

THE FAST LETTER

FAST, False Allegations Solutions Team

A newsletter about false allegations of child sex abuse

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A great new statute for Wisconsin, if a proposed bill passes!

Elaine Lehman

This new statute would prevent Child Protective Services (CPS) from taking children away because the wife of the falsely accused man, does not believe her child or children. Taking the children, in this situation, or even threatening to take the children, is nothing less than blackmail. If this statute becomes law in Wisconsin, it can be used in other states, to get the same statutes passed all over the country!

Dawn Otero, a FAST wife in Wisconsin, managed to get the attention of her state legislator, Representative Don Pridemore, District 99. His staff member, Bill Savage, was falsely accused, himself, several years ago, and understands the situation. Bill has communicated often with Dawn, and even called me. We talked for about an hour about the whole situation.

Dawn and her husband, Javier, have a compelling case. Their daughter made false allegations against Javier, and the poor man is now in jail, waiting for either a Taint Hearing or a trial.

As happens so often after false allegations of sex abuse, CPS took the Otero's children simply because Dawn refuses to believe their daughter. Javier was already in jail, so what could he do, from there? The girl, at 14, is autistic, has ADHD, and has a low IQ. She is also a chronic liar.

Anyway, the caseworker took the three Otero children away, (the girl who made the allegations, and two younger brothers.) and placed them in separate foster homes. They told Dawn that she couldn't have them back unless she said she believed her daughter. As I said above, this is nothing less than pure blackmail. Hurray for Bill Savage and Don Pridemore for seeing the same thing we do!

Doing your own legwork!

To save money, and be sure your attorney includes everything necessary in your defense strategy.

David O'Hara and Elaine Lehman

DAVE: Ask your attorney tomorrow if he has asked for the Discovery and the Bill of Particulars. If not, demand that he does, and that the trial be continued til the evidence (**in the Discovery**) and Bill of Particulars can be reviewed. If he says this cannot be done, then call another law firm and ask if they have ever heard of this being done.

ELAINE: Good idea. A lot of attorneys offer a free, first consultation. You can call them and ask questions at no charge. Some of our FAST people have used this first, free consultation very successfully, by calling several attorneys. Some ended up hiring one of them, too. You can also make an appointment, and go in and talk with them, no strings attached.

DAVE: I am not familiar with the laws in other states. These are very huge things to the defense, if your state does do this.

ELAINE: Some few states have very limited Discoveries. Virginia is one of them. However, most of them require fairly complete Discoveries.

Most states require the DA to give the Discovery to the defense attorney. Anything in your file is **YOURS**, not the attorney's. You can request copies of everything. You must do this, to help your attorney prepare for any hearing, or a trial. It's **VERY** important.

DAVE: You must go through all the evidence yourself and prepare for all the witnesses they are going to call. Make a tablet for each one. Come up with questions for each one.

Leave it in your car because when you are driving you will think of things and forget them when you get home. (Lesson learned! Believe me, it helps.) I know nobody likes to continue (**delay or postpone**) things but it is far better to be prepared then going in there and finding out you could have had all this stuff and your attorney just didn't tell you about it. My attorney reminds me weekly, that this is a marathon not a wind sprint!

ELAINE: Generally speaking, delays are good for the defense and bad for the prosecution. That is because delays give the defense time to prepare better. Most defendants are nowhere near ready to go to court at the first trial date.

During delays, other things can happen, too, like kids recanting. The young accusers get nervous waiting for a hearing or trial, too. Sometimes, they tell friends or even adults that they lied. The prosecutor may not listen to recantings, or drop a case from a recanting, but if they are used properly, they can provide strong reasonable doubt at a trial.

DAVE: Obtain these items:

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- > 1. All police reports. If you do not have them all or they are incomplete, you can go to the police station or the magistrate's office where the charges were filed and get a complete set.
>
> 2. My own medical reports, which play a big role due to some medical problems I had during this time frame. I got these from the doctors and hospitals where I was, from the records dept. I read them to make sure the dates and times and reasons for being there were all correct.

ELAINE: Others might have different reasons for obtaining their own medical reports. Proof of any scars, marks or deformities in the genital area or on any part of your body that would normally be covered, are good to get from your own doctors. Your attorney can ask the accuser what you look like in that area, and she won't be able to say. That's GREAT STUFF with juries! (Just be sure that the accuser never saw you uncovered in that area, whatever it was.)

