Participants in the case who are registered users in the electronic filing system will be served by the system and include: Steven Wolfson, Steven.Wolfson@clarkcountydac.com, Motions@clarkcountydac.com.

Justin Langford #1159546 Lovelock Correctional Center 1200 Prison Rd. Lovelock, NV 88419	Katrina Lopez Office of the Attorney General 555 E. Washington Ave Suite 3900 Las Vegas, NV 89101 KSamuels@ag.nv.gov
Clark County District Attorney 200 Lewis Ave. Las Vegas, NV 89101	

An Employee of the Federal Public
Defender, District of Nevada



1 NOCH

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3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5 *****

6 Justin Langford, Plaintiff(s)

Case No.: A-18-784811-W

7 vs.

Department 2

8 Warden Renee Baker, Defendant(s)

9
10 **NOTICE OF CHANGE OF HEARING**

11 The hearing on the Further Proceedings, presently set for January 10, 2024, at 9:30 AM, has
12 been moved to the 10th day of January, 2024, at 9:30 AM and will be heard by Judge
13 Jessica K. Peterson.

14
15 STEVEN D. GRIERSON, CEO/Clerk of the Court

16 By: /s/ Madalyn Riggio

17 Madalyn Riggio

18 Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that this 8th day of January, 2024

☒ The foregoing Notice of Change of Hearing was electronically served to all registered parties for case number A-18-784811-W.

☐ I mailed, via first-class, postage fully prepaid, the foregoing Clerk of the Court, Notice of Change of Hearing to:

Rene L Valladares
Federal Public Defenders Office
Attn Rene L Valladares
411 E Bonneville Ave - Suite 250
Las Vegas NV 89101

☐ I placed a copy of the foregoing Notice of Change of Hearing in the appropriate attorney folder located in the Clerk of the Court's Office:

Laura Barrera
Rene L. Valladares
James R Sweetin
Jacob J. Villani
Steven B Wolfson
Christopher P. Pandelis
Jay Raman
Tyrus Cobb
Tanner L. Sharp

/s/ Madalyn Riggio

Madalyn Riggio
Deputy Clerk of the Court

Heather L. Smith

CLERK OF THE COURT

SAO
Rene L. Valladares
Federal Public Defender
Nevada State Bar No. 11479
*Amelia L. Bizzaro
Assistant Federal Public Defender
Nevada State Bar No. 14015C
411 E. Bonneville Ave., Ste. 250
Las Vegas, Nevada 89101
(702) 388-6577
Amelia_Bizzaro@fd.org

Attorney For Petitioner Justin Langford

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY

Justin Langford,

Petitioner,

v.

Renee Baker,

Respondents.

Case No. A-18-784811-W
Dept. No. 8

STIPULATION AND ORDER

Amelia L. Bizzaro, attorney for Petitioner Justin Langford, and Karen Mishler, attorney for Respondent Renee Baker, submit this joint stipulation setting a briefing schedule in the above referenced matter.

Accordingly, the parties hereby stipulate as follows:

1. On August 7, 2023 the district court denied Mr. Langford's petition for writ of habeas corpus (post-conviction) that he litigated with the help of Attorney Tyrus Cobb.

2. On September 19, 2023, Attorney Laura Barrera filed a petition for writ of habeas corpus (post-conviction), a motion for judicial notice, and a motion to seal exhibits along with her notice of appearance.

3. The Court, the Hon. Carli Kierny presiding, granted the motion to seal exhibits on October 2, 2023.

4. On December 15, 2023, Judge Kierney set the matter for a hearing to schedule briefing.

5. The case has since been transferred to this ~~branch~~ Department

6. In lieu of a hearing to set the briefing, currently scheduled for January 24, 2024, the parties jointly propose the Respondent's response to Mr. Langford's petition be due March 7, 2024 and the Petitioner's Reply be due April 8, 2024.

Dated January 19, 2024

s/Amelia L. Bizzaro
Amelia Bizzaro
Federal Public Defender,
District of Nevada
Attorney for Petitioner

s/ Karen Mishler
Karen Mishler
Clark County District Attorney's
Office
Attorney for Respondent

IT IS SO ORDERED

Cause appearing, it is hereby ordered that the hearing set for January 24, 2024 is vacated. The Respondent's response to Mr. Langford's petition for writ of habeas corpus (post-conviction) is due March 7, 2024. The Petitioner's reply is due April 8, 2024. Hearing date is set for May 1, 2024.

