

Transcript, redacted, of Polygraph Exam of Chad Evans (C), conducted by John Healy (J) at the New Hampshire State Prison on April 30, 2012. Redacted length: 3 hrs. 32 minutes. 38 seconds. (Original length, before redactions, was 3 hrs. 36 minutes and 29 seconds.)

9:19:32 a.m. (0:0)

- J ... be sure that the camera is properly focused and it is.
Today is April 30th, and I'm going to be conducting a polygraph exam on Mr. Chad Evans here in a few minutes, and we are conducting this test at the New Hampshire State Prison.
Chad, as you know, I am John Healy. We've met briefly before. I want to be informal doing this. Is it ok if I call you, "Chad," on the record?
- C Yes.
- J Before we begin Chad, I need you to understand that everything that we do and say will be videorecorded for your protection and mine.
I'm a licensed private investigator, and a polygraph examiner, and I am doing this exam at your request the request through Mr. Morrison Bonpasse.
Have you ever taken a polygraph before?
- C No.
- J Have you done any studying, obviously not on the internet here, or had any conversations with other inmates who have been exposed to it.
- C I just know people who have taken one in here, but I haven't had any other discussions.
- J A lot of people get their information from the internet, and a lot of that is wrong, because the internet is not a controlled place, and the same thing could happen in here.
So, whatever you have learned, you can put it out of your mind. I will explain the psychology, physiology and instrumentation and, at any time you want, you can certainly ask me questions.
Here's what is going to happen here today.
The entire procedure will take between two or possibly three hours, maybe a little bit longer.
It all depends but the actual time that you be actually attached to the polygraph instrument over there will take about fifteen to twenty minutes.
The actual testing does not take a long time.
We are going to spend a long time getting to know each other.
Prior to this in-test phase, I want you to know exactly what's going to take place.
I will explain your polygraph rights, and I am going to find out if you are actually capable of taking a polygraph exam, because there are some people for a wide variety of reasons that are not. It has to do with medication, mental health, willingness and all of that.
And I will go through all of that with you in detail.
- C (cough)
- J I'm going to explain in detail how this computerized polygraph instrument works, and what functions each of those various components perform.

Then, we're going to talk about your side of the story, because as you know, every story has two sides.

And I know you need to share your side with me.

That way we both have a complete understanding of what the test is about. There is no misunderstanding.

I've read the reports. I know basically... but if I hear it from you, it helps us together to formulate the questions.

C Okay.

J From what you share with me... We'll make up the test questions together.

I already have the basic format in the computer and if they need to be changed once I learn your understanding, we will change them, and I will be asking you what questions you want asked on this test. I'll explain more about the question procedure as we get towards the end of it.

We are going to review the questions together before you take the test, and we will review your answers, so there will be no surprises.

You and I will already have gone through all of the questions and answers before you are even connected to the polygraph.

C Uh huh.

J Then we will going to conduct an acquaintance test to be sure the instrument is adjusted to you. Then, we'll conduct the actual testing.

There may be several different types of tests, and each test will be conducted a minimum of three times.

In your case, I anticipate one type of test, called a single issue test, where the questions will be repeated three, and maybe even four times, so there will be three or four separate charts.

Upon the completion of the test, I'll evaluate the results of the entire procedure and discuss them with you.

I may not have the specific answer that you are looking for because in order to do that you score these charts mathematically I have to take them home and print them for accuracy.

I may be able to get an idea off the chart, and if I can get a clear idea, I'll explain it to you, but I'm not going to speculate. So you may have to wait for me to get home print out the charts and sit down...

It's all about accuracy and not speed.

C Sure.

J I do not want any misunderstanding about your....

I want to be sure that you and I are talking about the same thing.

Most people who take a polygraph exam know why they are here.

However, there are some people who do not.

Bearing that in mind, I would like you to share with me exactly what you think the purpose of the exam is.

C Ah, today's exam is to talk about Cassidy Bortner's death and my lack of responsibility for it.

- J Okay. That is my understanding and we are on the same page. My understanding, just so I can articulate it is that you have been accused and convicted of causing the injuries that cause her death... You're also saying that you are not the person responsible, so those are the issues we are going to address in the test.
Are you the person responsible for the injuries that happened the day before her death that caused her death.
Is that your understanding as well?
- C Day before and day of her death.
- J Right, and that's how I have the basic format of the questions worded, "day before" and "day of" but we will go through them so if they need to be adjusted, we are understanding the exact elements, we will do that before the test.
I have some of the most frequently asked questions to the polygraphs in this little booklet here. I would like you to read it, and should you have any questions now or at any time during the examination I will answer them for you.
One of the questions is nervousness. And you mentioned this, pardon me, when you first walked in the door.
It's been my experience that most people are nervous when they take a polygraph. That's quite natural.
If you're not nervous, there is something wrong.
Nervousness is caused by one of two things. One is the fear of the unknown. You don't know what is going on here. And the other can actually be actually knowing what the truth is.
For example, right now, there is only one person in this room knows the absolute truth and that is Chad Evans.
However, before the day is over, there will be two of us who know the truth.
Please read this now, and if you have any questions, I will answer them.
The protocol is for me to leave the room, go out in the hall, and leave you alone, so you don't feel pressured by my sitting here, but as this is a prison environment, they don't want either one of us roaming round. So I'll give you a few minutes, while I work on a little paperwork.
It's very short, and it's only two pages.
- C The only thing is you said that only one of us knows what happened.
All I know is what... my lack of responsibility.
I don't know exactly what happened. I think...
- J Well. you ...Let me clarify what that means. That's a very good question. You know what happened, because you know what you did and you know what you didn't do.
- C Ok
- J Not what happened. Not what caused her death. You said you didn't do it. We're going to delve into your conduct during those two days the 8th and 9th of November in the year 2000. You're the only person who knows what Chad did do and what Chad didn't do.
The rest is not relevant to this test. This is a single issue test focusing on things you are alleged to have done.

C I'm very clear on what I did there. Okay.

J Just take your time and read.

9:27:23 to 9:28:52 a.m. (7:54 to 9:22 [Chad reading pamphlet about polygraph exams.]

J All set?

C Yes. It was quite clear.

J Any questions about it?

C No.

J Any major concerns?

As we go through this, if questions do come up, feel free to interrupt.

C Ok.

J This is all about you understanding what's going on here.

C [cough]

J Now, the next thing I need to do is to make sure that you are here voluntarily, and you are here voluntarily.

C Yes.

J I'm here at your request,

C Right.

J ...through Mr. Morrison Bonpasse. Strictly voluntary.

If, at any point you don't want to continue, you have the right...

The door is closed only for privacy. You are certainly in custody here and under arrest in being detained, but that doesn't prohibit you from terminating this test.

C Right.

J You're the person in control.

The next thing I have you do, is...

I'm going to have you sign the form which allows me to conduct the test, and I'll read it to you.

"I do hereby consent, voluntarily and without any threats, promises of reward or immunity, to be examined by means of the polygraph, a psycho-physiological detection of deception technique.

I have had the nature of this examination explained to me and I do hereby consent to the placing of the necessary components upon my person, and to the use of any electronic monitoring or recording devices operated contemporaneously with the exam.

I hereby release John M. Healy, Litigation Intelligence Services, and the New Hampshire State Prison from any liability, either from the operation of the instrument or use of the results obtained therefrom. The results.. they are only going to be used in any way that you tell me.

At this point, I have a lot of options. Do I mail them to you or do you want me to send them directly to Morrison Bonpasse? That is strictly up to you.

If you read that over and sign it, I'll make a notation on the bottom of what you want me to do with the final results.

C How many pages will be the final results, usually?

J Pardon?

C How many pages...like is it a bunch of pages of material?

J It's going to be about one and a half.

C That's it? Ok. It doesn't matter then. We just have a mail limit here on how many pages can be mailed.

J Normally, it's about... maybe two pages or two and a half. Very short and gets right to the point. If you want, I can send... email a copy to Morrison and snailmail a copy to you. It's your choice.

C Yeah. That will be great. Morrison and I.

J Ok. One for you and one for Morrison?

C Absolutely.

J That's what he anticipated and I think that would be a good idea.

C Sure.

J Also. And I told him that we discussed that.. the final option. I'll send them to both of you, for the record. That sounds very good.

We live in a country where we all have the same rights and freedoms, and there are certain things we are required to do by law.

For example, if we drive a car we have to have a driver's license and there are some things we certainly don't have to do.

As I told you earlier, one thing you don't have to do is sit here and talk to me. It's strictly voluntary. The law considers me to be a person in authority and this is a criminal defense matter.

I can be subpoenaed by any court to account for what takes place here today.

That's why we are recording. The results of a polygraph, the numbers and my decision are not admissible under the rules of evidence, but anything that you and I say if I were to be subpoenaed certainly could be.

But this is not going to be recorded for anybody.....

I know it. You're going to have it, and Morrison's glad to have it.

Whether it gets released beyond that is strictly up to you.

C Okay.

J Just by your coming in here today, Chad, you have indicated your faith in the polygraph, and a willingness to take the examination, and share truthful information with me.
So, right off the bat, the most important question that I have to ask you, and this cuts right to the chase: Are you in any way, shape or manner responsible for the injuries caused to young Cassidy Bortner, on November 8th or 9th, which subsequently led to her death.

C No.

9:33:04 to 9:33:06 a.m. (13:36 to 13:38) pause

J Also just remember...I'm really here to do this polygraph for you. So understand when I ask you these questions, they are not accusations.

C Sure.

J What I'm trying to do is psychologically get into your mind, to let you know where we are going. I'm going to explain what you have to do to have a successful polygraph examination this morning, and there are three keys you need to be aware of, and I will be repeating them.
One is you have to be one hundred percent honest with me about every question I ask. And one hundred percent means one hundred, not ninety nine point ninety-nine.

C Huh [slight laugh]

J The polygraph cannot tell the difference between most of the truth and none of the truth. It has to be.... because of the physiological reactions of your body, and I'm going to explain those in great detail also.
You cannot withhold any information.
If you know it and I don't ask the question, it will cause you problems. If you know it and I don't ask the right question, you need to articulate everything you know about this incident to me.
You cannot misrepresent any information.
So those three keys:
Hundred percent truthful.
Don't withhold.
Don't misrepresent, during the whole discussion.
Do you understand those?

C Yes. Ok.

J To have a successful examination this morning, you cannot rationalize or minimize.
If you fail to share everything that you know about this incident, you will not pass this examination. I know everyone who comes in to a polygraph has concerns. You've read a little bit about the polygraph.
What are your major concerns as you sit here, if you have any?

C I think my only concern is getting the truth out. You know... as you mentioned. I know what I was responsible for.

Even when you just asked the last question, you know, "Did you, you know, cause Kassidy's death?" No. I still have emotional feelings, like I failed, like I should have paid more attention. So I have to separate those, you know what I mean?

J We're going to talk about that.

There are questions here we will get to later called safety valve questions. They're designed to bleed off that emotion.

C Okay.

J So when I ask you what you did or did not do to Kassidy Bortner, I don't want something else going through your mind.

C Okay.

J And we're going to discuss that toward the end. They are called safety valve questions. Very very critical to this.

C That's really .. like in the very beginning of that when you talked about the two reasons for being nervous or whatever. Exactly. It's the unknown...I know... and I just... reading me right.

J By the time we get to the in-test phase when I'm asking you the questions there should be no unknowns in your mind.

C Good.

J If there is, it's up to you to stop me and tell me what's going on. You're going to be in control of that portion of it.

C Excellent.

9:36:08 to 9:36:13 a.m. (16:39-16:44) pause

J I've already addressed the keys for you to have a successful examination here today and as long as you follow my instructions to the letter and you did not commit or participate in the incident, and by the "incident" I mean causing injuries to Kassidy Bortner on the 8th or 9th of November, the 9th being day she passed away, because the indictments and police reports say that the injuries were caused on the 8th, so we are going to focus narrowly on what you were convicted of.

C Right.

J What I need to do is share a little bit with you about who I am. For the record, you and I have met briefly downstairs with Morrison on two different occasions, and I've also met with your family once, so they know a little bit about me.

Before we get into the test I'm going to learn an awful lot about you during the next two hours. You need to learn more about me.

Some of it you've already learned from Morrison.

As you know, I'm a licensed private investigator. I'm a retired state police lieutenant. I've been an investigator now for as long as you've been alive.. Forty years. You're forty, right?

C Yes.

J I started my investigating career about the time you were born.

Obviously, since I was a state trooper I had a lot of training in criminal investigations of all sorts.

When I left that profession, and became a licensed private investigator, I served as seven terms as the president of our professional association in New Hampshire and three terms as the president of the New England ___ Association.

I've conducted thousands of examinations.

As far as the polygraph, I'm a recent graduate of the New England Polygraph Institute, which is one of the four best schools in the world. It teaches it in at a much different level. We're fortunate enough that it's right up the road here in New Hampshire.

This schooling is different because it requires a mandatory pre-test that I have to memorize and it takes up to three hours. Other schools do not require that.

The four schools which require that in the world are the U.S. Department of Defense, the Royal Canadian Mounted Police, and the Israeli Polygraph School. All government schools. The only private school in the world that is doing this at this high level is the New England Polygraph Institute which is where I chose to go.

My class selected me as class president, and overall I graduated with an average of 96%. We were tested on everything that we did.

The other thing that sets this school apart. During the schooling itself, many schools will teach you the theory of polygraph and you run between one and three tests the last week.

I ran 25 actual tests with this school.

C Wow.

J Very heavy on...

That's how you learn by making mistakes. So...

The point I'm trying to get across to you...

C [cough]

J I teach interviews and interrogation. I teach statement analysis.

I teach detecting deception and interviews.

C Right

J So, putting all of that together the picture I'm trying to paint to you is I'm qualified to do this, and I'm really good....

C You know what you are doing.

- J ... at what I do. That's because I've been doing this for forty years.
Many times we come to a point where the polygraph will assist us in an investigation and that's where we are now.
I'm confident that by conducting this examination, we will come to a successful resolution.
If you follow my instructions that I explained earlier, we will have no unresolved issues at the end of the test.
"Unresolved issues" means... inconclusive, I don't have enough data...
- C Right, Right.
- J ... to make up my mind.
The polygraph, I'll explain it later, but it is not really a pass or fail or flunk.
It's whether or not you react significantly to certain questions.
If the questions bother you, and you're lying, you'll react significantly.
- C Right.
- J If you're not, You're going to react, definitely, just because of the questions, but not significantly, and that's how the formal report is...
- C That's a little different than.... There's a misconception out there that it's Pass or Fail. That's good to know.
- J Well, it is Pass or Fail, maybe in laymen's terms, but that's not ...
- C Technical...
- J ... how we term it. I term it "Deception Indicated," "No Deception Indicated," "Inconclusive."
"Inconclusive" means I didn't have enough data to mathematically score it, and it almost always happens when the subject I'm talking to doesn't share everything with me. Something's rattling around in your subconscious you haven't told me. It will bother you on the test. If we get those things out, it won't.
You could call it "Pass or Fail" If "Pass" means "No Deception Indicated." "Fail" means Deception indicated.
- C Right
- J It's really not that kind of an exam, because the computer doesn't score it. I do. It's my impression of the data.
During the course of this examination, Chad, I'll be asking you about yourself to include your physical and emotional composition, and determine your suitability to take this examination.
All of these things combined make you the person you are, as you are sitting here today, and I have to get to know you.
There are some people I cannot examine for a wide variety of reasons.
It has not yet happened to me, but people with certain mental problems, or ingesting drugs, or maybe diabetes, you don't want to test. It's very rare, but that's why we're going to go through this long soliloquy.

It's important here that we get to know each other, and it's equally important that you understand this process.

If I share something with you, that you don't understand, you need advise me and ask me to clarify it for you.

C Ok.

J We need to go into this with a complete understanding of what's going to happen. Now, I'm sure you are wondering how the polygraph works.

You have done a little bit of research, from what I understand...

C [cough]

J Talking to some people in here, but just kind of hearsay.

This is a computerized polygraph instrument that you see sitting in front of me.

It's not like the ones you might have... You have been here since what, about 2001?

C Yup.

J This instrument is not like what you may have seen on TV before coming in here, or while you're here.

You most often see the old analog instruments, with the needles...

C ... looks like a ...

J Looks like a seismograph.

C Yeah.

J Those are still valid and they are still in use.

This is a computerized polygraph instrument.

All of the results obtained from the components are saved on a computer.

They are recorded on a computer.

That's the only thing the computer can do.

Everything else that is written on the screen here is a result of your physiological and psychological responses to the very specific questions that I ask.

Now we have two sets... Here's the crux of how this works.

There are two sets of nerves in your body...

C Ok.

J ...the voluntary and involuntary.

The voluntary nerves, you control at will.

For example, if I dropped a pen and asked you to pick it up, your mind would send the signal to bend over and pick it up.

C Okay.

- J You're in control of your voluntary nerves.
You can control those actions, but we also have another set of nerves, and this is where the polygraph comes into play.
It's called the autonomic or the involuntary nervous system, and it's the one that works without your control.
- C Okay.
- J It's the one that keeps your heart beating, your eyes blinking, and your breathing.
And I think the best example of the two, if I tell you to hold your breath, you can hold your breath.
That's your voluntary nerves.
But if I sit here and keep my mouth shut, after forty-five seconds you're going to start breathing one way or another.
- C Yeah.
- J It's your involuntary nerves overriding everything.
You have no control over those whatsoever.
Now, as you know, we have a lot of different muscles and organs in our body.
The single most important muscle in your body is your heart.
With these attachments, I am going to be measuring your blood flow and your heart rate.
This is a thumb cup, like a blood pressure cup.
- C Okay.
- J It's a smaller version of the blood pressure cup that is used in doctors' offices. It's identical.
It just makes it a little more comfortable for me to put it on your thumb.
- C Okay.
- J It's accomplishes the same thing.
These two black tubes over here, Chad, these are pneumographs.
One is going on your upper chest. One's on your lower chest at your nut (?) pipe.
It measures minute reactions in your breathing caused by your autonomic nervous system when you are under stress.
This device is called a plethysmograph.
If you have ever been checked out in a hospital or a doctor's, they also call this a pulse oxymeter.
They measure how much light is reflected back, to see how well oxygenated you are.
We use it in polygraphs for a slightly different reason.
These devices over here are two pads, I'm going to place on your palms. They measure skin conductivity, ...
- C Uh. Huh.
- J ... sweat gland activity in plain English.
This device here I'll put on is a motion sensor. All it does is tell me whether you move or not.