3. All childline reports

ELAINE: The term "childline reports" refers to Child Protective Services reports. (CPS goes by many names in different states.) They usually just call them "Child Protective Services Reports."

DAVE: I got these from CYS. Some, I had to send to the Dept of Welfare in Harrisburg, PA, (the state capital) for the ones they refused to give me, even with the waiver I had signed, from the mother.

ELAINE: The child service agencies OFTEN refuse to give you their reports. However, you have a right to have them in your possession, and you must get them. There is always a law in the state law books (State Statutes) that covers this. Go to a library and ask the librarian for help to find a state statute. Libraries have huge books with the statutes in them. Get the number and name of the statute, and/or copy it on the library copy machines.

Put your request for your files in a letter to the caseworker with a copy to the supervisor. Use the statute number that says you have a right to them. They have to give you your file.

DAVE: So I, and I stress, I wrote the letters, filled out the envelopes, and had the mother sign the request.

ELAINE: You can get that kind of signature notarized at your bank. Getting it notarized stops questions, later on.

DAVE: Then I mailed it.

ELAINE: On-paper mail is better than email for this kind of thing. You want a formal paper trail.

DAVE: DO NOT LEAVE ANYTHING UP TO ANYONE ELSE. THEY ARE NOT THE ONES WITH THINGS TO LOSE!!!!

ELAINE: Dave is absolutely right. Your attorney, especially ANY Public Defender, will never do these things. Defense attorneys routinely go into court under-prepared, if they are prepared at all. No matter what kind of smooth talkers they are, and they all are salesmen of themselves, they are WAAAAAYYYY in the wrong by not preparing, and will lose. You or your loved one will be convicted. It's a given.

One expensive private attorney told his FAST client that he would "wait to see what happened at the trial!!!" He expected to be able to handle the defense off the top of his head when witnesses testified at the trial. You can't do that, and get an acquittal in a child sex abuse case. If your attorney talks that way, you have got to take charge of your defense. VERY few do much at all, to prepare. The "wait and see," method of defense so many of them use, is a sure loser.

DAVE:

4. Forensic (medical) evaluations. Again, I had the mother sign for them, but I went and got them. The DA must give you all the evidence they plan to use in a thing called Motion of Discovery.

ELAINE: Most DA's do this. They also send medical reports. You must get copies of EVERYTHING your attorney gets from the DA. If they had a medical exam done, and suppressed the report, that is prosecutorial misconduct. Your attorney needs to find out if there was a medical report done. He may need to file a Motion to have the DA reveal everything, if he suspects the DA is holding something back. He needs to tell the judge he suspect this. In today's world of crooked prosecutors, it's probably a good idea to file that motion, just in case!

That actually happened in a FAST case in Oregon some of you know about. The DA suppressed the photos taken of the accuser's anal/genital region until the fourth day of the trial. The photos showed an intact hymen. The written medical report said there were notches in the hymen. In the photo, lines had been called "notches," that were actually normal folds. That gave the defense medical expert witness no time to prepare for his testimony. He was all prepared to explain that the notches were harmless, and could have been caused by any number of reasons. He was furious when he saw the photos.

Suppressing photos like that, can be grounds for either a dismissal, or to reverse a conviction. Our FAST people's attorney did not do anything about the suppressed photos at the trial, and our man was wrongly convicted.

You simply cannot trust your attorneys, no matter how much you paid them, or if they are Public Defenders. There are only a few exceptions in the entire country. Even if you trust yours, you can still help, and save money, by doing your own legwork.

DAVE: If they do not give it all to you, they cannot use it in court. YOU!!!! (and no one else) MUST GO THROUGH WHAT THEY SEND TO YOUR ATTORNEY. In my case, they sent me 3 inches of paperwork. I specifically asked for 16 things. I got 2 and 3 inches of crap I did not ask for...! So I had my attorney send the DA a letter after I outlined what was missing, requesting it all again. This happened 3 times until I had my attorney send a letter to the DA telling them we will see them in motions court for withholding information AND EVIDENCE! All of a sudden it all come in the mail 2 days later. It was still not complete, but I have everything except 2 things that I really do not need.