Dated this 23rd day of January, 2024

Jessica K. Peterson
Hon. Jessica Peterson
District Court Judge
95D 614 B73B 2447
Jessica K. Peterson
District Court Judge

1 **CSERV**

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3 DISTRICT COURT
CLARK COUNTY, NEVADA

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6 Justin Langford, Plaintiff(s)	CASE NO: A-18-784811-W
7 vs.	DEPT. NO. Department 8
8 Warden Renee Baker,	
9 Defendant(s)	

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Stipulation and Order was served via the court's electronic eFile system
to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 1/23/2024

15 ECF Notifications NCH Unit	ecf_nvnc@fd.org
16 maria case-bateson	maria.case-bateson@clarkcountyda.com
17 Kaitlyn O'Hearn	Kaitlyn_OHearn@fd.org
18 Steven Wolfson	Steven.Wolfson@clarkcountyda.com
19 ECF Notification Email CCDA	motions@clarkcountyda.com
20 Laura Barrera	laura_barrera@fd.org
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

January 28, 2019

A-18-784811-W Justin Langford, Plaintiff(s)
vs.
Warden Renee Baker, Defendant(s)

**January 28, 2019 9:00 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Kristin Duncan
Dara Yorke

RECORDER: Matt Yarbrough

REPORTER:

PARTIES

PRESENT: Villani, Jacob J. Attorney

JOURNAL ENTRIES

- Court indicated it had reviewed Plaintiff's Petition for Writ Of Habeas Corpus, as well as the State's Response. Finding that oral argument was not necessary due to its review of the pleadings, COURT ORDERED, Petition DENIED WITHOUT PREJUDICE for all of the reasons set forth in the State's response. Court indicated the State was to prepare the order, including the reasons from the response and submit it directly to the Court.

CLERK'S NOTE: A copy of this minute order was mailed to the Petitioner Justin Langford (1159546) Lovelock Correctional Center 1200 Prison Road Lovelock, NV 89419.// 1-30-19/ dy

PRINT DATE: 03/07/2024

Page 1 of 14

Minutes Date: January 28, 2019

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

February 25, 2019

A-18-784811-W Justin Langford, Plaintiff(s)
 vs.
 Warden Renee Baker, Defendant(s)

February 25, 2019 9:00 AM Motion to Strike

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Kristin Duncan

RECORDER: Matt Yarbrough

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Court noted that it was unclear whether the District Attorneys' Office was properly served with the instant Motion, as there was no response to said Motion, and a District Attorney had not appeared in open court. COURT ORDERED the instant Motion was hereby CONTINUED, and the Court would provide electronic service of said Motion to the District Attorneys' Office. COURT FURTHER ORDERED, the Opposition to the instant Motion would be DUE BY March 18, 2019, and any Reply would be DUE BY March 25, 2019.

CONTINUED TO: 4/3/19 9:00 AM

CLERK'S NOTE: A copy of this minute order, along with a copy of the Motion to Strike State's Response (Telephonic Hearing), was e-mailed to: James R. Sweetin, DDA [james.sweetin@clarkcountyda.com] and Jacob Villani, DDA [jacob.villani@clarkcountyda.com]. A copy of this minute order was mailed to: Justin Langford #1159546 [Lovelock Correctional Center 1200 Prison Road Lovelock, NV 89149]. (KD 2/27/19)

PRINT DATE: 03/07/2024

Page 2 of 14

Minutes Date: January 28, 2019

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

April 03, 2019

A-18-784811-W Justin Langford, Plaintiff(s)
 vs.
 Warden Renee Baker, Defendant(s)

April 03, 2019 9:00 AM Motion to Strike

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Kristin Duncan

RECORDER: Matt Yarbrough

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Given the filing of the Judicial Notice, COURT ORDERED the instant Motion was hereby VACATED as MOOT.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

May 19, 2021

A-18-784811-W	Justin Langford, Plaintiff(s)
	vs.
	Warden Renee Baker, Defendant(s)

May 19, 2021 11:00 AM All Pending Motions

HEARD BY: Lilly-Spells, Jasmin **COURTROOM:** RJC Courtroom 12D

COURT CLERK:
Carolyn Jackson

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	Raman, Jay	Attorney
	State of Nevada	Defendant

JOURNAL ENTRIES

- PETITION FOR WRIT OF HABEAS CORPUS . . . PLAINTIFF'S MOTION FOR APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HEARING

Plaintiff is in custody of the Nevada Department of Corrections and not transported.