One of my instructions will be: “Feet flat on the floor,” “Straight ahead,” “Close your eyes,” “Don’t move.”

C Oh. When we are actually taking the test?

J Yes, when you are actually taking the test. I will... we will be switching over to the white chair. And you are actually going to be sitting on that blue pad.

C Okay.

J That’s used for me so I can see if you make any little movements, I can see. Little movements will not affect the test.

C Okay.

J Big movements can, and I’ll know when they happen.

C Uh. huh.

J If that happens and you have to move...

C Wait until after...

J ... get you something. No, you can still do it. I will see it and...

C Okay.

J ... I’ll just re-ask that question. Those are the components.

C A lot of them, huh?
[cough]

J Yes. There are.

C That’s good.

J Everything will be recorded on the charts. Then, it’s up to me to analyze them. All of these involuntary responses...this is looking at your involuntary nervous system, are recorded on this computer. All of the responses are recorded. Here’s how it works. When a person knowingly tells a lie, and I stress the word, “knowingly.” I’m not talking about forgetfulness or an accident. When I or anyone asks you a question and you knowingly tell a lie, your heart is going to rebel against that lie, because it knows....

C It knows the truth.

J It's know the truth. It knows a lie. What happens is there's a chemical, hch, in your brain which triggers a whole bunch of responses.
Since we've been... since childhood we've all been taught the difference between right and wrong, what's a truth and a lie.
I've met your family. I know your dad. There's no doubt in my mind how you were brought up.

C Right.

J I'm relatively sure that you were brought up, that you know good from bad, ...

C Sure.

J ...truth from lie, and all of that stuff.
The problem with kids,.. we're brought up to know that it's wrong to steal, lie, cheat or hurt people, but in the growing process, we all break these rules, and that includes me, and you.
We do it, really, at three, four, five, six, seven, eight, nine, ten.
But if you think about the little things you've done, it doesn't change.
We all break these rules.

C Right.

J It's just part of what I call the human condition.
Now when that happens, especially with a child, and you may have seen this with Kassidy, and I really want to keep her name out of this as much as possible, because her name is going to provoke an emotion with you and I don't want an emotional reaction.
But, you have seen this with her, and maybe younger siblings and cousins.
When one of these kids does something. They break a lamp. They steal something.
They are approached by an older brother or parent figure and they knowing told a lie, the fight or flight syndrome takes over.
Have you heard of the fight or flight syndrome?

C Yes.

J You're familiar with it? What is your understanding of it?

C It's like, when we get... let's say you are getting attacked by somebody, you stand there and just be ready to fight or you're going get the hell out of here.

J You're right on the money. One hundred percent.
Your bodies automatically prepare you for that, and the way it does this,...
It prepares us to stand and fight or flee.
Which means, either way, we need adrenalin. We need oxygen, and we need energy.
The way it does this is through the adrenalin glands.
The adrenalin glands secrete adrenalin into the blood system, at actually natural speed, within the body.

Kind of like a runner's high.

C Right. Okay.

J If you were an athlete.
I was a basketball player...

C Yeah.

J ...all of my life until I got too old.
I used to get a runner's high playing that game, all the time.

C Oh yeah.

J I liked it so much.

C Right.

J I mean, my adrenalin would get going.
I'd be flying like a kite, because the adrenalin would get going.
They called it a "runner's high." Obviously if you are a basketball player, you've experienced that.
The adrenalin causes the heart to contract, faster, more rapidly. Pumps more blood.
The blood carries the oxygen to the muscles.
You need oxygen up here to think.
You need oxygen to your muscle to burn for strength.
So, in essence what has happened, by lying, by the children lying, or whatever, you have created all this involuntary activity in your body you can't control.
It's like getting to the end of a basketball game and you really want to win it.
Your mouth gets dry.

C Right.

J Your hands gets so sweaty you can't hold on to the basketball.
Or, the opposite happens.
You're on such an adrenalin high, you know...

C Right.

J ... you're going to do what's necessary.
All caused by the involuntary nervous system.

C [cough]

J When we knowingly tell a lie we are faced with a dangerous situation, that starts the process.
Now, in the case of a lie, you know you can't run.

C Right.

J And you know you can't fight it. But your body does not know the difference.

C Right.

J So it prepares us to get moving.
Most of us have experienced this routinely throughout our lives.
If you're a basketball player, you've experienced it.
Or if its something... just watching a good TV show, or something that really excites you.
I get that way when I'm going to go see a Jimmy Buffet concert.

C Right.

J Certain things take over.
Remember when we were kids, you and I, or you, and you did something wrong?
You broke a window. You broke a toy.
You stole something. You ate some candy you weren't supposed to touch.
And your mother said, "Chad, did you do that?" "Did you steal the candy?" "Did you break the toy?"
Your natural response is to what?

C say, "No."

J "No, Mom, it wasn't me," or "No, Dad, it wasn't me."
What happens with a child, as soon as you lie, your face turns red.

C Right

J You found it difficult to maintain eye contact.

C Right.

J Your palms might have sweated. Your mouth is going to dry out.
And your breathing is going to increase.
You're going to try not to make...

C Right.

J ... facial contact.
That's a fight or flight syndrome.
That's how it manifests itself in a child.
As you know, coming from a strong family, you don't need a polygraph to tell when a child is lying.

C Right.

J I live with a ten year old granddaughter....

9:52:18 a.,m. (32:40) [Redacted]

- C Right.
- J They can't hide it, like you and I can.
If there were an easier way to tell when all people were lying, we would not need a polygraph instrument, because I could read you as you are sitting here.
As we become older and learn to be adults, we learn to develop a social mask or a poker face.
We don't want the other person to know what we are thinking.
So, in essence, most of us possess this ability to do this.
We can become masters of social deception, you know, telling someone something and not letting your facial expression catch over whether you are nervous or sad.
It's just... I like the term Poker face.
You're playing poker, and you've got nine (sic) Aces...
- C My friends will tell you I have a horrible one [poker face].
[laughing]
- J That's why I never play poker.
- C Yeah.
- J I'd lose my shirt playing poker.
I don't have that, but it's critical.
- C Right.
- J If you have a poker face, you really can't tell what the person is thinking.
As trained investigators, we know, or I know, that most of the lies that people tell are lies of omission.
- C Right.
- J In other words, if I said, "Chad did you, on November 8 did you, kick, hit, or punch the baby?"
And you said, "No." That's not a lie of omission. That's just a lie.
What most people do is that they tell you the truth,...
- C Right.
- J ... but only ninety percent of the truth.
- C Okay.
- J The reason for that,... lying causes stress.
People don't like stress.
- C Okay.

J So, instead of lying, people prefer to avoid...

C Right... They'll tell you a different part of that. Right.

J Yeah. It's easier to avoid telling me the whole truth than it is to lie to me.

C Right, okay.

J It doesn't cause you such psychological problems.

The polygraph: What I want you to keep in mind, this polygraph instrument is just a recording unit. All it can do is record your physiological responses, and...if you leave out any part of the truth, and tell me the partial truth, because of your autonomic, involuntary nervous system, it's going to react...

C [inaudible]

J ... significantly, and I'll know you're not telling me the truth.

It's really as simple as that.

The key is knowing and understanding the polygraph has no human capabilities.

It is simply an impartial, scientific instrument.

I'm going to give one of two little stories:

one little, two little examples that will put this in good perspective for you.

Let's suppose you have not been spending a lot of time with a loved one.

Do you have a younger brother?

C Yeah, I have a son. Kyle.

35:28

J How old is Kyle?

C Kyle is fourteen.

J Oh. Okay.

Let's suppose you haven't been spending a lot of time with Kyle, and obviously you haven't.

Putting it in a hypothetical world, when parents don't get to spend a lot of time with Kyle, you always try to make that up, which is what you will do when you leave here.

C Right.

J One day, you decide that you need to take a whole day for you and Kyle to go fishing.

This could be in the future. It could be in the past. It's a hypothetical situation.

So you end up on a beautiful lake. You leave your cell phone at home.

You leave your cares at home.

You leave everything at home.

Spend a day fishing and having a great time.

C Right.

J Kyle's happy and proud to have you for himself. No outside influence. And he gets to talk.

C Yeah. Absolutely.

J Which is great. My son is 30, and I talk with him on the phone every single day.

C That's awesome.

J I think it is. He drives tractor trailers all over the road, all over the country. At least once a day, he's calling us to tell us where he is, and tell me something good that happened. Something bad.

C It's the close relationship I always want to have with Kyle.

J And that...when you have that relationship, your kids will be raised...

C Right.

36:38

J ... much better.

They just need somebody. They just need somebody to have that relationship with.

So one way to do it you and Kyle go out to have a nice day fishing on the lake.

You pack a picnic lunch.

Nobody is to bother you and you catch a bunch of fish.

The day goes by and you realize it's five o'clock, and you tell Kyle it's getting late and you have to call it a day.

Obviously, Kyle is not happy and he's not anxious to leave.

But you share with him that you'll do this more often, and he understands.

You start packing up, and as you're out, ready to leave, Kyle tells you he has forgotten his fish, down by the lake, and he runs down to get them.

You watch him walking back toward the car, and he's proudly holding up his little string of trout, but he trips over a tree limb,...

C Right.

J ... or a rock or whatever.

So you go hustling down there and he's unconscious.

C Um.

J No blood. No big bruises. He's just unconscious.

Being daddies, we do whatever we can.

So, you put him in the car and you're going to head for the nearest hospital. Say, ...Concord hospital.

As soon as you start out, Murphy's law kicks in.

You're familiar with Murphy's law?

C Yeah.

- J Murphy's law states that if anything can go wrong, at the worst possible time, it will.
 Your car stalls. You look in the gas gauge.
 Kyle's in the back. It looks like he's sleeping, but he's unconscious.
 You, my friend, are out of gas.
 You are stuck in the middle of nowhere on a back road and you see a farmhouse.
 You run down to it. You run up the drive way and you see a mailbox with the name, "Smith" on it.
 You begin to yell. You bang on the door. Nobody's home.
 You try the side door and as you're looking through the glass, you see a big red five gallon gas can.
 It can't be anything else but gas.
 So you force the door open with your shoulder.
 It's just an old screen door, and pick up the can.
 It's full of gas and you run down to the car, and you pour the gasoline into the car.
 You're not even thinking you've taken somebody else's gas.
- C Right.
- J You're thinking of taking Kyle to the hospital. You're doing a good thing.
 At the hospital, you carry Kyle in and the doctor....
 You tell the doctor to hurry up, because he's been unconscious for a while, and you take him into the examining room.
 You kind of wait, pacing the hall.
 A police officer walks up, and says, "Excuse me, Mr. Evans, we just got information that you, someone fitting your description, and driving a car just like your car outside, broke into Ben Smith's house. His jewelry and a bunch of money were taken. Did you break into Ben Smith's house?"
 You're thinking, "Hmmm, You know if I tell him, he's going to think I stole the money and I stole the jewelry. Now, I did break into the house, but I didn't steal any of that stuff. I really don't think I stole the gas cause I was going to give it back to the guy."
 So, you're stuck. You're an adult. You put on a poker face, the social mask.
 You look at him square in the eye and say, "No officer, I didn't break into the Smith house."
 The officer looks at you, and shakes his head, says, "Okay," and he leaves.
 You don't think any more about it.
 You're only concerned with Kyle.
 You don't really give a hoot about Ben Smith because you know you didn't take the money or jewelry.
- C Right.
- J A couple of minutes later, the doctor comes out and tells you that Kyle is fine, "Calm down. He's going to live a normal life. Not even a concussion. He's was just knocked out. Surely [inaudible]"
 So Kyle joins you in the hall.
 You hug him and you tell him how worried you were, and you leave the hospital hand in hand.
 As you approach your car, you see the same police officer waiting by the car.
 He asks you the same questions again, "Are you sure you didn't break into the Smith house?"
 Now you are thinking, "Well, if I tell him I did and I only took the gas, he will know I lied to him about... the first time. I don't want to be separated from Kyle. I'm stuck."
 You stick with your original story. It's human nature.

So you put on that social mask again, and look at the officer right in the eye, “No sir, I did not go in there.”

The officer looks at you and says, “All right, would you be willing to come down to the police station and take a polygraph test?”

So, once again, you are stuck between a rock and a hard place.

C Right

J You have to say, “Yes.”

So you come down, come down to the polygraph station. You come into my polygraph room. You sit down, just like we are now, and I ask you, “Did you break into the Smith house?”

And you answer, “No.”

“Did you steal anything from Mr. Smith’s house?” and you answer, “No.”

What’s the polygraph going to show me?

C It should show you that I’m lying.

J Absolutely.

C ...stole gas
[inaudible]

J You are... It will show you are lying. Even if you didn’t break into his house, you broke into the porch.

C Right.

J But... You’re concealing part of the truth.

The question wasn’t “Did you steal the money or jewelry.” The question was “Did you steal anything?” and you’re thinking, “Well that was his gas,” so you answer, “No.”

The polygraph... you’re correct.

The autonomic nervous system will show that you had significant reactions.

But the polygraph could not tell me. What the polygraph could not tell the examiner, it couldn’t tell the examiner on that day, you had no intention of stealing anything.

In fact, you were going to bring the gas can back....[inaudible] door.

You only had one intention, to save Kyle’s ass,...

C Right.

J ... be nice to him, to get him to the hospital.

It wouldn’t be able to tell me, for instance, you did not know who the Smith’s house was.

C Right.

J You broke down, by accident, and it was so remote, you never would have known it was there had you not broken down a couple of yards away from it.

The polygraph couldn’t tell you that you took the gasoline and nothing else

because you only said, “No,” to the question, “Did you take ...

C Right.

J ...anything?” because of the way the question was formed.
More importantly, the polygraph can’t tell us the reason people do things.

C Right.

J Those are very critical.
The polygraph couldn’t tell me that everything that you did that day,... no criminal intent.

C Right

J You were [inaudible]...by the love you had for your son.
Parents will go to any lengths to care for,... even when they’re wrong.
Parents will go to great length....
Kind of the way your family has proven that with you. Same concept.

C Right.

J You’re in here. It’s a tough situation. You’ve got the strongest family backing that I’ve ever seen.
Nobody has lost faith in you for one day.

C Right.

J That’s what we want to instill in our children.
So, what I’m sharing with you. If you haven’t been a hundred percent truthful with the police or me,...

C Right.

J ...you won’t pass this examination.
And it’s possible, because of the stress you were under when you talked to them, the information in their reports may be less accurate than what you can give me today.
And if this is the case, as this goes on, you need to share with me the complete truth so we can resolve the matter.
I need to make sure I get the questions...

C Right

J ... right.
That’s the critical thing, and as long as you are telling me the absolute unadulterated, unedited one hundred percent truth, you’ll have no problem...

C Right.

J ... passing this examination today.

Now,...You know, there's a lot of things out there that can make people lose their cool with kids.

10:03:59 a.m. (44:08) [Redacted]

You need to be, as we discussed this, upfront with me.

C Sure.

J ... about everything that happened. What happened the week before.

C Right

J ...[inaudible] slapped her across the face two weeks before her death. That has nothing to do with the injuries which caused her death. We don't want...

C Right

J ... those things rolling around in your mind. Those are things that parents do to discipline...

10:04:21 a.m. (44:30) [Redact]

C Right.

J I'm old enough to be her father, probably old enough to be her grandfather.
I've read the reports.
Well, let me put it this way. Every story has two sides.

C Right.

J I heard you partially, through Morrison and I've read not all, but some of the police reports.
I've read the pertinent ones with the indictments and the allegations.
And, every story has two sides.

C Right.

J We see things differently, based on who we are.
Best way to explain that, when I was a young trooper I'd go to a car accident before I [inaudible]
And, a pretty simple car accident, and I'd get two or three witnesses, and I'd go get statements from them.
I'd go back to my barracks and type it up, and I'd sit and look at the witness statements go...
It looks like these three people saw three different accidents...

C [inaudible]

J ... and I should have three identical statements.

And I learned through the years... You never will.

C Right.

J People see things... remember things differently, based on their own perception, and stress.

C Right.

J And there's absolutely no doubt in my mind when this happened and since it happened...

C Right.

J ... you've been under a lot of stress, in many, many ways.

Now I have read the pertinent parts of the police report. I've read the original indictment and the original complaint that Sergeant White made up, so I know the elements of the offense that they charged you with.

And I've talked to Morrison to clarify, because he has more current knowledge than I do.

But my interest...

C Right.

J ...right now is what Chad shares with me, because you are the most important person in this room.

You're the person who is taking the polygraph exam.

Before we start discussing your version, there's something I need to share with you.

I'm not here to find you guilty or innocent or anything.

C Right.

J My job is just to find the truth, based upon your responses to the questions.

But again, we have to be clear for the record.

I'm not doing this...This is not a law enforcement polygraph.

C Right.

J I'm doing this as a criminal defense polygraph at your request.

Now, most people, Chad, that I test, tell the truth.

However, there are some who don't share the complete truth, and when this happens I like to find out why, and what I can do to prevent this from happening again.

It's also been my experience that when people come into a polygraph situation, they may become nervous, and unintentionally forget to share all the information about what they did or what they know.

As a result of what you share with me over the next few minutes, we're going to make up the test questions together.

I'll explain them in detail later, but each polygraph test consists of ten questions, but only three of them relate to the incident at hand.

C Ok.

J And it's going to be what is called a single issue test. I had the base wording down, but you and I are going to formulate them together to make sure you are on the money. You will have input.

C [cough]

J ... and you will know the questions, the important thing is, you will know your answers before...

C Right.

J ... I connect you to the instrument.

This is why it's imperative that you share with me the truth in complete and specific detail.

There is no room for misrepresentation, withholding, omissions or rationalization like I explained to you before.

So this is where I relinquish the floor to Chad,...

C Ok.

J ... and I'm going to ask you... please share with me in complete and specific detail about the events leading up to Cassidy's injuries and death, and that's alleged to have occurred very specifically on the 8th and 9th, if I remember specifically.