ELAINE: Dave's assertiveness is what you ALL have to develop, when dealing with your attorneys, the DA, or anybody else or agency, involved. Dave's information is the best example of how assertive you must be, that we have ever read. He is great at being appropriately assertive, and explaining it all to us!

DAVE:

5. Copy of the custody case going on.

ELAINE: Several of our cases have custody issues. They are different from Dave's, but you need the information, no matter what the issue is.

DAVE: You can get custody information from the prothonataries office.

ELAINE: I have never seen that word, before. It must be a state term. You ought to be able to get this information from the county Clerk of the Court, or the County Registrar. If not, see if you can get it directly from CPS. If a court hearing has already taken place regarding custody, that is public information, and you can get it. Your county records department has tons of information.

DAVE: Every case will be on file. All you need is the name of the parties involved. Go to the computer or ask if they have it. Here, I have full access to the computer. Look it up, **print it out, READ IT ALL!** I found where the grandmother was in contempt 3 times.

ELAINE: You can safely bet everything you own that your attorney will never do this.

DAVE:

6. All accusations are in the custody order. I found the custody reports in which the grandmother called the DA's office 4 times in 2004 to have the mother's house searched, and accused her of selling drugs.

7. Get the transcripts of said accusations from the custody battle from the county court house (court room reporter) They are not free. You should ask how much they are. I got them and found that the police showed up all 4 times without search warrants. They were permitted by the mother to search the house with a drug dog. No drugs were found. This is also in the the transcripts of the detective's testimony (READ AND REREAD THIS. IT CAN BE VERY FRUSTRATING BUT MUST BE DONE.)

8. We got Della's (Dave's fiancée) and my subpoena showing that we had to testify against the grandmother from the mothers attorney.

ELAINE: Great idea! it showed the grandmother's motive in having the girl make the false allegations.

DAVE:

9. Letters and notes from the custody case: You can get these from the attorney's office with one or the other parties permission.

10. CYS (**CPS**) notes and interviews: Once you are charged, you are entitled to all of this. Have your attorney request it in the discovery if CYS is refusing to give it to you.

ELAINE: Or get the state statute and put it in your letter, as I said, above.

DAVE: THEY MUST GIVE IT TO YOU! ONE IMPORTANT THING TO REMEMBER IF YOU ARE ONE OF THE FORTUNATE ONES AND **any of the** THE ALLEGATIONS IN THE **CPS** FILE ARE UNFOUNDED, DEMAND A COPY OF THE WHOLE FILE. PUT IT IN A BINDER AND STORE IT AWAY. IF THEY DO IT ONCE THEY CAN DO IT AGAIN. UNFOUNDED REPORTS ARE DESTROYED, AND YOU WILL NOT BE ABLE TO GET THEM LATER DOWN THE ROAD.

ELAINE: CPS caseworkers are notorious for lying, and often have major mistakes in their reports. This is another reason for getting them.

DAVE:

11. NOW HERES A TRICKY ONE BECAUSE SOME COURTS WILL ALLOW THIS AND SOME WILL NOT.

Get all medical/therapy reports from a counselor that a child may be seeing prior to accusation.

ELAINE: Most accusers are required to take some form of "victim of sex abuse" therapy. Group therapy is common. I cannot tell you how wrong I think this is, prior to anything being proved. They always believe the child, and it teaches the child what to say, how to say it, and gives the child support in her lies. Sooner or later, someone will sue over this, because it violates the accused person's civil liberties.

DAVE: In my case the little girl had 7 counselors, therapists and psychologists. The mother is entitled to get the information, but getting it into court due to the child being a minor is a little difficult. What I have done is I reviewed the information (a) to determine if it worth while to bring in and (b) I had the mother review it, read it and understand it, so if I do call her, I can bring it in this way and she is familiar with the information.

TAKE ALL THE STUPIDNESS OUT OF THE TRIAL. NOTHING IS WORSE THAN CALLING A WITNESS AND SHE DOESNT KNOW HER OWN MATERIAL

12. Get newspaper articles. The newspaper office will have back issues on hand that you can get. (For civil purposes.)

13. Get certified mail. Some letters you sent via certified mail will be on file at the Post Office. If you did not save your receipts, you can have them print you new ones.

14. Get continuances for all hearings. **(Continuances = delays or postponements)** Why is this important? In PA ,we have what is called a "600 Rule." The DA has exactly 1 year to get you to trial. The clock starts at your arraignment hearing. If you continue a hearing they add the days to the year. If the DA continues they deduct the time, which gives you an actual 1 year date.

ELAINE: Charles Tucker has always paid a lot of attention to this. He is watching the delays, for the DA to go over his time limit. You can get the case dismissed, if you do not get a "speedy trial," whatever that is, in your state. Use everything there is to use.

15. Get the accuser's school records and grades, attendance and disciplinary reports. All come from the school and your attorney can subpoena the records. Why is this important? The grandmother claims the girl is unruly at school since the accusations and that she misses school due to nightmares and no sleep. She says her granddaughter's grades have all dropped. This was all stated in testimony. School records for the little girl show straight A's 3 years in a row. She never missed a day of school . She has never been disciplined. Teachers state she is outgoing and very smart. She participates in all activities willingly.

Go back 2-3 yrs if applicable, to show no change. REMEMBER THINK OUTSIDE THE BOX !!!!!!!

16. All interviews must come from the DA's office in a Motion for Discovery. Y OU MUST READ every one. Make a copy of it, and write notes on the copy of discrepancies.

ELAINE: Doing this is one of the most important, if not THE most important thing you can do. Highline all discrepancies, inconsistencies and conflicts in the Discovery. Keep a running list of lies shown by the discrepancies. Then, put the discrepancies on charts to use with the jury at a trial. (See articles about discrepancies and charts in previous newsletters.)

17. Know your case interviews. If the DA did not give the Discovery to you in a Discovery request, object to that being allowed, because you did not have proper time to review it.

18. Also THE DA MUST GIVE YOU A BILL OF PARTICULARS. This is huge. Your attorney must request it, and the DA must give it to you. The Bill of Particulars is an outline of their case with all the information or exhibits they are going to submit, all expert witnesses they intend on

calling, all witnesses they are going to call. If something is not on there, they cannot bring it to trial without your seeing it to review it.

19. WHEN IT COMES TO WITNESSES, IF THERE IS A WITNESS THAT YOU BELIEVE THE DA WILL CALL AND YOU ALSO WANT THE SAME PERSON TO QUESTION, DO NOT RELY ON THE DA TO CALL SAID PERSON. THEY DO NOT HAVE TO CALL EVERY PERSON ON THEIR LIST AND IF THEY DO NOT CALL THEM AND THEY ARE NOT THERE, YOU CAN NOT QUESTION THEM EITHER. SO SUBPEONA THEM AS WELL FOR YOUR SIDE. IT DOESN'T CHANGE A THING EXCEPT THEY MUST APPEAR. THE DA LIKES TO PLAY GAMES AND SET PEOPLE UP, SO MAKE A LIST OF WITNESSES YOU WANT TO CALL AND SUBPEONA YOUR OWN LIST.

ELAINE: Prosecutors can also pull another cute trick. They call a particular witness they KNOW you want to question, who is vital to the defense. Your attorney sees that the person was already subpoenaed by the DA, so he doesn't also subpoena the witness. He figures the DA will question the witness, and then he, the defense attorney, can question the witness on cross examination.

At the trial, the DA never calls the witness! The defense cannot question him, because he is not a defense witness, so the defense is left with a red face.

Your attorney must subpoena every single witness you want to question, EVEN if the DA has already subpoenaed him.

DAVE: OK. Here are some things I did on my own, that may help you save some money with your attorney:

1. He will most likely charge a lot of money per hour for him to do all this stuff, **(if he even does it in the first place)**. The final amount would be outrageous, so YOU MUST DO THE LEG WORK!!!!!! ALL OF IT !!!!!!!!!!!

2. Make a binder and start collecting the information. If you have a computer, create an outline of the binder. Save it and keep updating it as you add more. I have attached an example of an outline.

3. Know your own case. Do not rely on the attorney. He does not know you prior to coming through his door, nor does he know the players involved. Make a spread sheet. A very simple one line is people who have been accused by the same child, if there are more than 1. Across from it, date when they were accused. In my case, this is huge, because the girl made 13 allegations on 8 different other people. We will show this to the jury on a 3x5 poster board in the court room.

ELAINE: Most people's accusers never made false allegations before. Only a very few have a history. But, use items for charts from your own cases.

You can use the usual poster size chart of 24" by 36." Most courtrooms do not have a holder for 3X5 charts. Staples, Office Depot, or any other office supply store will enlarge your 8.5" by 11" typed or neatly drawn pages to poster size. They have 20 pound paper that they can put on a huge pad. The courtrooms have easels with clips to hold the pads. The pads do not need to be fastened at the top, which costs more money. You use the clips on the easels to hold the pads together. You do not need to get heavy duty poster board paper. It's much more expensive.

Find out if your courtroom has an opaque projector and a screen. You can use your own prepared 8.5" x 11" pages in the projector, and it won't cost you anything at all. This is a wonderful visual aid, probably better than charts.

DAVE:

4. A second spread sheet of who's who. On one side are the names. On the other side are who they are. Example, John Doe, Child Psychologist.
Jane Doe, CYS Supervisor,
etc., on down the page.

ELAINE: A dated time line is very valuable to use on charts. It clearly shows, step by step, what took place. A good time line also clearly shows that the accused person is innocent. A timeline will show the child's motive, too.

Another chart that must be used is the list of discrepancies and lies found in the earlier documentation.

You can also enlarge part of the medical report on a chart.

5. Transcripts. YOU order them. YOU go get them. YOU pay for them. If your attorney does this, I will guarantee you will not like the bill attached.

ELAINE: Get transcripts of EVERYTHING! Find out if the court will be recording all hearings. Some do not record hearings. If they do not, YOU hire a person to make the transcript for the defense. Some courts use only videos of the proceedings. If they do not do that, but do not use humans to make transcripts, either, see if you can get permission to bring in someone to make a video for the defense, or pay for using their cameras.

6. Get all reports, police, medical, CYS, school, transcripts, custody, etc. GO GET THEM YOURSELF. READ THEM ALL YOURSELF. PUT YOUR OWN CASE TOGETHER, THEN SCHEDULE MEETINGS WITH YOUR ATTORNEY TO GO OVER IT. He will tell you what he can use and what he cannot.

7. Subpoenas: If they are needed, find out how to get them from the courthouse. Your attorney needs to request them and fill them out. Some, you can get yourself. Here in PA, I can get them myself. They are \$3.00 each. Serve them yourself. (Now, this is only to neutral parties. You do not want to serve them to the accuser or hostile parties, and get into something that could compound what is already going on.)

8. If the subpoenas need to be served, there are several options.

Here is my favorite one: You can go to the Post Office and send it certified, with no signature. It will show who sent it, who it was sent to, and when it was sent. Send 3 copies. The best part of this is the subpoena only cost 3 dollars, and you make 2 copies yourself.

They do not know how it was sent. They just receive it as regular mail. If they take the stand and do not bring what you requested, and they say they never received the letter, you will have 3 receipts from the Post Office that they were sent, to whom and when. Everyone blames the postal service for lost mail, but not for 3 letters to the same person on the same day to the same address. PERJURY IS GREAT WHEN YOU ARE NOT THE ONE COMMITTING IT

Option B: Go to your local sheriff's or constable's office or even to the local police department. They will serve the subpoenas. It costs \$25.00 here, for them to be served by the sheriff. FIND OUT THE COST FIRST!

9. Once your binder is started, YOU must go to Staples, Kinkos, or some other office supply store and make a copy for your attorney. I made 3, one for me and my notes, one for the attorney, and I put one with all the originals in a fire safe. They usually charge 5 cents a page. Binders are under \$5.00. If you expect your attorney to do this, (a) He will not be this organized, and (b) He will charge you a fortune.

10. research the internet and EDUCATE YOURSELF. Ask elaine any questions. She is extremely informative and knows where to find things or has the answers to the question already.

ELAINE: If I don't know the answer, I ask Allen. I learn that way, too. Also, read Allen Cowling's website in detail. It answers most questions: www.allencowling.com

**Our FAST website has all old newsletters through July, 2007. They answer lots of questions, too.
www.false-allegations-team.com**

11. Call the Department of Welfare and find out what the address is to the web page for finding out the regulations for CYS in your state. They will have this all on the web page. READ IT. YOU WILL BE SURPRISED AT WHAT YOU FIND AND WHAT THEY THINK THEY CAN DO!!!!

ELAINE: Their website might even have the state statute that gives you the right to your entire Child Protective Services file, too.

ELAINE: Go to the Local police department for background checks. This is public record, and they must give it to you.

Since Dave wrote the above article, Dawn Otero went to her local police department, and asked for the background of a key person in her husband's case. She found out the woman had actually made a false allegation, herself. The woman was charged with obstruction of justice, for her own false allegation!

The Taint Hearing

Allen Cowling

You can find this article on Allen Cowling's website:

<http://www.allencowling.com/lawtaint.htm>

NOTE: When you read this, remember that you very well might have to appeal, if a judge rules against you having a Taint Hearing, the first time you ask.

The Taint Hearing actually arose from **New Jersey v Margaret Kelly Michaels, 136 N.J. 299, 642 A2d 1372 (June 13, 1994)**. A unanimous Supreme Court overturned the conviction of Ms. Michaels on the basis of science and reliability. The Court stated;

1. The issue we must determine is whether the interview techniques used by the State in this case were so coercive or suggestive that they had a capacity to substantially distort the children's recollections of actual events and thus compromise the reliability of the children's statements and testimony based on their recollections. *New Jersey vs. Margaret Kelly Michaels, 136 N.J. 299, 642 A 2d 1372, 1377 (June 13, 1994)*.

2. If a child's recollection of events has been molded by an interrogation, that influence undermines the reliability of the child's responses as an accurate recollection of actual events. *Michaels 136 N.J. 299, 642 A 2d 1372, 1377 (June 13, 1994)*.

3. We note that a fairly wide consensus exists among experts, scholars, and practitioners concerning improper interrogation techniques. They argue that among the factors that can undermine the neutrality of an interview and create undue suggestiveness are a lack of investigatory independence, the pursuit by the interviewer of a preconceived notion of what has happened to the child, the use of leading questions, and a lack of control for outside influences on the child's statements, such as previous conversations with parents or peers. 136 N.J. 299, 642 A 2d 1372, 1377 (June 13, 1994).

4. A lack of objectivity also was indicated by the interviewer's failure to pursue any alternative hypothesis that might contradict an assumption of defendant's guilt, and a failure to challenge or probe seemingly outlandish statements made by the children. The record is replete with instances in which children were asked blatantly leading questions that furnished information the children themselves had not mentioned. Michaels 136 N.J. 299, 642 A 2d 1372, 1380 (June 13, 1994).

5. To ensure defendant's right to a fair trial a pretrial taint hearing is essential to demonstrate the reliability of the resultant evidence. 136 N.J. 299, 642 A 2d 1372, 1382 (June 13, 1994) 13. Assessing reliability as a predicate to the admission of in-court testimony is a somewhat extraordinary step. Nevertheless, it is not unprecedented. [Citing to Mason v Braithwaite, 432 US 98, 97 S Ct 2243, 53 L Ed2d 140 (1977) & Jackson v Denno, 378 US 368, 84 S Ct 1774, 12 L Ed2d 908 (1964)] 136 N.J. 299,642 A 2d 1372, 1381 (June 13, 1994).

6. Specific points addressed by the Michaels Court.

- a. Failure to videotape initial interview;
- b. Lack of control for outside (family) influences;
- c. Absence of spontaneous recall in the supposed victims;
- d. Interviewer bias - A preconceived notion that alleged wrongdoer, "did it";
- e. Repeated leading questions;

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- f. Incessant questioning, either by examiners or by family members;
- g. Multiple interviews;
- h. Transmission of suggestion to children ie: tone of voice;
- i. Positive reinforcement of inculpatory statements;
- j. Negative reinforcement of exculpatory statements;
- k. Failure to probe outlandish statements;
- l. Contact with peers and reference to their statements;
- m. Use of mild threats, bribes or cajoling;
- n. Vilification of alleged wrongdoer.

7. The taint hearing basically addresses the issue that there is no way to determine if the child's allegation is an account of something that actually happened or is a product of interview influence. As I stated above and as I went over with you, the perfect example of it's use was in the Montana case we worked. Based on the overall interview process, I strongly recommended a taint hearing and the local attorney simply stated that it may work in other states, but it would not even be considered in Montana. The client replaced his attorney and got a new lawyer who did contact the experts I had identified. One of them referred that attorney to another attorney in Washington State who had just successfully completed a taint hearing there.

That attorney was retained to assist and the taint hearing was granted in Montana.

8. Normally, I always recommend a taint hearing:

- a. When the interviewers have a pre-existing bias rather than keeping an open mind about what happened and exploring other alternatives.
- b. When there have been multiple formal and informal (by parents, etc.) interviews of the child.
- c. When the interviews are not audio taped or video taped.
- d. When the child is asked leading or suggestive questions rather than asked open questions and encouraged to provide a free narrative. This is especially problematical when the interviewer provides information to the child.
- e. When questions are repeated when the child denies or says "I don't remember."
- f. When the interviewer uses threats, bribes, or selectively reinforces responses of the child.
- g. When the interviewer criticizes or vilifies the alleged abuser.
- h. When more than one interviewer questions the child.
- i. When unsupported interview techniques, such as anatomical dolls are used.
- j. When the child has been in disclosure-based sexual abuse therapy or when allegations have "grown" or increased during therapy.

9. Simply put, when you determine that an interview procedure has distorted a child's recollections of actual events, you are asking the Court to discredit any and all testimony from that child. In reality, it becomes impossible to know if the child is giving an account of something that realistically took place, or to events they "learned" during their interview process.

10. In some states, it is called a "Credibility" Hearing, but in reality, it is the same. I know you were told it was a "Supression" Hearing in Pennsylvania, but it has also been a "Taint" Hearing in that state as well.

11. When you have the intent of filing for such a hearing, you need an expert who can educate the Court as to the problems and issues.

12. See <http://www.allencowling.com/lawtaint.htm>

Background information

Bob and Elaine Lehman

Educators, co-authors, co-publishers, co-hosts of radio show, activists

Elaine Lehman is a former teacher from Baltimore, Maryland, with nearly 20 years of teaching experience with all ages, including adults. Bob is a former rocket engine

engineer, who worked for 21 years on the Delta Satellite Program at Cape Canaveral before he and Elaine started their two schools for antisocial teens, in 1977. After the schools closed in 1983, Bob became an airplane mechanic.

1977–1983, Elaine and her husband, Bob Lehman, co-founded and directed two schools for antisocial teens. Elaine and Bob developed their own successful courses of study. **The Lehman's two schools ended up with a documented 100% success rate of the graduates, and an 80% success rate of those who did not complete the program.** (See “Baltimore Sun” and Carroll County Times, MD, feature articles on our website.)

1989 -1992, Bob and Elaine Lehman co-founded a statewide organization in Oregon, aimed at getting the broad, vague child abuse laws changed to clear, specific laws. BUST also exposed the many dreadful problems of the child service division. “BUST, Break Up System’s Troubles,” ended up with 500 members, statewide. Because of BUST, the Oregon state legislature had a \$200,000 study done, and the study group wrote a scathing report that said all of the same things the Lehmans had said. The legislature changed some of the laws, but not the right ones, due to federal funding problems, if they did. (See “Stayton Mail” article on website.)

1997, Bob and Elaine co-founded a similar national organization, “SOC, Save Our Children,” which quickly led to their radio show.

1997 - 1999, Bob and Elaine co-hosted their own radio show, “The Save Our Children Show,” which was simulcast on two 50,000 watt stations in Providence, RI, and Phoenix, AZ. The show was all about antisocial children and teens and false allegations of child sex abuse.

1999, Bob and Elaine Lehman were professional “expert” guests on two national TV talk shows, “The LEEZA Show” and “The QUEEN LATIFAH Show.” Both shows were about discipline and antisocial children. Elaine has also appeared on several radio shows and TV shows, and she and Bob have given lectures to community groups.

1995 - 1996 - The couple co-authored two published books, Petey, the Peacock Breaks a Leg, Winston-Derek Pub. Co., Nashville, TN, 1995, and “BIG K, the Kundalini Story.” Hara Publishing Group, Seattle, Washington, 1996.

1978 – Present - The couple co-published a newsprint periodical in Oregon, and several international newsletters. These publications were all about antisocial juveniles and false allegations of child abuse. (See “Newsletters” on our website.)

2001 – 2005, Bob Lehman’s son, Craig Lehman, created and maintained a website, www.beanswers.com. There are several categories about antisocial juveniles, the FAST, False Allegations Solutions Team, false allegations of sex abuse, and more.

2004 - Present: Bob and Elaine Lehman and several others co-founded, and Elaine directs, the “FAST, False Allegations Solutions Team,” an international, educational email support group for people who have been falsely accused of child sex abuse.