

1 MR. HESTER: Thank you. I would -- let's see
2 now.

3 (Short pause)

4 MR. HESTER: I believe that's all the exhibits.
5 I reserve at least a hope of an opportunity ize clean that
6 up ~f I have overlooked something.

7 Thank you. Your Honor.

8 THE COURT: Okay. Mr. Tabor.

9 MR. TABOR: Your Honor, if I might have Dr.
10 Ofahe resume the stand for my cross-examination.

11 THE COURT: Certainly.

12 You want to come up here, please.

13 CROSS EXAMINATION

14 BY MR. TABOR:

15 Q As a sociologist, Dr. Ofshe, is it within your area of
16 expertise to diagnosis any mental disease or defect?

17 A No.

18 Q You in any way in your area of expertise feel that you're
19 competent to speak in terms of the statistics of mental
20 disorders mentioned in the DSH-3-R?

21 A I have had occasion to read parts of it, bu* I am not a
22 diagnostician. i make no attempt to do that.

23 Q And you're aware that it is not only diagnos~". but also
24 statistical?

25 A Yes.

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3. Q So the kind of statistics and diagnoses that are in this

2 book are outside your area of expertise; is that correct?

3 A Not necessarily the statistics.

4 Q Well, is that manual something that persons in your
5 profession normally rely upon?

6 A If one wanted to find out about results of something, one
7 may consult that manual if such results are reported in
8 there, and certainly people in my profession would be able
9 to understand whether this is common or uncommon.

10 Q I particularly ask about the type of mind control that you
11 have testified to here as to Paul Ingram.

12 A It's my understanding that the kind of influence process
13 that I have testified to is not a form of mental illness,
14 so I wouldn't expect it to be in there.

15 Q You don't know if there is anything in there, or you don't
16 think there is anything in there?

17 A I have never had occasion to look in there to see if there
18 is.

19 Q You were hired by the state to come here for what purpose?

20 A For the purpose of assisting in understanding the
21 situation that had arisen up here involving the various
22 allegations that were made, and trying to sort out what
23 was actually going on up here.

24 Q Okay. Isn't it true that you talked with Det. Schoening
25 and myself in separate phone conversations prior to the

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1 time you arrived here?

2 A I believe so.

3 Q You were provided some details about the revelations that
4 had been made by various people?

5 A My understanding of what I knew before I got off the
6 airplane was that four people had been --
7 Q Well, excuse me. I'm not asking you what you know. I'm
8 asking if you were told certain things about what people
9 had revealed.
10 A Very minimum things.
11 Q And you agreed to come here because this was something
12 that you were quite interested in; is that right?
13 A Certainly.
14 Q As a matter of fact, you agreed to come here at
15 substantially less than your usual rate; didn't you?
16 A Not substantially less than my usual rate when I do these
17 sorts of things for other agencies.
18 Q What is your usual rate when you do these things?
19 A When I do these things in a civil sitting my rate is \$125
20 a hour, as is indicated on my bill to you. When I do
21 these sorts of things for the Department of Justice, or
22 other prosecutorial agencies, I do essentially for
23 whatever their rates are, and I simply accept what I'm
24 told what the budget will permit.
25 Q In this particular case you agreed to come up for \$250

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1 I plus your expenses; is that right?
2 A I agreed to come for whatever it says on my first bill.
3 think the amount changed a little bit between visits.
4 Whatever is reflected in my bill is what I agreed to. I
5 also agreed that I would be given this amount, and was

6 told that in the event that the state were to get
7 additional funds, that I would be paid my regular rate.
8 But I was also told that the county was poor. The budget
9 was limited, and I was needed, so I agreed to come.

10 Q Okay. So your regular rate is \$125 a hour?

11 A That's correct.

12 Q You wouldn't charge someone more than that then, I take
13 it?

14 A No.

15 Q Okay. Do you recall giving a deposition in the Tom Sawyer
16 case in Florida?

17 A Yes.

18 Q Isn't it true that you told them there that your usual
19 rate was \$250 a hour, and that's what you were charging?

20 A That is my usual rate for time spent in court. My usual
21 rate for consultation is \$125 a hour. It's been that way
22 for approximately eight years on both counts. I testified
23 to my rates at those levels probably 25 times.

24 Q How many different people, or groups, have retained you in
25 this particular case?

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1 A The state. And then after my report became available to
2 the defense attorneys, and I was informed by Mr. Rodgers
3 that it was -- it was proper for me to speak with him, I
4 spoke to him. He asked if I would appear in the area in
5 the event that Mr. Rabie and Mr. Risch were brought to
6 trial, and I agreed to appear.

7 Q Did you receive any compensation from Mr. Rabie, or Mr.
8 Risch, or their attorneys?

9 A No.

10 Q Didn't you make a trip to Mr. Rodgers' office at one
11 point?

12 A I have never been to Mr. Rodgers' office.

13 Q You have then been retained by Mr. Ingram, or his
14 attorney, in this case; is that correct?

15 A That's correct.

16 Q What is your charge per hour for your work for Mr. Ingram?

17 A My billing rate will be \$125 a hour. If I'm paid, that's-
18 what I will be paid.

19 Q And have you submitted a bill?

20 A No, I have not.

21 Q You have indicated here today that you spent about twelve
22 hours a day for ten days getting ready for this hearing?

23 A At least.

24 Q So are you doing this at your own expense at this point?

25 A No. So far I have received approximately \$2,000 to

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compensate me for out of pocket expenses that I have
2 expended todate.

3 Q That's only for what you have had to spend out of pocket?

4 A Well, that is where it's going to go first. I received
5 \$2,000. and I have spent approximately that amount.

6 Q So did you provide -- when you came here at the request of
7 the state, did you provide the state with some assistance
8 as to how witnesses should be interviewed?

9 Did you make suggestions to officers and myself?

10 A I don't recall suggesting to anyone how people should be
11 interviewed. I may have said how I was intending to do
12 it.

13 Q Well, you have indicated to -- over the last several hours
14 on direct that there were a number of things that officers
15 did that were inappropriate; is that correct?

16 A That's correct.

17 Q When did you determine that those things were
18 inappropriate?

19 A As I began to see the pattern with which this case
20 evolved.

21 Q Did you bother to tell officers that those things were
22 inappropriate?

23 A I don't believe I told any of the officers, but I
24 certainly told you, Mr. Tabor, that I thought there were
25 tremendous problems with this case. I did -- specifically

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1 did not tell the officers what problems I thought there
2 were, because it was not my role to teach them how to do
3 interrogation.

It was my role to try and figure out what

4 was going on.
I believed if I started criticizing, that

5 would destroy any rapport I might have with them.

I

6 thought my role, when I came here, was to find out what
7 the truth was, and that is what I sought to do.

8 Q Do you think that would have helped, if you made some
9 suggestions as to how things should proceed?

10 A Possibly.
Also possibly may have hurt.

11 Q You indicated it wasn't your burden to teach them how to
12 do interviews.

1 Do you have any particular training as to how to do
14 interviews of criminal suspects?

15 A Particular training as to criminal suspects?

16 Q Yes

17 A No.

1 Q As a matter of fact,
isn't it true that it's been only

19 recently that you have involved yourself in the area of
20 law enforcement interviews of people that you have
21 characterized as coercive?

22 A First time I was ever asked to look at an interrogaton of
23 this sort win. a couyle of years ago.

24 Q Well, in Tom Sawyer, in 1987, you indicated that that was
25 the first time you had involved yourself with looking at

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1 interview tactics; isn't that correct?

2/ A That's correct.

3 Q Since that time, according to the article where you were
4 the writer, I believe ou h
5 than this one, haven't you?

interviewing techniques were coercive; is that right?

10 Q How many interviews are done in the United States in a
11 period of a year of criminal suspects?

12 A Lots. I have no idea.

13 Q You don't have an idea. That is not a statistic that
14 you * re interested in?

16 Q You have known of four, in your opinion, that have bee

18

21 Q So have you made any professional -- have you stated any
22 professional opinions about how widespread coercion in a
23 police setting is?

24 A No.

25 Q Isn't it true that a sociologist deals primarily in terms

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1 of group interactions?

2 A That question doesn't make any sense to me. So I don't
3 understand what you're driving at.

4 Q Are you saying it's not true then?

5 A I'm saying --

6 MR. HESTER: Excuse me. I think he's saying he
7 didn't understand the question.

8 THE COURT: You want to restate the question,
9 Mr. Tabor.

10 Q (By Mr. Tabor) Aren't sociologists, as opposed to a
11 psychologist, interested in statistical relationships
12 between particular types of behavior and their affects on
13 particular types of people as opposed to specific
14 individuals?

15 A Not necessarily.

16 Q Do you rely upon the opinions of psychologists, or other

17 mental health professionals, in doing your work as a ~.
18 sociologist?
19 A Only when an issue of competency comes up.
20 Q Competency of whom?
21 A Of someone.
22 Q Like Hr. Ingram in this case?
23 A Yes. If Mr. Ingram is said to be competent, and that
24 is -- that seems to be the consensus of opinion by mental
25 health professionals that part of the fact basis he is --

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1 I it's suggested he's psychotic, I will accept that he is
2 psychotic.
3 Q In this case, if Mr. Ingram was said to be considered to
4 be competent by mental health professionals?
5 A I don't believe he was considered psychotic. The question
6 was his competency. Are we talking about some unusual
7 incidence, or whether Mr. Ingram was able to make
8 rational, voluntarily decisions on his own.
9 I don't think the issue of competency has anything to
10 do with whether or not people are -- can be subjected to
11 strong forms of influence. It doesn't necessarily cause
12 someone to cross the line into a state that would be
13 considered mentally ill. Normal people, people who I
14 believe to be, are considered to be competent -- my
15 understanding of the usual sense of competence, not
16 necessarily mentally disturbed -- can be influenced in
17 these ways too.
18 Q The blind control that your talking about can happen to

19 any of us?

20 A It can happen to lots of people.

21 Q Is there a particular type of person that it happens to
22 more than someone else?

23 A People who or low in self-esteem, people whose
24 self-concept rests on the -- few issues. People who are
25 in strong desire of approval. These people tend to be

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1 more easy torn up.

2 Q Can you make those assessments about people, the things
3 that you just described?

4 Is that something that you have an ability to do,
5 based on your training and experience?

6 A I chose to do it. It'S something that sociologists do all
7 the time.

8 Q Do you -- did you do that in this case?

9 A No.

10 Q Did you rely upon what other people did, rather than your
11 own opinions, as to those factors in Hr. Ingram's case, or
12 the other witnesses that you talked about?

13 A I relied on my interaction with Mr. Ingram. I relied on
14 my analysis of the history of what had happened to Mr.
15 Ingram. I relied on the reports that were made available
16 to me about the results of tests, psychological tests to
17 which he was subjected. I relied on those things.

18 Q What do you know about psychological tests that he was
19 given, other than by Dr. Lennon?

20 You have read Dr. Lennon reports, I understand?

21 A That's correct.

22 Q Do you know about the psychological tests that were
23 administered by Dr. Peterson?

24 A I know that Dr. Peterson administered two of the
25 psychological tests that Dr. Lennon reports about.

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 Q How do you know that?

2 I A From testimony of Mr. Ingram. And it may be mentioned in
3 Dr. Lennon' s report. i'm referring to the three times
4 that he was given the MCMI, I believe it's called.

5 Q Are you aware of whether or not Mr. Ingrams confused
6 about that, or that's really the way it happened?

7 A All I have is what I have been told.

8 Q Okay. If Mr. Ingram told you, you're going to believe
9 that; is that what you're saying here today?

11 ~ay. Do you have any specific training in working wit

12 ~se victims?

17 Q Do you have any particular training in the types of
 reactions that victims of sexual abuse might display in
 response to questioning about this sexual abuse?

 Do you have the ability to listen to what someone says d

25 Q You have testified that you have looked for corroboration

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1 in this particular case.

2 Is that subjective or objective?

3 A Objective.

4 Q Was there any corroboration to any of the crimes that Paul
5 Ingram admitted to officers, in your opinion, in this
6 case?

7 A I have been unable to find any.

B Q It's not corroboration if Erika Ingram says, yes, my
9 father sexually abused me for years and years?

10 A In context -- in the context of all the other statements?

11 Q I'm asking you if that's corroboration?

12 A Since that statement is a statement that is contradictory
13 to other statements that Miss Ingram has made as to time,
14 as to the extent, as to who was involved, that -- I don't
15 give that statement very much weight at this point.

Q So you're telling me you don't believe. ,41,n ~rrrr-.

17 A I'm telling you that as a re m investigation I
18 have come do find that I cannot believe Erika Ingram
19 because of all these inconsistencies.

20 Q Isn'tt that a subjective opinion, Doctor?

21 A It's a judgment on my part.

22 Q When you wrote your report, which is Defendant's Exhibit
23 No. 130. its a -- it's actually a letter addressed to me
24 and you later sent a copy to the Judge, you indicated that
25 there were certain factual questions that were beyond the

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1 scope of your professional expertise.

2 You recall saying that?

3 A Yes.

4 Q And you indicated there that you did not have an opinion
5 as to whether or not Paul Ingram committed one or more
6 sexual assaults on his daughters; is that right?

7 A That's correct.

8 Q Have you changed your mind about that?

9 A No.

10 Q So there are certain things that you can't give opinions
11 on, because you don't have enough data to make a decision?
12 Well, is that a true statement?

13 A No.

14 Q It's not a true statement?

15 A The basis for my statement is that I have no way to know
16 whether or not on one occasion, or two occasions, Paul
17 Ingram may have or -- may have done something improper t,&
18 one or more of his daughters at some point during their
19 lives.

20 - I can't be certain about that. I don't know if
21 anyone can be can certain about that, if the person is not
22 there. I made that statement because I'm aware of the
23 limits that I think I can do, the way I think I can do,
24 analyze the influence process that resulted in the -- as I
25 understand the kinds of statements that Mr. Ingram may

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1 Q So you didn't know much about the c.ase at the time you saw
2 Paul Ingram?

3 A Correct.

4 Q And right off the bat you give Paul Ingram a scenario, and
5 saying you want to think about this, a scenario that you

6 believed to be false; is that correct?

7 A Not quite right off the bat. Det. Schoening briefed me
8 about the case, and the complications of the case on the
9 way down. He outlined for me the kinds of statements that
10 people were making. The statements of the form -- People
12. are saying, "I can see this. I can see that." But no one
12 is able to say, "I did this or did that."

13 I interviewed Hr. Ingram for a couple of hours,
14 principally on the subject on which way he came to these
15 recollections, because there seemed to be so much
16 confusion about the stories that the people were telling.
17 total inconsistencies about the stories. After
18 interviewing Hr. Ingram and hearing the basic outline of
19 what had happened, I determined it was appropriate for me
20 to run the experiment that I ran.

21 Q You call it an experiment. Are there some controls that
22 need to be set up in an experiment?

23 A If you can do it, yes.

24 Q Did you have controls in this case?

25 A The control I had in this case was when Mr. Ingram

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1 returned on the next -- the next day --

2 Q Well, excuse me. Let's talk about the 2nd of February.

3 First, did you have some controls that you -- at the
4 time that you proposed this scenario to him?

5 A A control in this case would be for me to have asked you,
6 Mr. Tabor, have you sexually abused Erika and Julie
7 Ingram, and have you say no. I didn't have that sort of

8 control.

9 Q I'm talking about whether or not there was some parameters
10 of what you would or would not ask Mr. Ingram.

11 Isn't it true that you have complained about officers
12 feeding information to an individual?

13 A Yes.

14 Q Were you feeding information to Hr. Ingram then?

15 A I fed Mr. Ingram one set of facts and he came up with
16 everything else. I told Mr. Ingram, "One of your sons and
17 one of your daughters has told me about this." Mr. Ingram
18 then came up with the name of the son, the name of the
19 daughter. Mr. Ingram inquired for information as to where
20 this had occurred, and if it was volunteered that it
21 happened.

22 I believe at the new house, and other things, Det.
23 Schoening supplied that information. I supplied no more
24 information.

25 Q Did you believe this to be a false scenario at the time

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1 that you came up with it?

2 A At the time he came up with it?

3 Q At the time you came up with the scenario?

4 A I believe that the situation that I proposed was distant,
5 and did not resemble any of the allegations that I had
6 been told had been in the case at the time I made that
7 selection.

8 Q Sir, are you saying that at that point you hadn't been
9 told that Erika had -- both Erika and Julie had told
10 police that they had been sexually abused by their

11 brothers?

12 A I was aware of that.

13 Q And you're saying that this scenario was distinct from
14 that type of circumstance?

15 A The scenario that I came up with was an occasion had
16 occurred in which Mr. Ingram obliged one of his sons and
17 one of his daughters to have sex with each other in front
18 of him. I was completely unaware of any allegation of
19 that sort being in this case.

20 Q You were aware of allegations however, that Hr. Ingram had
21 allowed other people to have sex in his presence with his
22 children; weren't you?

23 A Yes.

24 Q You were aware that Hr. Ingram had already indicated that
25 there was a satanic connection to all of this, weren't

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1 you?

2 A Yes.

3 Q And you're aware that in satanic settings that it's
4 reported that children are forced to have sex with other
5 children?

6 A I gather there are such reports.

7 Q Why didn't you suggest a scenario that you knew could not
8 possibly be true; such as Mr. Ingram was picked up by a
9 flying saucer and taken somewhere, or his children -- he
10 and his children were taken somewhere, and they were
11 forced to have sex on the moon, for instance?

12 Why didn't you do that?

13 A Because I didn't choose to do that. I chose to do
14 something that I thought would be more useful.

15 Q Dr. Of she, you did just come up with this experiment off
16 the top of your head, and you later told me you don't know
17 why you did it, it was just off the top of my head; isn, '~
18 that true?

19 A No, that's not true, Mr. Tabor.

20 Q So this wasn't a spur of the moment --

21 MR. HESTER: I'm going to object to counsel in
22 the process of asking a question referring to his
23 involvement in particular colloquy. I don't think it's
24 appropriate.

25 THE COURT: The objection's overruled.

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1 MR. TABOR: Thank you.

2 Q (By Mr. Tabor) So you didn't come up with this scenario
3 just off the top of your head?

4 A You had asked me a question a moment ago. Could I have
5 that question back?

6 Q My question was: You didn't just come up with this
7 scenario off the .top of your head, and tell me you just
8 came up with it?

9 A No. I think what I told you was that I determined to do
10 this because I thought it would be helpful. I wanted to
11 find out whether or not Mr. Ingram was telling the truth.
12 or whether or not Mr. Ingram was making these things up.

13 Q Okay. How would you be able to tell if he was telling the
14 truth, or making them up, based on that scenario?

15 A When I started the experiment, I wanted to find out how

16 much pressure it took on Mr. Ingram to comply. I picked
17 the lowest level of information, and the lowest level of
18 information I could pick. I was on -- the next day I was
19 surprised as to how Mr. Ingram had come back and reported
20 that he now had vivid memories of these things.

21 Q Isn't it consistent with a person having vivid memories of
22 something, that it happened?

23 A Not in Mr. Ingram's case.

24 Q You had already determined that that did not happen?

25 A The problem in working with Mr. Ingram, among other

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1 things, was that he would develop these limited stories,
2 and was not displaying the kind of recall that people
3 normally have. Mr. Ingram, at this point, is a person who
4 appeared to be attempting to assist the police, who
5 appeared to be trying very hard to come up with this
6 information, and yet was constantly failing to come up
7 with sufficient information to give a coherent story about
8 what was going on.

9 Given the techniques of influence that were used on
10 Mr. Ingram, it's quite possible that this could have been
11 produce out of the interrogation process. Therefore, I
12 determined what I wanted to do was to test whether or not
13 I could produce the same kinds of fantasies, starting from
14 a point that I arbitrarily selected. I wanted to see how
15 much pressure it took on Mr. Ingram to do that. And in
16 the course of conducting that experiment, I started with
17 about a minimum level, intending to raise the level should

18 I not be able to do it, to see how Hr. Ingram behaved.

19 Q Isn't it true, though, that you're presupposing that it's
20 not true, and it's also his response is consistent with
21. telling you about a situation that actually happened?

22 MR. HESTER: Objection to form.

23 THE WITNESS: No, it's not consistent with that.

24 THE COURT: The objection's overruled.

25 THE WITNESS: If Hr. Ingram had been able to

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1 tell me about how he got involved with the group, who
2 these people were, what they did, or would have over what
3 period of time, if Mr. Ingram could describe to me aspects
4 of his involvement in all of these situations that any way
5 paralleled his ability to describe what his life was like
6 ten years ago, talk about things that he had been engaged
7 in, recall things in a normal way, I would not have
8 entertained this hypothesis.

9 Q (By Mr. Tabor) You had already made the opinion that you
10 did, that Mr. Ingram' s responses were not consistent with
11 a person who was really telling about what he recalled?

12 A No, Mr. Ingram had already told me that he could not do
13 these things. Det. Schoening told me that he could not do
14 these things. This turned out to be the major problem of
15 the case. That while Mr. Ingram was cooperating, while
16 Mr. Ingram was performing, Mr. Ingram was unable to
17 produce information that made any sense, nor were other
18 people able to produce any information that corroborated
19 in any way anything that anyone said. Nor were they able
20 to tell consistent stories. That was the problem that I

21 discovered when I arrived there.

22 Q And that is your opinion of what the problem was in this
23 case?

24 A That is my opinion. That is what I believed was the
25 problem. The way the problem was described to me when I

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1 flesh of her own fetus.

2 Q Where did you get that?

3 A Out of discussions with the detectives.

4 Q Well, didn't you say something about a letter from Mrs.
5 Webster being the year before and you find it was actually
6 1988?

7 A Yes, there was a time -- and I believe this was based on
8 my interview with Julie Ingram. At one point, well, I
9 asked a question, was that letter, referring to the
10 undated letter written last year. And I believe Miss
11 Ingram said, yes, it was written last year. And since
12 this was -- I took last year to mean the year prior to the
13 year in which she actually wrote the letter. I believe
14 she was accurate in telling me that it was written in
15 1988, when we were now in 1989.

16 I remember coming back to your office and telling you
17 how surprised I was about that, and you didn't correct me,

18 Q You did come -- you did put some significance on that
19 though, when you wrote your report, didn't you?

20 A Can you direct my attention to where?

21 Q Well, you first of all, do you see where you mention it?

22 A No.

23 Q You didn't mention it in your report?

24 A No. I said I don't see it.

25 Q So you don't believe you put any emphasis on it; is that

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1 what you're telling me now?

2 A If you will you direct me to where it is in the report. I
3 will take a look at it. At this point you're getting me
4 confused as to whether I even mentioned it or not.

5 Q Calling -- the pages aren't numbered, but the page that
6 has roman numeral II. "It is my opinion that Julie
7 Ingrain," et cetera. I believe it's in the paragraph below
8 that. If you will look at that.

9 THE COURT: As soon as we finish with this
10 thought, I would like to recess the Doctor's testimony.

11 THE WITNESS: I see the sentence in which that
12 comes up.

13 Q (By Mr. Tabor) Was that significant to you in writing
14 this report?

15 A It would have been significant had she made one report and
16 then let it lay for a year. However, it was -- she had
17 not made an earlier report and therefore there was no
18 surfacing of this information in one context, and then it
19 going away for a year.

20 THE COURT: Why don't we quit with the Doctor at
21 this time. I would like to talk about Dr. Peterson's
22 notes, if we could.

23 Is there any objection to giving Mr. Hester Dr.
24 Peterson's notes.

25 MR. TADOR: No, Your Honor, there is not.

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1 I MR. HESTER: Also, I understand the case to --
2 maybe I should just keep those tape recordings.

3 MR. TABOR: They have been provided to you
4 already.

5 THE COURT: Why don't I give this to Mr. Tabor,
6 and you can give it to him.

7 MR. TABOR: Yes, Your Honor, thank you.

8 THE COURT: We'll see you at 9:30 tomorrow
9 morning. Is there any reasonable chance this case can be
10 concluded Wednesday.

11 MR. TABOR: I don't think it's a reasonable
12 chance, Your Honor, based on what I'm seeing thus far.

13 THE COURT: - If it isn't, I don't know what we'll
14 do. I really don't have any plan to offer to anybody. So
15 I'm not sure. See you tomorrow morning.

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1 I MORNING SESSION

2 - 9:30 a.m.

3 THE COURT: We're all present.

4 Mr. Tabor.

5 MR. TABOR: Thank you, Your Honor.

6 CROSS EXAMINATION (Contd.)

7 BY MR. TABOR:

8 Q Dr. Ofshe, when we were talking at the close of the
9 session yesterday about your letter dated April 2, 1989, I
10 believe it's been characterized as your report. I was
11 asking about whether or not there were inaccuracies, and
12 you and I had a phone conversation a few days ago in which
13 you indicated there were some things you learned were not
14 accurate; is that correct?

15 A Yes.

16 Q Calling your attention to specifically Page 6 of that
17 document -- and these pages aren't numbered, by the way,
18 on the exhibit, which is Exhibit 130 -- The sixth page,~
19 near the bottom of the page, you're discussing -- your
20 discussing Julie Ingram, you indicated there was some
21 significance, in your mind, that she had not reported
22 sexual abuse to authorities for a year after reporting it
23 to Mrs. Webster; is that right?

24 A Yes.

25 Q And you have since learned that that was not true, that

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1 the date that she had reported is there ~n a ~.etter to
2 Mrs. Webster was actually in 1988?

3 A Yes.

4 Q Calling your attention to Page 4, two pages prior to
5 that -- area which is captioned No. 4 -- this is in regard
6 to Erika Ingram.

7 j Isn't it true that you indicated in your report that
81 Hiss Ingram had failed to back up her sister Julie's
9 report about sexual abuse by another individual?

10 A Yes.

11 Q Okay. And in fact you learned since that time that she
12 did in fact make such a report to police, and you were in
13 error in stating she had not?

14 A I saw documents subsequent to this in which she made -- I
15 believe she made some sort of report about that, but at
16 this point I'm not sure whether -- how her report fit into
17 the investigation of the allegations against Mr. Ingram.

18 Q But you had placed some significance on the fact that s~ie
19 had not reported something that she would have had an
20 opportunity to report, and now you have learned that she
21 did make such a report; isn't that true?

22 A Yes. But these were only examples -- examples associated
23 with exactly the same things that are equally compelling.

24 Q I recognize -- excuse me for breaking in -- but I
25 recognize that you have rendered an opinion on direct, and

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1 I want to cross examine you about some specifics, if I
2 may.

3 Referring you to Page 5, the area that's headed No.
4 10, you have indicated there that no person's recollection
5 confirms the recollections of anyone else.

6 Do you have still stand by that statement today?

7 A Yes, I do.

8 Q Okay. I show you what's admitted as Exhibit No. 133.

9 Have you seen that item before?

10 A Yes, I have.

11 Q Have you had an opportunity to review that in any detail?

12 A Parts of it.

13 Q What do you mean by the terms 'confirm the recollections
14 of anyone else'?

15 A The general result here is that if someone is given a
16 starting point, such as, for example, Mr. Risch's shop,
17 and is pressured to come up with a scene, as Mrs. Ingram
18 did, she'll come up with a scene that occurred in Mr.
19 Risch's shop. Somehow it will conform to the scene that
20 Paul Ingram had fantasized prior to that, which was the
21 reason why it was suggested to her initially that
22 something had happened in Mr. Riach's shop.

23 In all the examples that I have looked at there is a
24 pattern of contamination, leading and suggestive
25 questions, in every instance which I am able to trace the

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I pattern of information. And there is no example that I'm
2 aware of that does not -- cannot be accounted for more
3 adequately due to contamination, due to pressure, in which
4 anyone makes statements that confirm the statements made
5 by anyone else.

6 Q All right. So are you saying that it's only through
7 I contamination that Sandy Ingram would have stated that
8 j certain abuse took place at a particular suspect's shop,
and that another suspect was baby-sitting the children
10 while this took place?

11 A Those statements initially were developed from the
12 interaction with Reverend Brayton, and Reverend Brayton
13 told me that what he would do would be to describe a
14 scene, such as Mr. Risch's shop, and she would close her
15 eyes and begin to visualize things. And she would
16 eventually come up with scenes. And he was continually
17 astounded by the fact that she would never come up with a
18 scene that bore any strong resemblance to any scene that'
19 he had been told about.

20 So I'm suggesting it's a combination of contamination
21 and pressure in sustaining the sort of generic fantasy
22 process that has occurred with most of the witnesses in
23 this case.

24 Q Are you saying that Reverend Brayton told Sandy Ingram
25 about a particular individual baby-sitting on that

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1 occasion?

2 A I don't know that I asked Reverend Brayton that question.

3 Q Well, you had a lengthy discussion with Reverend Brayton,
4 which is tape-recorded, did you not?

5 A That's correct.

6 Q Have you listened to that a tape recording?

7 A Yes.

8 Q Is there anywhere in that tape recording any suggestion
9 that Reverend Brayton gave her detailed information about
10 something, about what happened, according to Mr. Ingram,
11 at this shop?

12 A I don't recall that.

13 Q Isn't it true that he indicates that he would just ask
14 Mrs. Ingram, did something happen at Rischs shop?

15 A And then she would begin to create a scene, and the
16 resulting scene would be different from the scenes that he
17 had anticipated she would come up with based on what he
18 had been told by Mr. Ingram.

19 Q Okay. Calling your attention to the fourth entry on
20 exhibit -- whatever that exhibit number is -- I don't have
21 it in front of me, the exhibit we're looking at.

22 A 133.

23 Q Yes, 133. Are you saying that the information as to who
24 was involved and what they did is based upon contamination
25 between Paul and Sandy Ingram?

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1 I A That particular example is not one that I have attempted
2 to work through, assuming that there is sufficient
3 information to actually work that one through. There is a

4 general pattern of this sort of contamination. There is a
5 general pattern of transfer of information that comes
6 through in the way in which the detectives interrogated
7 people about this, the way in which she transferred
8 information and it depends upon how fully the detectives
9 wrote their reports of this. In some cases there may not
10 have been an adequate record to make a determination, and
11 I don't recall looking about this particular example in
12 any case.

13 Q All right. My next question then, to follow that up, is:
14 Are you assuming then that there is contamination?

15 A From all of the evidence that I looked at, I see so many
16 examples of contamination. I see other cases in which the
17 record is incomplete, and I see no example in which there
18 is not the very distinct possibility of contamination. ~

19 Q So you're assuming that if it's not in a police report,
20 police were just forgetting to put it down, or
21 purposefully not putting it in, is what you're suggesting?

22 A I'm suggesting that based upon many things that the police
23 told me about the state of their investigation, that they
24 were systematically eliminating from their reports
25 evidence that was contradictory to what they were seeking

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1 to prove.

2 So there is a great deal of information that the
3 police shared with me when I was trying to work on this
4 case and understand what happened, in which they had found

5 specific disconfirmations of statements that people had
6 made and those things do not appear in police reports.
7 And I'm making the assumption they are motivated in their
8 failure to put those in the police reports because those
9 things would tend to show that much of what is being said
10 here bears no empirical -- has no empirical basis,
11 particularly on those points in which it's possible to
12 seek physical evidence, that that physical evidence is
13 never found, and the reports of that do not appear in the
14 written documents.

15 Q Okay. Dr. Of she, did you take notes of the things that
16 officers were telling you?

17 A No.

18 Q So these are from your memory about what officers reports
19 told you?

20 A Yeu.

21 Q Were you provided notes of Pet. Brian Schoening and shown
22 some of his interviews of people?

23 A Yes.

24 Q How did you get those?

25 A Probably came in during the course of my work for the

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1 state.

2 Q You requested those, and you were provided those?

3 A That's correct.

4 Q When you asked for reports, or asked questions, did they
5 tell you "I will not discuss that with you," or "it's none

6 of your business"?

7 A It's things that were not in the reports.

8 Q How about the notes of officers, things hidden there as
9 far as you're concerned?

10 A In some cases.

11 Q So you have indicated that based upon your consideration
12 of all these factors, you believe that there is the
13 possibility of contamination as to the incident we're
14 looking at?

15 A There are a number of other incidents that are set forth
16 there.

17 Q Have you gone down and looked at the -- whether or not
18 there is any evidence of contamination in the record of'--
19 any of those other incidents?

20 A Yes.

21 Q Can you refer to any specific one?

22 Well, maybe I should ask: Did you find in the record
23 contamination in any of these other matters?

24 A Yes.

25 Q Which one, or more?

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1 A In general, the information that was provided on the -- by
2 Mr. Ingram on the 28th and 29th is- based on what he was
3 told about what the allegations were on the 28th and 29th.

4 Q Okay. Let me stop and ask for a moment. Was --

5 MR. HESTER: Excuse me. There is a question
6 pending that has not been completely answered.

7 MR. TABOR: Well. Your Honor, I believe I should

8 have the opportunity to direct the cross examination. If
9 there is something that can't be explained in response to
10 my question, Mr. Hester has the right on redirect --

11 MR. HESTER: That is not the answer. He asked a
12 question and the witness starts, and gets into one
13 portion, and he cuts him off.

14 THE COURT: Have you answered the question?

15 THE WITNESS: This was the 28th and 29th, which
16 was gone over. There was more to say, and I would have
17 continued.

18 MR. TABOR: My problem is, I'm getting narrative
19 answers, and Dr. Of she is reiterating his opinion.

20 THE COURT: The objection is overruled.

21 MR. HESTER: I'm sorry, Your Honor, but on that
22 matter, the question was: Would you identify those places
23 you see contamination in that particular exhibit. That
24 calls for the answer that he was getting from the witness.

25 THE COURT: I think you can go back into this on

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2. redirect examination.

2 MR. HESTER: I can. Thank you. Your Honor.

3 MR. TABOR: I wanted to discuss the 28th before
4 we move on.

5 Q (By Mr. Tabor) Are you saying that Mr. Ingram indicated
6 on the 28th only things that he was told by officers?

7 A And things that he then assumed must have happened,
8 statements that this would have happened this way. He was

9 t confabulating on the 28th. He was filling in gaps around
10 the basic facts that they had given him.

11 Q Was it a mistake for officers to give him any facts about
12 what he was being accused of on the 28th, in your opinion?

13 A Not necessarily.

14 Q Isn't it a usual tactic to at least tell a person what
15 they are accused of in general terms?

16 A They are told much more than in general terms.

17 Q Dr. Of she, you have made up a series of notes to assist
18 you in your testimony, haven't you?

19 A Y*3, I have.

20 Q About 140 or 50 pages; something like that?

21 A I didn't count then.

22 Q And you provided me a copy of those?

23 A That's correct.

24 Q You recall stating there that Paul Ingram was given
25 only -- he was never given a detailed description of the

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1 actual accusations, and in talkin; about the information
2 that Mr. Ingram was provided on the 28th, that he was
3 never given a detailed description of the actual
4 accusation?

5 A Can you direct me to the page you're looking at.

6 Q Yes. It's No. 1, with a circle in the righthand corner.
7 And it's the set of factors No. 1, information.

8 ~.nd if I might read, and you tell me if this is

9 accurate: "Never given a detailed description of the
10 actual accusation, therefore the accusation could be made
11 to sound more plausible than they would appear when
12 actually reviewed."

13 I also refer to the Webster letter, the paragraph,
14 which I read, I believe, yesterday, in which the
15 accusation is in fact that all of Mr. Ingram's poker
16 playing friends, one after another, came up to the room
17 and sexually abused Julie Ingram, while Erika Ingram slept
18 in the upper bunk. The reason that they did not sexually
19 abuse Erika Ingram, because they were afraid that the bunk
20 would break, and that Erika, who was under treatment for
21 something, supposedly, would tell the doctor.

22 Was that on the 28th?

23 A He was never told about that on the 28th.

24 Q Okay. So you were referring to a specific situation, you
25 just didn't state that in your notes?

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1 A That is what I have ~.n mind, but also thc more he had
2 been -- the more he would have been told about
3 particularly Julie's accusations. I think the less likely
4 it would be that he would have complied to the detectives'
5 statements simply because he would have possibly realized
6 how extraordinary these accusations were.

8 What tended to happen throughout this interrogation,
9 that the statements made by the complaining individuals
10 were translated into a form that appeared to be more
credible. And in the course of doing that, they were

11 given the possibility of being true.

12 Q Okay. Other than the 28th, you think --

13 I wanted to refer to some others. Mr. Hester didn't
14 want me to cut you off there, so lets look at the others.

15 MR. HESTER: All I did is make an objection,
16 which is my obligation, and trying to get the state to
17 play by the rules, which apply to all sides at all times.

18 MR. TABOR: Your Honor, I don't believe Mr.
19 Hester is doing anything more than making a comment.

20 THE COURT: Proceed with the question.

21 THE WITNESS: I marked on my copy of this
22 documents some of the examples, but it would take me a few
23 minutes to find it, calling me up here rather than down
24 there, so I have to go through all my documents to find
25 that particular sheet.

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1 MR. TABOR: Would you like to look at that
2 before we proceed with that?

3 THE WITNESS: Yes, I would.

4 MR. TABOR: Let me ask you about a couple of
5 specifics, and see if that is an area that you have
6 considered. The last area before the center column that
7 says "Criminal Counts," deals with a statement by Erika on
8 12-20-88 of a suspect urinating on her, and a statement of
9 Paul Ingram on March 29th that he knew of that same
10 subject, urinating on Erika.

11 Q (By Mr. Tabor) Do you believe there is contamination

12 there?

13 A I haven't tried to track that particular statement.

14 Q In -- let's see. This would be the 27th arrow down from
15 the top.

16 * When Julie Ingram indicates on 11-28-88, when she was
17 having her period, her father would anally rape her. And
18 on the same date, November 28th, '88, Mr. Ingram admitted
19 anally raping her during her period to keep from soiling
20 the bed with blood.

21 Do you believe that's based on contamination?

22 A Again, in order to do this, and I only saw this document
23 after it was provided -- introduced of in Dr. Hatcher's
24 testimony -- one would have to go back and go through it
25 statement of statement, and I have not had the time to do

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1 that.

2 Q But it's your assumption that all of these statements in
3 which a victim states something that corresponds to
4 something that Paul Ingram has admitted are based upon
5 contamination?

6 A When I went through this document and was able to identify
7 those examples that I was familiar with, I could see the
8 sources of contamination. There is a lot of additional
9 work that would need to be done on this case. I would not
10 say I understood everything about it. I have not had the
11 time to do it.

12 Q Would it be your opinion if you learned that some things

13 were not based on contamination, but came independently
14 from these victims, or Mr. Ingram?

15 A If I had confidence that the statements themselves were of
16 sufficient improbability, then it would affect my opinion.

17 Q Going back to Exhibit No. 130, which is your letter,
18 referring you to Page 7, talking about your providing M~
19 Ingram with this scenario that we discussed yesterday, the
20 first time that you saw Mr. Ingram.

21 You state in your report that "the tactics I used
22 were modeled in the sessions Mr. Ingram had been having
23 with Reverend Brayton."

24 Is that a statement that you still stand of today?

25 A Where?

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1 Q Thats the first full paragraph after roman numeral III.

2. A I must be on the wrong page.

3 Q Page 7. Should be three pages from the back.

4 A Yes.

5 Q Okay. How did you know what tactics or procedures
6 Reverend Brayton had used at the time that you presented
 this scenario to Hr. Ingram?

8 I A Because I had been interviewing Hr. Ingram about it for
9 several hours prior to deciding to do the experiment, and
10 it was precisely the information that I elicited during
11 those interviews that convinced me that doing this
12 experiment was warranted.

13 Q So this is based upon what Mr. Ingram told you the
14 interaction had been between himself and Reverend Brayton?

15 A Together with what Det. Schoening had told me about what
16 was going on in the case, and in general Mr. Ingram's
17 description of how he came to see these visions. This is
18 what we talked about principally in the period prior to--
19 the time I determined that I should conduct this
20 experiment.

21 Q Looking then to the final paragraph, in that Section III,
22 you stated that "my analysis of this interrogation is that
23 it is quite likely that most of what Mr. Ingram reports as
24 recollection of events are produced" -- excuse me -- "are
25 products of social influence rather than reports based on

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1 his momory of events."

2 Do you stand of that statement today?

3 A Yes.

4 Q So your opinion is that it's quite likely that most of his
5 reports of recollections are fantasies?

6 A Yes.

7 Q Referring you to Page 9, which is the last page, final
8 paragraph there, you state "if my conclusions about the
9 truthfulness of the Ingram daughters are correct they are
10 at least falsely reporting about the activities of the
11 group."

12 Do you stand of that statement today?

13 A Yes.

14 Q The beginning of Page 1 of Exhibit 130, under "Research
15 Work," four lines from the beginning of that paragraph,

16 you indicate that you interviewed three psychologists and
17 a minister.

18 Who were the three psychologists that you
19 interviewed?

20 A Doctor Traywick, Dr. Peterson, and -- actually, no, I
21 hadn't interviewed Dr. Lennon at that point. Perhaps
22 there were only two.

23 Q Did you even know about Dr. Lennon's report at the time
24 that you wrote this statement on April 2nd?

25 A I doubt it.

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1 Q So the three should have been two?

2 A Could have been. Perhaps there is someone else that I'm
3 not thinking of, but I doubt it.

4 Q Dr. Of she, when you were here and last interviewed people
5 in this case, in late March of 1989. were you under the
6 impression that you were going to have anything further to
7 do with these victims after you confronted them?

8 A No, the decision to confront them came about out of
9 discussions I had with you, Mr. Tabor, in which I told you
10 what -- generally what my opinions were. And I told you
11 that I thought the only way that I could be in any way
12 additionally helpful was to try to confront the victims on
13 this, to get them to give the process of distinguishing
14 between truth and the untruths, that I believed I was
15 hearing, in order that we might get to the truth. If
16 there is truth that is significant in this case, because

17 my commitment was to try to get to the truth, not
18 necessarily to defend anyone.

19 And I told you that I had long passed the point at
20 which I was convinced, for example, that the satanic cult
21 did not exist, that many of the statements here were not
22 supportable, and that in my judgment if there was any
23 reason for this prosecution, it would require people to
24 start being honest, discriminating between what was
25 fantasy, what they were making up, and what was truth, and

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1 try to understand why they did it.

2 With that in mind, I went in and confronted Erika and
3 Julie. That was the last thing that I could do.

4 Q My question though, dealt with your understanding of your
5 further service in the case after doing that.

6 A My understanding was, after doing that, that I was going
7 to make a report to you about what happened. I believe I
8 made that report to you, either in the airport in Seattle,
9 or on the phone from Berkeley the next day. And we had a
10 discussion about what my conclusions were, and you
11 volunteered to me that you did not find this information
12 exculpatory, and you left it at that,

13 Q Okay.

14 A I -- based upon that statement I felt that I should
15 prepare for you a written report so there was no question
16 that you were clear about what it was that I thought I had
17 found. And therefore I continued the work necessary to

18 complete what I considered to be the appropriate conduct
19 for a professional in this case, and wrote this report to
20 you, and sent it to you.

21 Q Well, lets go back and look at several things. First of
22 all, you understood that you had burned your bridge., as
23 far as your effectiveness in dealing with these victims by
24 confronting them, didn't you?

25 A Not necessarily.

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1 Q You understood, did you not, that one of the purposes of
2 your coming here was for you to ass-ist us in finding ways
3 to gain information from these victims?

4 A No, my understanding was that my purpose in coming here
5 was to assist you in finding out what had happened in this
6 case. And that meant getting information from people that
7 was likely to be valid, not in participating in a process
-8 of developing information that might in fact be erroneous.

9 Q You and I had specifically discussed, had we not, that you
10 were not being called as an expert to prepare to testify
11 at trial?

12 A I don't recall that we had that discussion, but since that
13 sort of discussion is quite common at the point which one
14 begins working, and for purposes of having to disclose
15 experiments, I don't doubt that it occurred.

16 Q Does that exhibit contain a letter to Judge Casey in the
17 front?

18 A Yes, it does.

19 Q Don't you state to Judge Casey that you were not retained
20 to be an expert at trial?

21 A As I said, I don't recall the conversation you asked me
22 about, but it's normal not to be retained as an expert
23 until one has completed one's report. Whatever I said in
24 here was the way I recalled it at the time.

25 May I find that paragraph?

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11 specifically in this case, stress had some bearing on your I
2 opinion; is that correct?

3 A I assume so.

4 Q Okay. Well, didn't you testify on direct that Paul
5 Ingram. on the 28th, was under a great deal of stress,
6 because his daughters had reported this eight days before,
7 or he had known about the report eight days before, and he
8 had spent eight days on vacation working up his stress
9 level?

10 A I think.

11 MR. HESTER: Object. Your Honor. I'm objecting
12 to the form of the question. It mischaracterizes the
13 testimony on direct. Also argumentative.

14 THE COURT: The objection's sustained.

15 Q (By Mr. Tabor) Well, what was your opinion about Mr.
16 Ingram's stress level on the 28th?

17 A I think my opinion -- my recollection of what had happened
18 to Mr. Ingram was that his wife had told him about the
19 accusations, that she had consulted with Reverend Brayton,

20 that they had determined to go off on vacation. He was
21 quiet on the vacation, that he seemed to be thinking,
22 about this a lot. They discussed this issue a lot. He
23 anticipated going back and meeting at least with Reverend
24 Brayton?

25 Mr. Ingram told me that he considered this -- telling

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1 his colleagues that these accusations had occurred. He was
2 concerned about whether or not this would have been
3 reported to the police, and was anticipating that things
4 were about to get very, very, difficult.

5 Those circumstances, I think, would contribute to
6 Ingram's mood the day of the 28th, and I would consider
7 those things to be stressful.

8 Q And is it your opinion that because of the stress, that
9 made him more susceptible to having his will overborn, or
10 his mind controlled as to what he recalled or did not
11 recall?

12 A Stress, in general, makes people more susceptible to
13 influence. Lack of sleep, poor diet, general confusion,
14 and undermining of one's confidence in one's perception of
15 reality, which certainly would occur if one is informed
16 that both -- both of an individual's daughters are
17 reporting sexual abuse about which he has no recollection.

18 Q Okay. Is there any indication of lack of sleep or
19 improper diet in this particular case?

20 A I didn't say there was.

21 Q You're talking in general terms?
22 A Yes.
23 Q You have indicated that another consideration of the
24 tactics was the trust that would have existed between Mr.
25 Ingram and the people who interviewed him because they

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1 that they were telling him would result in the saving of
2 the lives of his daughters.

3 And you will recall how he seemed in response to
4 that. The fact that he broke into tears, the fact that he
5 was sitting, muttering, "oh, Jesus, oh, Jesus" and that he
6 was responding to those exhortations in a very dramatic
7 way.

8 Are you telling us today that a tape from the 29th of
9 November is representative of all the other tapes?

10 A No, I'm telling you that that theme appeared in that tape,
11 that Hr. Ingram had a series of meetings beginning on the
12 morning -- on the evening of the 29th with Reverend
13 Brayton, and that Mr. Ingram's jail notes reflect his
14 increasing concern with God, that Mr. Ingram's jail notes
15 reflect his belief that his mind was clouded by
16 witchcraft, and that this was a theme that appeared in his
17 interactions with Reverend Brayton over the next six
18 months.

19 Q Okay. Are you aware that on the 29th that officers were
20 focusing on the involvement of persons other than Mr.
21 Ingram primarily, were they not?

22 A Yeu, I'm aware that on the 29th, based on Det. Schoening's
23 misrepresentations of what's in the Webster letter, that a
24 process began in which a particular set of individuals
25 were identified as the only possible individuals, and that

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1 Mr. Ingram was then pressured and manipulated to select
2 out of that small sub-set of individuals the individuals
3 who were subsequently named.

4 Q What was the misrepresentation by Det. Schoening?

5 A The misrepresentation was that the person we're talking
6 about -- and I'm characterizing what Det. Schoening said,
7 but I can find you the references if necessary -- that
8 we're talking about someone who was, or is, a member of
9 this department. That limited the set of people, in the
10 Webster letter, Julie Ingram says all of Mr. Ingram's
11 friends raped her. Everyone who played poker raped her.
12 There is nothing, as I read that letter, saying that the
13 person who committed the rape 14 years ago is necessarily
14 a current friend of Mr. Ingram, nor that individual was,
15 or is, a member of the sheriff's department, or in any way
16 involved in law enforcement.

17 Q So you specifically recall that Det. Schoening said it was
18 a member of the department?

19 A That's my recollection.

20 Q Okay.

21 A I would be happy to find you the cite, if you'll give me a
22 minute.

23 Q Perhaps you can do that at a later time. I would like to
24 go to another area that you have indicated that the

25 tactics of the interview were improper.

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1 You have indicated in the tape of the 29th there is a
2 period of time in which Dr. Peterson tells Paul Ingram to
3 relax. You have said that you timed that, and it lasted
4 about a minute.

5 And you indicated that that was a trance induction
6 method; is that correct?

7 A That's correct.

8 Q Are you saying that Mr. Ingram was in a trance?

9 A I'm saying that that's highly likely.

10 Q Are you saying that he was hypnotized?

11 A I'm saying that is likely.

12 Q Have you had any specific training in hypnotism?

13 A Yes.

14 Q What is your specific training in hypnotism?

15 A An area that often figures in the kinds of influence
16 situations that I work with. I have been working in this
17 area, in which trance induction is involved, for over ten
18 years. I have studied the subject. I have researched the
19 subject. I work closely with other people who are more
20 trained in the subject matter than I am, and I have
21 acquired sufficient knowledge that I can reach the
22 conclusions necessary for me to reach in order to factor
23 this into my analysis of the influence process.

24 Q Okay. Is it your professional opinion then that he was
25 hypnotized?

□

1 A I would not ordinarily offer an opinion as to whether or
2 not someone is hypnotized, if there -is someone with more
3 qualifications to do that.

4 Q Okay.

5 A In this particular case, what I would say is that this
6 relaxation technique is a technique that ordinarily will
7 produce a trance. The important thing -- and whether or
8 not one would classify Mr. Ingram as hypnotized or not,
9 the important thing is that he was -- is that in
10 techniques -- a technique that focuses his attention, that
11 turns his attention inward, that contributes to his
12 suggestibility, and allows him to be given suggestions,
13 and have immediate responses to those suggestions, many of
14 the examples of which I have identified, that process of
15 influence, whether or not it's called hypnotism, is what
16 it is.

17 Q Are you aware of a large body of literature that expresses
18 a great deal of disagreement with what constitutes
19 hypnotism, and whether or not a person is hypnotized, or
20 not, in a given situation?

21 A Within the specialty area of people who study this sort of
22 dissociation, there are disputes about whether or not a
23 hypnotic state is a state in which there is any sort of
24 organic change, or whether or not it'S merely a state of
25 role playing. Role playing, being a motivational state.

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2. I Those debates within the literature have to do with
2 understanding the phenomena. They .don't necessarily have
3 to do with the general understanding of the process of
4 turning someone's attention inward, of giving the
5 suggestion that people are more suggestible. These are
6 fine points in this area which people are researching and
7 understanding the causation of this state.

8 Q Would you agree that, as a general rule throughout the
9 United States, hypnotism has not attained a level of
10 scientific reliability sufficient to allow people to
11 utilize it for ultimate facts in legal issues?

12 A I think it's generally understood within the community
13 of -- who work in this area, that because people are so
14 suggestible when they are subjected to these techniques
15 that one has to be enormously careful about the procedures
16 that are used, because it's quite possible to introduce
17 into someone's memory events that simply did not happen.

18 As a result of discussion, and because of that, ~
19 hypnotism is considered to be, in many states, too
20 dangerous a technique to use, to allow testimony elicited
21 under hypnosis to come into court, simply because of the
22 increased suggestibility of the people subjected to these
23 procedures.

24 Q Is it your opinion that if a person is hypnotized, or in a
25 trance, or at least in the early stages of that, that any

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recollections they have would be false?

2 A Not necessarily.

3 Q Okay. You have indicated, I believe, that it's your
4 I opinion that based upon Mr. Ingram's being controlled
5 throughout the periods of time that he was being
6 interviewed by officers, that his recollections are based
7 upon induced visions?

8 Is that a fair characterization of what you're
9 saying?

10 A Yes.

11 Q Okay. In your opinion then, is Mr. Ingram talking about
12 only fantasy when he talks in these terms?

13 A No.

14 Q Some of things he said might be true?

15 A Some of the things he said probably are true, because in
16 order to set the scene -- at least in order to set the
17 scene to do -- to get someone focusing inward more deeply,
18 what one would do is get them to construct the scene so'--
19 that one might introduce a scene as Mr. Ingram does.

20 He would come to see a particular car that he knew so
21 and so -- a particular individual might have been driving
22 about that year. And the furniture for the scene gets
23 introduced, that furniture is likely to be real. Then one
24 can now begin to introduce characters. If one gives
25 suggestions one can have an individual who is accurately

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2. rec~llin~ the t~ay a room may have looked more or less five

2 years ago, and suggest to them that certain things
3 happened in that room. And it maybe that there -- the
4 information about what the room was like may be quite
5 accurate, while the information about what was going on in
6 this room is entirely the product of suggestion.

7 Q Is it something that you have an ability to do then, to
8 I look at what a person is saying, and say this part is
9 based on fact, and this part is based on fantasy?

10 A I think that in this case, when one looks at the
11 transcripts, it becomes clear which part is a result of
12 suggestion, which parts are random images coming into Mr.
13 Ingram's mind, and which parts are things that he is
14 recalling, and placing into the scene that are probably
15 accurate.

16 Q Okay. You have indicated on direct examination that
17 during the interview on the 19th there was a time when the
18 tape was turned of f, and it is your experience that polic's
19 often turn off the tape where they dOn't want something
20 heard.

21 Are you suggesting that the police turned off the
22 tape here, specifically on the 19th, because they didn't
23 want something to be heard?

24 A 19th of what?

25 Q November of 1988.

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1 A Which interview was that?

2 MR. HESTER: Perhaps the 29th.

3 MR. TABOR: It was the 29th. I xmisspoke. The
4 29th of November.

5 THE WITNESS: I would have to go back and look
6 at that particular example. And I can look at that and
7 tell you what I think about it I can tell you, for
8 example, in the interview of Chad Ingram --

9 MR. TABOR: Excuse me. I would like to discuss
10 Mr. Ingram at this point.

11 Q (By Mr. Tabor) Is it -- well, you don't remember whether
12 or not it was turned off at Mr. Ingram's request, rather
13 than the officers' request, on the 29th?

14 A It may have been.

15 Q Okay

16 A If I would be allowed to look at my notes of the
17 transcript.

18 Q That's fine. Let's look at that.

19 A Axe we talking about the 28th?

20 Q No, the 29th.

21 (Short pause)

22 THE WITNESS: Can you direct me to the page,
23 since you seem to know where it is?

24 MR. TABOR: It's just my recollection that
25 yesterday you testified that the tape was turned off, and

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1 it's your experience that it's often turned off to assist
2 police.

3 THE WITNESS: Well, on the 28th there is a
4 example of the tape being turned off, in which Mr. Ingram
5 suggests that it be turned off. That's perhaps what

6 you're referring to.

71 ~ (Dy Mr. Tabor) So that was at Mr. Ingram's suggestion?

8 A Yes. And I believe that perhaps the notes of Det.

9 Schoening might be helpful on this to see what happened
10 during that period.

11 Q I guess my question is: Do you find anywhere in any of
12 the tape transcript --

13 A Excuse me. Can I amplify something about this tape being
14 off?

15 Q Go ahead.

16 A The transcript says that Mr. Ingram -- "Mr. Ingram: Why
17 don't we shut that of f for a minute." Then the tape goes
18 on, and one of the detectives says, "The time is 1542. We
19 turned it back off." Actually "on."

20 I believe this is what I was actually testifying
21 about: "While the tape was off, we have discussed in a
22 little more detail what happened between the girls and
23 you, is that correct, Paul. That's right."

24 Now, if I -- if memory serves, Det. Schoening's notes
25 of this interview may cast some light on what happened

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1 during that period. But whether they do, or they don't,
2 the tape was originally begun at 1446, and we have 1, 2, 3
3 and a half pages of transcript. The tape is turned off.
4 Then it's turned back on at 1542. It's approximately 34
5 minutes.

6 We could time how long the tape actually takes to get

7 to the point at which it was turned off. I think I did an
8 I estimate of that, and I think the estimate comes out -- I
9 did a estimate, or there is -- or there is a reference to
10 it in Det. Schoening's notes, an I believe that the tape
11 was off for 25 or 30 minutes.

12 And you will note that when this comes on, whichever
13 detective is speaking, points out that they discussed in a
14 little more detail what happened. Now, the tape could
15 have been turned back on presumably, when they discussed
16 i in a little more detail what happened, but that was done
17 off the tape.

18 Q So are you suggesting then that this tape being off was ~
19 detective's tactic to hide information?

20 A I'm suggesting that I have seen examples in this one
21 possibly. And other examples, as in the Chad Ingram's
22 interview, in which the tape is turned off and in which --
23 in the Chad Ingram interview, for example, while the tape
24 is off, after Mr. Chad Ingram has been pressured,
25 suggested he can get a BMW if he will only remember the

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1 names of the individuals involved in this, that during the
2 period of time that the tape is off he has gotten
3 apparently the name Mr. Rabie, as the individual. That is
4 summarized when the tape is turned back on.

5 I find it interesting that these crucial things
6 happen when the tape is turned off.

7 Q So you're making some assumptions then based upon your

8 assessment of the whole situation involving this
9 situation, and you're making some assumptions that police
10 may have some ulterior motives about turning tapes off?

11 A I'm saying when someone doesn't want to leave a record of
12 what happened, you turn the tape off. I'm suggesting that
13 it's convenient. If you're going to transfer information,
14 or if you're going to continue a process of pressuring
15 someone, that you turn the tape off.

16 And there are examples in which these sorts of
17 exchanges occur with the tape off, according to the
18 transcripts.

19 Q Can you point to any of the examples in the transcript of
20 the tape being turned off, as to Mr. Ingram, other than at
21 Hr. Ingram's request?

22 A I believe the tape was turned off at Gary Preble's request
23 later on the 29th. This is the part of the interview in
24 which Mr. Preble is present.

25 Q So Mr. Ingram or his legal representative?

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1 A Yes.

21 Q I would like now to refer you to Plaintiff's Exhibit No.
3 42.

4 You recognize that as being a transcript of your
5 phone conversation were Mr. Ingram --

6 A Yes.

7 Q -- on the 16th of May. of 1989?

8 A Yes, I do.

9 Q We have talked this morning about some of the tactics that
10 were used of interviewers.

11 You were interviewing Mr. Ingram in this tape,
12 weren't you?

13 A Yes.

14 Q Were you utilizing particular tactics to accomplish
15 particular purposes?

16 A Yes.

17 Q Okay. Calling your attention to Page 4 -- let me preface
18 that question of asking you: Did you make suggestions to
19 Mr. Ingram about what he should or should not believe
20 during the course of this tape?

21 A I don't believe so.

22 Q Calling your attention to Page 4, the next to the last
23 question of yourself.

24 Did you suggest to Mr. Ingram that he may have been
25 told that there were photographs in the case?

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1 1 Your question is: "Was it that they told you that
2 they had photographs?"

3 A Yes, and I'm referring to photographs of you doing it.

4 Q Well, did you have any information that anyone had
5 suggested to Mr. Ingram that they had photographs?

6 A No, I picked an example that was ludicrous, an example that
7 I believed was not part of the case, merely to complete
8 the thought. The basic -- the question I'm asking there

9 is: Paul, what did they do that got you to believe that
10 this happened.

11 Essentially, I'm saying, tell me what it was that
12 they told you that convinced you. I simply adopted this
13 as an example, and did they tell you they had photographs.
14 I could have said video tapes. Things I felt confident he
15 would not have been told at any point, because I think I
16 would have seen a trace of it later in the interrogations.

17 Q Calling your attention to Page 11, and your third question
18 from the top of the page, didn't you suggest to Mr. Ingram
19 that there was not one shred of information that had Mr.
20 Ingram doing anything criminal, that he could get from his
21 ordinary memory?

22 A I'm summarizing. If you go prior to that, I -- we had
23 been discussing ordinary memories, conscious memories, on
24 the preceding page. And I asked him, on the presiding
25 page, any ordinary memories about anything of the things

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1 we were talking about. "No." I then follow up, "not a
2 one?" He again tells me "no."

3 That's consistent. So on the next page, I'm
4 summarizing what he has expressed to him me. And I say,
5 "okay. Even now there is not one shred of any information
6 that has you doing anything criminal that you can get to
7 from ordinary memory. Is that what you are saying?"

8 Q Is that a leading question?

9 A I don't believe so after the prior discussion.

10 Q Okay. Calling your attention to Page 19, the fourth
11 question that you ask.

12 Did you suggest to Mr. Ingram there that maybe Erika
13 had been provided information and that's why she had
14 provided certain information in the investigation?
15 A Yes. We were discussing the experiment that I ran with
16 Mr. Ingram at that point. And he told me that he had been
17 told of the officers that subsequent to that Erika had
18 come up with information -- come up with information in'-'
19 which she supposedly wau made to have to have sex with
20 Paul, Jr. And I simply said, how do we know that someone
21 didn't suggest that to her. And as I recall, Mr. Tabor,
22 I'm sure, in fact -- and I have never seen a report of
23 this, but based on your summary statement Erika Ingram,
24 came up with information that she had been made to have
25 sex both with Paul, Jr., and with Chad, at Mr. Ingram's

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1 request. So again, she goes a little bit past the money.

2 Q That is your opinion that she does?

3 A That's correct.

4 Q Okay. And so you're suggesting to Mr. Ingram that Erika
5 was probably fed this information.

6 Isn't that a suggestion?

7 A It's in response to his telling me that he had been told
8 that this had happened.

9 Q Did he say officers told him, or are you just assuming
10 that?

11 A I would have to go back and check this, but I know he told
12 me that. I would have to reread the interview.

13 Q Well, he indicates that he knew about this, but isn't it
14 true that his attorney could have told him that?

15 A He told me on more than one occasion that the police had
16 told him that Erika had come up with these recollections.

17 Q Okay. Do you have any testimony, any indication from the
18 record, other than your just feeling that that's possible
19 that this information was provided to Erika prior to her
20 disclosing it?

21 A I have not been provided with a police report of the
22 interview in which that happened. I do know that that
23 happened after -- after you received any report.

24 Q You know --

25 A Excuse me. Let me just find the reference. There is a

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I report in your summary that this happened on April 14th.

21 Q Till-huh.

3 A And Paul initially takes part in the experiment on
4 February 2nd. April 14th. you knew what I thought, and
5 you knew the significance of that experiment.

6 Q Okay. What's the date of the letter that you wrote to
7 Judge Casey?

8 A April 14th.

9 Q Okay.

10 A Which is twelve days after I sent you the letter on April
11 2nd, and probably two weeks after I told you what I
12 thought.

13 Q So, Dr. Of she, are you suggesting that you have

14 information that Erika was provided this scenario of law
15 enforcement, of the prosecutor, or of anybody else?

16 A I'm suggesting that I think it's possible that in light of
17 the situation that was developing and this issue became
18 important, and that Erika was specifically interrogated--
19 about this kind of things, and that based on the reports
20 that I have seen of the interrogation process, that
21 characterizes this investigation, I wouldn't be at all
22 surprised that in the course of that interrogation
23 suggestions were being alleged, and she came up with this
24 information.

25 Q Dr. Of she, you stated several times what would not

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1 surprise you.

2 I'm asking you if you have any information to that
3 effect.

4 A I have no information about how this occurred, other than
5 your summary statement, Mr. Tabor.

6 Q Okay. Well, you had some information from what statements
7 Erika made prior to testifying here, because you put it in
8 your notes, didn't you?

9 A Because I had been told of Mr. Ingram that this had
10 occurred.

11 Q And you knew that it had occurred on the 14th?

12 A No, I didn't know that.

13 Q You didn't know that until you were here to testify?

14 A I had no knowledge of an interview with Erika Ingram on

15 the 14th of April, and still I have never seen a police
16 report of that.

17 Q So, in discussing this case with Mr. Hester, did you ask
18 Mr. Hester if you could see a copy of the -- of the April
19 14th, revelations of Erika?

20 A According to my records -- according to my records which
21 are based on all the documents I have, plus insertions in
22 my handwriting, which reflect information that came from
23 Mr. Frickeas summary of documents, I have never seen -- I
24 see no reference to any interview of Erika Ingram on April
25 14th. Therefore, unless I lost it, I have never seen it.

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1 Q Okay. calling your attention to Page 19, a little lower
2 on the same page, do you suggest -- the last question that
3 you ask Mr. Ingram there, do you suggest to him that Erika
4 Ingram, is inventing memory loss?

5 A Yes. Well, let me find the question.

6 Q It's the last question on Page 19?

7 A Yes, that's right. Mr. Ingram, as you recall, had already
8 read my report in which I say the same thing.

9 Q Okay. Calling your attention to Page 21, do you suggest
10 to Mr. Ingram that it was Dr. Peterson who had originally
11 suggested that he gave his wife to other individuals,
12 Rabie and Risch?

13 A I tell him that.

14 Q And you know that to be the case?

15 A Yes.

16 Q Calling your attention to page --

17 A It's in the transcript of the interview of the 29th. I
18 will be happy to read you the passage, if you like. Mr;'
19 Ingram had no recollection of that, but it's in the
20 transcript.

21 Q And I believe that you have indicated that you have no
22 idea why Dr. Peterson would come up with that out of the
23 blue?

24 A Actually, I do have an idea, but it's a -- it's an idea.
25 If you would like to hear what it is, I will tell you.

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1 Q That's all right. Let's go on to Page 27. Your last
2 question to that page.

3 Do you suggest to Mr. Ingram that he was never able
4 to remember anything that could be substantiated, not one
5 single thing?

6 A Which part of the page.

7 Q Page 27. The last question of yourself?

8 A I asked him: "Does it surprise you that you were
never

9 able to remember anything that can be substantiated, not
10 one single thing?"

11 Q My question was: Didn't you suggest to him that
that was

12 the case?

13 A I think I'm asking him again about something that this
14 whole interview is about, and asking him to explain to me
15 how it is that these things can be true if he has no
16 memories of them, and a number of the things that he

17 appears to recall cannot be substantiated.

18 Q Okay.

19 A And Hr. Ingram, either prior to this, or subsequent to
20 this, tells me that he anticipates, based on what he's
21 been told by the detectives, by the psychologist involved,
22 and by his minister, that at some point all of these
23 memories will come back to him, and all of the

24 inconsistencies in the case will disappear because he
25 really did these things despite the fact that he can't

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2. remember.

21 Q Calling your attention to Page 29; the third question by
you, from the top of the page, didn't you suggest to Mr.
4 Ingram that he should assume that none of it was true?

5 Didn't you say, "Hey, Paul, let's assume none of it
6 is true"?

7 A Where?

8 Q Page 29. The third question by you from the top.

9 A Yes, by this point in the interview I have already gotten
10 from Mr. Ingram. as I recall the interview, the
11 information that I needed. And I'm discussing with him
12 there his generally inability to remember, and his faith
13 in the fact that all of this will some day become clear.
14 And he says, prior to that, "let's assume that what I'm
15 saying is true."

16 In other words what Paul Ingram characterizes as the
17 fantasy, he's says that let's assume that the fantasies
18 are mine, and we have been involved in all this sexual
19 impropriety and satanism. If I have hidden that, i'm
20 going to be -- may have hidden the abortion too.

21 Hidden in that context means that his mind has been
22 clouded by either demonic forces, or psychological
23 pressure from that. He's doped, unstable. Let's assume
24 you haven't done a god damn thing, and that the reason you
25 don't have any memories of these things is because they

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1 don't exist.
2 There are clearly the two ways of looking at this.
3 Mr. Ingram is demonstrating to me his faith in the fact
4 that these visions are true, and his faith in the fact
5 that eventually in the not too distant future all of this
6 will come to be. and I'm able to remember anything. I'm
7 simply asking him, assuming it isn't true, and the reason
8 you don't have memories is because it doesn't exist.

9 Q You're also trying to convince him that it didn't exist?

10 A No, I'm exposing for him a issue to think about. If I
11 wanted to convince Mr. Ingram that it wasn't true, I would
12 engage in a lengthy process with him. I would take out
13 all of the documentation. I would spend five or six days
14 with him working this through, to show him how it
15 happened.

16 I did not regard what I was doing here as an attempt
17 to convince Mr. Ingram of anything. I simply wanted to

18 introduce at that point the issue of what happens if it'
19 doeun't all come clear to you, Paul.

20 Q Dr. Of she, isn't it on Page 32 of this conversation that
21 you on several occasions address your belief that Mr.
22 Ingram didn't do it, that is daughter's lying, that she
23 invented memory loss, and you suggest to him that he
24 should accept your opinion about that?

25 A Could you direct me to where that happens?

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1 Q The second question that you asked. It's a lengthy
2 question. And it ends with, "Paul, I think your daughter
3 is lying."

4 A Yes, the question -- the comment that I make:

5 "Well, you know, for months Erika was
6 saying that she remembered everything,
7 and then all of a sudden she started
8 inventing memory loss when she couldn't
9 answer questions that I was asking her
10 about what went on at the cult meetings.
11 That is a peculiar pattern. From the very
12 beginning Erika was saying she remembers
13 everything and it is just too stressful to
14 talk about. And then somebody comes along
15 and says, 'hey, let's not talk about the ugly
16 things, the hard things to talk about. Tell
17 me about the background stuff.' She can't do
18 it. Then all of a sudden a little bit after
19 that she starts suddenly having memory loss

20 because Joe Vukich wants more information
21 about Ray Risch, and all of a sudden she no
22 longer has access to her memory, and it is
23 Just going to come out when it is ready to
24 come out. Paul, I think your daughter is
25 lying."

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1 Q You suggested to him that it's your opinion that Erika was
2 lying?

3 A No, I'm telling him this is what I think, and this why I
4 think it. I was present in the room when Erika Ingram,
5 made the announcement that she was suddenly no longer able
6 to remember.

7 Q Excuse me. I don't really want to have you decide the
8 direction of my cross-examination. If I could ask another
9 question. The next question that you ask is:

10 "I don't know why she is lying but I
11 think she is lying and I think you are
12 about to go to prison for something that
13 you probably didn't do. That is my opinion.

14 I would get up and testify to that."

15 You were trying to convince Mr. Ingram that he should
16 believe you, weren't you?

17 A I was trying to convince Mr. Ingram that I had studied
18 this thoroughly, and I'm sitting in a circumstance
19 interviewing someone who has already pled guilty. And
20 prior to the beginning of this part of discussion, has
21 been able to tell me about the history of his
22 recollections, distinguishing between those things that he

23 can remember, and those things that I believe he's
24 invented.

25 And we're in a very strange situation, because he is

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1 asserting his confidence in these memories about which he
2 has just pled guilty, and probably will be sentenced for
3 the greater part of his life, and I'm reviewing this
4 information and finding inconsistencies in it, and much --
5 I believe that what's going on here is in its entirety a
6 process of influence. I don't know why Erika Ingram
7 started making these accusations.

8 Q But I believe -- excuse me.

9 A From the time the accusations were made, one can trace the
10 development of this case, and account for what went on.

11 Q I recognize that you believe, but my question is whether
12 or not you're trying to convince Mr. Ingram of things of
13 suggesting to him particular opinions that he should hold
14 that you hold?

15 A No, I'm suggesting to Mr. Ingram some of the facts of this
16 case that he should think about.

17 Q Okay.

18 A He already knows what I think, because he's read my
19 report.

20 Q Why do you have to tell him again?

21 A Because Mr. Ingram has been telling me how confident he is
22 in these fantasies that he's constructed.

23 Q Thank you. Doctor.

24 THE COURT: We're going to recess for the
25 morning, about 15 minutes.

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11 (RECESS)

2 THE COURT: Court is again in session. Be
3 seated, please.

4 Hr. Tabor.

5 MR. TABOR: Thank you, Your Honor.

6 Q (By Hr. Tabor) Referring you again to Exhibit No. 42,
7 Page 33, the last two questions that you ask Mr. Ingram on
8 that page.

9 You suggested to Paul Ingram of this, did you not,
10 that there was no way that he was ever going to be able to
11 get any memories that would reconcile all that he had been
12 saying with what other people had been saying?

13 A Yes. This part of the interview occurred after I got the
14 material that I wanted from Mr. Ingram, and we were
15 generally discussing the situation.

16 What specifically are you referring to?

17 Q Well, aren't you suggesting to him that he is not ever
18 'going to be able to remember anything to reconcile this'?

19 A Where do I say that?

20 Q The last two questions that you ask and specifically the
21 last question. Page 33. Next to the last question:

22 "I tell you something, Paul, you are never
23 going to get them."

24 The last question is:

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able to remember anything that is going to

2 reconcile all of the lies that have been

3 told about this in the last few months.

4 That's my opinion.~~

5 A Yes, that is because Mr. Ingram had been telling me how --

6 how he had been assured that all these things would fit

7 together, and confirm his belief. I told him I didn't

8j think that was going to happen.

9 Q And when he persists, on Page 34, of saying -- his next to

10 the last response -- something to the effect that he

11 didn't think he could make these things up, you suggest to

12 him, in your next to the last question, do you not, that

13 he's not going to be able to put it altogether, "it's not

14 going to happen, if you can't do it now, it is never going

15 to happen," didn't you?

16 A Yes, I tell him that's what I think.

17 Q Okay.

18 A Again, because he is telling me that he's been told that

19 all these things will come together, and he's already pled

20 guilty. And we're sitting in a situation in which he is

21 telling me about things that I believe to be fantasy on

22 which he has just thrown away his life. And I'm telling

23 him, I think these things are fantasy constructions on

24 your part, and he's hanging his confidence in this, at
25 least in part, on the fact that other people have been

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1 telling him they will all ccmc together, and Im telling
2 him that I don't think that will happen.

3 Q Referring to your Page 35, your first full question --

4 A 35or 45.

5 Q Page 35. The first full question. You tried to convince
6 Mr. Ingram that based on your knowledge of satanic
7 investigations, that the kinds of things that he was
8 revealing were unbelievable because there had never been a
9 substantiated case of that type in the United States?

10 A That is my understanding of the state of knowledge at this
11 point.

12 Q Because there's never been a substantiated case, it's your
13 opinion that it's never happened?

14 A No, I just told him while there are lots of reports of
15 this sort of stuff, there is no case in which any evidence
16 of substantiating any of the claims has ever come to
17 light.

18 Q So you are aware of people who have said similar things~.
19 but you don't put any credibility in what they say; is
20 that right?

21 A Well, in the book. Satan Underground, the same sort of
22 statements are made. In that book the author talks about
23 seeing demons, materializing in front of her. Also talks
24 about seeing a mangled child's body brought into the
25 satanic activity and her wounds healed in front of her.

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~- I They have never gone on in front of her, but she got these
2 memories from guided visualizations and relaxation

3 exercise at the hands of a therapist.

4 Q My question is: You don't believe those accounts?

5 A I believe there is no basis for believing them, because

6 while the accounts are there, there is no testimony

7 suggesting that they are anything other than fantasies.

8 I Q You're aware that there are other books and articles
91 regarding other situations. For instance, one is by

10 Michelle Rowe.

11 I take it you are familiar with that book?

12 A I am not familiar with that book. What I know about that

13 situation is that a psychiatrist, who I believe was using

14 hypnosis on his patient to get her to recall memories,

15 develop these memories. He then married her, and they now

16 go around the country talking about these satanic scenes

17 that she apparently remembered.

18 Q Then you don't know too much about it, you have chosen to
19 disregard it?

20 A That is what I know about the book.

21 Q Referring you to Page 42, bottom of the page, you suggest
22 to Mr. Ingram that he is going to be killed in prison?

23 A Yes, I think so, I think that is not unlikely.

24 Q And your purpose in doing that was what?

25 A My purpose in doing that was commenting with Mr. Ingram,

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1 I after we had finished the business of the interview, about
2 what I thought about what had happened, and telling him
3 that I think this is serious, because Mr. Ingram is about
4 to go to prison. And a former policeman, what is called
5 in the vernacular a "baby-raper" and a "snitch," I don't
6 think life would be very pleasant for him in prison under
7 the circumstances.

8 This part of our conversation happened after I got
9 from Mr. Ingram the information that I wanted, and I was
10 discussing with Mr. Ingram his situation, my taking on his
11 situation, and so on.

12 Q What was your purpose in carrying on this conversation
13 with Mr. Ingram?

14 A My purpose was that after Mr. Ingram pled guilty, and I
15 had a conversation with Mr. Preble, in which Mr. Preble
16 told me that, in effect, that he never believed that these
17 claims were true, and had just allowed his client to plead
18 guilty when he had substantial doubt, that I wanted to
19 have one more conversation with Mr. Ingram to go into the
20 details of the step of step process, whereby these
21 memories had been created, so that I could complete my
22 report on it, because I thought it was important for me to
23 do that. And I also thought it was the sort of

24 information that Mr. Preble should be provided with, so
25 that he would have a better understanding of what may have

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1 happened to his clicnt.

2 Q Did you ever provide Mr. Preble with such information?
3 A I provided him with a copy of the tape. It was
4 transcribed at his office. I duplicated the tape and sent
5 it to him shortly after I made it.
6 Q Are you aware of officers making any suggestions to Paul
7 I Ingram on the 28th of November of 1988, that he had raped
8 or had had sex with his sons?
9 A I'm aware on the 28th that there is a suggestion of the
10 claim of Erika Ingram that both Paul, Jr. and Chad had
11 also had sex with her. I would have to go back and look
12 at Det. Schoening's notes of the morning conversation, and
13 the transcript of the afternoon conversation, in order to
14 answer your question.
15 Q Well, you have answered that you don't have any specific
16 recollection whether that was discussed or not?
17 A At this moment, no, I don't.
18 Q Referring once more to Exhibit No. 42, Pages 12, 13 and '-'
19 14, didn't you testify yesterday on direct examination
20 that Hr. Ingram didn't provide you any specific details
21 about cult activities?
22 A He didn't provide me with any details that I would
23 consider to be specific details about cult activities.
24 Q Well, beginning on Page 12, the last answer by Mr. Ingram,
25 and going all the way through Page 13, and the first half

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1 of Page 14, doesn't Mr. Ingram talk in detail about what
2 went on, his getting involved in c'ult activity and what

3 went on at some of the activities?

4 A He talked about the same scene that he is talking about
5 for several months of this meeting at the barn, I think it
6 is. But again he is unable, and -- let's see. This is
7 back in 1975.

8 You will recall that Mr. Ingram is only able to get
9 recollections, or visions, of cult activity, between the
10 years, 1975 and 1977. So he can't recall any of the cult
11 activities that were going on in 1978 -- September of
12 1978, but he is able to go into this same barn scene which
13 he's been through ten or fifteen times by this point, and
14 has thought about for months, has elaborated, but he's
15 unable to connect this barn scene to a coherent story.

16 He's continually unable to do that. He can't talk
17 about how this group worked, who those people were, what
18 they were doing, any knowledge of satanism or the ritual'
19 of any of this, and thinking that had he been in this
20 group, or any sort of group, for fourteen years, he should
21 be able to recall.

22 Q Okay. He did talk in that discussion with you about being
23 given some document and having to put his thumb print and
24 blood on a paper: you remember that?

25 A That is a recent addition, I think.

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11 Q Did Sandy tell you about having to sign something during a
12 cult activity?

13 A I don't recall. If you can direct me to the part.

4 Q I'm just asking if you recall something like that was said
5 by Sandy to you?

6 A I don't recall.

7 Q You recall Mrs. Ingram telling you that she was forced to
8 pledge allegiance to satan?

9 A No. I don't doubt that something like that was said,
10 along with the other things that she said about the group,
11 including blood running uphill against gravity.

12 Q You're aware of that?

13 A I'm aware of that.

14 Q Long, black, fingernails?

15 A Long, black, fingernails, blood running uphill.

16 Q You recall telling officers that you wouldn't believe
17 anything that Paul Ingram had to say?

18 A No.

19 Q What significance, if any, do you place on Paul Ingram
20 indicating very early on, in his contacts with law
21 enforcement in this matter, that he had a dark side?

22 A I have asked Mr. Ingram where that came from, and he is
23 unable to tell me why he used that phrasing. The
24 significance that I would put on that, if any, is that
25 that is one way consistent with what he might -- one way

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□

1 I of accounting for why it is that he h~ ~o memories of
2 these things, if they were true.

3 Q Okay. Are you aware that Mr. Rabie and Mr. Risch made
4 similar comm~ents to officers when they were initially
5 interviewed, about having a dark side?

6 A yes, I recall Det. Schoening telling me about language
7 similarities about their initial interviews.

8 Q Is there any indication where these language similarities
9 came from?

10 A I don't know what to make of it beyond that, other than
11 it's a phrase. Why they chose to use that phrase, I don't
12 know.

13 Q You indicated yesterday that you have reviewed a large
14 body of materials, including statements of Julie and Erika
15 Ingram, and writings of them; is that correct?

16 A That's correct.

17 Q Have you examined some of the drawings of Julie Ingram?

18 A Only those that are included in the documents I have
19 already enumerated.

20 Q You have indicated that you have examined the notes, or
21 diary, of Sandy Ingram --

22 A Yes.

23 Q -- is that correct?

24 I show you what's been admitted as Defendant's
25 Exhibit No. 54. Is that a rather poor xerox copy of the

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3. notes, or diary, of Sandy Ingram?

2 A It's certainly a rather poor xerox copy. I assume it's
3 hers, if you represent that it is.

4 Q Would you look at the last page there. Have you seen that
5 drawing before?

6 A I'd have to look through my notes of my collection of

7 Sandy Ingram documents to see whether ~t's there. If ~.t
8 is, then I have seen it before.

9 Q Okay. Can you read what's in the lower lefthand corner?

10 A No.

11 Q Can't read that?

12 A I can see the date "1976," but the rest of it is
13 indistinguishable.

14 Q Well, can you tell what that picture's all about?

15 A I can tell -- I can guess.

16 Q Does it appear to be people in robes?

17 A It appears to be figures with their arms raised.

18 Q Okay. And if I told you that the caption at the bottoms
19 says, "Praising my Lord (sic), December 25, 1976," would
20 that be a surprise, or unreasonable, that that's what that
21 says?

22 A No.

23 Q Did you ever talk to Sandy about that?

24 A About this in particular?

25 Q Yes.

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1 A No.

2 Q I show you what's been admitted as Defendant's Exhibit No.
3 81. Statement of Julie Ingram.

4 Actually this is an officer's report of Det. Thompson
5 about a statement of Julie Ingram; is it not?

6 A That's what it appears to be.

7 Q I ask you to turn back to some of the drawings.

8 Specifically the first drawing there that you now have
9 open.

10 Have you seen that drawing before?

11 A I don't recall. If it's my documents, I have looked at
12 it.

13 Q Do you see some mountains and trees in that drawing?

14 A Yeah.

15 Q Do you see some creatures of some type floating to the
16 I right of the mountains and above the trees in the picture?

17 A The creatures that might be the sort of creatures that one
18 sees on a electronic video game, or anything else.

19 Q I'm just asking you if you see any creatures.

20 A I see some creature.

21 Q Do you see any horns on any of those creatures?

22 A Let's see. One of them appears to be a crown with -- with
23 the head actually having a number of peaks and valleys.
24 There might be a couple of horns growing out of the top of
25 a couple of peaks.

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1 Another creature seems to have two protrusions coming
2 up -- of course if these creatures are not human, they
3 might be ears such as on a goat. I don't know what these
4 creatures are.

5 Q Do you attach any significance to the fact that those
6 drawings were made by Julie Ingram when she was being
7 interviewed about sexual abuse in this case on January the
8 11th, 1989?

9 A No one's told me that there is a description of the
10 creature that sexually abused her.
11 Q Well, in fact, according to your report, Julie had not
12 disclosed any satanic activity until your interview with
13 her on the 2nd of February, had she?
14 A That's what I was told of all the detectives prior to my
15 interview, and that is why everybody seemed so pleased
16 with my interview, because she disclosed things that she
17 didn't disclose to anybody else.
18 Q ISn't it correct that you have placed significance on the
19 fact that Julie had not said anything about it, until
20 after Erika said something about satanic activity?
21 A Yes, I place significance on that, especially if there is
22 a report in which Julie says that Erika told her about the
23 satanic activity, and told her about Dana's involvement in
24 it.
25 Q I show you what's been admitted as Defendant's Exhibit No.

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1 86.

2 MR. HESTER: What number; counsel?

3 MR. TABOR: 86.

4 MR. HESTER: Thank you.

5 Q (By Mr. Tabor) And again a series of drawings, and the
6 last two pages are labeled "1-29-89."

A Have you seen those drawings before?

8 The drawings on Page 1 and 2?

9 Q Yes. Have you seen them before?

10 A Again, if they are in my documents, I have certainly seen
11 them.

12 Q Well, you believe that those drawings have any
13 significance in this case?

14 A I'd have to look at interview transcript to see what these
15 drawings are supposed to represent.

16 Q It's fair to say then, that you did not place any
17 significance on these drawings, or you would have said
18 something in your report about them?

19 A It I thought they had significance I would have tried to
20 include something. Not necessarily in the report, but I
21 certainly would have tried to take them into account.

22 Q Okay. Now, let me show you what's been admitted as
23 Exhibit No. 92, which is a report by Det. Thompson. It's
24 dated February 27th, '89. And I want to specifically call
25 your attention to the final page. There are three

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1 j handwritten pages attached to this supplemental report.

2 Look at the drawing at the bottom of that page.

3 Have you seen that drawing before?

4 A Yes.

5 Q Does that appear to be a hand, or a claw, with long,
6 black, fingernails?

7 A With three fingers, and long sharp protrusions at the end
8 of the extensions. If it's a hand, it has only three
9 fingers. It looks like a doodle to me.

10 Q So the significance that you would place on that, it's

11 just doodling?

12 A This page -- this comes about in my first interview with
13 Julie Ingram, apparently, in which I helped to reveal
14 statements about the satanic cult, by making suggestions
15 about what I would anticipate may have happened. She then
16 provided me with information about how she was threatened.
17 When I asked her about how they threatened you, again she
18 was only able to provide information about what went on 'at
19 the 450 cult meetings she supposedly attended, where a
20 satanic number, some clan worship service, some human
21 sacrifices.

22 MR. TABOR: May I have these marked, please.

23 (Plaintiff's Exhibits No. 164,
24 and No. 165, were marked for
identification.)

25 Q (By Mr. Tabor) Dr. Ofshe, I asked you before the break

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1 i about the April 14th revelations by Erika regarding abuse
2 by her brothers, and you indicated that you hadn't seen
3 such a report.

4 Were you provided that just at the end of the break
5 this morning?

6 A No, I wasn't provided it. I have looked at a page or two
7 of the accompanying detective's report.

8 HR. TABOR: Your Honor, since we are, as I
9 understand it, admitting all statements made by the
10 victims in this case, apparently Mr. Hester did not have a
11 report by Dat. Vukich, about interviewing on April 14th,
12 17th, and 25th, nor did he have copies of writings by
13 Erika, and so I would at this time move the admission of

14 Plaintiff's Exhibit 164 and 165.

15 MR. HESTER: Excuse me.

16 (Short pause)

17 THE COURT: These are all in regard to Erika
18 Ingram?

19 HR. TABOR: Yes, they are, Your Honor.

20 (Plaintiff's Exhibit No. 166
21 was marked for identification.)

22 MR. HESTER: Your Honor, I have no objection to
23 the offer, however I would like the Court to be aware that
24 we have not had these, nor has Dr. Ofshe. If there is
25 going to be an inquiry of these, it may be slowed down

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1 somewhat because of the necessity for him to read those.

2 MR. TABOR: I'm not planning on asking any
3: questions in regard to these. I simply want to make the
4 record complete. Since we have had other writings, other
5 reports, I want this to be part of it.

6 THE COURT: Then 164 and 165 will be admitted.

7j (Plaintiff's Exhibits No. 164
8) and No. 165, were received in
evidence.)

9 Q (By Hr. Tabor) Doctor, I show you what's been marked as
10 Plaintiff's Exhibit 166 for identification. It's an
11 envelope containing a number of pieces of paper.

12 Have you seen these before?

13 A Not that I recall.

14 Q Now, you interviewed members of the Ingram family, didn't
15 you?
16 A Yes, I did.
17 Q Did you interview Chad?
18 A No.
19 Q Did you interview Paul, Jr.?
20 A No--yes.
21 Q Did you interview Erika, Julie?
22 A Yes.
23 Q Sandy?
24 A Yes.
25 Q Paul. Did you interview the youngest son, Mark?

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1 A No. I did not.
2 Q Would Mark's feelings -- information about the family be
3 something that you would want to consider when looking at
4 a situation of allegations of a family being involved in
5 cultic activity?
6 A Possibly.
7 Q Okay. i'd like you to look at the notebook that's
8 contained in this exhibit. Talking about a drawing by the
9 youngest son talking about giants eating people, and
10 blood, and so forth.
11 Does that have any significance in your mind, if that
12 person is a member of a family that's been alleged to be
13 involved in cultic activity?
14 A I don't know the circumstances under -- when these were

15 drawn. I have never spoken to Mark Ingram. I have no
16 idea what his life is like. I have no idea what he says
17 I about these things.
18 Q You have read the diary of Paul Ingram that he was writing
19 in the jail, have you not?
20 A Yes, I have.
21 Q Are you aware that after Mr. Ingram's plea he indicates at
22 one point he now is beginning to recall abusing -- someone
24 A abusing his son Mark?
He told me about starting to get images of Mark being
25 abused prior to the time he entered his plea.

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1 Q But you didn't think it significant enough to pursue and
2 question Mark, I take it?
3 A I put my effort into the limited time I had, is where I
4 put my effort.
5 MR. TABOR: Your Honor, since this Court has
6 before it writings by -- or statements by other members of
7 the Ingram family, I would suggest that the writings of
8 Mark, ten year old -- ten years old at the time, I
9 believe, are something that this Court should consider.
10 suggest that the writings contained in this exhibit are
11 rather interesting.
12 The story which is about giants in East Olympia,
13 eating people, if I might read this short story, in an
14 effort to show the Court that I believe it is significant.
15 "One day in East Olympia there came a giant.

17 A I have already said that examples of telling Sandra Ingram
18 that something happened in Ray Risch's shop, then having-
19 her make up something is not adequate.

20 Q At the bottom of your letter, which is Exhibit 130, the
21 bottom of the next to the last page. you have indicated
22 that there are other facts such as Paul Ross Ingram's
23 comments that you have not forgotten, that they don't
24 change your opinion.

25 Isn't it true that Paul, Jr. indicates he recalls a

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1 situation in which his father and others are having sexual
intercourse with Mrs. Ingram, and that Mr. Paul Ingram,
Jr. indicates that he remembered this, and did not -- and
4 revealed it to officers without knowing that his father
5 was under arrest for sexual abuse charges?

6 A What's your question?

~ I ~ Well, do you remember that that's the scenario about Mr.
8 Ingram giving a statement about a situation he remembers
when he was young?

10 A No. I remember a different set of facts which, as soon as
11 I find my notes on Paul Ross Ingram, I will go into.

12 These are based -- this is the supplementary report of
13 Det. Schoening, about his meeting with Paul Ross Ingram,
14 his trip to Reno, and his meeting with Paul Ross Ingram.

15 It says -- this is the report of December -- written
16 December 20th. On -- I will read the paragraph on -- last
17 paragraph on the first page: "on December 19, 1988, at

18 8:15 hours, Paul Ingram called. R.O." -- I guess
19 reporting officer -- first let me point out that the
20 initial contact apparently with Paul Ross Ingram was made
21 on the 18th of December. So it's the next morning before
22 they actually contact him.

23 So Paul Ingram might have called R.O. on the phone,
24 stating that someone had told him that we were wanting to
25 talk to him. Reporting officer did advise Ingram that we

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1 needed contact with him in reference to a problem
2 involving his family. Reporting officer told him that his
3 father and two others (not named) were in jail.

4 THE COURT: What is the question?

5 MR. TABOR: The question was whether or not he
6 remembers a statement by Paul Ingram, Jr. that he had
7 observed some sexual abuse by his father and others
8 against Mrs. Ingram.

9 MR. HESTER: Excuse me. That was not the
10 question, Your Honor. The question is, he gave him a set
11 of facts and said that was the scenario. I donut think it
12 called for him reading this exhibit.

13 THE COURT: I'm going to ask that the witness
14 answer the question, not read the exhibit.

15 THE WITNESS: Yes, Your Honor. The scenario
16 that I recall involving telling Paul Ingram on the morning
17 of the 19th, and of the facts of what was going on in
18 Olympia, there was then a gap in time before they actua~.ly
19 got together. And then Mr. Ingram, Jr. if I may just

20 read -- Mr. Ingram, Jr. then told the officers that he had
21 a recollection of his mother being raped by his father,
22 Jim Rabie, Ray Risch and Gary Edwards.
2 MR. TABOR: Okay.

3

24 Q (By Mr. Tabor) Do you have any information that Mr.
25 Ingram, Jr. was provided that -- the names of those people

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1 prior to the time he gave that statement?

2 A No.

3 Q Okay. So isn't that corroboration?

4 A It would be corroboration to some degree, if it were
5 reasonable to suspect that Mr. Ingram, who apparently had
6 left the area in fear of either some drug dealing group
7 that he was involved with, or the police, had not bothered
8 to call back to this area to speak to someone and wanted
9 to find out what was going on.

10 I also take note of the fact that he includes Gary
11 Edwards in this scene that he recalls. The three names,
12 Ray Risch, Jim Rabie and Gary Edwards, were names that
13 were involved in this investigation at the time, and I do
14 not recall any statements of anyone -- of Sandra Ingram,
15 recalling Gary Edwards raping her, while I do recall
16 statements about Mr. Risch and Mr. Rabie.

17 Q You recall Paul Ingram mentioning Gary Edwards' name?

18 Not Paul Ingram, Jr., but Paul Ingram, Sr.

19 A Gary Edwards' name was mentioned in a number of different
20 contexts.

21 Q Is it your understanding that that Gary Edwards was
22 someone other than the sheriff, who is also named Gary
23 Edwards?

24 A Yes.

25 Q And the Judge asked you had yesterday if you were aware

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1 that Paul Ingram. Jr. has given testimony under oath?

2 A I wasn't aware of it until yesterday.

3 Q Okay. Do you have any information to refute Mr. Ingram's
4 sworn testimony that he was not provided any information
5 and did not know his father had been arrested until
6 officers contacted him?

7 A No, I don't.

8 Q So if that is not -- that he was not provided any
9 information prior to his talking to officers, wouldn't it
3.0 be corroboration that he happens to know the name of the
11 same three people being involved in sexual abuse of his
12 family that his father has previously named, and that his
13 sisters had previously identified, or at least two of
14 them?

15 A The scene that he talks about is one specific scene in
16 which supposedly these three individuals are raping his
17 mother. And the closest that Sandy Ingram can be made to
18 guess on this is, as I understand it, Mr. Rabie and Mr.~
19 Risch. I'm also aware that Paul Ingram, Jr., failed to
20 recall any of the satanic scenes that were supposed to be

21 going on for years. I'm also aware that he fails to
22 recall his sexually abusing his sister.
23 Q I showed you this morning an exhibit. Is this yours, or
24 is this the exhibit? It's Exhibit 133. And the fourth
25 scenario down, doesn't that talk about Sandy's indicating

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Gary Edwards was ~ at
2 abuse was going on?
3 A I believe that Sandy Ingram -- in fact my notes reflect
4 that at one point that Sandy Ingram says -- realizes Gary
5 Edwards -- not the sheriff -- is having sexual contact
6 with the kids. I also, in that same set of notes, note
7 that I believe Julie talks about one instance in which
8 Gary Edwards supposedly had sex with her in a country
9 scene, then he tells her not to tell anyone. All they
10 she's revealing that also he is supposedly involved in
11 this satanic cult at this time. And I believe Erika -- --
12 I would have to check my notes, but there were conflicting
13 statements about Gary Edwards' involvement.
14 Q In any event, isn't it true that Mr. Rabie, Mr. Risch, Mr.
15 Edwards, have all been named now by Erika, Julie, Sandy,
16 Paul, and Paul, Jr.?
17 A In entirely different situations.
18 Q Okay. Is there any significance to the fact that the same
19 people have been named by all these individuals?
20 A If this were not an entirely contaminated investigation,
21 it might be of some significance. If they were taking

22 about scenes that were in any way similar, but the mere
23 fact that their names coming up, and probably come up for
24 the simple reason that Mr. Ingram was pressured to come up
25 with names of people who had been involved with law

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1 enforcement based on Det. Schoening's misstatements about
2 What's in the Webster letter.

3 Q Have you -- are you saying that once Paul Ingram comes up
4 with those names, those names are being fed to the other
5 people?

6 A I'm saying that that information got around, and I think
7 it's more likely that that's what occurred here than
8 anything else.

9 Q Do you have any information to support other witnesses
10 being fed this information?

11 A Only the general pattern of what is going on here.

12 Q Isn't it true, as a matter of fact, that when Paul Ingram
13 was naming these three individuals that -- well, shortly
14 after he named those three individuals, that Julie Ingram,
15 picks those same individuals out of a photo montage of a
16 large group of people?

17 A She also provides the names of a large number of other
18 people.

19 Q But you're aware that she focused on three pictures?

20 A I'm aware that she submits a list of names. I believe I
21 have some recollection of being told that some of those
22 people were not even in the state at the time. And I

23 can't recall where I know that from. I believe she
24 certainly knew the names of Mr. Rabie and Mr. Risch at the
25 time she was presented with this photo montage.

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1 I would have to go back and look at any notes on
2 contamination to see what I -- what I can detect about
3 information being transferred that early.

4 Q But you're aware, are you not, tmndersheriff McClanahan's
5 report, which is Exhibit No. 7 -- 70, excuse me --
6 stating that on December 1st, 1988 -- excuse me --
7 November 30th, 1988, at 8:45 in the evening, there was an
8 interview with Julie, in which she picked out three
9 pictures, Gary Edwards, Jim Rabie and Ray Risch?

10 A I have read the report.

11 Q Okay. I have just a few more questions.

12 Isn't it true that I specifically told you I did not
13 need a written report to conclude your services with the
14 prosecution in the case?

15 A After you received the written report, you told me that.
16 You told me, in fact, you were surprised I would send you
17 the written report.

18 Q You don't recall a discussion that I needed nothing
19 further from you in the form of a report?

20 A No, I don't recall that.

21 Q Okay. What was your purpose in sending this report to the
22 Judge?

23 A My purpose was, as I stated in the cover letter, that you

24 had told me on two occasions that this person was not
25 exculpatory. I had a -- also is obvious from my court

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1 record, that there was -- there was a great concern that
2 there was a possibility of a miscarriage of justice in
3 this case.

4 Therefore after consulting with the former dean of
5 the law school at Berkeley. a friend of mine, and a
6 defense attorney friend of mine, everyone agreed that the
7 proper thing to do would be for me -- it would be proper
8 for me to send this report to the Court, and ask the Court
9 to make a determination. For that reason, I sent it to
10 the presiding judge, so that if it was improper to do it,
11 it would never even reach the trial judge.

12 Q So you were advised that a judge would be the proper
13 person to consider this as opposed to the Bar Association
14 or someone else?

15 A I thought that was the proper thing to do. I consulted
16 with three people whose opinions I valued. They concurred
17 that was the appropriate and proper thing to do. So I did
18 it.

19 Q It's true that you recognized this was a work product, and
20 should have been given some protection, rather than just
21 send it to the defense yourself?

22 A I recognized that this report stated some of what I knew
23 about their investigation, and some of the conclusions
24 that I had reached, and that it was a report of the work

25 that I had done. And as soon as I told you about this --

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1 these conclusions, Mr. Tabor, you volunteered to me that
2 doesnt sound like exculpatory information to me.

3 Q And you agreed that we both were sincere about our
4 beliefs, but had opposing viewpoints; is that right?

5 A I dont know about your sincerity, Mr. Tabor. I just know
6 what you told me.

7 Q Okay. Is it the usual course of operation in your field
8 of sociologist, or social psychologist, to work for both
9 sides in any criminal matter?

10 A No.

11 Q Isn't it true that you began working for the defense in
12 this case even before there was a plea of guilty in the
13 matter?

14 A I--

15 Q I should preface that. You began working for the defense
16 i attorneys actually in the other case of Rabie and Risch,
17 did you not?

18 A After Mr. Rodgers. as he told me, had been given
19 permission to talk to me. And after the Judge had turned
20 my report over to him he asked me about whether or not I
21 would be willing to testify as to my findings in the case
22 of Rabie and Risch, should they be brought to trial, and I
23 said I would.

24 Q Okay. And what is so compelling about your opinion that
25 is set forth in the letter that it should have the weight

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1 I of being excul;atory evidence?

2 A I don't know. I'm not an attorney.

3 Q You must have had some feeling about what was so
4 compelling?

5 A The feeling that I had was the conclusion that I stated.
6 that the information in this case is based on fantasy,
7 constructions, or untruths. And from doing the
8 investigation that I did, in trying to put the information
9 together that I did, and discovering that there was a lot
10 of information that was consistent with these conclusions,
11 that was only available to someone who had good relations
12 with the detectives investigating this case, that did not
13 appear in any of the Police reports, I was deeply troubled
14 by about what I found.

15 Q What did not appear in any police reports?

16 A What did not appear?

17 Q You said in your letter it was the false scenario that you
18 gave Paul Ingram by arranging the satanic situations with
19 Erika.

20 Those the incidents that you're thinking about?

21 A No. I'm thinking about, for example, the failure of the
22 police to confirm satanic activity on the part of any of
23 the people, adults or children, named by Julie Ingram, in
24 my interview of the 24th, I believe, of February. Their
25 inability to get confirmation, of involvement in satanic

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activity by Chad Ingram, by Paul Ingram. Jr. Their failure to find any physical evidence of the buried bodies that should have been all over the Ingram ground.

3

4 Q Excuse me. And all those things, things that a
5 investigator for the defense could have looked into
6 without your providing any information?

7 A I don't know--

8 Q Okay.

9 A -- how much money the defense had to invest or what they
10 found.

11 Q Dr. Of she, isn't it true that you have a rather vested
12 interest in this whole matter?

13 A My only interest in this matter is that I found certain
14 things as a result of my work, and I reached certain
15 conclusions, and I'm willing to state them.

16 Q Dr. Ofshe, you wanted to very badly to be able to testify
17 as an expert in this case, didn't you?

18 A I wanted to testify about what I found.

19 Q Okay. You told Brian Schoening, when there was a
20 discussion about Mr. Hatcher, that some day you were going
21 to be that kind of expert, did you not?

22 A No.

23 Q And you have some monetary interest in the theory of mind
24 control that you have espoused here today, don't you?

25 A My career is organized around the study of influence.

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1 There is no unique theory of mind control that's been
2 espoused here.

3 0 And about 50 percent of your income is from testifying in
4 cases?

5 A That is not true.

6 Q You don't recall telling that to the person taking the

~ I deposition from you in the Tom Sawyer case in Florida?

8 A If that question were asked, and if I said that, it would

9 have been specific to that year, but I don't recall saying
10 that.

11 MR. TABOR: I have no further questions.

12 THE COURT: Okay. It's noon. You have a number
13 of questions, I gather.

14 HR. HESTER: Yes.

15 THE COURT: We'll recess until 1:00 o'clock, and
16 reconvene at 1:00 o'clock.

17 HR. TABOR: That is fine.

18 THE COURT: All right, we'll be recessed until~
19 1:00 o'clock.

20

21

22 (RECESS)

23

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1 particular book concerning satanic activity?
2 A Yes. There is a reference to satan's UnderQround.
3 Q Which girl is it that acknowledges possession of that?
4 A Erika.
5 Q All right. And there is an indication that a portion of
6 it was read?
7 A Yes. She says that the book was given to her. She
8 read -- she -- well, she says she read the first chapter
9 but didn't go any further. Then goes on to say that she
10 lied when asked if she had read the entire book by Mrs.
11 Landshut. She said that she told her she had read the
12 entire book.
13 Q Okay. Thank you very much. That is all the questions I
14 have Your Honor.

15 THE COURT: Anything else, Mr. Tabor.

16 MR. TABOR: No, Your Honor.

17 THE COURT: Well. I have got a few.

18 MR. HESTER: Can we mark that? It's just one~
19 page.

20 EXAMINATION

21 BY THE COURT:

22 Q Let me start out, Dr. Ofshe, on the 28th of November, is
23 there any indication that Mr. Ingram was then hypnotized,
24 or in a trance?

25 A No.

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2. Q And when he gave his November 28th statement to the two

2 detectives, had he talked to Reverend Brayton by that
3' time?
A No, he had not.
5 Q Or had he seen any psychologists?
6 A No, he had not.
7 Q So the interview of the 28th was at least not
8 "contaminated" by any religious person?
9 A That's correct.
10 Q Or by any psychologist?
11 A That's correct.
12 Q Okay.
13 A If I may add, with the caveat that the theme of his having
14 done it was a theme introduced by the detectives on the
15 28th, which is what prompted him to ask Dr. Peterson about
16 that on the morning of the 29th.
17 Q Now, you believe that when he gave his interview on the
18 28th he was fantasizing regarding his daughters; is that
19 right?
20 A No, Your Honor. I think on the 28th, if one looks at the
21 transcript, what I would describe him as doing on that day
22 is complying to their commands, that he admit that he did
23 it, and then confabulating by saying, essentially, "if I
24 did, I would have done this way, I would have done it this
25 way, I would have done it this way."

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1 In other words, attempting to construct a scene, but
2 not in picture form. A verbal description of what would

3 have happened, had these things occurred. I believe that
4 is clear from his use of language.

5 Q And then he spoke of anal intercourse, did he not, with
6 Julie on the 28th?

7 A That I don't recall, I have to check my notes.

8 Q He spoke of intercourse with Erika; is that right?

9 A I believe so.

10 Q He spoke of threatening to kill Erika if she told?

11 A I believe all in the form of "I would have, I must have."

12 Q Do you recall one of the detectives saying, "you must
13 have" or "you did," and he answered and said "I did"?

14 A Yes.

15 Q Do you remember that? Do you recall that?

16 A Yes, I do.

17 j Q Now, when on February 2nd did you give Mr. Ingram this
18 false scenario of him having forced intercourse between ~
19 Erika and Paul, Jr.

20 A Several hours into my interview with him on that day.
21 believe it began in the afternoon.

22 Q Did you know then that Erika in the fall of 1988, had
23 reported that there had been intercourse between Paul, Jr.
24 and Erika?

25 A Yes.

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1 Q Did you know that then?

2 A I believe I knew that Erika had reported that she had been
3 ¶ sexually abused by both -- no, I am not certain as to

4 whether or not I knew that then or not, because I would
5 not have looked at any of the documents at that point.
6 The allegations that were described to me, were described
7 by Det. Schoening, and I can't say one way or the other
8 whether I was aware that her original accusations had been
9 made of sexual abuse by her father, as well as both of her
10 brothers. I just don't recall whether Det. Schoening told
11 me that or not.

12 Q So you may have given this false scenario, not knowing
13 that Erika had reported abuse by Paul, Jr.; is that right?

14 A That may have happened. In selecting this situation that
15 I selected, I picked one that I contrived.

16 Q Why didn't you contrive something like in Shelton, that
17 there was a Mary Jones living over there who claims that
18 you -- that you raped her, or something that was not even
19 close to the truth here, then fed him that information,
20 and then see if you could not convince him the next day to
21 come back with a false scenario?

22 Why didn't you pick something that was not close to
23 the truth?

24 A I thought I was. And I could have picked, presumably,
25 something further away. And it was not an experiment that

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I I planned to run. At the time I decided to do it I h~d --
2 I was aware of what facts of the case I was aware of, and
3 I selected a scene that was within the realm of
4 plausibility given the fact that I knew there were

5 allegation as of sexual abuse rampant within the family.
6 But I picked a scene that I thought I could make specific
7 enough that it was -- certainly different from any facts I
8 knew at the time.

9 In thinking about it, I probably could have done a
10 better experiment, had I done something along the lines
11 that you're suggesting. But I hadn't planned to do this
12 when I began.

13 Q Also to give a defendant the first day that you see him a
14 false scenario, is that an established technique in your
15 profession?

16 I Is that an established technique, a recognized
17 technique with others in your occupation?

18 A I don't know that there is a particular occupation that
19 deals with this particular set of circumstances. I chose
20 to do this because of the information that I had been, and
21 was being given, about the influence process. Running
22 that test, I think would make good sense to anyone else
23 confronted with these circumstances, and perhaps they
24 would have run a better test than I did.

25 Q Did you hear Dr. Hatcher say that was a not a regularly

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I established technique in the field?

2 A I was not present for Dr. Hatcher's testimony.

3 Q Psychologist, clinical psychologist. You didn't hear him?

4 A No. If anything, I would think that would be a technique,
5 if it appears anywhere, would appear -- and I have seen

6 references to situations in which one feeds a -- someone
7 who is confessing false information in order to find out
8 whether or not they will confess to that as a check on
9 whether or not a confession is in fact a false confession.
10 And that's an established technique.

11 It's written by Inbau, Buckley & Reed, Criminal
12 Interrogation and Confession, which I think is one of the
13 leading texts on police interrogation tactics.

14 Q You do believe that Mr. Ingram has fantasized a lot with
15 reference to sexual activity with his daughters; is that
16 right?

17 A Yes, I do.

18 Q Would -- wouldn't the fact that he has fantasized with , -
19 reference to sexual activities with his daughters show
20 that he has a sexual attraction to them?

21 A Not to my understanding.

22 Q Is it a normal thing for a father to fantasize regarding
23 sexual activity with daughters?

24 MR. HESTER: Excuse me, Your Honor. I don't
25 like to object to the Court's question, but I don't think

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1 the question is clear in relation to when this occurred.

2 THE COURT: During the six months of
3 interrogation --

4 MR. HESTER: Thank you.

5 THE COURT: -- that the Doctor is talking about.

6 THE WITNESS: Your Honor, it is my opinion the

7 fantasies to which you're referring are fantasies that
8 were produced in response to the enormous pressure on Mr.
9 Ingram to fantasize this sort of material. I don't know
10 of anything suggesting that he had these sorts of
11 fantasies prior to the onset of the interrogation process,
12 but I do know of the enormous amount of pressure put on
13 him to construct these sorts of fantasies.

14 Q You think on November 28th, when Mr. Ingram said that
15 there was a threat to kill one of the daughters if she
16 told, that the detectives had put enough pressure on him
17 to convince him to say that?

18 A The transcript we have of the 28th, is of the afternoon -
19 session. We have some notes in the morning session. In
20 the notes of the morning session we can see constructing a
21 fantasy -- excuse me. We can see him constructing a story
22 of his taking Julie to Shelton for an abortion at age 14.
23 That story which occurred on the morning is a story that I
24 believe the police have attempted to verify, and have
25 failed.

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— Q I'm just talking ~bcut the threat to kill.

2 A The threat to kill. If Mr. Ingram. were asked how do you
3 imagine you would have kept her quiet, how do you think
4 you would have done it. Paul, his answer would have been,
5 I would have done this.

6 Q Well, Page 4 of the November 28th interview, at the top he
7 said:

9 "I would have gotten out of bed, but on
10 a bathrobe, uh, gone into her room, taken
11 the robe off and, uh, at least partially
12 disrobing her and then fondled, uh, uh, her
13 breasts and her vagina and uh, uh, also
14 telling her that, uh, if she told anybody
15 that I would, uh, kill her."

16 Now that is what you believe the detectives convinced
17 him that that's what happened, and that is why he came
18 back with this scenario?

19 A I believe that the detectives convinced him that these
20 things must have happened and he had no memory of them.
21 He complied to that. They then -- the question -- the
22 question out of which this arises comes on the preceding
23 page. "Let's try to talk about the most recent time,
24 Paul."

25 He says, "Well, I keep trying to recollect, and I'm
still kind of looking at it as a third party but, uh, the

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1 evidence and -- I am trying to put this in the first
2 person. It's not coming very well, but, uh, I would've
3 gotten out of bed."

4 Q I read that.

5 A Yes. He says he has no recollection. And on the
6 preceding page he says, I think, several times that he has
7 no recollection. Earlier, I don't remember anything.

8 Again, do you recall any of the inappropriate sexual

9 contact taking place between the girls and you. No, I
10 don't.

11 Q I realize -- I have read this.

12 A He's already accepted the idea that this must have
13 happened. That happens prior to the beginning of this
14 transcript. It happened in the morning session. He's now
15 responding to their request to try to tell them how it
16 would have happened. He's saying I don't have any recall
17 of this, but this is how I would have done it.

18 Q I see. Were you aware that Mr. Ingram apparently was an
19 insurance adjuster for five or six years prior to becoming
20 a deputy sheriff?

21 A Yes.

22 Q And what does an insurance adjuster do so far as you know?
23 Are they trained to take statements?

24 A Yes, I believe so.

25 Q To go out and investigate accidents, and get people

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1 cozi"itted to certain things, as to what they actually
2 recall?

3 A I don't know that they are trained to get people committed
4 to things. I understand they are trained to take reports.

5 Q Take verbatim statements from people?

6 A I don't know that. But I can certainly accept it.

7 Q You answered a question from Mr. Tabor here that you
8 looked at four cases, and in all of those you felt there
9 were coercive tactics.

10 Did you testify in all four of those cases?

11 A No, Your Honor.

12 Q Have you looked at cases where you did not feel there were
13 coercive tactics?

14 A Yes, Your Honor.

15 Q How many have you looked at where you felt there were no
16 coercive tactics?

17 A I have been asked to look at -- well, I was asked to look
18 at an interrogation by a defense attorney. I reviewed the
19 interrogation and told the defense attorney I didn't think
20 there was anything wrong with it.

21 Q How many investigations have you looked at where you felt
22 there was no coercion?

23 A One.

24 Q So you found one where there was no coercion, and four
25 where there was coercion -- there was evidence of

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1 I coercion?

2 A I reviewed -- of the four cases I wrote about -- this
3 comes from my article. One of them was the case of Peter
4 Reily, in which I was able to obtain the transcript. That
5 was a case in which Mr. Reily --

6 Q I don't care about the details. I'm more interested in
7 numbers.

8 A I have examined, on this issue, three transcripts,
9 interviewed one person about an interrogation, and
10 reviewed one individual on tape of an interrogation.

11 Q But my point is, is it true -- I'm not trying to put words
12 in your mouth -- is it true that you have looked at five
13 cases. In one of those you found no coercion, and four
14 you did find coercion.

15 Is that a summary of what you're telling me?

16 A Yes. In one of those cases coercion had been established
17 by others. That was not my judgment -- not my independent
18 judgment. It was after the fact. In the other cases I
19 was called in because the defense attorneys had
20 transcripts that they were looking for someone who had
21 experience in understanding intense influence procedures,
22 and I was sent the transcripts to look at. I looked at
23 the transcripts. Then began analyzing them after that.

24 Q The four that you have found there was coercion, does that
25 include this case?

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11 A No.

2 Q That is outside of this case?

3 A That is outside of this case.

4 Q So then is it fair to say that you have looked at six
5 cases, and in five of them your found coercion, and one no
6 coercion?

7 Would that be a summary of what you're telling me?

8 A Yes.

9 Q And this is over what period of time?

10 A This is for about three or four years.

11 Q Do you have any theory why these two girls would falsely

12 accuse their father of rape in the fall of 1988, and why
13 they would move out of the house, as they say they did
14 move out of the house?

15 A Yes, Your Honor.

16 Q What is that?

17 A The best understanding I can come up with for what
18 happened here, is that Erika Ingram is a person, based on
19 what I have been told about her and based on my own
20 observation, is a person who has a tremendous need for
21 attention. Erika Ingram is a person who prior to the --
22 the year prior to making the report accusing her father,
23 at the same church retreat also made a report of having
24 been sexually abused but did not name her father.

25 At the church retreat, at which she named her father,

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1 she told me that she was upset when she went to the
2 retreat -- my understanding that the focus of this retreat
3 was on things like sexual abuse and other serious problems
4 that women may have.

5 She told me that when she went to the retreat she was
6 upset about the fact that something had gone wrong with
7 her relationship that she had with a young man in Korea.
8 I believe she was also upset because she had lost her job.
9 She displayed a great deal of upset at the retreat, and
10 offered these reasons for why she was upset.

11 Q The father had been abusing her?

12 A No, that she was upset about the situation in Korea. and

13 upset about having lost her job. The women who were
14 running the retreat were not satisfied that those were
15 sufficient reasons for her to be that upset. Erika then
16 told me that she then blurted out that her father had
17 sexually abused her.

18 That is my understanding of the initial report. I'm
19 aware that Julie Ingram was at the same retreat, and she
20 knew that Erika had made that report.

21 Q Why did Julie Ingram falsely accuse her father of the same
22 thing -- of raping her?

23 A The best explanation I can come up with, and this is only
24 my attempt to knit the facts together. This is what I --
25 this is my attempt out of the facts available to me.

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1 Erika moved out of the house. And Erika was prcvi~A I
2 a place to stay by people in the church. Julie was in
3 trouble at school for something having to do with some
4 phone calls. She wrote the letter to Mrs. Webster as an
5 explanation for why she had done whatever she had done
6 that had gotten her into trouble at school. Both Erika
7 and Julie have made reports of sexual abuse prior to this.

8 At this point in time, from what I have seen of this
9 case, and the conduct of both of these young women, I
10 don't believe that either one of them at that point wanted
11 this to come to the attention of the police. But
12 circumstances progressed, and eventually the police got
13 involved.

14 Q Now, these are your -- just your theories; is that right?
15 A That is the best explanation I can give for the facts of
16 the -- the reporting circumstances as I know them, on the
17 assumption -- and it's an assumption on my part -- that
18 there is -- that Paul Ingram has never sexually abused 1~is
19 daughters. In my report I said I don't know whether Paul
20 Ingram ever has, or not, and I don't know that. What I
21 mean by "ever has," I could -- one could speculate.
22 Q I understand.
23 A Okay.
24 Q In your interview over the telephone with Mr. Ingram --
25 this is with Mr. Paul Ingram, on May 16th, 1989 -- is it a

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1 fair summary that in that interview you tell Mr. Ingram,
2 "I don't think you have done anything," but Mr. Ingram
3 comes back and says, "yes. I can remember doing this."
4 Is that a fair scenario of that?
5 A That certainly is one part of the interview. Just add
6 that that happened after I had gotten from Mr. Ingram the
I information that I sought in that interview, and we were
81 discussing the larger issue of his situation. I knew what
9 he thought, because he had already read my report.
10 Q Then on Page 33 Mr. Ingram says, "Well, like I said
11 earlier, one of us is right (laugh)."
12 So you've got a scenario here saying "I think you're
13 your innocent," and the defendant saying, "no, I'm
14 guilty."
15 A That's correct, Your Honor. He says that on Page 33, and

16 again on Page 38, essentially the same thing. Page 33, up
17 at the top of the page:

18 "Mr. Ingram: If it doesn't (laugh)" --
19 there he is laughing apparently -- "then
20 I don't know, but these -- these --
21 the memories that I am getting are very
22 real to me, and I--I believe they are true."
23 "Dr. Ofshe: I know that. I realize that.
24 I am telling you I don't think they are.
25 Mr. Ingram: Well (laugh) one of us is

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right."

2 So he still is sticking to his -- his statements he
3 made in court before me on the 1st of May?

4 A Yes, Your Honor. And in his jail notes. I believe of that
5 evening, he writes that the devil sent me to try to
6 confuse him. Because hes been told that all of the
7 images that he is getting -- and this is part of his
8 j belief at the time -- are God-given images that must be
9 right.

10 Q In any of these other five cases that you spoke of, four
11 where you said there was coercion and -- four where you
12 said there was coercion and one you said there was not,
13 were any of them sex cases?

14 A The Sawyer case involved sexual torture, supposedly. It

15 was a murder. The Abney case also involved sexual
16 mutilation.

17 Q So some of them were sex cases?

18 A Yes, Your Honor.

19 THE COURT: Well, let me see. I may have
20 something else, and I may not.

21 MR. HESTER: Your Honor, while you're looking,
22 may I suggest that we make a copy, or mark and offer into
23 the record the jail notes that have been referred to
24 through the testimony?

25 THE COURT: Sure. You bet.

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1 MR. HESTER! Thank you. We can make them all
2 one exhibit.

3 (Defendant's Exhibit No. 167
4 was marked for identification.)

5 THE COURT: I don't have anything else. That's
6 it. Do either of the lawyers, in view of what I have
7 asked?

8 Mr. Hester, do you have anything else?

9 REDIRECT EXAMINATION

10 BY MR. HESTER:

11 Q In questions that have been asked of you, Doctor, and some
12 answers that you have given, the terms have been used
13 "visualization," and "fantasy" as it relates to what your
14 view is of what was going on in Mr. Ingram's head when he
15 was indicating what he had -- was seeing, how were you

16 using the term "fantasy in relation to this -- your
17 testimony?
18 A That he was actually seeing the scenes that he was
19 describing -- that he was picturing. That these were
20 images that he saw and he was describing what he saw. And
21 I'm using "fantasy" to mean that they are products of
22 suggestion.
23 Q Were you using the term "fantasy" to mean that he was --
24 he was engaging in this -- these images of he and the
25 children engaged in sexual abuse for purposes of

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1 ~tirnulatin; himself?

2 A Mo.

3 MR. HESTER: I think, other than having this
4 marked Your Honor, that is all I would have.

5 THE COURT: Mr. Tabor, do you have anything
6 else?

7 MR. TABOR: Just a couple questions, Your Honor.

8 RE CROSS EXAMINATION

9 BY MR. TABOR:

10 Q Dr. Ofshe, in the article that you wrote about coerced
11 confessions, in which you outlined the other four cases,
12 isn't it true that actually every one of those cases dealt
13 with police, and one of those cases with a private
14 security investigator?

15 A That is correct.

16 Q Isn't it also true that in each of the three criminal
17 cases the victim was dead, therefore there was no victim
18 testimony?
19 A That's right. That's correct.
20 Q So any sexual abuse that may have taken place in
21 conjunction with the murder was not part of someone
22 saying, this person did this to me?
23 A That's correct.
24 Q You have cited the treatise on Criminal Interrogation and
25 Confession by Inbau and others. I 'believe you indicated a

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1 moment ago that it was permissible, according to the
2 tactics set forth here, to use trickery or scenarios?
3 A Yes.
4 Q Okay. Do you recall some specific guidelines about
5 dangers, and so forth, of doing that?
6 A No, I don't.
7 Q Okay. But this is a treatise that you relied in writing
8 your article about police tactics, isn't it?
9 A Yes, it is.
10 Q Your purpose in asking Paul Ingram about this scenario was
11 to get him to admit or deny it, which?
12 A To see whether or not he would produce an elaborate story
13 based on the initial facts that I gave him.
14 Q Didn't you tell officers, after you had done that, if he
15 comes back with a story, he is lying; if he denies it, he
16 is telling the truth?

17 A I don't recall saying that.
18 Q I call your attention to Page 217 in Inbau's book.
19 A Can you repeat your last question. I'm not sure that I
20 understood it.
21 Q My question was: Do you recall telling police that if he
22 confessed, that meant that he was lying, and if he did not
23 tell you anything about that scenario then he was telling
24 the truth?
25 THE COURT: You're speaking of the false

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2. 3cenarjo?
2 MR. TABOR: Yes, I am. -
3 THE WITNESS: If he was unable to recall that,
4 since I believe this was something I had invented, that
5 then that would be an indication that he was -- that he
6 was trying to be honest and he was not capable of
7 inventing these things easily in response to suggestion.
8 Q (By Mr. Tabor) Again referring you to, I believe it's
9 Page 217 --217, I'm sorry--the second full paragraph,
10 from the top, could you read that out loud?
11 A "It is of interest to point out that in contrast to its
12 holding in the stomach-pumping case, the Supreme Court
13 found no violation of due process in a case where, for the
14 purpose of a chemical test for alcoholic intoxication, a
15 blood specimen was extracted from an arrested motorist,

16 over his objection, by a hospital physician. In other
17 words, excessiveness in the degree of police conduct is
18 the determining factor. Therein, of course, lies the ~..
19 difference between an interrogator's employment of
20 ordinary forms of trickery or deceit and the pretense of
21 being a clergyman or defense counsel."

22 Q I'm, sorry. I guess that is not the place I was referring
23 to. The third full paragraph. I'm sorry. I said the
24 second full paragraph.

25 A It says:

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1 'As for trickery c~r deceit th~ ~ not
2 transgress into the shock-the-conscience
3 concept, the test of permissibility rest
4 primarily upon the issue of confession
5 voluntariness, as in the previously discussed
6 case in which the interrogator lied to the
7 suspect about his accomplice having confessed.
8 A guideline that an interrogator may use
9 in any case situation where he may be in
10 doubt as to the permissibility of any particular
11 type of trickery or deceit, is to ask himself the
12 following question: 'Is what I am about to do.
13 or say, apt to make an innocent person confess'?
14 If the answer to the question is 'no, ' the
15 interrogator should go ahead and do or say
16. . what was contemplated. On the other hand, if

17 the answer is 'yes,' the interrogator should
18 refrain from doing or saying what he had in
19 mind. This is the only understandable test
20 of any practical value for interrogators to
21 follow. Moreover, it is the only test that
22 is fair both to the public and to the accused
23 or suspected individual."

24 Q So isn't it fair to say that you violated that rule in
25 your scenario?

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1 A I don't think so.

2 Q Okay. Did you know that some states indicate that it is
3 impermissible to use trickery in questioning a suspect?

4 A No, I don't know that.

5 Q So were you concerned whether or not using trickery in
6 this case might jeopardize this case in the State of
7 Washington?

8 A No. I didn't think about that.

9 Q Are you aware from Paul. Ingram's notes that he indicates
10 that he sometimes has trouble with getting sexually
11 aroused when he's remembering scenarios, and that's
12 something he has to work on?

13 A I seem to remember something along those lines.

14 MR. TABOR: Thank you. I don't have any further
15 questions.

16 THE COURT: Mr. Hester, anything else?

17 You're offering the last exhibits; is that right?

18 MR. HESTER: I put them in front of Mr. Tabor in
19 an envelope.
20 THE COURT: Defendant's Exhibit 167.
21 THE CLERK: And 168.
22 THE COURT: Any objection to that?
23 MR. TABOR: I'm not objecting.
24 THE COURT: They will both be admitted. These
25 are the notes of the detectives; is, that right?

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF THURSTON

STATE OF WASHINGTON,

Plaintiff,

No. 88-1-752-1

PAUL ROSS INGRAM,

Defendant.

REPORT OF PROCEEDINGS - VOLUME VII

BE IT REMEMBERED that on Thursday, February 1,
1990, the above-entitled and numbered cause came on for
hearing before the HONORABLE ROBERT H. PETERSON, Judge of the
Superior Court, held at the Thurston County Courthouse,
Olympia, Washington.

APPEARANCES

MR. GARY R. TABOR, Deputy Prosecuting Attorney,
appeared on behalf of the Plaintiff;

MR. MONTE E. HESTER, and MR. WAYNE C. FRICKE,
Attorneys-At-Law, appeared on behalf of the Defendant.

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1

AFTERNOON SESSION

2

1:30 p.m.

3

THE COURT: Well, this is my decision in this
case of State vs. Paul Ingram. Before I give you my
decision -- and I am going to give you the decision, and I
am going to give you my reasons -- I would like to say
just two things before I start.

7

8

First of all, I am an neutral person in this
controversy. I don't know anybody. I don't know the
witnesses. I know Mr. Tabor. I know Mr. Fricke. I know
Mr. Hester. But I don't know Mr. Ingram. I don't know
Mr. Schoening. I don't know Mr. Vukich. If I walked into
them. I wouldn't know who they are. I'm from another
county, and I'm going to call this just as I see it.

14

15

The second thing I would like to say also, I think
the case was very capably presented. I don't think it
could be presented any better, really. Mr. Hester and Mr.
Fricke are both experienced people, and very capable trial
attorneys. Mr. Tabor the same. He is a very capable
person, who has represented the County of Thurston very
well.

21

22

My decision is this: I am going do refuse to set
aside the guilty pleas. I don't find a manifest

23

24 injustice. I don't think it occurred, and I simply do not
25 find that the defendant has sustained the burden of proof

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1 I to set aside the six guilty pleas .to third degree rape.

 Now, my reasoning. And you folks do have a right to
3 my reasoning process here as does the Appellate Court in
4 the event that this matter is appealed.

5 First of all, the daughters. They were 18 and 22.
6 And in the Fall of 1988 accused their father of
7 molestation. There were several acts of molestation that
8 were repeated on each of these two women, and there is no
9 real reason that's been given to me here in this
10 courtroom, why they have or would falsely accuse their
11 father.

12 Dr. Of she said, Well, maybe it was a breakup of one
13 of them with a boyfriend. He hypothesized that one of
14 them was doing poorly in school, but none of that makes an
15 awful lot of sense to me, really. Now, their statements
16 could be false. There could be things here that I do not
17 know about. But these are powerful accusations of the
18 father -- against the father, particularly when there was
19 a threat to kill if one of the girls told.

20 The way this came out -- it looks rather logical to
21 me -- one of these girls broke this at a church retreat.
22 Another one broke it in a letter to the high school
23 teacher. The accusations came out, I think, in a fairly
24 normal fashion. So why would the girls lie? That is the

25 first question that I have to ask. Secondly, I have got

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1 to look at Mr. Paul Ingram. Who he is, what his
2 background is, and just who is he.

3 Well, he is 43 years of age. He's been in the
4 Thurston County Sheriff's Office for 16 to 17 years, as a
5 deputy sheriff, and he rose to the position of chief civil
6 deputy. His background before he became a sheriff was
7 five or six years as an insurance adjuster.

8 An insurance adjuster is a person who takes
9 statements, who interrogates people, and who gets people
10 committed to certain positions, not improperly committed,
11 but gets them committed to certain positions: How fast
12 was the car going, what did you see, what did you not see.

13 I just find that he is most familiar with the taking
14 and giving of statements, and the work-up of cases. He
15 was the chairperson of the Republican Party here in
16 Thurston County. I don't find that to be terribly
17 relevant in the decision here, but his work as an officer
18 and in the insurance field I think is relevant to
19 determine the issue: Was he ready and able to face the
20 questioning of November 28, 1988.

21 He and his wife were on the Oregon Coast for a one
22 week vacation prior to November 28th. They knew that the
23 daughters had made these accusations. In his statement,
24 he said "We had a pretty good time. It was a restful
25 time. I knew we were coming back to face something."

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1 So he goes to work on the morning of the 28th and the
2 sheriff and the undersheriff come to his office and say,
3 we have got a problem. And then shortly after that, Det.
4 Schoening and Det. Vukich start questioning Mr. Ingram.
5 And I have listened to the tape. It's not terribly long,
6 but in the tape that afternoon he, in my judgment,
7 essentially confess to molesting both of these young
8 women.

9 At one point he says, well. I would have done this, I
10 would have done that. And the detectives said:

11 "Well, would you or did you?"

12 Answer: "I did."

13 And specifically as to the older daughter he says --
14 and this is on Page 4 -- I don't want to be unduly
15 insensitive here, but I think you should know what I'm
16 finding.

17 He says: "I would have gotten out of bed" -- thi~..
18 is the afternoon of the very first day of the
19 interrogation -- "I would have gotten out of bed, put on a
20 bathrobe, gone into her room and taken the robe off, and
21 at least partially disrobing, and then fondled her breasts
22 and vagina, and telling her that if she told anybody that
23 I would kill her."

24 Now that's Mr. Ingram's statement to two officers who
25 are lower in rank than him in the Sheriff's Department

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2. here in Thurston County. And then. he asks that the tape

2 be shut off. Then they come back and then the detectives
3 continue asking him about this incident, and he essence
4 repeats the same situation with more graphic detail.

5 And then as to the younger daughter -- well, repeats
6 a second act with the same person. As to the younger
7 daughter, it's essentially the same thing.

8 There is -- this is on Page 9 of his statement. I'm
9 not going to read this, but he goes into graphic detail as
10 to what he did with the younger daughter.

11 And then on Page 11:

12 "Did you ever tell them that they would not be
13 believed if they told anyone? Yes, I would have said
14 that. And Paul are there any other kind of sexual
15 improprieties that you have engaged in with these two
16 women that we haven't discussed." Then he goes in to some
17 othe pecific sexual ac s.

18 Now this is before any psychologist has been seen by
19 the defendant. This is before any of the ministers, or
20 counselors have been seen by the defendant. And so the
21 brainwashing -- the alleged brainwashing, by the chaplain /
22 and the alleged brainwashing by the psychologist, could
23 not possibly have occurred at t

24 And I just find that taking into consideration who
25 Mr. Ingram is, what his back ground was, what his position

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1 was at that time, and who the people were who were
2 interrogating him, it's just highly, highly unlikely tha
3 he would be convinced to confess unless he were guilty.

4 Now, the next thing I'd like to mention is this is

5 business of witchcraft, and satanism, and devil worship,
6 and what not.

7 He isn't charged with satanism. He isn't charged
8 with improper activities with this other woman. Whose
9 name I think was Dana. He isn't charged with anything
10 that occurred back in the '70's, or at the time early on.
11 He is charged with six counts of sexual impropriety with
12 his daughters in 1988, not in the distant past. The
13 daughters never recanted on the improprieties that their
14 father foisted upon them in 1988. They stick with that.

15 There were other statements that were later made that
16 I have to presume that were probably gross exaggerations.
17 The business of 400 sessions with -- satanic sessions,
18 800. I think that those are certainly gross
19 exaggerations. And the girls have given inconsistencies
20 in their statements. There have been many statements, but
21 basically the doctors have stated this is not an unusual
22 thing, that when people have been subjected to severe
23 sexual abuse over a period of years.

24 And, as I say, I'm not -- he's not being accused of
25 raping his wife, of being involved with multiple

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1 activities that have been described here in the courtroom
2 back in 1975, 1976, or any of the satanic -- alleged
3 satanic activities. The case here is rape of the two
4 women in 1988, and thats all the charges are. And I just
5 find that he did it.

6 Now, there were many interrogations after this

7 November 28, 1988 statement. There were interrogations on
8 the 29th, and a number of them from that time up until May
9 1st when he pled guilty. Some of those interrogations I
10 don't like. I really don't. Mr. Hester alluded to this
11 December 8th interrogation of Chad Ingram. And I do not
12 like what the psychologist did there. This business of
13 telling an alleged victim, or a family member, that why
14 don't you sue the S.O.B., referring to the defendant here,
15 and maybe you could get money, and you could buy a BMW
16 car. I think that is very inappropriate; very
17 inappropriate. -'

18 But Chad Ingram is not the defendant here. Paul
19 Ingram, Sr. is. If there were an interrogation of Mr.
20 Ingram. and he were promised something, it would be
21 totally different circumstances. It wasn't a perfect
22 investigation, but I just -- I don't find that that
23 interrogation, though it was improper, taints the plea of
24 guilty in this case.

25 In essence there are two psychologists, Hatcher and

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1 Peterson, who had gone over Mr. Ingram very carefully, and
2 in essence they say that his statements and his conduct,
3 and whatnot, are consistent with those of a sex abuser.
4 One family counselor, Dr. Lennon, is not a psychologist,
5 but he is an experienced person in the treating of sexual
6 problems, and he in essence is consistent, in my judgment,
7 with the testimony of the two psychologists.

9 says differently, but I really feel that the three states

witnesses are more credible than Dr. Ofsh~

14 told directly about that, and that it affects his ability
15 to voluntarily plead guilty. No one has told me -- a
16 psychologist, a psychiatrist -- that Mr. Ingram is
17 suffering from a mental disease affecting criminal
18 responsibility, or his ability to plead guilty in this
19 case. I just haven't heard anything to that effect.

20 Dr. Lennon finds a dissociative disorder, but he
21 believes that the defendant admitted having a direct
22 memory of molestation. He said that in answer to the
23 questions that I put to Dr. Lennon when he was here. And
24 in this questionnaire that Dr. Lennon gave to Mr. Ingram
25 when he was in jail, and that Mr. Ingram filled out in his

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1 own handwriting, he states: "What is your the background
2 of your current situation? Long term sexual abuse of my
3 children by myself and others. Incest, sodomy, and
4 homosexual activity involved." He says, "I'm accused of
5 raping my daughter Julie in October of 1988. I have been
6 able to recall the incident." He does say that "I don't
7 remember raping my other daughter, but she says that I did
8 it and so I did it.."

9 But then he goes on, and again on Page 8 starts
10 talking about what he did to the youngest daughter, and
11 that he hit her in the face when she says she'll tell.
12 Then she moves out of the house.

13 These are his statements, in his writing, and I have
14 to give weight to those. And Dr. Lennon's report -- this

15 is not a report that I saw until -- it came in the brief
16 of the defense. This was two or three months ago. I
17 didn't have that available Hay 1st, 1989. But were I a'
18 defense lawyer, and were I to refer the defendant to Dr.
19 Lennon for a report, and were I to get this report, I
20 would be very much down in the dumps, because it's a -- in
21 my judgment, it's a highly negative report from the
22 standpoint of the defense.

23 Dr. Lennon, in the report, states, "Mr. Ingram stated
24 that he had been involved in either sodomy and homosexual
25 activity. He stated I have been involved in bondage and

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1 tying my victims up on at least three occasions. He
2 stated he threatened his family with threats of torture
3 and did he tell and handguns were used at least six
4 times."

5 He stated and -- a direct quote on again, so far as
6 the younger daughter is concerned, and on Page 7, "He is
7 an individual who has clearly indicated that, 'I raped my
8 daughters and Sons.'"

9 Then Dr. Lennon comes in with the recommendation that
10 he would be at a high risk to reoffend. And Dr. Lennon,
11 in essence says, I found a dependent personality disorder,
12 and a dissociative disorder not otherwise specified, but
13 it didn't affect criminal responsibility in the case. And
14 he says here that he does not believe he should be treated
15 as a outpatient, that it would be an inpatient situation,
16 and it should be at Twin Rivers, which is the Department
17 of Corrections or, in essence, prison.

18 That is the defense doctor saying that. Nobody ci
19 except Dr. Of she, finds coercion. The other witnesses do

21 Let me talk just briefly about Dr. Ofshe. I have got
22 another five minutes of reasoning here. Then I will quit.

23 y problems with Dr. Of she's testimony are just these.
24 o. 1, he is not a clinical psychologist He is a
25 rofessor of sociology at -- in Berkeley. He's not able

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1 to treat -- he's not able to treatthis defendant for the
2 conditions that Dr. Lennon found that he had.

3 2, he's not an expert in sex abuse or with matters
4 with regard to victims of sex abuse.

5 3, his experiment that he engaged in here was odd in
6 my judgment. The first day he came to Thurston County was
7 February 2nd. And on that very first day he went to the
8 defendant and gave the defendant, when he was allegedly
9 working for the state, a false set of facts, but a set of
10 facts that came pretty close to what one of the victims
11 had accused the defendant of. But he said this person
12 said this, and this person said this. Now, what do you
13 say about it. And then told him to go back to the cell,
14 and come back with a scenario as to what happened. And he
15 came back with a scenario.

16 If that had been a police officer making false
17 statements to a defendant, I think the state would come'
18 under very heavy criticism for that. And Dr. Hatcher said
19 that is not an appropriate technique that he would have
20 used. And if one were going to use a technique like that.

21 one would wait until you had exhausted all other avenues,
22 then come back and say nothing fits here, I'm going to try
23 and experiment, rather than doing it on the very first
24 day. So there would be -- there would be no tainting. If
25 you're going to be doing thing. like that, wouldn't you

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1 pick something that is totally foreign from anything that
2 could probably be true.

3 I think I would say, why don't you pick a scenario of
4 a female and male that live in Shelton, or Tacoma, or
5 someplace else, and see if you could get them to come back
6 with details regarding that. He didn't do that. And I
7 find that it's a odd experiment and the timing is odd.

next problem I've got with Dr. Ofshe is he finds
the defendant to be in a hypnotic state, or in a trance,
on November 29th from reading a dry record. I find that
to be strange. I wonder if that can be done. I have
12 great cause for concern with that. I find that really he
13 is considerably less qualified than Hatcher, Peterson, and
14 Lennon to give opinions in this area. He does say in his
15 report, "I have no opinion if the daughters were raped
16 here."

17 And the last thing that concerns me is that the
18 defendant appeared in court on May 1st, 1989, pled guilty.
19 Then on May 16th, about two and a half weeks later, Dr.
20 Of she calls the defendant and there is a long conversation
21 that they hold over the telephone. Hour and a half
22 telephone call. And in that conversation, it's a odd

23 scenario, because usually the defendant is going to say
24 "I'm innocent" and the doctor, or interrogator is going to
25 say, "No you're guilty."

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1 In this case the doctor says~ "Your innocent," and
2 the defendant says, "No, I'm guilty." And the defendant
3 says, twice. "Well, one of us is right."

4 And later on in the transcript he repeats that;
5 "Well, I guess one of us is right. We'll have to find out
6 who is right."

7 The defendant says he pled guilty on May 1st, because
8 he then believed that he did it. On May 16th he says he
9 believed he did it. And the change in this situation has
10 come about within the last six to eight months. I find
11 that to be really very strange.

12 Now, the plea itself, I have read over what was said
13 in court. I don't know what more I could have done at
14 that time to insure that there was a voluntary plea. I
15 said on Page 13 -- this is self-serving, because I'm
16 saying yes, I did do the right thing, but I think you got
17 to look at what was said in court. -,

18 After I went over specifically what the defendant did
19 on each of the six occasions, I said:

20 "THE COURT: Now, are these voluntary pleas
21 in your behalf?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Anybody coercing you to enter
24 these pleas, or twisting your arm in any way?"

25 Those are common words.

□

1 "No, Your Honor.

2 Anybody telling you you have got to plead
3 guilty, or you must plead guilty here in
4 Thurston County, or anything such as that?

5 No, Your Honor.

6 So it's your idea to do this; is that true.

7 And you have said you have had a chance to
8 talk to Hr. Preble about this and that is true?

9 Yea.

10 But have you had adequate time to confer with
11 your counsel about this?

12 Yes."

13 Then to Hr. Preble, who is an officer of the court:

14 "Hr. Preble, are these voluntarily pleas in
15 your judgment as lawyer?

16 Yes, Your Honor, they are.

17 THE COURT: Is there a factual basis to
18 support the entry of the plea in your opinion?

19 Yes, Your Honor, there is.

20 And I will ask you aside from what Mr.
21 Ingram has said, have you gone over these
22 statements of plea of guilty with your
23 client?

24 Yes, Your Honor.

25 And are you satisfied that he understands

□

1 what he is doing here?

2 Yes, he does.

3 Are you satisfied that he understands
4 the statements of defendant on plea of
5 guilty totally?

6 Yes. I'm satisfied of that."

7 And elsewhere in the record I said:

8 "Do you want to more time? Is time a
9 factor here? Do you want more time to
10 consider this?

11 No, Your Honor, I don't."

12 Then with the graphic detail of what he told me he
13 did in court, I have to find that the pleas were guilty --
14 excuse me -- were properly entered and knowledgeably
15 entered.

16 Let me talk about the incompetence -- or the allege
17 incompetence of Mr. Preble. In the defendant's intervi~w
18 with Dr. Lennon, I remember the defendant said, how -- or
19 the doctor said, "how did you get to Hr. Preble." He said
20 "I wanted to go to a christian attorney, not one to
21 necessarily get me off."

22 He chose Mr. Preble for a particular purpose here.
23 No. 2, when Mr. Preble sent the defendant to Dr. Lennon,
24 and the state was never advised of Lennon's report, the
25 state never saw Lennon's report until way after the pleas

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1 of guilty were entered. The results that came from there,

2 were I a defense lawyer, would be dismal. And it seems to
3 me that the most you could do at that point would be to do
4 the best deal I could.

5 I think I if I were a lawyer and I saw the statements
6 and saw the admissions, I think I would say, you know,
7 we're going to have make the best deal we can, and we can
8 1 make agreements out of this case. The defendant said that
9 Mr. Preble did advise him. Mr. Preble was present at a
10 lot of these interrogations, and by doing what the
11 defendant did here he did gain some advantage.

12 The six counts of rape were reduced from second
13 degree to third degree. That was a consideration to the
14 defendant. The state was committed to not recommending
15 over 20 years in prison to the Judge. That was some
16 advantage. And the state agreed that no other charges
17 would be filed. That was some advantage.

18 And it looks to me like the defendant was pretty much
19 in charge, and was pretty much calling the shots in this
20 case, and was telling Mr. Preble what to do and when to do
21 it. Maybe Mr. Preble should have said, look I'm in charge
22 of this, not you. But it appears to me that the defendant
23 called the shots. Mr. Preble went along with it. Mr.
24 Preble gave advice, and now there are second thoughts
25 about the whole thing. I just don't find that that is

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1 ineffective assistance of counsel in this case under the
2 circumstances.

3 Two more points. The bottom line is the defendant

4 states in court here that his mental state and his memory
5 were good up to November 28, 1988, that he could remember
6 investigations that he performed several years before.
7 When he testified in court he could remember what he did.
8 He could remember the statements he took. he could
9 testify. From November 28th until mid July of 1989, his
10 memory was poor. He couldn't remember these things. But
11 then after July of 1989, his memory was good again. He
12 had no problems.

13 I will tell you, I just don't believe that. I just
14 have to say that straight out. And I will tell why I
15 think that the defendant's testimony has been impeached
16 here.

17 He states now that Riach and Rabie had no involvement
18 with any of this. He pulls back on all of his statements
19 in that regard, after having involved them with
20 statements. And sometime in April -- I can't be precise
21 here -- or early May, he came up with the statement -- the
22 story that ten other people, some of whom I suspect may
23 have been law enforcement officers, committed sexual
24 improprieties with members of his family. Now, on the
25 stand he says that warn all false.

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1 So basically I, as a Judge, rely on what he tells me
2 on the witness stand. I don't believe that I can. I
3 believe his testimony is impeached, and I believe that he
4 is somewhat of a manipulator. These are powerful words.
5 I understand that. But I'm simply telling you what I
6 believe and what I truly feel.

7 The bottom line, I don't think is there was a
8 manifest injustice, and I think the pleas of guilty were
9 voluntary, and they will stand. So that's it.

10 Now, the next subject. What about sentencing? Do you
11 want to proceed with sentencing today, Mr. Hester, or
12 would you rather put that off for two or three weeks.

13 MR. HESTER: I think that is a necessary, and I
14 will request that.

15 THE COURT: The defendant made no statement to
16 the presentence report writer. I think that the defendant
17 should have a chance to take a look at what I have said
18 here, and what the posture of the case is. If the
19 defendant wants to make a statement to the presentence
20 report writer, I think he should have that opportunity.
21 I think that has to come from the defendant. I don't think
22 they should come back and say he doesn't want to talk.

23 MR. HESTER: We'll communicate to them.

24 THE COURT: Could this be done in Tacoma rather
25 than Olympia. What is the pleasure of everybody in that

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1 regard?

2 MR. TABOR: That's fine, Your Honor.

3 THE COURT: I would prefer this to be in Room
4 202-A of the County-City Building in Tacoma, and ask you
5 folks to come up there.

6 MR. TABOR: I think that is only fair since you
7 been here these several days.

8 THE COURT: Several days, that's right. I
would

9 suggest Wednesday, February 28th at 9:00 in the morning.
10 How would that look? That would be about four weeks away.
11 Hr. Hester, would that be available to you.
12 HR. HESTER: Yes, Your Honor, it would be.
13 THE COURT: Okay how about you, Mr. Tabor?
14 MR. TABOR: Certainly, Your Honor.
15 THE COURT: Okay. Wednesday, February 28th,
16 9:00 o'clock Room 202-A of the County-City Building.
17 Thank you very much.

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CERTIFICATE
STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON 0

I, JAMES W. MC QUEEN, Official Court Reporter
for the State of Washington, County of Thurston, do
hereby certify:

That the annexed and foregoing transcript of