C Yup. Yup.

J So I want you to focus on those days.

C Right.

J There are no accusations about somebody hitting, striking her or throwing her down the stairs two weeks ago.

C Right.

J My understanding is that everything took place on the 8th...

C Well. That's for the murder charge, right? Specifically, there were some charges brought... held her cheeks to get her attention, eye contact.

But those were all prior, and they didn't... Those were ...

J Ok.

C ...the second degree assault charges.

J Ok. That's kind of scary, because I've done that to my ten year old more than one time when I needed to get her attention. I'm a former cop. I'm not quite sure that's an assault.

To be an assault, it's unlawful touching.

C Right.

J A parent has the right to discipline her.

C Right.

J Not to punch her in the nose.

C Yeah. Absolutely.

J But to do what you just said. I've done that to my daughter.
We're going to get into these safety valve questions...

C Okay. Alright.

J ... to make sure these things don't bother you and that's where I want those to come out.

C Okay.

J So please share with me in complete and specific detail what you remember happening on those particular days, the 8th and the 9th.
Remember the keys to your success, Chad.
Be one hundred percent truthful with me.
Don't withhold. Don't misrepresent. Don't gloss over.

C Right.

J Everything. The forum is yours.
Because, you know, you are on camera here.
Give us a brief in one or two sentences.
How did Cassidy come into your life? What was your relationship with her?

50:27

C Ah. I met Amanda on June 2, 2000. She was introduced to me by my landscaper at the time, for the company that I worked for. And about, approximately a week later, I met Cassidy.

J Cassidy is her daughter?

C Yeah. I'm sorry. Cassidy was Amanda's daughter, and, ah... I met Amanda, and fell quickly in love. Soon after we met, they moved in with me, and my son, Kyle.

J They moved in with you.

C Yup. To my house in Rochester.

J Keep going.

- C Um. And Ah... We spent a terrific summer together. That was June, when we met. I'd say, by July 1st, I would say, they had moved in with me and Kyle.
Do you want any activities that we did or more specifically....?
- J No. Let's just. I just wanted on the record a general picture, that led up to how you got together.
- C Ok. Yeah.
- J So we now know. So there were four of you living together.
- C Yes.
- J There's Amanda, you, ..
- C ... my son Kyle,...
- J Kyle
- C ... and Kassidy.
- J And Kyle was three or four?
- C Yeah. Kyle was about three and a half and
- J How old was Kassidy at this time?
- C When she moved in with me... When I met Amanda, she was approximately 16 months, so she was around that age when they officially moved in.
- J Okay. So during the summer the four of you lived together, and lived as a family unit. Continue...
- C Right... and Kyle was only there with us part-time, 'cause, you know, I had been separated from my wife. He spent two or three days a week with her...
- J Okay.
- C ... and the rest with me.
You know. We just had a regular summer. Just kind of blending. Getting to know each other.
Doing family activities. Just trying out new things in life.
I bought a boat for the first time.
In fact, we went out on the boat a lot.
- J What kind of boat?
- C A little Glastron 16 foot speedboat.
- J Whereabouts? What body of water?

- C It was in Sawyer Lake is where we kept it, but I bought it off somebody on Winnepesaukee. So....a lot of fun. The kids loved it.
- J I had a 25 and then a 30 footer down at Ridge Cove Marina for years until I broke my back, and...
- C I always wanted to go out in the Portsmouth area.
- J I used to go out on whale watches...
- C Oh.. yeah.
- J ... down there.... out to the islands. Out picnicking. Out at night to look at lighthouses.
- C Nice.
- J It just makes your blood pressure...
The most difficult thing in my life. I broke my back.
I had to have steel rods put in it and screws. A very serious injury back there. That was the end of my boating career.
Boating on the ocean is not like on a lake.
- C No. I've been out. It's just.
- J You're tired at the end of the day from...
- C Right.
- J ... shifting your weight. Eight hours on the ocean, you're exhausted.
And because of my lower back injury, you know, we had to put the boats up for sale.
So, I know how you feel about boating.
- C Absolutely.
- J I digress. So, continue.
53:38
- C Ah. So, you know, we did those kinds of family activities, picnics, go out, take the kids out to the park to play. That kind of thing.
We had a... I'd say, a great summer, and, ah, moving into fall.... Ahh.
In the fall time, things became a little more restless, between....
- J This was in the year 2000?
- C Yes. 2000. Things became a little more restless between Amanda and I at times because I still wasn't formally divorced. I was going through the divorce proceedings.

- J [inaudible] ... can't imagine...
- C ... living with me. Her and my former wife didn't really get along, and my former wife would show up at the house a lot.
That created a lot of stress.
Ah. So....sometimes, that created stress for her and I, and whatnot.
Let's see. Where was I.
About... I'd say... Amanda enjoyed the summer. I think it was...
She was young. She was only eighteen years old, at the time.
She had, you know, worked steadily at jobs since she was 14 or 15, I believe she told me, so the summer was really the first time she really hadn't worked.
By the fall, she was a pretty motivated person and she was pretty restless.
So, she wanted to do something.
Plus, she was involved with some program for single mom's
It was through Maine.
I can't think of the name of it at the moment. Drawing a blank, but, anyway...
She was involved in this program where they were going to help her pay for school and things like that, and care for Cassidy, daycare, while she was at school.
But in the meantime, she needed to have a job, so she did some part-time work for one of my friends.
- J That was in the fall.
- C Yup. That was in the fall.
And then that job that my friend had kind of was petering out.
She wanted a job where she could work outside the house.
So she went job hunting. Found a job. You know... late fall.
She found a job working down at the Old Navy store in Kittery, Maine.
And, um, prior to that, we had Cassidy at her sister...
Her sister's boyfriend lived in Kittery, Maine.
Other than that, Amanda didn't have any family around here.
- J you were living in Rochester.
- C I was living in Rochester.
So, anytime we went anywhere or did anything, typically maybe one of Amanda's friends would watch Cassidy if we weren't taking the children with us.
Or, Amanda's sister's boyfriend ended up watching Cassidy a lot.
Especially... He's a landscaper, as I mentioned earlier, and ah...
He, ah... while Amanda was doing a lot...
- J What was his name?
- C Jeffery Marshall.
- J Okay. That's the statement that I read. Okay.
- C Right. And, ah...

- J His relationship was...?
- C He was Amanda's sister's boyfriend.
- J Amanda's... Okay.
- C Jennifer was Amanda's sister and Jeffery was her boyfriend.
So, ah....he ended up watching Kassidy a lot. He was a landscaper, so...
The fall was his slow season, and he didn't have a lot going on.
We tried getting Kassidy into regular daycares but November..
October and November is a tough time to get children into schools... starts in September frame, so it's
a tougher time.
So he ended up... He offered, you know...."I'll watch Kassidy until you guys can get her into a
place."
She was on several waiting lists.
So, ah.... Amanda worked. I worked, and Kassidy spent a lot of time at Jeffery's house, apartment.
- J And he lived...was in Maine.
- C Yeah, Kittery.
- J Continue.
- C Ah. Then, from there...you know, little things...
Shall I talk about accident history or things like that?
- J [inaudible]
- C We started noticing things. She'd come back from Jeff's house. Little things. You know, saying
like, she had a bruise here, she had a bruise there. The dog knocked her over. You know, all things...
Kassidy was a beautiful little baby, but she was very klutzy.
And she was prone to some pretty serious temper tantrums.
So, there was times when she would come back and we would hear, you know,
"I was running to the phone and the dog knocked her," "I stepped on her leg." You know...
All things that we had seen happen, and in particular,...
I had a roommate... I'm sorry. I forgot to mention that.
I had a roommate that lived with me in September, Travis Hunt.
- J Was Kassidy hyperactive [inaudible]?
- C No. She was not hyperactive. She was very withdrawn.
For the most part, she was... I would say she was kind of a normal ...
- J Well, I understand the behavior.
I'm raising my ten year old, who's got ADHD and reactive attachment disorder, and I consider my
wife and I to be pretty decent parents.

C Right.

J We've raised two adopted kids.

I've been investigated by DCYF three times because my granddaughter went to school.

One of the things that she liked to do was run away and hide under the table.

But she would hide under the table and then stand up real quick.

C Oh boy.

J And she'd have a bruise here, or a bruise here.

Or she would run into things.

The school did their job. They saw bruises on the kid.

They called DCYF. They'd come over and we talked about it.

So I have a grasp of what you're talking about.

C Right.

Kassidy was a little.... let me tell you this.

There were two things that I thought were kind of odd with Kassidy, and my roommate had observed this as well, which, at supper times.

Sometimes she would be running along and do fine.

Another time, she's running along and she would fall. You know. Just like a normal 20-month old.

But, on a few times she fell and never put her hands up to stop herself, which is kind of normal reaction.

So, you know, if you take a fall, usually you don't put your hands up to break a fall.

J It's very normal.

C Right. And the few times she did it, she would just fall, you know, and just hit her face, whatever.

And the other thing was... she was very attached to Amanda.

You know...prior to coming into my life, Kassidy was raised a lot by Amanda and Amanda's mother.

Amanda was young. She was 16, I think, when she got pregnant and 17 when she had her.

She had some post-partum depression that she dealt with.

So her mom helped her a lot, and I think...

J That's ok.

C [laughter]

J I've got a 26 year old daughter. She's adopted. Her birth mother was 13.

C Oh. Yeah.

J [inaudible]

C [laughter]

J What's you're saying is not young compared to what I've experienced.

C Well, anyway. She was...

Her mom was very involved, and Amanda relied on her, and I think that created an attachment from Cassidy when she moved.

I didn't realize this at the time, when she moved from that house in Maine to my house in Rochester, that was probably a big thing for Cassidy.

She was very attached to Amanda. Like when I went to Amanda...

Sometimes in the very beginning, I would Amanda, Cassidy would have these huge fits like I'd never seen before. You know, at that point, I had a son and a stepson, and I'd never seen any reaction, where...

If I went to Amanda to give her a kiss or something, Cassidy would start screaming and crying.

And then Amanda would set her down and say, "Well, she's just being spoiled." You got to put her down.

She would put her down, and she would, literally, throw her head back on the floor and start banging on her head.

J One thing, when we're done. I'm digressing, but you're describing an attachment disorder.

It's called reactive disorder, R. A. D., reactive attachment disorder.

Some of these people up here.

C Right.

J Chances are... a lot of the people who are in here suffered from that.

C Right.

J Young children don't get over it, if they are not nurtured and loved, if they move from place to place. That's what happened to my granddaughter.

C Oh man.

10:21:56 a.m. (1:01:43) [redacted]

C Right.

J The babies are not properly attaching...

C Right.

J ... like you attached to your parents.

C Right.

J I've met your parents, so I know how attached you are.

When they don't get that love and nurturing and security....

They don't get better.

Actually, they get older with age, what they're doing with the negative behaviors.
I've been studying this ...

C Right.

J ...because I live with it.

The negative behaviors are called replacement behaviors.

And what's going on in the mind of the child who didn't have the love and security that they thought they needed at one, and 18 months and two years.

What happens to the child "Hey, when I throw a temper tantrum, guess what? I get attention."

C Right.

J Negative attention.

C Right. But it's attention. Exactly.

J And that's something, you probably should educate yourself on it, ...

C Right.

J ...because I've seen some of the things you're talking about.

C Right.

J I've been living it.

C That's interesting, because I've speculated for a long time.... just....

There wasn't a lot known about autism then, but there's a lot more known now, and ah...

I was just looking back at some of the things, and it just makes me feel worse for not paying more attention is that...

I think....she... I thought that maybe she fell somewhere on the autism spectrum, because see...a lot of those withdrawn behaviors,...

J Um. Um.

C ... the eye contact, ... the lashing out bits.. you know... not severe, because...

I know, Amanda really, you know, obviously, loved her and cared about her.

We ... always cuddled Cassidy.

But, at that point she was already at 16 months old so who knows...

J ... there's no dad.. at her age.

C Right. Father was never around.

J Now. Tell me. Classic R.A.D. .. classic, classic, classic. I've lived through it.

It's horrible stuff. It really is.

That's why they talk about... a lot of the people who come in here.
They rob banks... do drugs, commit...
If you look back, almost all the people in here either have a drug history or come...

C Right.

J ...from a severely... a home where there was severe abuse.

C Right.

J They never became attached to people.

C Right.

J They have no empathy for people.
They had none at two. They aren't going to have any at forty five.

C That's a good point.

J That's exactly...

C [cough]

J make any excuses....

C No...that makes sense.

J Right.
They don't have any empathy.
If you don't have it at two, three and four, you don't learn empathy and security...

C Right

J ... when you are forty five.
You're only worse. You don't care about the guy...

C Right.

J ... in the convenience store you stuck a knife into.

C Right.

J Anyway, that's kind of what you were describing.
Anyway, keep going.... [inaudible]

C So, ah. I guess, that's pretty much the history.

- J Take us to the 8th and 9th.
- C The 8th and 9th. The 8th.
You know, at this point, Jeff is watching Kassidy more regularly.
We're noticing more and more, you know, bruises and things.
At one point, he had spanked her bottom so hard, it left black and blues.
Like meatballs, we let her go back there.
Anyway, by the 8th and 9th, I was getting very, like, you know... "Amanda, he cannot watch her anymore. I don't care if you have to quit work. I understand she is your child, but we have to do something differently."
- J What was Amanda's reaction to that?
- C It was hard, because she was so young, and she wanted... I didn't know at the time that she was that much younger than I was.
- J How...so... at this time she was...
- C Well, she was 18, but Jeff, Jennifer and Amanda... they all led me to believe that she was 20, 21. So...
- J I just wanted to get your reference, as far as being mature, 18 and having a kid.
- C Yeah. Right. No. She was, yeah... She would get angry sometimes, "You don't think I know this?" I'd felt,... you know, look... I'd done some controlling things in my marriage and I didn't want to be in the same boat, so I just kind of backed off a little bit.
But, anyway, the night of the 8th, Kassidy was actually supposed to spend the overnight at Jeff's house, because Amanda was working a double shift on the 8th and she needed to be at work again on the 9th.
I had already... Thursday [sic] evening, on the 8th was my night to be with Kyle anyway, so I told Amanda, I think either the day before, or the morning of, "Look, I'll pick Kassidy up from Jeff's and I'll watch her." You know, take her home 'cause I'm going to have Kyle.
So that was the plan. I picked her up. I got out of work.
I left Hampton, my Hampton restaurant.
- J Which restaurant?
- C I used to supervise the McDonald's restaurant, on the Seacoast, Route 1.
- J Oh, that one on the boardwalk?
- C Yeah. That one, on Hampton beach. Route 1.
- J So, you picked Kassidy up.
- C Yup.
- J At about what time?

- C Five...I think it was like about 5:20. Sometime around in there. 5:30.
- J And you picked her up in Maine.
- C Yup. I picked her up, yup, in Kittery at Jeff's apartment.
- J Okay.
- C And, ah... You know, he actually was sitting out on the door step with her waiting for me when I got there.
She was all bundled up. You know, ... November, it was kind of dark, so...
I picked her up, and ah, you know...
Amanda hadn't left her car seat and Jeff went on about her being a dumb bitch.
I'm like, "Easy, that's, you know, my girlfriend."
- J Jeff was calling Kassidy...
- C No. he was actually calling Amanda a "dumb bitch" for not leaving a car seat.
- J Oh. Okay.
- C So...but he was really acting kind of strange, I thought.
You know, just..
Like trying to talk with me about inconsequential things, when I already told him that I was kind of in a hurry.
The election was going on. He was trying to talk to me about this and that.
- J How close did you get to him?
- C How close to Jeff?
- J Yup.
- C He physically handed me Kassidy, so....
- J What did you notice about his demeanor? His eyes? Or alcohol on his breath? Was there any...?
- C No alcohol. Nope. There wasn't drinking or nothing.... I don't think he drinks much anyway.
He was just acting very strange.
He kept saying, "You know what I mean? You know what I mean?"
I'm like, "Yeah. Whatever, Jeff."
He's like, "I don't wanna...
I think at one point he made a comment about not wanting to watch Kassidy.
You know, just acting kind of strange.
- J The words you just said, "You know what I mean."

C Right

J I'm writing. Pardon me. Are you sure those are the words he used? Or something close to it...?

C Yeah. Oh yeah.

J How many times?

C Three,...four. At least.
I wasn't there long, but...

J But, they're repetitive. I'm applying some statement analysis.
The repetitiveness and making that statement, "You know what I mean," because you don't know what he means until he tells you.

C Right.

J You don't know what I mean until I tell you.
It does,... I don't know what was going on there, but it does sound like he was under stress and nervous about something.

C Right.

J He wanted you on his side, "you know what I mean?"

C Yeah.

J He wants agreement.

C Right. My brother will say stuff like, "Well, you know what I'm talking about."
Often. We're in a very relaxed setting.
This was more like he was kind of like, pushing it at me.

J Right.

C But anyway. I picked her up. I put her...I'm like, "Oh my gosh. I don't have a car seat."
The thing was... I had to be in Dover at 6:00 to pick up Kyle from his daycare.

J Okay.

C I said, "I gotta go." I couldn't strap her in Kyle's car seat as she was so small.
He had one of those booster seats, and the strap...she would not be able...

J She was so [inaudible]

C Right. So what I did was put her in the passenger side, back seat, took my sportcoat.. I had a sportcoat on.

Took my sport coat off, and I padded it, between...

I moved the backseat strap behind her head, and I padded the front of her with my coat so it [the seatbelt] wasn't like... wouldn't cut into her if something happened, you know...

J Right. And even if that wasn't perfect, you at least had her restrained.

C Yeah.

Trying to do something. But, um.

So anyway, ah.

We leave Jeff's place and, ah,... about, you know, ten or fifteen minutes later, I'm talking to Kassidy in the back seat, and I'm like...

Usually she... I would say, "Kassidy, would you like some french fries?"

She loved McDonald's french fries, and she'd go, "Yes."

She had this little, perfect, "Yes." And... ah.. [laughing]

J All kids say "Yes," to McDonald's french fries.

C Oh yes.

Well, she was, you know, but didn't say anything.

I would say, "Kassidy, baby," and she's not saying anything.

So I looked back. I'm driving on the Spaulding Turnpike, and I looked back. It was kind of dark.

She was slumped forward in her seat, and I thought maybe she was sleeping.

But... she was.. she had.. her eyes,... looked really glassy. She was drooling.

And she's not really.... I had never really known her to drool.

So I patted her leg.

And then she just kind of looked up at me, like she was snapping out of it or something.

So I just thought, you know, she was dozing off or dazing off, or something.

Like, "You want some french fries?" and she said, "Yes."

So I said, "We're going to pick up Kyle," and she said his name. She always called him, "Kyko."

So we got to the daycare. I was the last parent there.

I parked right in front of the building.

The lady had Kyle ready. And I just grabbed him. Put him in the car and went home.

J Okay. Now, what happens at home?

C The second I got home. Kyle's behind me in the car. He's in the car seat... I'm in the driver's seat and he's in the back seat.

J Okay.

C He... I go over to open her door first. I start unbuckling her and Kyle's flipping out.

He's three and a half years old, "Daddy, I want to get out first." You know, he's having his little thing.

J Yup.

- C And, ah...I said, "Kyle, relax," and he said, "No. Me!"
I said, "Ah..." So I set Kassidy down on the ground and went over to the other side, because I couldn't reach through and grab his buckle.
Went around to the other side. Unlocked him... his car seat thing. Got him out.
We walked back around the car to pick up Kassidy. Behind it.
And, ah when we got over there she was lying face down in the driveway.
Like she had fallen and didn't put her hands out again.
- J Did you see her fall? Or did you...
- C I did not see her fall.
- J You found her...
- C I set her down on the ground, standing up. And when I came back, she was laying face down on the ground. And, ah...
- J Any injuries to her nose?
- C No... Not that I could... no visible scratches or anything like that, but ah...
You know, first thing out of Kyle's mouth, "Daddy, why is Kassidy on the ground?"
I said, "I don't know honey." So I picked her up. We had a paved driveway.
- J You had picked her up and she was upright.
- C Right. She was standing upright.
- J Then you go back to get Kyle.
- C Right. No! Kyle was with me.
- J Okay.
- C We came back around the car. Kyle was with me. And I picked her up and just put her in my arms and carried her inside the house.
Whoops. Back up a bit. I forgot to tell you something that may be important. I don't know, but...
When I'm driving on the Spaulding Turnpike and I noticed that she wasn't acting right, I picked up the phone and I called Jeff Marshall and I said, specifically, "Did you notice anything with Kassidy today? Was she extra tired, you know, te da da da da da?" You know, I just had a real weird feeling, nothing that concrete. He said, "No. Nothing. I told you that kid was retarded."
We had known just weeks prior since Jeff had spanked her, and I had threatened his life.
So, I didn't think....I didn't want to think that it was anything like that.
I said to him, "Jeff, did you do anything to her?" and he said, "No. Honest. I didn't do anything, whatever" and...
I'm like, "Well, when Amanda dropped her off, was she acting fine?" or whatever.

The reason that's important is that he actually acknowledged that phone call that I had called him asking about Cassidy's condition.

J Ok, so that is on the record.

C That's on the record.

J I think I read that and I made a note to ask you a question.

C Right.

J Morrison has that, and he has a website.

C Well, anyway, yeah, that was one of the qu....

I asked him that, I called him, like I said, about fifteen minutes after, ...knowing her behavior wasn't right.

So, we get into the house.

I set the kids down, and I called Jeff back, and said, "Jeff, you know. She just fell.

I set her standing down. I went around to let Kyle out and I came back around, and she's face down.

Are you sure you didn't do anything?"

I said, "If there's something wrong with her, Jeff, I need to know, blah, blah, blah. ...take her to the hospital."

He said, "No, no, no. I told you. She's just retarded...."

J I don't like that word.

C No. Me neither, you know.

Unfortunately, during the 2000 time frame, that was a word.

It was my word for everything. Oh my God, that [inaudible] was so retarded you know... Everything, but...

J Yeah,..

C You shouldn't use it in an negative connotation....

J That's a different context.

C Absolutely.

J My 26 year old daughter does that, when she's trying to talk about something, "Dad, that's so stupid, it's retarded."

C Right.

J Not ...

C But, you know we're a lot more sensitive to that word today.

I try to never that word come out.

You know, 'cause at times, I had said that.

Not that Kassidy was retarded, but "Amanda, you know, your daughter is acting retarded, and..." meaning... you know, one time we were cuddled up on the couch [laughing] and she comes in with a sheet over her head, and all we could see were these little feet and laughing and like, "Your daughter's acting so retarded right now."

J Right, but in that context.

C But, it's not really....

J She's acting weird. She's acting strange.

C Right.

J That's different than mentally.

C Absolutely.

J If she's a retard, she got ...

C No. She's very intelligent.

So anyway, he said, "Nothing, blah, blah blah."

So I set Kassidy down. Gave her something to drink, and Kyle something to drink.

And they went and started watching some cartoons.

One of my buddies called, and I talked to him for a few minutes.

This is the 8th now.

I went, at one point, I had a nightly ritual with Kyle, where we would always hit some balls.

Usually, we had a whole basket full of, in a milk crate, you know, wiffle balls... all that stuff.

It was unbelievable. But, we would usually go outside.

But it's November, and it's dark, and I'm by myself.

Kassidy's not really acting normal so, I decide, "Alright Kyle, we'll hit a few in your room."

So I have the baby with me. She's sitting on my lap. I'm just pitching him Tee-balls...

J Only a father would play baseball in a bedroom.

A mother would shoot you.

C Oh yeah. If Amanda had been there, it would have been different, I'm sure.

So anyway, I'm pitching him balls and he's hitting them all over the place...spraying around the room.

And um...

J Anything break?

C Nope. Nothing broke.

Not that time.

J Banging off the walls.

C Right, banging off the walls.

J Because I've done it before. Not the smartest move.
But anyway....the second to last ball that was in the bucket was his brother's Tee-ball.
Brother Brent. I pitched him the Tee-Ball, because...
Kyle was great at hitting them, but he wants no part of helping you pick 'em up.
So I just tossed it. Not thinking. Whatever.
Well, he hit the ball right straight back at us, and it hit Kassidy right in the eye.

J What time was that?

C 7:00ish. 7:15

J Ok.

C Somewhere in there.

J So, we're talking 7:15 on the 8th.

C Right.

J My kids both played Tee-ball a long time ago. That's a fairly solid ball. Hard rubber.

C Right.
Basically, how I called it, as I termed it to the police, it's a "starter baseball."
It's just a little less firm than a baseball.

J Right.

C Not quite as heavy.

J Right. It's solid but it has a little

C Right.

J Spongy.

C Right.

J That's what I remember...

C You know... of course they didn't think that Kyle would be able to hit the ball
They asked a bunch of my friends about it and they all said,
"Look, this kid is... you know, unbelievably athletic."
He could hit a wiffle ball the length of our house, which at three and a half is pretty amazing.

- J Right.
Are you sure the ball hit Cassidy in her eye.
- C Oh. I'm positive.
- J Was there a mark?
- C Yeah. Immediately. Well, there was... I say "immediately" within five minutes.
First thing, there was... it hit her, and she went, "Uuuh," and she fell back against me.
You know, was kind of like, a little dazed, and I'm freaking out.
And that's when she started crying.
- J Which eye?
- C I think it was her right eye....she was sitting in my lap.
So, she started crying when I freaked out, but not really... she just kind of whimpered for a second.
What I did was I went downstairs and grabbed a washcloth and put a few ice cubes in it, and put it on her eye, because... you know, that's what you do.
- J Yup.
- C She.. ah.. when that happened, that's when she started freaking out.
She did not like the ice on her at all.
So I'm like, "Okay, okay, I won't do that."
So, at this point, my roommate comes home, Travis Hunt.
- J How old was he?
- C Twenty-five, twenty-six?
- J Travis Hunt?
- C Yeah. I was 28, so he's a couple of years younger than me.
He comes home, and...
I'm up in the bathroom with Cassidy. I said to Kyle, "Kyle, we can't play anymore."
First, he apologizes to Cassidy, and I said to him, "Honey, it was an accident. It wasn't your fault. It was Daddy's fault. We shouldn't have been playing ball in the house. Blah. Blah. Blah."
So, anyway, I'm like, Alright, I've got to give Cassidy a bath.
My roommate comes in. Kyle is still freaking out. He wants to play.... having a fit.
I was kind of permissive with Kyle, because, you know, I was just separating from his mom.
I said, "Kyle, I can't do it right now. I'm going to give Cassidy a bath.
So my roommate took Kyle in and he tossed...
He came into the bathroom and saw me giving Cassidy a bath.
- J How soon. The ball hits Cassidy in the eye.

C Right.

J How long is the time span between then and your roommate coming in?

C Five. Five minutes. Ten minutes?

J Short?

C Yeah. Very short.

J Okay. Go ahead.

C So, anyway, she's in the bathroom.

Kyle comes in. Sees Kassidy. Sees the red mark. A round mark, right here under her eye.

Kyle said, "I hit Akassidy by accident," and Travis said, "Did you say you were sorry?"

I said, "Yes, it was an accident, Kyle." Whatever.

Right around the same time, and I'm not sure if it was me who called my ex-wife, or if she called me.

I think she called me, looking for my friend, Jeremy...

She works in the medical field. I kind of described what's going on with Kassidy that night.

How she fell in the driveway, how she was lethargic, drooling, and how Kyle hit her with the ball.

Actually, Kyle told his mother that he had hit her with the ball.

J While she was sitting in your lap, before the ball hit her... how was she acting?

C Right.

Yeah, she seemed fairly normal. That's the thing that really screwed me/fooled me that night, was because she was normal one minute and then the next minute she was just acting like, dazed.

And then the next... she was normal again. So I just didn't know what the hell was going on.

I mean, come to find out afterwards, talking to the medical doctors, or whatever, you know...

They believe she had a head injury at that time. Subdural hematoma, or something.

J Yup.

C That... something that could have caused her to have these in-and-out behaviors.

J Yup.

C I didn't know any of that then, but.... Anyway.

J Hindsight is 20/20.

C Tell me about it.

So, she's sitting in my lap... I mean, she's in the bathtub. Travis is in leaves the bathroom.

He sees me pull her out. I thought he held her for a minute, but I guess he didn't.

But he, he stood there with her for a minute.

Oh Gad, I didn't do a lot of the bathing. So, I left....

I brought everything in I needed except the baby lotion, or something, so I went and grabbed it and said to him, "Can you stand here with her, because....she's you know, not acting right?" He's like, "No problem." So, he stood there for a second. I grabbed what I needed. So, he saw her naked. He didn't notice any huge bruises or anything like that.

J How long was Travis near her while she was naked?
One minute? Thirty seconds?

C No. More than that because he stood in the bathroom with me for a little while when she was still in the bathtub.

J Was he there long enough so if she had a chest bruise, he would have seen it?

C Yeah. Absolutely.

J Did... was he interviewed by the police?

C He was.

J Did he tell them he saw no bruises?

C Yup.

J Would you say that the police were helpful to you or detrimental to you?

C Well, I think...

J I think I read it back home somewhere.

C Well, let me tell you. I think his statement should have been helpful to the police, because he was the most obvious person that had seen me that night with Cassidy and with Kyle. But I think, right off the bat, the suspected, within three hours, they were thinking that I was the guy who did this, so that anything that was positive, they just kind of discounted. I don't want to say anything bad about the police. It was led by emotion, and it happens. So anyway....I went.. I took Cassidy out of the tub. Set her down. Diapered her up.

J Yup.

C Aaah. Forgot something else. I'm sorry. I hope this is important. Right before we played ball, was it right before, yeah, I tried feeding Cassidy, and I noticed she didn't have much of an appetite. Usually, she was a voracious eater. She ate more than Kyle who was double her size. I gave her a grilled cheese and she didn't want that. She took like one little bite. I gave her a banana and she didn't want that. She ate three or four bites of it. In fact, when the police ... I explained all this to the police.

When they opened my trash up, there's a banana there with her teeth marks in it.

J We're getting off track, but make a mental note, for whatever notes you're taking, and talking with Morrison...

One of the signs and symptoms that I've learned with an attachment disorder is a huge, non-stop appetite.

C Really?

J And....which explains.

My granddaughter will finish a meal and she'll want to know when the next one is.

C Right.

J And she actually sneaks food, and hides it in her room.

The psychiatrist told us that's called a "replacement behavior."

C Really?

J She's using that for security.

Kids get their security when we hug them and we tuck them into...

C Right. Food is security.

J She is using food for security, which she uses to make up for things earlier in her life, in a violent situation, where there was no security.

C Right.

J So just file that away.

C Yeah. That's good.

J A sense of appetite is often a replacement...

C She would have... some of her fits would be if Amanda said, "No, honey, you can't have a cookie. We're going to eat dinner in a few minutes." Then, she would throw herself down on the floor.... That kind of makes sense.

J That's what I go through every day, and I have for the last six years, since I've had my granddaughter....

C Well, you know, I think it's awesome that you have your face to it.... what some of it is... you know.

J Well, ... kids... I have a lot of experience.

C It's great.

- J It's after the fact, but it still needs to be known, because one of the questions I'm going to ask Morrison, is to go back through the records and see if anyone suggests this. It doesn't really have a lot to do with whether or not you struck her, or Jeffery did, but it has a lot to do with her behaviors...
- C Yeah.. and our understanding what was going on...
- J One of my granddaughters, when she gets mad. You and I do this. She has bitten herself so bad... That's caused...
- C She would pull on her hair. Amanda actually had to physically once pull her fingers away, because she was ripping it out.
- J It's frustration... if it's R.A.D., it's a replacement behavior. From the kid's point of view, when the kid does that, it gets you and Amanda upset.
- C Right.
- J And you immediately pay attention to her, because it's negative. But that's better than nothing at all. Keep going.
- C So I took her... at this point. I'm feeding ...took her to the bath. I take the kids. It's close to eight o'clock at this point.
- J On the 8th?
- C Yes, sorry. I was sitting with the kids before bedtime. Their bedrooms are side by side. But I was downstairs in my office.
- J With both kids.
- C Yup.
- J Okay.
- C Right. Well, Kyle was in and out. I had given him an ice-cream sandwich or something, and Cassidy, she didn't really like that. They were mint ice cream sandwiches, and she really didn't like that. She ate freeze-pops. She was sitting in my lap in my office. In my office chair and I was holding her like this. She was eating her freeze-pop. My roommate came in and we talked for a few minutes. And, ah.. after that was done I took the kids to bed. I read them both a story. Then, let's see, about 8:15 or 8:30, they were in bed.
- J Both went to bed,...

C Yup.

J ... same time?

C Yup.

J Okay.

C Kyle not nearly as well as Cassidy.
He was a little preturbed [inaudible] about going to bed. [laughing]
You know, he talked me into...
He's a good negotiator. He talked me into reading him another story.
I'm like, "Ok, buddy...it's time to go to bed now.."
Anyway, by 8:30 to quarter-to-nine, I'd say they were both asleep.

J ... good negotiator.

C Ok, yeah.
[laughing]

J Ok. Go ahead.

C So. Eight-thirty, I'd say they were both in bed sleeping.
I talked to Amanda at one point. I told her...
She called me on her break. I told her how Cassidy had been acting.
I said, "Look, I don't want to watch her. I took her because of this...
We can't let Jeff keep watching her."
Next day, of course, she doesn't remember a lot of this, when she talking with the police, because,
you know, ... that's what happens.

J After they went to bed you called her?

C No. No. She called me on her break. I think they were still awake at this point.
But, you know, I explained to her about the ball hitting Cassidy, because I didn't want her to be shocked.
I said, "Look, she's fine. She just has a mark around her eye."
While I had Amanda on the phone, I noticed for the first time there was a scratch under her other eye,
and I asked her what happened. A scratch and a little bruise.
I'm like, "What happened to Cassidy?"
She's like, "Oh, the other day..."
I said, she had this mark on her eye.
"...when I was sitting there with her and Travis..."
We had the couch right, right next to a coffee table, and she used to slide off...
She was too short to get off on her own, so she'd slide down the cushions like this...
And when she did she fell forward...
And I guess the scratch came from... we had just gotten her a kitty.

So anyway, that was that, and, you know...
My roommate left at... I think it was at ten after nine.
He left to go out to see his girlfriend.
And Amanda was home...
After that I worked at some computer work.
Amanda had a job, she was working at.
I was helping her collect and do these surveys.

J What time did Amanda come home?

C I think 11:00, 11:30. Somewhere in there.

J Okay.

C She got home. We argued for a few minutes.

J About what?

C Ah. Stupid shit.

J It's always about stupid shit.

C [laughing] Yeah. You're right. I mean.

She had just worked, like a twelve hour day and I wasn't being very sensitive to her.
And ah...you know, and to her credit, I mean it was the first time she had been out, and she had been taking a lot of slack on the home stuff.

I don't know. I felt like maybe she didn't appreciate me enough, or something.

She said, "You work, you sit on your ass at work."

I was a little offended at that, you know.

As a supervisor, that's the littlest thing I'm doing, you know. [laughing]

J Right.

C So we argued for like a minute and a half.

I mean, you know, we just...we actually physically... [inaudible]

I was like, "Whoa. What the hell are we doing?"

It was over within 30 seconds.

J You actually touched each other?

C Yeah. Yeah. Yup Probably me more than her.

And I quickly realized, like "Whoa," "What are we doing. This is stupid." "I'm sorry. You're right."

We kissed. Walked up the stairs together.

The children's bedrooms were on this side [pointing left] of the hall and ours was on this side of the hall and we checked on the kids.

It was kind of a nightly thing. Kissed Kyle....kissed Cassidy.

When we walked into Cassidy's room it smelled like a friggin' bomb went off.

It stunk horribly, like shit.

I said, "Oh my god, Amanda, you gotta change her diaper," and she said, "I'm not waking her up to change her diaper." She said, "I'll just change it in the morning."

And ah, I'm like, "Whewpf!" It was horrible.

So, I went over... I leaned over and kissed Kassidy on the forehead and her eyes were open.

J And you're sure it was a diaper change.

C Yeah. Yeah. Strong shit.

She, aahh. You know. I looked. I bent over.

Kassidy had her back to us, to the door, and I leaned over and kissed her on the forehead.

And, ah, when I did that, her eyes were open, and I'm like, whoa...

"Honey, she's awake. Just change her diaper."

She said, "No, because then she'll be... whatever. I'll change it in the morning."

I said, you know, "Whatever. It makes sense," so...

We just kissed her. We went off to bed, and that was it.

We woke up the next morning to Kassidy crying.

It was earlier than usual.

A lot of nights, especially recently, Kassidy had been coming and sleeping with us.

Sometimes she'd be crying and I'd go get her.

Other times, she would physically, well, just come in herself and crawl up in bed with us.

So, that morning it was like 5:00 something, and you know, it was well after midnight before we went to bed and I was exhausted.

I heard... You know, we both heard Kassidy crying, and I looked over at the alarm clock real quick and it was like an hour before we needed to get up.

Amanda's like, "Just tell her to be quiet."

I called "Kassidy, baby, go to sleep. You're ok."

She didn't cry again. That was it.

Hour later, ... hour and a half later, probably, close to 6:45, we got up.

We didn't hear the alarm, so we got up late.

Now we're in a rush, and you know what that's like: two little kids and two adults that are late.

J [inaudible] One adult, me, but I understand.

C So, we're ah rushing around to get the kids up.

Amanda had to jump in the shower. I said to...

I was laying there and Amanda was really pissed off that morning, and she yelled at me, "Get the hell up. You never help me, blah, blah, blah," and I'm like, "Okay, okay. I'm sorry. What do you want me to do."

I run over and got Kyle's clothes, and I said, "What do you want me to do with the kids?"

I fed Kyle breakfast.

I yelled up, "Do you want me to feed Kassidy breakfast?" and she said, "No, because she'll take forever. Just put it into a baggie, so I can bring her to Jeff's."

So, I took.. I had Kassidy with me. We had been carrying her that whole morning.

Took Kassidy with me. And, ah...had her on my hip. Brought her into the kitchen.

Asked her what kind of cereal she wanted.

She pointed physically at the cereal she wanted.

Couldn't tell. There were five boxes together.
So I picked it up and she didn't say nothing, and I picked this one up.
Then she pointed again, so I knew it the Reese's Peanut Butter Puffs that she wanted.
Packed those...

J Good choice.

C Yup. [laughing] I packed those up. Packed some snack things for lunch, and, ah...
And then I set her down.
Oh. One other important thing. When we went to the bedroom to get the kids when we were late,
Kassidy stood up in the bed and walked towards us. You know, running, "Mama..."
Gave her a hug.
This was important because the cops said that it couldn't have happened this way.

J Okay.

C She...the doctors were saying that she would have been dead.
There's no way she could have gotten up and walked...
It's true, she had a leg injury from where Jeff had tripped on her a couple of days earlier.
We had been carrying her, for the most part, around, but she walked physically to her.
After I gave her the cereal and baggie and set her down in front of the TV to watch cartoons so I
could go upstairs and get dressed real quick.
And she was fine.
Amanda came down five minutes later, dressed and ready to go to work.
We loaded the kids up. I think I was carrying Kassidy.
No, I was carrying Kyle. I put him in the car seat.
I mean, you know, in her passenger seat.
Amanda was going to take Kyle to school and Kassidy to Jeff Marshall's house.
Put Kyle in Amanda's passenger seat in the back and Kassidy was directly behind her.
I gave Amanda a kiss. She was very grumpy with me, upset, you know, still.
And then I noticed something in the back seat that I had never seen before.
I said, "Oh, wait a minute. I didn't give Kassidy a kiss."
I reached, and she said, "Well..."
I opened the car door and I said, "Bye, Baby. Have a good day," and gave her a kiss.
I noticed that she had her Reese's Peanut Butter Puffs that I put in the Zip Loc bag.
She had them out and she was eating some.
I said to Amanda, "Did you open the cereal for her?"
She said, "What?"
I said, "She opened this bag of cereal all by herself."
I said, "You little shit. I didn't know you could open baggies."
And she said, "I told you she was smart."
Amanda said, "I told you she was smart. She's been able to do that for months now."
But I had never seen it, you know.
The thing that is significant is, for me, I had never seen it.
Again, she was eating something, and they think that was the liquid that was in her stomach.
Initially, the police said that she couldn't have been eating anything.

J But you saw her.

C I saw her eating.

J And so what happens next? Does Cassidy... does Amanda leave with Cassidy?

C Amanda left with Cassidy and Kyle. She dropped Kyle off at his school. She dropped Amanda off... I mean Cassidy off at Jeff and Jenn's. She walked in... said, "Look at her face. It looks like shit, doesn't it?" You know, pointing at Cassidy's eye. "The friggin' ball hit her." They all knew that because I had called Jeff the night before, you know, "Jesus Christ, now a f... ball hit her..." Anyway, we, ah... that was it. She dropped... she put Cassidy, from what I understand, into the bed..

J From this point on, ...

C Right.

J You don't...

C I hadn't seen Cassidy again. I got a phone call saying that she was...

J But, from this point on, Amanda brings her to Jeff's. That's the last time you...

C [inaudible]

J You were not in contact with her.

C That's the last time I saw her.

J What I'm going to do is just stop us here.

C Okay.

J What happened after that is not critical to the questions we're going to ask.

C Okay.

J And I'm just doing that... Two reasons. For brevity, so we get this done at a decent time.

C Yeah, sure.

J I wouldn't do it for brevity if it was necessary for the details.

C Right.

- J The details I needed were...
- C That's my thing. Right. Okay.
- J Next thing we are going to do is a background form.
This is where I need to make sure that you are capable of taking the test. We'll talk about physical, mental, education, people in your life, stuff like that.
- C Sure.
- J Just to get a profile, to get a feel for you.
Height and weight?
- C Five, eight.
- J Approximately.
- C Probably 200 pounds.
- J Highest level of education you've achieved?
- C Aahh. I graduated high school, and I've taken some college classes. So, I'd say 12 is achieved.
- J What did you study in college?
- C Well, I did a lot of stuff here, actually, but, ah...
- J College, here?
- C Yeah. College here. Management type things. I wanted to...
- J I didn't know they offered that kind of courses.
- C Well they don't.
Like when I first got here, they had... I took psychology, and I took human growth and development.
- J While you were here?
- C Yup. Yup. They offered it from...
New England College would come in at night, we would pay \$350 for a course.
Back then I had a job where I made more money.
- J My daughter is taking both of those courses at New England College.
- C Yeah.
- J She's got her Bachelors in psych and she is working on her Master's ...

C Oh. Wow.

J ... in mental health counseling.

And I remember both of those... both of those books, because Melissa only sees out of one eye. For large reading assignments, we read to her, so I'm familiar with human growth and development.

C Right.

J I went through that with her for a summer.

C Right.

J So they actually...

C Yeah, so if you pay for them yourself.

You come up here at night in your free time, and you take the classes.

J And they bring in actual instructors from the school...

C Right. Yeah.

J That's pretty good stuff.

C It was pretty good.

J While you were in school, grammar school, high school, whatever, were you ever diagnosed with ADD, ADHD?

C No.

Once I was told my son was, I was convinced that I must be.
[laughing]

J General physical condition today?

11:00:45 a.m. (1:40:33)

C Pretty good. Broken ankle, but other than that, good.

J Are you suffering from any pain or discomfort?

C Not really.

J Your ankle?

C No, it's fine.

J You're not taking any pain meds for it?

C Nope.

J Taking any kind of prescription drugs right now?

C Yeah. I take pravastatin for... My cholesterol's high.
I worked for McDonald's for fifteen years and never had a cholesterol issue.
I come to prison, and that's...

J If you're going to get cholesterol anywhere, it's eating Big Macs.

C Exactly.
And I take Ranitidine. Which is like a heartburn.... It's pretty common in here.

J ...heart murmur?

C No. Heartburn.

J Oh. Heartburn. ... they give you.. heartburn [inaudible]

C Absolutely.

J Any type of depression counseling you can go through here?

C No.

J Suffering from anxiety?

C A little bit, but not really bad.

J You're not being medicated for it?

C No.

J Depression?

C No. I think anyone in prison that shouldn't be is going to be depressed. [laughing]
But I'm not being medicated for it, currently.

J Well, that was a good and honest observation. You're right.
Anyone that is in prison and shouldn't be...

C Right, is probably going to be depressed.

J ... would be depressed. I would... Any other physical or emotional disorders that you're aware of that you've ever had?

C No.

J Any recent head trauma?

C Nope.

J Any recent surgery, physical injury, broken ankle?

C [no response]

J As far as you're concerned, that's not an issue.

C Nah....

J I've talked with you about prescription meds.
Most recent use of illegal drugs or alcohol. I guess we can assume that's not ...

C Twelve years.

J Probably not a bar room.

C No.

J Other than the ankle, any other existing medical conditions I didn't ask about?

C No.

J When did you last eat?

C Ah... about 6:00 o'clock this morning. 6:30.

J Breakfast?

C Yep.

J Sleep. Last night... how many hours? Approximate.

C Four hours?

J Four? Good night's sleep? Bad night's sleep?

C Yeah. Well. I was pretty anxious last night.
Typically, I don't sleep that much anyway.
Last night, with my buddy leaving today, and knowing that...

J Oh. Okay.

- C Kind of rough.
- J That's someone who anchors you.
- C Yeah. One guy that I really can, you know...
- J You feel that the bad night's sleep was more over anxious about your friend leaving than..
- C Yeah, I'm a little anxious about this, but I'm more excited to get the truth out, and have another vehicle to prove that what I've been saying all along is true.
- J Diabetes?
- C No.
- J Ulcers?
- C Not now.
- J Back problems?
- C Yeah, I've had some back problems. I was in a motorcycle accident when I was a kid. Ever since then... Sometimes my back...I have a vertebrae issue. Back would just kind of go out, and then I'm laid up for three or four days. It used to be that I could go to a chiropractor once a month and I was great, but here they don't have any chiropractors.
- J Back injuries hurt.
- C Yes.
- J Any blackouts or allergies?
- C Allergies.. penicillin.
No blackouts.
- J Epilepsy?
- C No.
- J Kidney problems? Kidney stones?
- C No.
- J Blood pressure, high or low?

C Regular, I guess.

J Married or divorced.

C I'm divorced.

J How long?

C Eleven years.

J Overall, what is your relationship with your parents?

C I think it's pretty damn good.

J I do, too, but I can't put my words down.
Overall, relationship with your family?

C Great.

J Self-assessment of the truth.

C Yep.

J This is going to be a set of introspective questions for me to ask you.

C [cough]

J Let's say on a proverbial scale of one to ten.

C Right.

J So, on a scale of one to ten, one being a politician, and ten being the Pope or Mother Theresa, or someone who has never lied, where do you put, overall in life, where do you put yourself as being a truthful person?
You say "ten," and I'll shoot you, because nobody

C You know, it's funny that you ask this question, because I do a lot of reading, and I've just read... This has always been my hot button... telling the truth, telling the truth.
I just read a study from the University of Virginia in the newspaper that said as adults even, we tell on average of one lie a day.
Sometimes, it's the stupid little lies, like "Gee, that dress looks great on you."
And you don't really think it...

J That's exactly the analogy I was going to use.

C Right.

- J About my line. My wife says, "I just cut my hair, do you like it?"
- C Right.
- J I don't care if she just spray painted pink her hair or shaves herself bald. I love it. It's a self-preservation thing.
- C Exactly. Yeah, exactly.
I'd say that I'm probably in the six to seven range because I will do the self-preservation stuff sometimes.
- J That is a little surprise to me. Here's the question that makes me...
First of all, I believe you're being honest with me.
- C Right.
- J We all tell these social lies.
But by telling me that you're a six or a seven on a scale of one to ten, you're down in the middle.
The question that I'm required to ask you is, does that mean that what you have told me is sixty to seventy percent of the truth.
- C Oh. no.
- J Ok.
- C I mean.
- J You could be short selling yourself.
- C Yeah. I think I'm probably, because I'm very much into honesty with my friends, with people who can hear the truth, I'm great about telling it.
It's the people that I, you know... to me it's not worth telling that their jump...
This is how I broke my ankle, playing basketball.
I don't want to this guy on my team who is kind of a head case on my team that his jump shot is not very good and it could be better if he did this, because then, I gotta hear for twenty-five minutes... So that's....
- J What do you know? Yours is lousy, too.
- C Exactly. So, to me. I'll just, ... it's great.
You're right. I'm probably selling myself short.
I'd say probably... you know, there's nobody who's at that self-actualization point, you know.
- J Nobody ever will be.
- C So I would say, probably, realistically more in the eight to eight and a half, somewhere in there.

J That's a help. Because at six or seven,...

C Right

J ... was not my impression after listing to you....

C Yeah, yeah. I know what you're saying.
I was
It was confusing... thinking of all the other stuff.

J Personal interests, hobbies and sports.
Well, you're in here.
We already know of b-ball.

C Yup.

J Reading.

C Reading. I do a lot of corresponding with my son, Kyle.

J Oh, you correspond with Kyle...

C Oh, yeah. I write to him at least two to three times a week.

J How is your relationship?

C Our relationship is excellent.

J How old is he now?

C He's fourteen.
He's a great kid.

J And, he's still writing to you, even though you're in here.

C He's not much of a writer, but he's very close.
I'm currently going through some...

J If you had a phone would he text you all day long?

C Oh yeah.

J It's different.

C Yeah, exactly. The times are different.

J You still communicate.

- C Oh. Yeah. Him and I are very tight.
I know what he's taking for classes. I mean, we talk about everything.
We have an open and honest relationship.
- J Your being in here, you're still...
- C Yeah, I like that
- J In your life, who is the person whom you have met whom you most respect.
- C Boy, that's a tough one.
My friend that is leaving right now. I have a ton of respect for him.
- J Why? What qualities? What character traits?
- C His integrity. His caring with other people. His selflessness.
- J Even though he's in here as an inmate.
- C Yeah. He's a very, he's just a really good person.
The thing is, it's funny, because it's him, Morrison and my father.
Three guys and they all share the same characteristics.
They're honest. They care about other people.
They're just good people.
- J I agree with that with your dad and with Morrison. Definitely.
Who is the person... and if you can't think of a person, I'll ask you about a set of character traits.
Who is the person who you least respect, and if there isn't a person you can articulate, what would be the personality or character traits of somebody you ...

11:10:20 a.m. (1:49:43) [redacted]

- J Alright. In your lifetime... I could probably answer some of this....
What are the best and worst experiences in your life?
Give me one of each. High point and low point.
I think I know what the low point is.
- C Low point is probably being arrested for..
No. Probably the low point is Cassidy dying.
- J Okay.
- C And the high point ... that's tough.
Getting married was great, but I would say watching Kyle be born.
That's the most amazing thing I've ever seen in my entire life.

J That's cool.
Both my kids are adopted, so I didn't get to see them being born.

C Oh. It's the best.... It's my wife. She was such a tough lady, you know what I mean...
...to see the doctors just urgently throw him right up onto her... I was just butter..
[laughing]

J ... watching her.

C Yeah. It really is.

J You have to see it to believe it.
You have to have a belief that there's a god.

C Yeah.

J A little human being was created in somebody's belly.

C I just remember holding him that first day, "I love you. I'm going to do the best I can by you."
That's the thing that breaks me down in here sometimes.
I start thinking about this...

J Aside from what you're in here for, any other criminal record or arrest...?

C Yup. I've had a couple of speeding tickets.

J Okay.

C And I did have a domestic violence conviction against my former wife, Tristan.

J How long ago?

C Thirteen years?

J Probation... Parole?

C Yeah, probation.

J Right now you're obviously not on probation.

C No. No. Sorry.

J Occupation: Inmate. Employer: Let's see...
Overall. Tough question. Be honest with me.
How do you think society has treated you overall?
Aside from meeting Morrison, your dad, your conviction...

- C I think the people that have actually met me have treated me very well. The people who have met me and who have spent a little time knowing who Chad Evans is. And I'd say, you know, there's a lot of negativism that comes with a charge like this, and I completely understand it, but I just wish people would take the time to learn about it, realize that maybe there's a mistake here.
- J .. and worry about me... that's honest. Ambitions, from this point on.
- C I just want to prove that I'm innocent of this charge and I want to be the best dad that I can be to Kyle. I want to get out there and make up for some of this lost time. Some of those plans that I've had with him since the day he was born, you know.
- J Been there, done that, absolutely. What are your thoughts and feelings, right now. You're sitting here. You're about to take a test, at your request, not a police test. How do you feel about it?
- C Well. I feel good that, like I said, to get the chance to ... ah.. do it. I'm anxious. I'm nervous, but I'm also feeling good that...
- J Good anxious.
- C Yeah. It's a good anxious, but it's also, you know, it's scary, because some of the questions that you're asking, it's like... You know, I've been living this for ten years and I visualize every possible thing that they're talking about... Like the first time I heard the accusation of someone kicking Cassidy, I just lost my shit. Threw up, you know. Now I visualize that. It sounds horrible, but I visualize that, you know. That scares me, you know.
- J You mean, visualize her being hit.
- C Yeah.
- J That's okay, because when we get to the actual questions on the test, you and I are going to review them.
- C Okay.
- J You will know what they are.
- C Okay.
- J I have, you know, what I call a framework, the basis,...

C Right.

J ... to save time, but they don't have to be the final questions.

C Right.

J Because you and I are going to make those up together.
We need to make sure that the words in the questions mean the same to you...

C Right.

J ... as they do to me.

C Right.

J And we have to make sure they address the ultimate issue: "Are you the person that caused injury to...

C ...that killed her.

J ... Cassidy that killed her on the 9th. It's not going to be as ambiguous as "Do you know what happened?" "Do you suspect who did it?"

C Right.

J These are going to be narrowly focused questions.

C Right.

J And we will discuss them, and your feelings about them, and when we get into what I call the "Safety Valve Questions," that's where I'm going to bleed off this other emotion.

C Ok. Good.

11:14:48 a.m. (1:54:11) [redacted]

C It's funny because Morrison did something that the police never did, which was he broke down an "hours" chart, like who spent what hours with Cassidy during her last two weeks of life or whatever.

J Timeline?

C Yeah. Who do you think was the person who spent the least amount of time with her, after he was done, after everything was figured out? It was me, by far. You know...

J Yes, timelines are very important. We're...I'm looking into a missing person case, Kevin King, a person who disappeared last July.

He had mental problems. He had gout. He had diabetes. He just vanished in his trailer park up in Guilford.

They looked all over... couldn't find him. Nobody saw anything.

First thing we did, a bunch of us, volunteers...

One of the volunteers is a retired gal from the FBI.

She wasn't a field agent. She did their forensic analytics.

C Right.

J Her specialty is graphic timelines, and she's laying out this timeline for us, two weeks before he disappeared and it's opening everybody's eyes.

C Right. That's interesting.

J The police looked into it, but they just talked to a couple of family members and did the search. Now that we've seen timelines, and phone calls from certain people,

C Right.

J ... we're all looking in a whole different direction, other than he got disoriented and he wandered away.

C Right.

J Timelines are huge.

I'm working on the Maura Murray case. She disappeared...

C Oh, yeah.

J ... Gorham. After two years, we timelined that, put a timeline together. Who saw? What time? Who saw what person? Who didn't see what?

We put that together, looking at the whole neighborhood, and all the people in the bus accident, and it took about ten seconds to figure out what happened.

The timeline made all the difference in the world.

I think Morrison has sent me that, but I'm going to have to look at it again.

When the person who did this is identified, what should happen to him?

We already know what happened to you. Same thing.

C Yeah. Absolutely.

11:18:12 a.m. (1:56:16) [redacted]

I believe that everybody, maybe it's because I've been here so long.

I believe that everybody has the power to change.

J Absolutely.

C But that change has to come from within.

J And you [inaudible]...

C Right. Exactly.
And the person that I know him to be.
Then I would say, "No." You know...

J ... but a changed person.

C Right. Certainly.
I have a hard time, I have a hard time with our justice system throwing people away for a hundred years, or whatever, when other countries will do, you know, fifteen years, and think, "Hey, if this person hasn't learned their lesson by then..."
But, at the same time, as someone who loves Cassidy, or whatever, I want more to happen than that.

J If you look at our justice system. It's the best in the world, but it's also different.
Look at illegal immigrants.
If you sneak into Mexico or Iran, you're in jail for forty years.
You sneak into the United States, you get a driver's license, a high school education and welfare.

C Right.

J So the system does need...

C ... tweaking

J ... work. I'm working on a wrongful conviction of Brian Chevalier in a rape case.
I know he didn't do it. He passed a polygraph with flying colors, but because it's not DNA,...

C ... there's only a polygraph, the judge kicked our butt out of Federal court, because it doesn't meet the Rules of Evidence.
You know, I hope to do what Morrison is doing, ...

C Right.

J ... and convince people that we have to look at other tools.

C Right.

J ...re-examine these cases. In Brian's case, he asked for a polygraph and they didn't think it was necessary.
I paid for it out of my own pocket, had a guy come down from Canada, and Brian passed it with flying colors but it can't get him out of prison.

C Right.

J My argument is, this is a tool...

C Right.

J ...that the police use every day in New Hampshire.
Every single day, there's a lot of polygraphers out there using this.
It may not be admissible in court. Why isn't it... why wasn't it used in your case?

C Right.

J ... and his case.

C I said the same thing the first day.
I said, "You hook a machine up to me right now and it'll tell you that I'm telling the truth," but, you know, they didn't seem too interested.

J Well. Law enforcement... it's a judgment call...

C Right.

J ... on their part. They don't have to do it, but society needs to learn more about this,...

C Right. I agree.

J ... because it's not allowed in court,

C Right.

J ...but it has nothing to do with the accuracy of the instrument.

C Right.

J It has to do with the court rules of evidence.

C Right.

J I'm going to conduct a specific kind of test with you, called the Bartlett Utah Zone Comparison Test, on a single issue.
It's the only test, and there are dozens and different types of tests.
This has been tested over and over in the field...

C Right.

J ... and in laboratories, for the concept behind it.
It's considered between 94 and 98 percent accurate.
That's why I'm using that type of test.
It's been vetted,...

C Right.

J ...but it's still not allowable....

C Oh, I know. I know.

J ... in court. We need to find a way to be able to use tools like statement analysis...

C Right.

J ... and polygraph, because...

C It takes the human element out of it.

You know what I mean. It takes the human guesswork out of it.

The guesswork is what led to this wrongful conviction to start with, you know what I mean?

...thinking. Oh, well, this makes sense, so let's just go with it.

J Two hundred and forty four people, or three hundred... two hundred and forty four people have been freed from prison after being wrongly convicted, because of DNA.

C Right.

J That tells me that there's a lot more than 244 out there, but there is no DNA.
In Brian's case there is, because there was consensual sex...

C Right.

J So, there's no DNA. There has to be other mechanisms...

C Right.

J We need to look at... I forget the judge... Justice Blackburn... who's the one who said,
"better ten guilty guys go free..."

C Right.

J ... than one innocent man be convicted."

Our society is built upon that.

Now, there are cops... I know cops who make mistakes.

I've seen it.

C Right.

J I've done criminal investigations where, before the guy got to trial....

C Right.

- J Charges were dropped. We will never be perfect, but the system has to be open...
- C But we can be better.
- J Yes. We can always be better.
That's why, that's one of the reasons why I went to polygraph school, because of Brian's case and yours and my friend who operates the school, has been telling me for years that I'd be good at it. Why wouldn't Chad do something like this? Why wouldn't you do something like this?
- C Because ... first of all. My conscience. I couldn't handle something like that.
I couldn't...
I love kids. I mean, yeah, I got frustrated at times and there were some things that I didn't understand about Cassidy and behaviors that I had never seen in another child, but I just couldn't do it... I couldn't.. malicious
- J ... getting frustrated is different from...
- C yeah. Absolutely.
- J ... causing serious injury. I get frustrated with my ten year old granddaughter all the time.
- C Right, but you're not going to maliciously beat her to death.
- J No. I put her up against a wall.
I've probably done a few things that you are not supposed to do, to get control of her.
Nothing was malicious.
I've never done anything that injured her, and I never would, but I have blown my stack.
- C Right. The thing is, you're smart enough. You don't haul off and take advantage of a child. You know, hitting them or whatever. It's just crazy.
I don't believe in corporal punishment. I never have.
- J How do you feel about my interviewing you for this?
- C I feel pretty good. Feel relaxed, for the most part.
- J How do you feel about taking this examination?
- C Feel good.
- J How is this test going to turn out?
- C It's going to turn out fine.
- J What questions do you want me to ask you?

C That's kind of weird questions, that's why. [laughing]

J Pardon?

C These are some weird questions, I don't know.
...about how I feel.. got to be good.

J All of these things are helping me get...
I want to get inside your head...

C Okay.

J ... psychologically.

J I want to know where you are and where you are coming from.
I'm trained in statement analysis. I can usually tell when people are jerking me around.

C Right.

J But between the physical part. This is the psychological part.
I'm trying to see you how you feel, if...

C Right.

J ... you're so friggin' angry... and kill somebody.

C Right.

J I have a hard time testing an angry person.
Questions!
We're going to formulate them together.

C Right.

J Like I said, there are going to be three basic questions about one... the incident, being,
"Are you the person who caused the injury to Kassidy on the 8th and 9th that caused her death?"
So, what question or questions... how would you like me to phrase it?
What do you want me to be asking you on this test?

C I think those sound good. Those sound pretty specific.
Did you do this? Did you..?
One thing that I think is important, because of that phone call.. if this is possible...
I think that the police made a... I think they had suspicions or whatever about what happened in my
car.
Ask about whether I abused her in the car on the way home.

J That's basically what I have written down.

We'll go through them and call them out.

C Right. That will be great.

J Basically, I'm going to ask you questions between November 8th and November 9th...

C Right.

J ... if you did kick or punch... Between November 8th and 9th did you cause the injuries so we'll cover the time.

C Ok, all right. The reason I say that is specifically at the trial, the prosecutor kept saying, "Something happened in that car." Something specific.
Do you think something happened in that car? Then I should be asked, so I can say to them, "Hey look...."

J I want to cover everything from the 8th through the 9th, because that's what they say killed her.

C Right.

J So, I'm not going back and saying, "During the month of October and November, did you ever lay a hand on her, because you did."

C Right.

J But that didn't kill her or hurt her.

C No.

J The polygraph questions are very narrowly focused

C Right.

J What's the most difficult thing so far, for you to talk about?
We've been in here for two hours.
What's the hardest thing for you to tell me?

C It's hard for me to talk about Kassidy.
It's hard for me to talk about Kyle.
You know,

J [inaudible]

C I'm doing really good today.
A lot of times I get really emotional about this stuff.
You know, not that you're a stranger, you know, but I still got the guy thing.
You don't feel... It's not always best to

J [inaudible]

C You know what I'm saying.

J I'm asking you some extraordinarily personal questions.

C Right.

J Those are normal reactions.
You've been completely truthful with me up to now?

C Yes.

J Now. Here's where we're going.
A very important part of the test coming up, Chad.
Earlier on, I told you I would be asking you some... we I call them "safety valve" questions.
These are crucial.
So it's very important that you understand what I'm going to explain to you now.
I think it's one of the most important parts of the polygraph test to be sure I get readable, accurate results.
One of the things that I, as the examiner, have to be absolutely certain of is your mind is completely clear [for] this examination for those questions we talked about.
I don't want anything to be on your mind now, or from a past event...

C Right.

J ... prior to this, that could be of a similar nature and might interfere with you having a good exam today.
I don't want you thinking about something else when I ask you a question about what happened...

C Right.

J ... on the 8th.
Because this is so important, I am going to take the time to explain to you in very complete and specific detail, so that I'm sure you know...

C Right.

J ... what I'm talking about.
In most cases, when a person comes in to take a polygraph, they're aware of what the test is going to be about...

C Right.

J ... and that's what you and I have been discussing.

In this particular case... case, we've talked about what this test is going to be about, and that's whether or not you hit, kicked, punched or caused injury to Cassidy that caused her death between the dates of the 8th and the 9th.

C [inaudible]

J We're going to focus on those questions and that time period.
Now, even though you understand what the test is going to be about, it is human nature for you to be saying to yourself, "I wonder what other questions are going to be on the test, because I told you there was going to be ten."

C Right.

J I this happens because most people that I speak with have done things in their past that they are ashamed of...

C Right.

J Like you told me that don't think...you think back about grabbing Cassidy's face.
You're uncomfortable with that, but that's not hitting...

C Right.

J ... or abusing here. I don't want you to worry about that...

C Right.

J ... when I ask very specific...

C Upp. A knock on the door.

J ... questions. We can take a break.
[responding to visitor] I didn't realize it was locked.

Corrections officer/Bruce
How long are you going to be?

C What time is it right now, Bruce?

Corrections officer/Bruce
It's eleven twenty nine.

J I'd say we're going to be here for about another hour.

[conversation with Corrections officer/Bruce, and return to examination]

J Anyhow, in other words, everybody... we all have skeletons in our closet.

C Right.

J I do. You do.

There's no doubt about that.

I hear these on a routine basis when I test applicants for police positions.

There are certain things that can affect a polygraph exam and for some people there can create difficulties on the test.

What I share with you, it's important for your mind to be clear for this test today.

What I mean is this.

I know that by the mere mention of just a word, a person can think of another word, or you might think of a series of events.

C Right.

J You call it word association. One word, you know, I say "table" and you might say "chair," but one word bring an event...

C Right

J ... back to mind.

The human mind can think about eight times as fast as we can talk.

You and I can talk at about a hundred, a hundred and twenty five words a minute.

That's normal, and we think at about 800 to a thousand words a minute.

So, when we hear something, we process it in our mind quickly, and we move on to the next thing.

That's called the "speed of the mind."

C Right.

J The third thing I want to explain to you is guilt feelings.

These go back to childhood, when we were taught the principles of right and wrong.

As human beings, we all make mistakes. That includes me, you and everybody.

We have done things in our past that we know are wrong.

When we break the law, or a rule or a procedure.

Or we do something we know is wrong: telling lies, cheating, hurting someone physically, emotionally.. we socialize we talked about.

Even if we don't get caught, we still harbor guilt feelings.

You know, if I tell my wife that I loved her haircut and I really didn't...

C Right.

J ... and I feel guilty for lying to her, but, again, it's a social self-preservation.

We feel these guilt feelings because of the way you were brought up.

C Right.

J Same way I was brought up. Old fashioned parents from the '40's and '50's...

C Right.

J We're brought up, and this is the big difference.

C Right.

J ... tell the difference between right and wrong.

C Right.

J We also harbor the fear of detection if we have done something wrong.
It's that guilt we have for doing something wrong, knowing that when it gets...
the principles of right and wrong we were taught when we were kids.
Guilt feelings develop at a young age as they did with Kyle and with you, and they just stay with you
for life.

C Right.

J Sometimes, religion has a lot to do with that.
I'm a Roman Catholic. Catholics are taught to feel guilty about everything.
Sun came up early today... I'm guilty for it.

C [laughter]

J It's part of the culture.

C Right.

J Let me share with you how these three areas: word association, speed of the mind and guilt feelings
can enter into the polygraph, and then we're going to talk about how these things are not going to
bother you.

C Right.

J One day, a guy goes into a bank, and he makes a \$10,000 deposit. \$10,000 cash.
The girl gives him a receipt, and goes into the cash drawer.
That was the only deposit for that day that was exactly \$10,000.

C Right.

J So at the end of the day, and they balance the books, there is exactly \$10,000 missing.
And there was only one deposit made for \$10,000 that was made at this time at this window.
So, it's determined that the best way the banks handle this is just what I'm doing here.
Polygraph examination.

C Yeah.

J So, obviously, the first person you are going to polygraph is who?

C The teller.

J The teller at the window. The first person who touched it.

You have to follow the chain where the money should have gone.

Now, let's say the teller didn't take the money.

She was honest as the day is long.

She comes in for her test, and sits down right across from me, and I ask her the question,

“Did you steal the money, or the missing money, from the bank?”

But, because of word association and speed of the mind, the first thing that comes to her mind is an incident that took place when she was about ten years old.

She was in a checkout counter with her mother, and...

C She stole some gum.

J Yup. Exactly.

C [laughing]

J Mommy's up here, and child's down here. Mommy's unloading it.

C Yup.

J You know how they are nice to put all the candy where the kids can reach it.

She steals a pack of gum and never gets caught.

But she feels guilty, because she's been brought up to know...

C Right.

J ... right from wrong. So how could this affect her on the polygraph?

This is a little thing, when she was ten years old, but it had always bothered her.

She never confessed and she didn't get caught. She knew...

C Right.

J ... she was breaking the trust.

So, she's asked the question on the polygraph,

“Did you steal the \$10,000, the missing \$10,000 from the bank?”

And when she gets to the word, “steal” and...

C That

J ...speed of the mind kicks in. She can't stop it. It's there.

Is that going to affect the polygraph?

The answer is an unequivocal, “Maybe.”

C Right.

J I don't know, but it could.

It could put something on the polygraph charts that makes it a little more difficult for the examiner to come out with a specific result.

What we are looking for is DI, deception indicated, ...

C Right.

J NDI, no deception indicated...

Problems like that could cause them to come out, when the results come out...

C Right.

J ... inconclusive.

These things happen to all of us.

We have to make sure that none of these things come to mind...

C Okay.

J ...when I'm asking you specific questions, and here's how I do this.

We build in these safety valve questions right into the test itself to deal with any possible interference from outside areas... things in your past.

Now, in relation to the issue we're dealing with here today, I would break this down into three broader issues.

The first is lying.

C Right.

J You did this, and you're telling me you didn't. You're lying.

C Right.

J So, we have to be sure that no lies from your past come into your mind.

We have to bleed them out.

C Right.

J And there are plenty there. There are plenty in mind.

Like you said, we lie... you read a book that said we lie once a day.

I think it's probably closer to once an hour.

We all tell little lies...

C Right.

J ...so quickly, we don't....

C Right.

J ... think of it.

The other thing... again, we're talking broad categories.

Well, actually, let's talk more about lies, because when I talk about a lie for purposes of the safety valve question, it's broad...

C Right.

J ... term not just your lying to me. People lie. We lie to our parents, our sisters...

C Right.

J You may lie to the CO's, to our doctor. You may lie to your wife about the hair. People lie in writing.

C Right.

J People lie verbally, and you can even lie by not saying something.

C Right.

J So something you were supposed to do, you are withholding it.

Let's call that a lie of omission.

People sometimes lie to protect other people, "No, I didn't see what he did."

They use false identity on dating websites which obviously you're not doing in here.

Making false statements. Fudging your income in a home loan application.

No verbally indicating that something is so.

Pleading ignorance, "No, I don't know anything about that," when you really do.

C Right.

J So, when I use the word "lie" I'm talking about a broad spectrum of things.

A lie is just not telling, or withholding the truth, any way shape or manner. Things that we all do.

And we're going to build in safety valve questions to deal with that.

So, the first safety valve question that I am going to ask you is,

"Can you now recall any lie that you've ever told in your life?"

We've all told one. What is the first one that jumps off the page at you?

C Aahh. I remember I took a handful of pennies from my grandparents' farm.

When I went home, my mom asked where I got all those pennies.

She asked if I stole them from Gram, and I said, "No," but I did.

We were playing and I really didn't mean to take them.

"No, I didn't steal these things."

J That's like the little girl in the example. It was a long time ago, but it's obviously bothering you.

C Yes.

J And that has to do...I believe that has to do with the fact that it was your grandmother, and your parents confronted you...

C Right.

J You've been really upfront with me, through all this, so I'm a little shocked to hear that you stole from your grandmother, but it's important...

C Right.

J ... that you're telling me the truth, because I am going to word my questions a certain way, and I'll explain that to you....

C Right.

J ... in a minute.
Does a second one come?

C Into my head? Umm.

J We've all told a lot of them, and I'm not asking you to go through forty years of little lies.

C Yeah.

J Is there another significant one that comes up for you?

C Ummm. I did lie to my wife once. ... thinking, I told her I was somewhere, and I was actually somewhere else.
We went out with some friends.

J ...lied to wife about location. That sounds serious.

C Yeah.

J Did that something involve?... Don't be embarrassed. You aren't saying nothing that I haven't... I had stole pennies from my grandmother, but I stole quarters from my mother.

C We were like four or five, and she had this big skeleton key, and if we wanted to use it and all the doors in the house.
[laughing]

J That's what kids do, but it shows you know the difference...

C Right.

J ... between right and wrong.
So, I'm sure there are others out there.

C Oh, yeah, there are.

J All I'm really interested in is the important ones and you know what we are doing.
And the way that we deal with these, in a polygraph to make sure nothing bothers you, is...
I'm going to ask you these safety valve questions.
The first one is about lying and the way I'm going to word it for you, "not connected with this case...."

C Right.

J Nothing to do with Cassidy,...

C Right.

J "Other than what you've told me, do you now recall a serious lie to anyone at any time?"
Can you answer that question, "No," and be truthful?

C Okay.

J You know, if another... as we talk, if something else jumps off the page,
"Oh my God. I told this lie to the Warden or a CO six months ago," tell me that.
I know... we can't sit here and go through every lie you have ever told.

C Yeah.

J ... because...

C Because those two...

J We could die of old age.

C I don't know that those are real significant ones, but those just popped in my head.

J But if they're not popping into your head, they're not going to bother you...

C Yeah.

J ... on the test.
See the way we are wording it? "not connected with Cassidy's case, other than what you told me,"
that popped into your head.

C Right.

J Do you now recall ever lying? I want you to be able to answer that question,...

C Right.

J "No."

It's called a safety valve question.

The next type of question we're going to ask...

There are three basic issues here: lying, hurting and committing an illegal act.

So the next question, safety valve question, we're going to build in is an issue of hurting someone.

Whoever did this to Cassidy...

C Right.

J ...hurt Cassidy.

C Right.

J ...hurt Amanda.

C Right.

J ...hurt you.

C Hurt my son.

J Hurt your parents. Hurt anyone.

If this was done by Cassidy, to Cassidy by any person, that would hurt them.

Now, you and I hurt people all the time.

C Right.

J I'm not taking a cheap shot at your character.

C No, it's true.

J We do it in thought. We do it in words. We do it in deed.

Excessive force. Over-disciplining a child.

C Right.

J You feel a little bit guilty about grabbing her chin.

I've done that to my granddaughter and I feel guilty.

Sometimes, say we'll grab a child and we'll...and in my case, yell.

My granddaughter...

C ... too quickly, too firmly...

J Exactly. You may miss somebody's birthday. Your wife's birthday.

Those things hurt.
Sometimes our words can be sharp...

C Right.

J ... and hurt the people we love.
If you criticize somebody's personal choices, the guy with the shitty jump shot.

C Right.

J [inaudible] ... and...

C Right.

J ... gets to be better.
That hurts people.
We don't do it on purpose, ...

C Right.

J ...but it does.
When we criticize or bully people.
Inappropriate use of social media.
There are just so many ways to do it, but the critical thing is whatever was done to Cassidy, hurt Cassidy and other people.
Now, since I know that you and I have hurt people many times in our lives, prior to this...

C Right.

J ... and being in here, we need to make sure that something doesn't jump off the page at you when I start asking you questions about Cassidy.
So, what I'm going to ask you now, can you think of a time in your life when on purpose or completely inadvertently you said or did something or failed to say or do something that caused hurt to somebody that you know.

C Yeah. A million times...things.

J Me, too.
That's why we're not going to go through...

C million of them.

J ...a million of them.
Give me one that comes to mind.

C Well, my friend that's leaving today. Umm. Last week, he very innocently asked me very innocently how my visit was, and I kind of jumped down his throat. I was emotional after it. I felt horrible about that.

J That hurt him.

C Yup.

J Obviously, it insulted... well, I mean, it hurt you...

C Yeah.

J ...because you did it. Which...

C especially

J ... concept... You didn't hurt him on purpose. You just reacted emotionally. Do you think of another time?

C Umm.

J Kind of shocked, what you said about your friend, as you described him earlier, as like your soul mate...

C Yeah. I know. He's a good guy. I guess. Sometimes we let our guard down, as far as some of the guys we are the closest to. I think that's what happened.

J Yeah. And it's hard for guys to be honest sometimes. We don't...Guys don't react with emotion. We react with anger.

C Yeah.

J When you're sad, we react with anger.

C Right.

J Testosterone thing.

C Probably, just...I don't know. Probably a week ago, I became frustrated with my dad. We were talking about something in the visiting room, and I raised my voice and immediately felt bad. Oh my God... enough stress...

J Do you think you were sad?

C Yeah, probably.

J That's a bit of a shock, because earlier, if you remember, you told me Dad was one...

C Oh. He is. I respect him....

J ...of the people you respected..

C more than anybody in the world.

J And you can tell.
That surprises me, but it's also that we are human beings.

C Right.

J So can you follow the concept here?
I want to make sure that something you've done that hurt somebody is eating on your mind when I talk about Kassidy.
So, the hurting issue is the way I'm going to describe it.
"Not connected with this case...."

C Uh Huh.

J "...other than what you have already told me, do you now recall ever hurting anyone in any way," and I want you to be able to answer, "No," to that question.

C Okay.

J As we go through this, and if...[inaudible]...event pops up, tell me, because these things will not bother you psychologically you on the test because the way...
"Other than what you've told me" is the key word.
We're just trying to flush out other things in your mind....

C Right.

J So, when I ask you about Kassidy, nothing else is bothering you.

C Okay.

J ...tell...

C Oh, one of those just popped up, too, about hurting Tristan my former wife, so put that down.
You know. Physical altercations between her and I. Really. I hurt her, you know, scared her, and that really bothers me.

J Well, that's good.
A. It shows you have remorse and you care and it shows that you are human.
Ok, so I have those three, and...

The last issue to deal with in a test like this would be that of an illegal act.
Because whoever did this to Cassidy, we know it's an illegal act.

C Right.

J Now, we all commit illegal acts all of the time.
Illegal act...Speeding.

C Right. ...[inaudible] driving...

J People who are in here. Drunk driving.
An illegal act doesn't have to violate a law.
It violates a rule or policy or procedure or something.
A procedure in here you are supposed to do.
You know, if you are supposed to shower or shave at 6:15 and you do it at 6:30...

C Right.

J That's an illegal act.

C Okay.

J If you're playing a board game and cheated or if you were working on a paper when you took your human behavior class and you plagiarized something directly...

C Right.

J ... out of a book.
So, by using the term "illegal act," we are using a very broad spectrum...

C Right.

J ... when you do something you are not supposed to do.
So, can you think of anything that you've done that would be an illegal act?
It doesn't have to violate the law, but it would be under that broad spectrum...

C Right.

J ... that you did or didn't do something you were not supposed to do.
What comes to mind?

11:46:54 a.m. (2:24:57) [redacted]

Okay. That's great. You do have the concept.
So, the way I'm going to word this question just like the others.

C Right.

J “Not connected with this case,” meaning Kassidy aside...

C Right.

J “Other than what you have told me, can you now think of ever committing an illegal act,” really,...speeding and stuff you did before...

C Fine. Ok.

J ...who cares.

So if I ask you that question, can you answer that question, “No” and be truthful?

C At this moment, I can.
[laughing]

J Well, that’s all that I ask. At the moment you’re on the polygraph.

C Right.

J That’s the important thing. What I’m trying to do is take the possible impact of those, or the emotion of those and bleed them out now, so they don’t...

C That’s great.

J Now, it’s very important that you realize those questions will be on the test...

C [inaudible]

11:49:11 a.m. (2:25:52) [approx. begin specific explanation of test]

J ... and each question on the test, and there will be ten of them, are of equal importance.

C Each question.

J Each question is very important.

C Alright.

J There will be three specifically about Kassidy.

C Right.

J Each question with a safety valve

C ... but those three...

J ... a couple of obviously. They're all very important.

C Okay.

J They're all equally important. Let's put it that way.

So, in order for you to pass this test today, you have to be 100% truthful with me about everything. There are even going to be a couple of simple neutral questions. Even if, in fact, you did this and you are responsible for hitting, kicking, punching or causing injury to her on November 8th or 9th you are not going to pass this test,...

C Right.

J ...but we specifically have taken out the issue of two weeks ago, two weeks prior, you grabbed her by the chin.

It's not an issue because of the way we have talked about it.

C Right.

J We bled it out, and obviously, that wouldn't cause her death....

C Right.

J ...anyhow. So, we're going to focus it very, very quickly.

I've already drawn up the basic list of questions.

Normally at this point in the procedure, I take a break and leave you alone [inaudible].

They're not going to allow me to wander in the halls other than you.

I have the basic framework already drawn up and you and I are going to discuss them.

Now, I'm not suggesting there will be anything else that will pop into your mind from anything in your past, because [inaudible],

but as we're talking, if something does jump off the page at you let me know...

C Alright.

J ...so we can clear them.

What we're going to do now is review the questions that are going to be on the chart... the test.

C Okay.

J And these are from the framework that I've always made up...that I already made up, basically, after reading the police reports, ...

C Okay.

J ...and, if need be, you and I will tweak them.

First two questions I am going to ask you are what are called neutral questions.

C Okay.

J Very simple. I know the answer to them, and you know the answer to them.

C [inaudible]

J These questions will allow me to look at your physiology on the screen when I know and you know...

C [inaudible]

J ... that you are telling the truth.

So, as we go through these ten questions, I will ask them and I want you to answer them, just as you would on the test.

The polygraph test just requires just a “Yes” or “No” answer.

The first neutral question is, “Is your first name, “Chad?”

C Yes.

J The second neutral question will be, “Are you now in New Hampshire?”

C Yes.

J The next are the three relevant questions that we talked about.

It’s a single issue test and I’m going to ask the same question kind of in different ways.

C Okay.

J We need to make sure that it hits the nail on the head.

C Okay.

J And if we need to change words, we need to make sure that the words that I use mean the same to me as they do to Chad.

C Right.

J The first two questions will be:

“Between November 8th and November 9th, in the year 2000, did you hit, strike, punch or kick Kassidy Bortner?”

C No.

J “Are you the one who caused, ahh... Between November 8th and November 9th, 2009,” that will be in each question, “are you the one who caused those injuries to Kassidy Bortner?”

C No.

2000 or “2009”

J Pardon?

C I think you said "2009"

J Oh. "Between November 8th and November 9th, in the year 2000, are you the one who caused those injuries to Kassidy Bortner?"

C No.

J Okay. Now, the last of these relevant questions would be:
"Between November 8th and November 9th, in the year 2000, did you inflict those injuries on Kassidy Bortner?"

C No.

J Okay. Can you see that it's one issue...

C Right, and you just...[inaudible]

J ... that we're seeing three different ways, to cover all semantics.
I don't think there's any words in there that we have to define: "kick," "strike," "punch."

C Yeah.
[inaudible]

J They mean the same to me as they mean to you.

C Absolutely.

J Basically, we're looking for any serious physical act...

C Right.

J ... that would have hurt her.
We are not talking...

C Right.

J ... about taking her by the chin.
Nor are we talking about her getting hit in the eye.
Because you did not do that.

C Right.

J The next questions are the safety valve questions.

“Not connected with this case, other than what you told me, do you now recall lying to anyone at any time.”

You can answer that question, “No” and be truthful.

C Okay. [Nodding assent]

J The next question is “Not connected with this case, other than what you told me, can you now recall causing hurt to anyone at any time?” Other than what we have already talked about.

C No.

J Okay. And, “Not connected with this case, other than what you told me, do you now recall committing any illegal act, other than the ones we have described?”

C No.

J Nothing comes to mind.

We all know there are other things out there for all three of them...

C Right.

J ... but if they are not jumping off the page with a big red flag, they are not going to bother you on the polygraph.

The next question is a trust question. It has to do with your trust in me as I conduct this examination. “Are you afraid I will ask you a question that we did not review?”

C No.

J And I will not ask you a question we did not review.

11:54:39 a.m. (2:31:20) [Chad volunteers that other questions can be asked.]

C Oh, you can.

J And the last question is what I call, your overall intentions here today.

“With regard to Cassidy Bortner, do you intend to answer truthfully each question on this test?”

C Yes.

J They’re very simple.

C Yup.

J Those are the only questions I’m going to ask you.

Each ten questions, I’m refer to as a polygraph chart.

C Right.

J And we will run a minimum of three charts, the only difference being on Chart 2 and Chart 3, the questions are going to be in a different order.

C Oh, yeah. Okay.

J They will be identical...

C Right.

J ... but it's so I can compare them.

After I look at the first three charts, if I am comfortable I have clear scorable data, we are done.

C Yup.

J If I'm not 100% sure by looking at it, we're going to sit and run one and maybe two more charts.

C Okay.

J All I need is for you to give me easily scoreable...

C baseline

J ... data. A baseline so I can reach a conclusion.

C Ok.

J Now, during the test, I'm going to ask you to sit perfectly still.

I'm going to ask you to sit... we are going to change chairs.

C Yup.

J Ahhhm. I'm going to ask you to sit straight back in your chair, feet flat on the floor, arms on those long armrests,...

C Okay.

J ... looking straight ahead at the wall.

I'm going to ask you to close your eyes.

C Okay.

J Some people get claustrophobic or dizzy when they close their eyes.

You don't have to do it.

I prefer it. The reason being, You're going to be sitting here, and I'm going to be making entries.

You're going to hear me ...

C Right.

J ... typing on the computer.
If your eyes are closed, you focus more on the questions.
You are not tempted to look over at what I'm doing.

C Oh, yeah.

J It's just a focus.

C Sure.

J I have done this with folks who have a hard time and who get dizzy.
What I tell them is, "pick a spot and focus."
But the important thing that you need to know is that nothing is being hidden.

C Right.

J I'm going to need you to breathe as you would during normal conversation.
It's very important, just like you are now.
Refrain from controlling your breathing.
Try not to take deep breaths, swallow, sniffs, or clearing the throat.
Those things are going to happen, and they do mess up that particular question.

C [cough]

J And the way I handle that is that I wait a second and I'll re-ask the question.

C Okay.

J So if you hear the same question twice in a row, it means that I saw something on the chart that indicated to me that you coughed or sniffed or something.
Perfectly normal, part of the process.
The reason I'm telling you this... I don't want you to be surprised if you hear the same question...

C Right.

J ... twice in a row.
As I begin the examination, I'm going to ask you to keep your head up and look straight ahead.
And you're going to feel the air coming into the cuff, but I'm not going to be using the, aahh..

C [inaudible]

J ... this cuff. Normally, I tell you that's the point you close your eyes
Because after each ten questions, I release the pressure...

C Oh, Okay.

- J Kind of causes a tingling sensation in your arms.
We're going to use this thumb cuff. It does the same thing. It measures blood pressure in your thumb.
I won't have to release it.
- C Okay.
- J You won't even feel your...
Sometimes with girls, you have a hard time because of small volume....
A guy your size should be no problem.
- C Right.
- J I'll be able to look at the screen and if I'm not getting the readings that I want and are clear, we'll switch over to ...
- C Sure.
- J ... blood pressure cuff. Then I'm going to ask you to close your eyes, 'cause I don't want to distract you.
You're going to hear my voice and you're going to hear me typing on the keyboard.
The reason for your eyes being closed is that I want you to be concentrating...
- C Right.
- J ... strictly on the questions.
Once I put air into this cuff, you'll probably have your eyes closed.
You're going to hear me say, "I'm going to be massaging the cuff."
I'm just going to reach over to that cuff and squeeze it.
That's to make sure the air is equally distributed... little pockets.
- C No problem.
- J We pump it up to about 140 psi and then after it sits for two minutes, I take it down to 100.
You won't know it's there.
- C Yeah, it's fine.
- J You would know that's there.
Then, I'm going to tell you the test is about to begin and I'm going to repeat my instructions again.
Feet flat on the floor, breathing as you would, and sitting quietly and making no movement and breathing as you would during normal conversations.
You'll hear me ask one question,...
- C Right.

J ... and you're going to answer it, one word, Yes or No.
One thing I ask you to do, is if the answer to the question is, "No" just say, "No"
Don't go, "No." Try to refrain from moving your head.
Because you're going to be in a very sensitive motion pad.
It's human nature. We all tend...

C I know I...

J We all do it all the time
It really won't hurt the test...

C Right.

J ...but it's preferable not to do it.
And if I see you doing it, I'll just say, "Chad, next question,..."

C Right.

J ... don't move your head.
It won't hurt anything.
Aaahh.
So, Those instructions make sense?

C Yes. They're fine.

11:49:11 a.m. (2:25:52) [Begin "acquaintance test, i.e. random number selection and lie test"]

J They're very, very simple.
First portion of the test, we're going to do is an acquaintance test, and
I'll explain it to you briefly and then I will hook you up to the components.
The acquaintance test is very simple, random numbers...

C Right.

J ... and not in any order you can see.
Then I'm going to have you pick one and you can put it back in the pile or whatever you want.
Just memorize it.
Then I'm going to set there and go through the list.
Did you pick number 15? Did you pick number...?

C Right.

J ... whatever.
This... for the purposes of this test, I'm going to be instructing you I want you to lie to me.

C Okay.

- J When you get to the number that you did pick, you are going to say, “No.”
- C Okay.
- J So you are going to say, “No” to everything.
- C Okay.
- J To all the numbers you didn’t pick you’re going to say, truthfully, “No.”
- C Right.
- J When you get to the one number you did pick and you’re also going to say, “No,” knowing that you’re lying to me.
- C Okay.
- J That will let me... I’ll be doing two things.
I’ll be adjusting the physiology and the parameters on this and get clear readings ‘cause the last person I tested had a different physiology than you.
- C Right.
- J So the acquaintance test allows me to go through this and set up my gains by my various controls. It also allows me to get a clear picture of what you look like the one time you are lying to me,...
- C Right.
- J And it also let’s you know the polygraph works, because I will tell you, based on what I saw on the screen, the number you get.
- C Okay.
- J This works 99.99% of the time. The other one-hundredth of one percent sometimes it won’t work. I’ve never seen it not work.
The way I’m told, some people may not react to it when you’re lying. You have nothing to lose.
- C Right.
- J You know, “I don’t care about this,” “You don’t care about this.”
Your body may not react. But it will.
- C Right.
- J You’re a person who was brought up.
You know the difference...

C Right.

J ...between truth and a lie.

J I've given you permission to lie.
But you still...

C Right.

J ... know you're doing it.
You will see that on the chart.

C [inaudible]

J And, I will then tell you.

C Right.

J You know, according to the chart, the number you picked is such and such,...

C Right.

J ...and then from there, once you're acclimated to the test, we're going to move on to the...

C actual test?

J ...actual test itself
Why don't we switch chairs.

C Alright.

12:02:25 p.m. (2:39:07) [Begin bathroom break.]

12:05:38 p.m. (2:42:19) [End bathroom break.]

J As I connect the various components to you, I will explain them once again and what they do.
I also may have to readjust.
I have to make sure that you are not sitting and kinking the tubes and all that.
These are the pneumographs. They are going to go around your upper and your lower torso.
They measure involuntary responses in your breathing.

C Oh. Okay.

J You won't have any sensation in these. These are not tight. The just have to be touching your body.
So, in order for me to get around, what I'm going to ask you to do is just place your hands together
and bend forward a little, so I can just retrace around you with them and make sure they are not
kinked.

[attaching components]
Okay, you can sit up now.
Lean forward just a bit so I can....
Okay. Lean forward again.

C Do you want me to take my shirt off?

J No. No. No. Your shirt is fine.
Twisted back there.
Sometimes it gets twisted in the...

C Need special chairs for this, huh?

J You can, I can do this in a regular chair without this.
This makes it better, and more relaxed for you,... components on your hands and on your fingers.

C Sure.

J We can certainly do it in another chair, but this is just the ...

C [inaudible]

J It's the optimal way of doing it.
Now, that should be making contact, but it shouldn't cause you any discomfort.

C Yup. That's fine.

J That's the lower, and this is the upper pneumograph. We're going to do this.

12:07:36 to 12:11:29 p.m. (2:44:17 to 2:48:09) [more setup, with two Chad coughs]

J Chad Evans. Here we go. Okay. The next couple of things...

C [cough]

J ... I'm going to put on you Chad ... a P L E, in polygraph we call this a plethysmograph..
They have medical facilities here?

C Yeah.

J They probably use the same thing everyday in medical facilities.
It measures the oxygenation of your blood.
They call it a pulse oxymeter. We call it a plethysmograph.
The last thing that I am going to attach to you...

C What does this thing do?

J That measures...

C Oxygen you said?

J Well, we use it to measure something slightly different, but what it does is it measures...
See the little red light?

C Yeah, Okay.

J It measures the amount of light reflected back at your capillaries inside your fingers.
It measures how much light can pass through the skin,...

C Okay.

J ...and that changes with your autonomic nervous system.
It's very, very sensitive.
Same device they use in a hospital, but in a hospital, they use it for people with breathing problems.
It tells them how well oxygenated your blood is.

C Right.

J I'm not worried about the oxygenation in your blood.
What we're looking at with the plethysmograph is changes...

C Okay.

J ... basically in blood pressure.

C Sure.

J Now, these last...

C I thought this was a ...

J ...devices over here

C Hooked to my brain.
[laugh]

J called the E D A. It measures electro-dermal activity.

C Oh. yeah.

J But, I'm going to do it on your right hand.
In plain English, what it measures is sweat gland activity.
We do have little plastic finger clips that we use with these, that just attach to your fingers, but doing
it this way, this gives me just a much clearer signal. Something to...

C That's not going to come off?

J No. Keep that hand... you can keep it up.

C Okay.

J That way is better. What I want to do is avoid any pressure on that.

C Oh, Okay.

J Let's reduce this down to...

There should be no discomfort in that thumb cuff, I would think.

C Nope. No problem.

J I just have to center some things here.

We're getting ready to go.

12:14:12 p.m. (2:50:53) [more setup]

J I don't like the way my mouse is responding.

12:15:14 p.m. (2:51:53) [end section of setup]

J One more thing I have to do... Let me just ask you to stand up for a minute... is to slide this motion sensor pad right under you...

C Hold on a second.

J Okay. You can sit back on that.

Let's make sure that nothing is caught up on the motion sensor pad.

Nice and comfortable.

Keep that hand kind of flat.

Now I have what we want.

12:15:39 to 12:16:03 p.m. (2:52:20 to 2:52:43) [more setup]

J Now, what I'm doing here is adjust all the various parameters here before we start.
...the acquaintance test.

C Get a home one of these for Kyle.

J Pardon?

C Get a home one of these for Kyle and his friends.

J [laughing]
It's a tool no parent should be without... 'cause it really does work.
It's not perfect.
But it serves a purpose.
...it works.

C Right. Good.

J I'm just trying to make sure.

C Are you back to being recorded?

J Oh. Yes. We are still being recorded.

C Okay.

J I'm glad you thought of that.
...[inaudible] lost that if we didn't.

C [inaudible]

J I'm just trying to set the last of the parameters here.
I'm not getting what I want... with thumb cuff. I don't like that.
If you would, just breathe normally. Don't move.
Don't make any unnecessary movements. Breathe normally.

12:17:47 to 12:18:20 p.m. (2:54:24 to 2:55:01) [polygraph keyboard setup]

J Take normal breaths, as if you're talking.
Don't inhale or exhale particularly hard.

C It's funny. You don't think about those things too much.

J Ok... adjusting this as we go along.

C ... uh oh... difficult test subject.

J No. Not at all.
It's just a matter of me readjusting this because your physiology appears different on the screen, than the last person I did, and I have to make my charts readable.
You have to go through this with every person you test.

C ... hope my physiology is healthier.
[laughing]

J It's all done in the interest of accuracy.

C Absolutely.

J Here's what we're going to do.
Out of those random card, pick any one you want out anywhere.

12:19:38 p.m. (2:56:19)

C [picks a card]
Okay.

J You can put it down. Put it in your pocket. I don't really care what you do with it.
Ok. We're almost about to begin.
Close your eyes... breathing as you would during normal conversation... making no unnecessary movements.
I will tell you specifically when the test is about to begin.
Ok. Chad, the test is about to begin, with the acquaintance test.
Did you... did you pick the number 16?

C No.

J There will be a short delay between the questions.
Did you pick the number 15?

C No.

J Did you pick the number 8?

C No.

J Did you pick the number 3?

C No.

J Did you pick the number 5?

C No.

J Did you pick the number 7?

C No. [a lie]

J Did you pick the number 10?

C No.

J Did you pick the number 13?

C No.

J Remain seated quietly.
The test is about to end. I'll tell you when it's completed.
Ok. That ends the test. Your physiology is pretty much adjusted.
You have that number?

C I do.

12:24:58 p.m. (3:01:39) [Examiner tells Chad, correctly, that he lied when he said "No" when asked if he picked Card #7]

J ... seven?

C Hot damn.
How did you know?
... this tells you, huh?

J The computer told me.
What I'm looking for is a significant...
You react to every question.

C Right.

J Your body is reacting. You're in a new situation. I'm asking you a question.
You...your...Even though you have permission to lie, you know...

C You are not supposed to.

J ... that you're lying. Your sense of who you are tells you that it's wrong, so what I look for is to question where you reacted most significantly to...
And you reacted to every question just like you should because you're hearing my voice, and I'm posing questions, but when you got to number 7...
On a couple of the charts, I saw a distinct reaction.
Sometimes, it's close.

C Right.

J I have to really stare at the charts and really be sure I have what I want.
In your case, I got such a significant reaction to your lying, my tongue..
I didn't want you to hear my chuckle.

C [laughing]
I don't have a very good poker face.

J I knew that was a number that you picked.
This test again, .. It serves several purposes. It lets me adjust the physiology.
It lets me get a look at your normal responses when you're telling me the truth...

C Right.

J ... and when you're not.

One of the important things. You get to experience me asking the questions and you get to experience, the fact that "Oh yeah. This works."

C Right.

J As I told you, it was questioned...

C Right.

J ...I mean that it was number 7.

One of the reasons that we like to do that is to make sure the person to be tested is going to...

C Well, the good thing at this point is, as you just told me, would normally jump, even when I heard you say "number" I immediately felt like weird, like, "Man, every time I hear Cassidy's name and those things..."

J Well.

C I'm going to react. It's one of those things.

J You will. The first question I'm going to ask on the next test, is one of those neutral questions,...

C Right.

J "Is your name Chad?" And you are going to react to that. I want to see your reaction.

C Right.

J The reason being, that's the first question. quiet. You're going to be waiting. You're going to be anticipating the first question.

C Right.

J And even though it's innocuous, I'm going to say, "Is your first name Chad?" And you're going to answer truthfully. I still anticipate some type of reaction, because it's the first question.

C Right.

J That's why it's the first question...

C Right. Okay.

J ...to bleed off the emotion.

C Okay.

[cough]

Sorry. [about bringing left hand and arm to his face to block cough, and causing connected wires/tubes to move around.]

J That's perfectly okay.

That's going to be closed. Okay.

We're going to start the first chart in a minute.

Feet flat on the floor.

C Yup.

J Be as comfortable as you can be.

That hand is perfect.

Yup. That's where I want it. Looking straight ahead.

Breathe as you would during normal conversation.

Don't change anything.

The test hasn't started, and I will tell you when it's going to.

Yup. Continue to breathe normally. I'm just waiting for your breathing to stabilize here.

12:28:23 to 12:29:30 p.m. (3:04:59 to 3:06:11) [waiting]

J Okay. Breathe as you would during normal conversation.

Don't take any deep breaths or swallows, if you can at all help it.

I will tell you when the test is about to begin.

Remember. One word answers, only, and not to nod your head.

Chad, the test is about to begin.

12:30:03 p.m. 3:06:44 [start Chart 1 (C1)]

J [C1-1.] Is your first name, Chad?

C Yes.

J [C1-2.] Are you afraid that I will ask you a question we did not review?

C No.

J [C1-3.] With regard to Kassidy Bortner, do you intend to answer truthfully each question on this test?

C Yes.

J [C1-4.] Not connected with this case, and other than what you told me, do you recall lying to anyone about anything at any time?

C No.

J [C1-5.] Between November 8th and November 9th in the year 2000, did you hit, punch, kick or strike Cassidy Bortner?

C No.

J [C1-6.] Not connected with this case, other than what you've told me, do you now recall causing hurt to anyone, at any time in any way?

C No.
[short cough]

J [C1-7.] Are you the one who caused those injuries to Cassidy Bortner between November 8th and November 9th in the year 2000?

C No.

J [C1-8.] Are you now in New Hampshire?

C Yes.

J [C1-9.] Not connected with this case, and other than what you told me, do you now recall ever committing any illegal act?

C [cough]
No. Sorry.

J [C1-10.] Between November 8th and November 9th in the year 2000, did you inflict those injuries on Cassidy Bortner?

C No.

J Continue to relax, making no movement, breathing as you would in normal conversation.
The test is about to end.
Okay. The test is completed. You can open your eyes. Make any movements to get comfortable if you wish before we go on to the next chart.

C ... my friggin' heart's going to pump out of my chest when I hear her name.

J Oh, when you hear her name?

C Yeah.

J Well, that's one of the reasons that I built in the question in the beginning.
The question is, "Do you intend to tell the truth?"
That's why I worded it with regard to Cassidy Bortner. The idea is to bleed off some of the ...

It's not the first...
When we get to the meat of the issues...

C Right.

J ... it's not the first time you have heard...

C hear her name.

J ... her name.

It helps to, what we call, bleed off the emotions.

Okay, we're going to do the second chart here momentarily, so feet flat on the floor.

C Yup.

J Sit comfortably, making no unnecessary movement.

C Sorry [moving left hand with attached tube]

J Breathing as you would during normal conversation, and by that I mean, don't control your breathing in any way, shape or manner.

Just like normal conversations.

As before, I will tell you when we are about to start.

As soon as your breathing stabilizes.

Okay. The test is about to begin.

Remain seated, breathing normally.

12:36:35 p.m. (3:13:16) [start Chart 2 (C2)]

J [C2-1.] Are you now in New Hampshire?

C Yes.

J I'm just going to reach over and adjust this cuff where I want it.

Thank you.

C [clearing throat]

J [C2-2.] Are you afraid that I will ask you a question we did not review?

C No.

J [C2-3.] With regard to Cassidy Bortner, do you intend to answer truthfully each question on this test?

C Yes.

- J [C2-4.] Not connected with this case, and other than what you've told me, do you now recall ever committing any illegal act?
- C No.
- J [C2-5.] Between November 8th and November 9th in the year 2000, did you hit, punch, kick or strike Cassidy Bortner?
- C No.
- J Just a reminder, just to continue breathing as you would in normal conversation, and relax.
- C [inaudible Sorry?]
- J [C2-6.] Not connected with this case, other than what you've told me, do you now recall lying to anyone about anything at any time?
- C No.
[slight cough]
- J I'm going to be repeating the last question.
- J [C2-6] [repeat]. Not connected with this case, other than what you have told me, do you now recall lying to anyone about anything?
- C No.
- J I'll repeat that again.
It was an error on my part.
- C Okay.
- J Not yours. Without talking, remain seated. I mean, remain quiet.
[C2-6] [repeat]. Not connected with this case, other than what you told me, do you now recall lying to anyone about anything at any time?
- C No.
- J [C2-7.] Are you the one who caused those injuries to Cassidy Bortner between November 8 and November 9 of 2000?
- C No.
- J [C2-8.] Is your first name, Chad?
- C Yes.

- J [C2-9.] Not connected with this case, other than what you told me, do you now recall causing hurt to anyone, at any time in any way?
- C No.
- J [C2-10.] Between November 8th and November 9th in the year 2000, did you inflict those injuries on Cassidy Bortner?
- C No.
- J Continue to breathe as you would during normal conversation, making no unnecessary movement. The test is about to end. I'll tell you when it's done. Okay. That concludes that test. If you would like to take a moment to sort of readjust, feel free to do so.
- C Sorry about the breathing. I keep forgetting to...
- J Nope. Don't worry about it. That's why I asked... You coughed there once and I decided to re-ask the question.
- C Yes. It sounds like You know you just normally, you are just, aahh, something emotional, you just kind of like stop breathing for a second.
- J That's why we go through all of this and we let you know what's going on.
- C Right.
- J Okay. We're ready to go for the third chart. Are you ready?
- C Yup.
- J Okay. Again. Same instructions. Straight ahead. Eyes closed. Breathing as you would...
- C [cough]
- J ... during normal conversation.
- C Uh Huh.
- J Trying not to cough and sneeze, but if you do, don't worry about it. As you already know, I will just re-ask the question. Chad, the test is about to begin.

12:43:52 p.m. (3:20:33) [start Chart 3(C3)]

J [C3-1.] Is your first name, Chad?

C Yes.

J [C3-2.] Are you afraid that I will ask a question we did not review?

C No.

J [C3-3.] With regard to Kassidy Bortner, do you intend to answer truthfully each question on this test?

C Yes.

J [C3-4.] Not connected with this case, other than what you have told me, do you recall lying to anyone about anything at any time?

C No.

J [C3-5.] Between November 8th and November 9 in the year 2000, did you inflict those injuries on Kassidy Bortner?

C No.

J [C3-6.] Not connected with this case, and other than what you have told me, do you now recall causing hurt to anyone, at any time in any way?

C No.

J [C3-7.] Between November 8th and November 9th in the year 2000, did you hit, punch, kick or strike Kassidy Bortner?

C No.

J [C3-8.] Are you now in New Hampshire?

C Yes.

J [C3-9.] Not connected with this case, other than what you have told me, do you now recall ever committing any illegal act?

C No.

J [C3-10.] Are you the one who caused those injuries to Kassidy Bortner between November 8 and November 9 in the year 2000?

C No.

J The test is about to end. Remain seated. Breathe as you would in normal conversation.
I'll tell you when the test is over.
Okay. The test is over. You can make any limited movement that you wish.

C [inaudible] ...is that putting my head back? I've been [inaudible] straight up.

J No. I've been watching.
Everything is fine. If you move your head, I don't...

12:48:55 to 12:49:26 (3:25:37 to 3:26:07) [clicking on keyboard]

J ...just these out for the next chart.
Ready?

C Yup.

J Feet flat on the floor.
Breathing as you would during normal conversation with your eyes closed.
I will tell you before the test is about to begin.
Okay, Chad. The test is about to begin.

12:50:10 p.m. 3:26:51 [start Chart 4 (C4)]

J [C4-1.] Is your first name, Chad?

C Yes.

J [C4-2.] Are you afraid that I will ask you a question which we did not review?

C No.

J [C4-3.] With regard to Kassidy Bortner, do you intend to answer truthfully each question on this test?

C Yes.

J [C4-4.] Not connected with this case, other than what you have told me, do you recall lying to anyone about anything at any time?

C No.

J [C4-5.] Between November 8th and November 9th in the year 2000, did you hit, punch, kick or strike Kassidy Bortner?

C No.

- J [C4-6.] Not connected with this case, other than what you have told me, do you now recall causing hurt to anyone, at any time in any way?
- C No.
- J [C4-7.] Are you the one who caused those injuries to Cassidy Bortner between November 8 and November 9 in the year 2000?
- C No.
- J [C4-8.] Are you now in New Hampshire?
- C Yes.
- J [C4-9.] Not connected with this case, other than what you've told me, do you now recall ever committing any illegal act?
- C No.
- J [C4-10.] Between November the 8th and November the 9th in the year 2000, did you inflict those injuries on Cassidy Bortner?
- C No.
- J Remain seated, and breathing as you would during normal conversation, and making no unnecessary movements.
I will tell you when the test is about to end.
The test is about to end.
You may resume normal movements, while I just check to see if I have normal ...
It's okay if you want to move around a little.
Almost done.
- C [inaudible]
Should I read anything into this that you had to get more than three charts?
- J Nope. It means I want to have as much data as I can.
Three charts is standard.
Five is allowable.
It's up to me when I look at it.
It's what I want.
This is scored numerically.
- C Right.
- J I'm looking. I went ahead... the proper amount of information.
- C Sure.

... automatically bad thing...?

J Not at all.

C Okay. That concludes the whole test.

J I'm going to shut things down here, and get all that stuff off of you.
We will turn off the video recording.

3:32:38

12:55:57 p.m.

[transcribed by Morrison Bonpasse, Executive Director of the Chad Evans Wrongly Convicted Committee. 13 October 2012]