

Subj: Dassey
Date: 4/6/2007
To: fremgen@
CC: dsirang@

Mark:

Apparently (according to media report) the judge said Dr. Gordon is not competent to testify about the coercive nature of police questioning techniques used against Brendan, because he is not a social scientist? But the type of questions put to Brendan is a crucial point, which when combined with his suggestibility can lead to "unreliable" (i.e. false) confessions. See Dr. Larry White's report and studies cited.

I believe White would be able to so testify. He has been qualified as an expert on that very issue at least once, before, if not more (in a Kenosha case with Waring Fincke, I believe). Even though he may not be on your expert witness disclosure list, I would add him anyway, and re-argue that point. If nothing else, make a record for appeal. You can say you only recently were permitted to speak with him because he was retained on Avery's case, and only now are we permitting you access. With the state waiting until the last week of our trial to provide FBI expert LeBeau's EDTA report, they can hardly bitch too much about late discovery.

But word of caution, the report I sent you was NOT final. Do not turn that over to the state!

Good luck.

Jerry

Monday, November 10, 2008 AOL: [REDACTED]