Court stated it would not hear oral arguments regarding the Petition for Writ of Habeas Corpus. Court stated regarding the Petition for Writ of Habeas Corpus the Petition is DENIED. Court finds the Petition is time-barred pursuant to NRS 34.726. The one-year time period begins to run from the date of conviction, *Jefferson v. State*, 114 Nev. 1084, 967 P.2d 1132 (1998). The one-year time period should be strictly applied under *Gonzalez v. State*, 118 Nev. 590, also at 53 P.3d 901 (2002). The application of the procedural bar is mandatory under *State v. Eighth Judicial District Court (Riker)*, 121 Nev. 225, 112 P.3d 1070 (2005). Here, the Petitioner's Writ is over three years late. The Petitioner has not shown good cause for the delay. The Petitioner must show that an impediment extended to the defense preventing his compliance with the procedural rule. *Clinton v. State*, 119 Nev. 615, 81

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P.3d 521 (2003). Petitioner here has not put forth any evidence to show that good cause exist. The Court further finds here Petitioner claim is incoherent and vague and do not therefore, warrant relief for post conviction must be support with the factual allegations. Hargrove v. State 100 Nev. 498, 686 P.2d 222 (1984). Moreover, the Court has previously denied Petitioner's post-conviction petition. Additionally, the claim that this Court does not have subject matter jurisdiction is not supported by the evidence or any caselaw. With regards to Petitioner's claim and request for evidentiary hearing, the Court finds that there is no sixth amendment constitutional right to counsel in post-conviction proceedings. Coleman v. Thompson, 501 U.S. 722 (1991), 111 S. Ct. 2546 (1991). Nevada courts have also ruled that the Nevada Constitution does not provide for a right for post-conviction counsel either under McCabe v. Warden 112 Nev. 159, 912 P.2d (1996). Nevada courts do have the discretion to appoint counsel if the court is satisfied that the individual is indigent and the petition cannot be dismissed summarily under NRS 34.750. In making this determination, the court can consider (1) whether the issues are difficult, (2) defendant is unable to comprehend the proceeding and (3) whether counsel is unable to proceed with discovery. The Court finds here that although the Defendant is indigent if he is in the prison that the petition can be dismissed summarily and thus, the Petitioner is not entitled to counsel and therefore, the Motion to Appoint Counsel is DENIED. The Court also finds that there is no basis for an evidentiary hearing and thus, does not entitled the Plaintiff to relief so the request for evidentiary hearing is therefore, DENIED. State to prepare the Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

July 19, 2021

A-18-784811-W	Justin Langford, Plaintiff(s)
	vs.
	Warden Renee Baker, Defendant(s)

July 19, 2021 11:00 AM Motion

HEARD BY: Lilly-Spells, Jasmin **COURTROOM:** RJC Courtroom 12D

COURT CLERK:
Rem Lord

RECORDER: Maria Garibay

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT NOTED Mr. Langford was not transported. COURT stated findings and ORDERED, Plaintiff's Motion for Request in Status Check and Copy of Court Docket Sheet taken OFF CALENDAR.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

January 31, 2022

A-18-784811-W	Justin Langford, Plaintiff(s)
	vs.
	Warden Renee Baker, Defendant(s)

January 31, 2022 11:00 AM Minute Order

HEARD BY: Silva, Cristina D. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Kory Schlitz

RECORDER: Gina Villani

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Pending before the Court is Petitioner Justin Langford's Petition for Writ of Habeas Corpus. This Court has reviewed the Petition and has determined that a response would not assist the Court in determining whether Petitioner is illegally imprisoned and restrained of his liberty as this matter has previously been briefed. Petitioner previously filed the same Petition on November 19, 2018 which was denied on January 28, 2019 by Judge Hardy and February 09, 2021 which was denied on May 19, 2021 by Judge Lilly-Spells. The Nevada Court of Appeals affirmed both decisions on August 13, 2019 and December 20, 2021 respectively. This Court adopts both decisions for denial on this matter. Therefore, COURT ORDERED Petition for Writ of Habeas Corpus DENIED.

NDC

CLERK'S NOTE: A copy of this Minute Order has been mailed to: Justin Langford #1159546, 1200 Prison Rd, Lovelock, Nevada 89419. (1-31-2022 ks)

PRINT DATE: 03/07/2024

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Minutes Date: January 28, 2019

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

March 27, 2023

A-18-784811-W	Justin Langford, Plaintiff(s)
	vs.
	Warden Renee Baker, Defendant(s)

March 27, 2023 9:30 AM Motion

HEARD BY: Kierny, Carli **COURTROOM:** RJC Courtroom 12B

COURT CLERK:
Jill Chambers

RECORDER: Jessica Kirkpatrick

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Court noted that it did not receive the State's response and provided counsel with a briefing schedule.

COURT ORDERED, MATTER SET FOR HEARING.

5/31/23 9:30 AM HEARING

CLERK'S NOTE: A copy of this minute order was mailed to Justin Langford via USPS. jmc 4/4/23

DISTRICT COURT
CLARK COUNTY, NEVADA

Writ of Habeas Corpus

COURT MINUTES

May 31, 2023

A-18-784811-W Justin Langford, Plaintiff(s)
vs.
Warden Renee Baker, Defendant(s)

May 31, 2023 **9:30 AM** **Motion**

HEARD BY: Kierny, Carli **COURTROOM:** RJC Courtroom 12B

COURT CLERK:
Jill Chambers

RECORDER: Jessica Kirkpatrick

REPORTER:

PARTIES

PRESENT: Cobb, Tyrus Attorney

JOURNAL ENTRIES

- Court noted there was a Motion filed to continue the hearing set today. COURT ORDERED MOTION ADVANCED and GRANTED. COURT FURTHER MATTER CONTINUED.

CONTINUED TO: 7/26/23 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

July 26, 2023

A-18-784811-W	Justin Langford, Plaintiff(s) vs. Warden Renee Baker, Defendant(s)
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July 26, 2023	9:30 AM	Petition for Writ of Habeas Corpus
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HEARD BY: Kierny, Carli **COURTROOM:** RJC Courtroom 12B

COURT CLERK:
Jessica Sancen

RECORDER: Jessica Kirkpatrick

REPORTER:

PARTIES

PRESENT: Cobb, Tyrus Attorney

JOURNAL ENTRIES

- COURT ORDERED, 8/7/23 MOTION ADVANCED AND DENIED as to Deft. does not need to be transported. COURT FURTHER ORDERED, PETITION DENIED as to the merits. Court directed State to prepare order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

August 21, 2023

A-18-784811-W Justin Langford, Plaintiff(s)
vs.
Warden Renee Baker, Defendant(s)

August 21, 2023 9:30 AM Motion

HEARD BY: Kierny, Carli **COURTROOM:** RJC Courtroom 12B

COURT CLERK:
Jessica Sancen

RECORDER: Jessica Kirkpatrick

REPORTER:

PARTIES

PRESENT: Sharp, Tanner L. Attorney

JOURNAL ENTRIES

- Court noted no further action required and Deft's Motion was filed.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

September 22, 2023

A-18-784811-W Justin Langford, Plaintiff(s)
vs.
Warden Renee Baker, Defendant(s)

September 22, 2023 1:00 PM Minute Order

HEARD BY: Kierny, Carli **COURTROOM:** Chambers

COURT CLERK: Jill Chambers
Jessica Sancen

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- This matter is before the Court on Petitioner s Motion to Seal Exhibits on 10/2/23. The Court hereby GRANTS Petitioner leave to file the cited exhibits under seal. This minute order will vacate the 10/2/23 hearing in this matter.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Jessica Sancen, to all registered parties for Odyssey File & Serve. js 9/22/23

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

January 10, 2024

A-18-784811-W	Justin Langford, Plaintiff(s)
	vs.
	Warden Renee Baker, Defendant(s)

January 10, 2024 9:30 AM Further Proceedings

HEARD BY: Peterson, Jessica K. **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Rene Watson

RECORDER: Shannon Emmons

REPORTER:

PARTIES

PRESENT:	Bizzaro, Amelia L.	Attorney
	Giles, Michael G	Attorney

JOURNAL ENTRIES

- Court inquired why a Briefing Schedule needs to be set. Ms. Bizzaro relayed that a Post Conviction Petition was filed but no Order has been issued as of yet; she is not the lead attorney on this case. Mr. Giles requested a short continuance. COURT ORDERED, a Status Check SET.

1/24/2024 9:30AM STATUS CHECK: SET BRIEFING SCHEDULE

Certification of Copy and Transmittal of Record

State of Nevada }
County of Clark } SS:

Pursuant to the Supreme Court order dated March 6, 2024, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises six volumes with pages numbered 1 through 1337.

JUSTIN ODELL LANGFORD,

Plaintiff(s),

vs.

WARDEN RENEE BAKER,

Defendant(s),

Case No: A-18-784811-W
Related Case C-14-296556-1
Dept. No: VIII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 7 day of March 2024.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk