

EXHIBIT 1

Scanned Jun 18, 2013

THE GRAND JURORS
DOB: 06/18/69

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS

THE GRAND JURORS, for the County of Cameron and State aforesaid, duly organized as such at the FEBRUARY Term, 2007 of the 103rd Judicial District in and for said County, upon their oaths in said Court, present that MELISSA ELIZABETH LUCTO, hereinafter called the Defendant, on or about the 17th day of FEBRUARY, 2007, and anterior to the presentation of this indictment, in the County of Cameron and State of Texas, did then and there intentionally or knowingly cause the death of an individual, namely, MARIAH ALVAREZ, by striking, shaking, or throwing MARIAH ALVAREZ with defendant's hand or foot or other object unknown to the Grand Jury, and the said MARIAH ALVAREZ was then and there an individual younger than six years of age,

against the peace and dignity of the State

[Signature]
Foreman of the Grand Jury

07CR00000885



000 9

THE STATE OF TEXAS }
COUNTY OF CAMERON }

I, AURORA DE LA GARZA, Clerk of the District Courts of Cameron County, Texas do hereby certify that the foregoing is a true and correct copy of the Original Bill of Indictment, filed in said Court on _____ A.D. 20____ and filed _____ A.D. 20____ in Cause No. _____ against the State of Texas vs _____

GIVEN UNDER MY HAND AND SEAL OF SAID COURT, AT OFFICE IN BROWNSVILLE, TEXAS, THIS _____ DAY _____ A.D. 20____

000 10

[Signature] DEPUTY

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PAGE 1

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NAMES OF WITNESSES

ID# 211719 \$ 207205

07CR00000885



THE STATE OF TEXAS

vs

MELISSA ELIZABETH LUCIO

INDICTMENT

OFFENSE

CAPITAL MURDER

ARMANDO R. VILLALOBOS
County and District Attorney

A TRUE BILL

[Signature]
For the Grand Jury

Filed on MAY 16 2007

, 20

AURORA DE LA GARZA, CLERK OF DISTRICT
COURTS OF CAMERON COUNTY, TEXAS

By *[Signature]* Deputy

Amount of Bail \$ 1,000,000.00

5/22/07

AURORA DE LA GARZA, Clerk

By _____ Deputy

Given under my hand and seal of said court, at office in Brownsville, Texas, this _____ day _____ A.D. 20____

I, _____, Clerk of the District Courts of Cameron County, Texas, do hereby certify that the foregoing is a true and correct copy of the Original Bill of Indictment, filed in said Court on _____ A.D. 20____ in Cause No. _____ styled the State of Texas vs _____

COUNTY OF CAMERON
THE STATE OF TEXAS }
PAGE 2

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000155

EXHIBIT 2

CERTIFIED COPY



BE IT REMEMBERED that on the 29th day of May, 2008, this cause was called to trial and the State appeared by the attorney stated above, and the Defendant and the Defendant's attorney were also present, and the Defendant, having been duly arraigned, pleaded Not Guilty and both parties announced ready for trial; general voir dire was conducted by the Court and the jury panel qualified, thereafter, the individual voir dire was conducted and a jury of good and lawful persons, was selected from the period of June 2, 2008, through June 23, 2008, including two alternate jurors, whereupon, said cause was recessed until June 30, 2008.

THEREAFTER, on June 30, 2008, a jury, to wit: Melissa Quintanilla and thirteen others, including two alternate jurors, having been duly selected was empaneled and sworn according to the law and charged by the Court on separation; the indictment was read to the jury and the Defendant entered her plea of Not Guilty thereto whereupon the State presented testimony and introduced evidence and said cause was recessed until **July 1, 2008**. The State continued with their testimony and evidence through **July 2, 2008**; whereupon the State rests. Defendant made oral motion for directed verdict. Defendant's motion for directed verdict denied. Said cause is recessed until **July 7, 2008**.

THEREAFTER, on **July 7, 2008**, Defendant presented testimony and introduced evidence and rested. All parties closed; whereupon, said cause was recessed until July 8, 2008.

THEREAFTER, on July 8, 2008, the charge was prepared and submitted to all counsel. Defendant made oral motion for lesser included offense of Injury to a Child. Said motion denied. THEREAFTER, the Court charged the jury as to the law applicable to said cause and argument of counsel for the State and the Defendant was duly heard and concluded; whereupon alternate jurors Maricela D. Hernandez and Emma Molina were excused from further jury service. The jury retired in charge of the proper officer to consider their verdict and afterward was brought

Page 2 of 7


A TRUE COPY I CERTIFY
LAURA PEREZ-REYES, DISTRICT CLERK
01/18/2022
DISTRICT COURT OF CAMERON COUNTY, TEXAS
By:  Deputy
Ezequiel Zepeda

CERTIFIED COPY

into open court by the proper officer, the Defendant and his counsel being present, and in due form of law returned into open court the following verdict, which was received by the Court and is here now entered upon the Minutes of the Court, to wit:

“We, the Jury, find the defendant, Melissa Elizabeth Lucio, “Guilty” of the offense of Capital Murder as alleged in the indictment.

/s/ Melissa Quintanilla
Presiding Juror”

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Defendant, Melissa Elizabeth Lucio, is guilty of the offense of **Capital Murder** as found by the jury, and that said offense was committed on February 17, 2007. Thereafter, the Court excused the jury until **July 9, 2008**.

THEREAFTER, on **July 9, 2008**, the same jury was duly empaneled to assess Defendant’s punishment in said cause. The evidence submitted for the State was heard, whereupon the State rested. Defendant made oral motion for directed verdict. Said Motion was denied. Defense presented evidence; whereupon, said cause was recessed until July 10, 2008.

THEREAFTER, on July 10, 2008, Defendant continued to offer evidence and rested. Defendant reurged oral motion for directed verdict. Said motion was denied. State offered rebuttal testimony. Both sides closed. At the conclusion of such evidence, the Court charged the jury with additional instructions as to the law applicable to punishment of said cause and arguments of State and Defendant were duly heard and concluded. Thereafter, the jury retired in charge of the proper officer to consider their verdict and thereafter returned into open court, accompanied by the proper officer, the State and the Defendant and his counsel being present, and in due form of law, the Court read the answers to the issues submitted, as follows:



A TRUE COPY I CERTIFY
LAURA PEREZ-REYES - DISTRICT CLERK

01/18/2022

DISTRICT COURT OF CAMERON COUNTY, TEXAS

By: _____ Deputy

Ezequiel Zepeda

CERTIFIED COPY

SPECIAL ISSUE NUMBER 1

Do you find from the evidence beyond a reasonable doubt that there is a probability that the Defendant would commit criminal acts of violence that would constitute a continuing threat to society?

In your verdict, you answer "Yes" or "No".

Answer: We, the jury, unanimously find from the evidence beyond a reasonable doubt that the answer to Special Issue Number 1 is "Yes"

Melissa Quintanilla
Presiding Juror

SPECIAL ISSUE NUMBER 2

Taking into consideration all of the evidence, including the circumstances of the offense, the Defendant's character and background, and the personal moral culpability of the Defendant, do you find that there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment without parole rather than a death sentence be imposed?

In your verdict, you will answer "Yes" or "No".

Answer: We, the jury, unanimously find that the answer to Special Issue Number 2 is "No".

Melissa Quintanilla
Presiding Juror

We, the jury, return in open Court the above answers to the Special Issues submitted to us and the same is our verdict in this case.

Melissa Quintanilla
Presiding Juror"



A TRUE COPY I CERTIFY
LAURA PEREZ-REYES - DISTRICT CLERK

01/18/2022

DISTRICT COURT OF CAMERON COUNTY, TEXAS

By: Ezequiel Zepeda Deputy

Ezequiel Zepeda

CERTIFIED COPY

THEREAFTER, defense counsel requested that the jury be polled. The jury was then polled and the unanimous verdict was received by the Court and is here now entered upon the Minutes of the Court. The jury was then discharged..

IT IS, THEREFORE, CONSIDERED AND ADJUDGED by the Court that the Defendant, Melissa Elizabeth Lucio, is guilty of the offense of Capital Murder, as found by the jury, and that she be punished, in accordance with the Special Issues answered by the Jury, and sentenced to DEATH and the State of Texas do have and recover of and from said Defendant all costs in this prosecution, for which execution may issue; whereupon, said cause was recessed until July 22, 2008.

THEREAFTER, on July 22, 2008, all parties appeared and announced ready for sentencing. IT IS THE ORDER of the Court, that the Defendant, Melissa Elizabeth Lucio, who has been adjudged guilty of Capital Murder by the jury and whose punishment has been assessed by the jury and sentenced to DEATH, be delivered by the Sheriff of Cameron County, Texas, immediately to the Director of Corrections of the Texas Department of Criminal Justice, Institutional Division, or other person legally authorized to receive such convicts, and the said Melissa Elizabeth Lucio shall be confined in said Texas Department of Criminal Justice, Institutional Division, Division until said death sentence can be carried out, in accordance with the provisions of the law governing the penitentiaries and the Texas Department of Criminal Justice, Institutional Division. The Defendant is hereby remanded to the custody of the Sheriff, until such time as the Sheriff can obey the directions of this sentence.

IT IS FURTHER ORDERED by the Court that Defendant's left or right thumb be fingerprinted, and that said thumbprint be marked as Exhibit "A" and is made a part hereof for all purposes.

Page 5 of 7


A TRUE COPY I CERTIFY
LAURA PEREZ-REYES - DISTRICT CLERK

01/18/2022

DISTRICT COURT OF CAMERON COUNTY, TEXAS


By:  Deputy

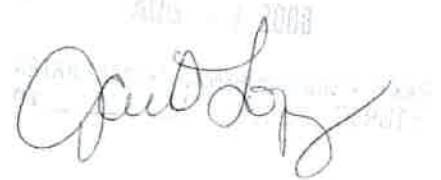
Ezequiel Zepeda

CERTIFIED COPY

Said Defendant is given credit on this sentence for five-hundred-twenty-one (521) days on account of the time spent in jail.

SIGNED FOR ENTRY: July 27, 2008.


Arturo Cisneros Nelson
Judge Presiding

8:10 A.M.
AUG 1 2008




A TRUE COPY I CERTIFY
LAURA PEREZ-REYES - DISTRICT CLERK

01/18/2022

DISTRICT COURT OF CAMERON COUNTY, TEXAS

By:  Deputy

Ezequiel Zepeda

CERTIFIED COPY

CAUSE NO.: 07-CR-885-B

THE STATE OF TEXAS

IN THE DISTRICT COURT OF

VS

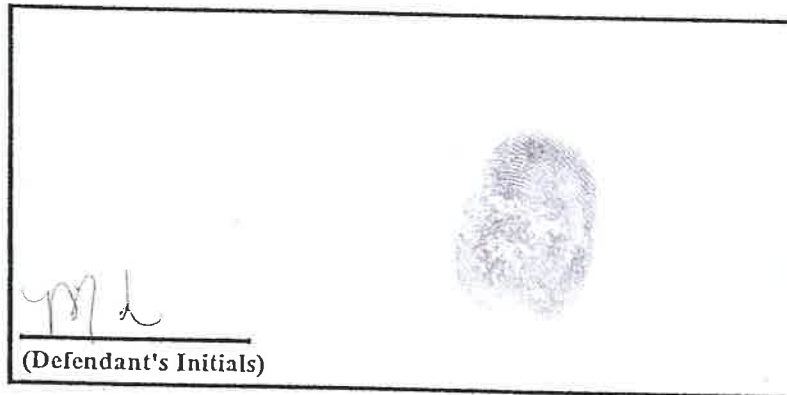
CAMERON COUNTY, TEXAS

Melissa Elizabeth Lucio

~~10TH~~ JUDICIAL DISTRICT
135th

DEFENDANT'S THUMBPRINT

The following is the thumbprint of the right thumb of: Melissa Elizabeth Lucio
_____, Defendant in this cause, 07-CR-885-B in this court:



Taken on this 07 day of 22, 20 08 by:



A TRUE COPY I CERTIFY
LAURA PEREZ-REYES, DISTRICT CLERK

01/18/2022

DISTRICT COURT OF CAMERON COUNTY, TEXAS

EXHIBIT "A" By: Ezequiel Zepeda Deputy

EXHIBIT 3

CERTIFIED COPY

RECEIVED 1/18/2022 10:03 AM
07-CR-00000885 / 60889765
LAURA PEREZ-REYES
Cameron County District Clerk
By Ezequiel Zepeda Deputy Clerk

CAUSE NO. 07-CR-0885

THE STATE OF TEXAS

VS.

MELISSA E. LUCIO

§
§
§
§
§
§
§

IN THE DISTRICT COURT

138TH JUDICIAL DISTRICT

CAMERON COUNTY, TEXAS

AMENDED ORDER SETTING EXECUTION DATE

The Court has reviewed the State's Motion Requesting an EXECUTION DATE BE SET, ORDERS AND WARRANT ISSUED, AND WARRANT SERVED and finds the motion should be granted; and

Whereas the Defendant, Melissa E. Lucio, was previously sentenced to death by the Court in the presence of her attorneys; and

Given that the Defendant's direct appeal and initial state habeas proceeding has concluded, and there being no stays of execution in effect in this case, it is the duty of this Court to set an execution date in the above-numbered and styled cause and the Court now enters the following ORDERS:

IT IS HEREBY ORDERED that the Defendant, Melissa E. Lucio, who has been adjudged to be guilty of capital murder as charged in the indictment and whose punishment has been



A TRUE COPY I CERTIFY
LAURA PEREZ-REYES - DISTRICT CLERK

01/18/2022

DISTRICT COURT OF CAMERON COUNTY, TEXAS

By: Ezequiel Zepeda Deputy

Ezequiel Zepeda

CERTIFIED COPY

assessed by the verdict of the jury and judgment of the Court at Death, shall be kept in custody by the Director of the Texas Department of Criminal Justice, Criminal Institutions Division, until April 27, 2022, upon which day, at the Texas Department of Criminal Justice, Criminal Institutions Division, at some time after the hour of 6:00 P.M., in a room arranged for the purpose of execution, the said Director, acting by and through the executioner designated by said Director, as provided by law, **IS HEREBY COMMANDED, ORDERED AND DIRECTED TO CARRY OUT THIS SENTENCE OF DEATH BY INTRAVENOUS INJECTION OF A SUBSTANCE OR SUBSTANCES IN A LETHAL QUANTITY SUFFICIENT TO CAUSE THE DEATH OF THE SAID MELISSA E. LUCIO UNTIL THE SAID MELISSA E. LUCIO IS DEAD.**

Such execution procedure shall be determined and supervised by the said Director of the Texas Department of Criminal Justice, Criminal Institutions Division.



A TRUE COPY I CERTIFY
LAURA PEREZ-REYES - DISTRICT CLERK

01/18/2022

CAUSE NO. 07-CR-865
STATE V. LUCIO
AMENDED ORDER SETTING EXECUTION
PAGE 2

By: _____ Deputy

Ezequiel Zepeda

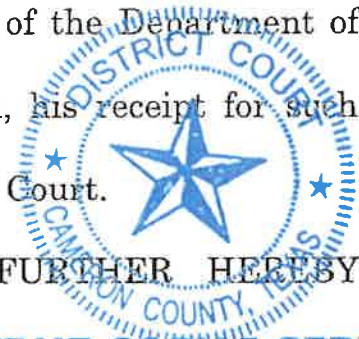
CERTIFIED COPY

THE CLERK OF THIS COURT IS HEREBY ORDERED, that within **10 DAYS** of the signing of this Order, the Clerk of this Court shall issue and deliver to the Sheriff of Cameron County, Texas, a certified official copy of this order and a Warrant of Execution in accordance with this Order, directed to the Director of the Texas Department of Criminal Justice, Correctional Institutions Division, at Huntsville, Texas, commanding him, the said Director, to put into execution the Judgment of Death against Melissa E. Lucio.

THE SHERIFF OF CAMERON COUNTY, TEXAS, IS HEREBY ORDERED, that immediately upon receipt of said Warrant of Execution, to deliver said Warrant and a copy of this order to the Director of the Department of Criminal Justice, Criminal Institutions Division, Huntsville, Texas.

THE SHERIFF OF CAMERON COUNTY, TEXAS, IS FURTHER HEREBY ORDERED to take from the Director of the Department of Criminal Justice, Criminal Institutions Division, his receipt for such warrant and return the receipt to the clerk of this Court.

THE CLERK OF THIS COURT IS FURTHER HEREBY ORDERED to forward a certified copy of this Order no later than the



TRUE COPY CERTIFY
LAURA PEREZ-REYES - DISTRICT CLERK

01/18/2022

CAUSE No. 07-CR-885
STATE V. LUCIO
AMENDED ORDER SETTING EXECUTION
PAGE 3

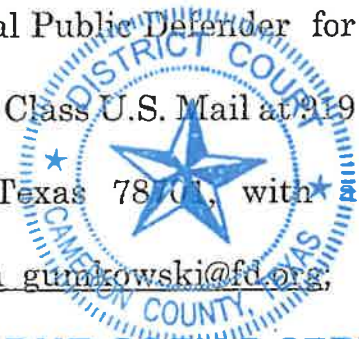
By: _____ Deputy

Ezequiel Zepeda

CERTIFIED COPY

second business day after the date on which the Court enters this Order
to:

- A. Richard Ellis, Defendant's Counsel, via First Class U.S. Mail at 75 Magee Avenue, Mill Valley, CA 94941, with a courtesy copy via electronic mail at a.r.ellis@att.net;
- Maureen Franco, Federal Public Defender for the Western District of Texas, via First Class U.S. Mail at 919 Congress Ave., Suite 950, Austin, Texas 78701, with a courtesy copy via electronic mail at maureen_franco@fd.org;
- Tivon Schardl, Chief, Capital Habeas Unit for the Federal Public Defender for the Western District of Texas, via First Class U.S. Mail at 919 Congress Ave., Suite 950, Austin, Texas 78701, with a courtesy copy via electronic mail at tivon_schardl@fd.org;
- Timothy Gumkowski, Assistant Federal Public Defender for the Western District of Texas, via First Class U.S. Mail at 919 Congress Ave., Suite 950, Austin, Texas 78701, with a courtesy copy via electronic mail at tim_gumkowski@fd.org;



A TRUE COPY I CERTIFY
LAURA PEREZ-REYES - DISTRICT CLERK

01/18/2022

CAUSE No. 07-CR-885
STATE V. LUCIO
AMENDED ORDER SETTING EXECUTION
PAGE 4

DISTRICT COURT OF CAMERON COUNTY, TEXAS
By: Ezequiel Zepeda Deputy

Ezequiel Zepeda

CERTIFIED COPY

- Edward Sandoval, First Assistant District Attorney, Cameron County District Attorney's Office, via electronic mail at edward.sandoval@co.cameron.tx.us;
- Jennifer Wren, Assistant Attorney General with the Texas Attorney General's Office, via electronic mail at Jennifer.Wren@oag.texas.gov; and,
- Benjamin Wolff, Director of the Office of Capital and Forensic Writs, via First Class U.S. Mail at 1700 N. Congress Avenue, Suite 460, Austin, Texas 78711, with a courtesy copy sent via e-mail copy at Benjamin.wolff@ocfw.texas.gov.

THE CLERK OF THIS COURT IS FURTHER HEREBY ORDERED to send a copy of the Warrant of Execution with the Seal of the Court at the time the Warrant of Execution issues to:

- A. Richard Ellis, Defendant's Counsel via First Class U.S. Mail at 75 Magee Avenue, Mill Valley, CA 94941, with a courtesy copy via electronic mail at a.r.ellis@att.net;
- Maureen Franco, Federal Public Defender for the Western District of Texas, via First Class U.S. Mail at 919 Congress



A TRUE COPY I CERTIFY
LAURA PEREZ-REYES - DISTRICT CLERK

01/18/2022

CAUSE No. 07-CR-885
STATE V. LUCIO
AMENDED ORDER SETTING EXECUTION
PAGE 5

By: _____ Deputy

Ezequiel Zepeda

CERTIFIED COPY

Ave., Suite 950, Austin, Texas 78701, with a courtesy copy via electronic mail at maureen_franco@fd.org;

- Tivon Schardl, Chief, Capital Habeas Unit for the Federal Public Defender for the Western District of Texas, via First Class U.S. Mail at 919 Congress Ave., Suite 950, Austin, Texas 78701, with a courtesy copy via electronic mail at tivon_schardl@fd.org;
- Timothy Gumkowski, Assistant Federal Public Defender for the Western District of Texas, via First Class U.S. Mail at 919 Congress Ave., Suite 950, Austin, Texas 78701, with a courtesy copy via electronic mail at tim_gumkowski@fd.org;
- Edward Sandoval, First Assistant District Attorney, Cameron County District Attorney's Office, via electronic mail at edward.sandoval@co.cameron.tx.us;
- Jennifer Wren, Assistant Attorney General with the Texas Attorney General's Office, via electronic mail at Jennifer.Wren@oag.texas.gov; and,
- Benjamin Wolff, Director of the Office of Capital and Forensic Writs, via First Class U.S. Mail at 4700 N. Congress Avenue,



A TRUE COPY I CERTIFY
LAURA PEREZ-REYES - DISTRICT CLERK

01/18/2022

AMENDED ORDER SETTING EXECUTION DISTRICT COURT OF CAMERON COUNTY, TEXAS

PAGE 6


By:  Deputy

Ezequiel Zepeda

CERTIFIED COPY

Suite 460, Austin, Texas 78711, with a courtesy copy sent via
e-mail copy at Benjamin.wolff@ocfw.texas.gov.

Signed on this 18th day of January, 2022.


Hon. Gabriela "Gabby" Garcia
Presiding Judge
138th Judicial District Court
Cameron County, Texas

FILED 2:25 o'clock P M
LAURA PEREZ-REYES - DISTRICT CLERK

JAN 18 2022

DISTRICT COURT OF CAMERON COUNTY, TEXAS

By  Deputy



A TRUE COPY I CERTIFY
LAURA PEREZ-REYES - DISTRICT CLERK

01/18/2022

DISTRICT COURT OF CAMERON COUNTY, TEXAS

By:  Deputy

Ezequiel Zepeda

EXHIBIT 4

REGISTRATION FORM FOR REPRESENTATION OF OFFENDER

To be filed with the Texas Department of Criminal Justice - Parole Division

TEX. GOV'T. CODE § 508.083 requires a person who represents an offender for compensation before the Board of Pardons and Paroles, a Parole Panel, or the Parole Division of the Texas Department of Criminal Justice:

- 1) To be an attorney licensed to practice in this state, and
- 2) To register with the Texas Department of Criminal Justice - Parole Division.

FOR OFFICE USE ONLY

Date received:

Date processed:

Initial Filing Supplemental Filing Renewal Filing

I hereby declare my intention to represent one or more offenders before the Texas Board of Pardons and Paroles, a Parole Panel, or the Parole Division of the Department of Criminal Justice for compensation.

Texas Bar Number: 06560400

Registrant Name: A. Richard Ellis

Phone #: (415) 389-6771 Fax #: (415) 389-0251

Street Address: 75 Magee Ave. Apt./Suite #: _____

City, State, Zip: Mill Valley CA 94941

Signature: A. Richard Ellis

OTHER REQUIRED FILINGS

Any person representing an offender for compensation shall also:

- 1) File an Offender Representation Fee Affidavit with the Parole Division of the Texas Department of Criminal Justice.
 - * A separate affidavit must be completed for each offender represented and must be on file with the department before the person first contacts a member or employee of the Board or an employee of the Parole Division on behalf of the offender.
 - * Filings are at: Texas Department of Criminal Justice-Parole Division, 8610 Shoal Creek Blvd., Austin, Tx. 78757. For further information, call: (512) 406-5943.
- 2) File a yearly Offender Representation Summary Report with the Texas Department of Criminal Justice-Parole Division, no later than January 31 of the year following the year covered by the report.
- 3) File a Supplemental Registration Form with the Texas Department of Criminal Justice-Parole Division, no later than 10 days after any registrant information changes.

FEE AFFIDAVIT FORM

Original

Supplemental

CLIENT: Melissa Luck PIA/TDCJ#: 999537 S.I.D. #: _____

ATTORNEY INFORMATION:

Allen Richard Ellis
(MR./MS. FIRST NAME MIDDLE LAST NAME SUFFIX)
TEXAS BAR NO. 06560400 ADDRESS 75 Magee Ave, Mill Valley CA
NAME OF BUSINESS Law Offices BUSINESS ADDRESS 75 Magee Ave, 94941
BUSINESS PHONE # 415-389-6271 Mill Valley CA 94941
BUSINESS FAX # 415-389-0251 CITY STATE ZIP

BCJ-BPP-TDCJ (FORMER OR CURRENT) EMPLOYEE(S) OR MEMBERS WITH WHICH ATTORNEY IS ASSOCIATED OR HAS A RELATIONSHIP AS AN EMPLOYER OR EMPLOYEE OR MAINTAINS A CONTRACTUAL RELATIONSHIP TO PROVIDE SERVICES (LIST ADDITIONAL NAMES ON BACK). NONE

FIRST NAME: _____ MIDDLE: _____ LAST NAME: _____
RELATIONSHIP: _____ ENTITY: _____

HAVE YOU REGISTERED WITH THE TDCJ-PAROLE DIVISION WITHIN THE LAST 12 MONTHS? YES NO

TEX. GOV'T. CODE §§ 508.084 and 508.085 require certain information relative to fees, or lack thereof. This affidavit must be completed in regards to the relevant areas, signed, sworn and subscribed to before a Notary Public prior to any representation.

I. NO FEE

I, OR ANY CORPORATION OR FIRM WITH WHICH I AM AFFILIATED, HAVE RECEIVED NO FEE NOR PROMISE OF FEE FOR SERVICES OF ANY NATURE RENDERED, OR TO BE RENDERED, IN CONNECTION WITH PAROLE OR EXECUTIVE CLEMENCY FOR THE ABOVE NAMED PERSON.

Signature _____ Printed Name _____

II. COMPENSATED REPRESENTATION

TEXAS GOVERNMENT CODE § 305.002 DEFINES "COMPENSATION" AS MEANING MONEY, SERVICE, FACILITY, OR OTHER THING OF VALUE OR FINANCIAL BENEFIT THAT IS RECEIVED OR IS TO BE RECEIVED IN RETURN FOR OR IN CONNECTION WITH SERVICES RENDERED OR TO BE RENDERED. I am court-appointed

TEX. GOV'T. CODE § 508.083 mandates that only an Attorney, licensed in the State of Texas, may receive compensation for representing an offender subject to the jurisdiction of the Texas Department of Criminal Justice.

AMOUNT OF COMPENSATION RECEIVED OR EXPECTED: 25 at discretion of s unknown compensation

THE PERSON MAKING THE COMPENSATION: Fifth Circuit Court of Appeals
FIRST NAME MIDDLE LAST NAME

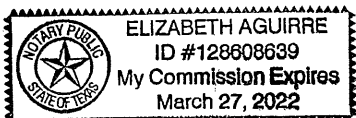
ADDRESS 608 S. Maestri Place New Orleans LA 70130 PHONE #: 504-310-7700
STREET ADDRESS CITY STATE ZIP

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT, AND FURTHERMORE, I HEREBY AGREE TO IMMEDIATELY SUPPLEMENT THIS AFFIDAVIT IF ANY OF THE STATEMENTS MADE HEREIN ARE AFFECTED BY A CHANGE IN FEE AGREEMENT, OR ARRANGEMENT, OR FACTUAL CONDITIONS.

SIGNATURE A. Richard Ellis 3/20/22
DATE

SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY, UNDER PENALTY OF PERJURY, ON THIS THE 21 DAY OF March, A.D. 20 22.

(SEAL)



Elizabeth Aguirre
SIGNATURE OF HEARING OFFICER OR NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

REGISTRATION FORM FOR REPRESENTATION OF OFFENDER

To be filed with the Texas Department of Criminal Justice - Parole Division

TEX. GOV'T. CODE § 508.083 requires a person who represents an offender for compensation before the Board of Pardons and Paroles, a Parole Panel, or the Parole Division of the Texas Department of Criminal Justice:

- 1) To be an attorney licensed to practice in this state, and
- 2) To register with the Texas Department of Criminal Justice - Parole Division.

FOR OFFICE USE ONLY

Date received:

Date processed:

Initial Filing Supplemental Filing Renewal Filing

I hereby declare my intention to represent one or more offenders before the Texas Board of Pardons and Paroles, a Parole Panel, or the Parole Division of the Department of Criminal Justice for compensation.

Texas Bar Number: 24127495

Registrant Name: Tivon Schardl

Phone #: 737-207-3008 Fax #: 512-499-1584

Street Address: Federal Defender Office Apt./Suite #: Suite 950

919 Congress

City, State, Zip: Austin, Texas 78701

Signature: 

OTHER REQUIRED FILINGS

Any person representing an offender for compensation shall also:

- 1) File an Offender Representation Fee Affidavit with the Parole Division of the Texas Department of Criminal Justice.
 - * A separate affidavit must be completed for each offender represented and must be on file with the department before the person first contacts a member or employee of the Board or an employee of the Parole Division on behalf of the offender.
 - * Filings are at: Texas Department of Criminal Justice-Parole Division, 8610 Shoal Creek Blvd., Austin, Tx. 78757.
For further information, call: (512) 406-5943.
- 2) File a yearly Offender Representation Summary Report with the Texas Department of Criminal Justice-Parole Division, no later than January 31 of the year following the year covered by the report.
- 3) File a Supplemental Registration Form with the Texas Department of Criminal Justice-Parole Division, no later than 10 days after any registrant information changes.

FEE AFFIDAVIT FORM

Original Supplemental

CLIENT: Melissa Lucio PIA/TDCJ #: 999537 S.I.D. #:

ATTORNEY INFORMATION:

Mr. Tivon Schardl
MR./MS. FIRST NAME MIDDLE LAST NAME SUFFIX
TEXAS BAR NO. 24127495 ADDRESS 3007 E 12th Street
NAME OF BUSINESS Federal Defender Office BUSINESS ADDRESS 919 Congress, Suite 950
BUSINESS PHONE # 737-207-3008 Austin, Texas 78702
BUSINESS FAX # 512-499-1584 CITY STATE ZIP

BCJ-BPP-TDCJ (FORMER OR CURRENT) EMPLOYEE(S) OR MEMBERS WITH WHICH ATTORNEY IS ASSOCIATED OR HAS A RELATIONSHIP AS AN EMPLOYER OR EMPLOYEE OR MAINTAINS A CONTRACTUAL RELATIONSHIP TO PROVIDE SERVICES (LIST ADDITIONAL NAMES ON BACK).

FIRST NAME: MIDDLE: LAST NAME:
RELATIONSHIP: ENTITY:

HAVE YOU REGISTERED WITH THE TDCJ-PAROLE DIVISION WITHIN THE LAST 12 MONTHS? YES/NO

TEX. GOV'T. CODE §§ 508.084 and 508.085 require certain information relative to fees, or lack thereof. This affidavit must be completed in regards to the relevant areas, signed, sworn and subscribed to before a Notary Public prior to any representation.

I. NO FEE

I, OR ANY CORPORATION OR FIRM WITH WHICH I AM AFFILIATED, HAVE RECEIVED NO FEE NOR PROMISE OF FEE FOR SERVICES OF ANY NATURE RENDERED, OR TO BE RENDERED, IN CONNECTION WITH PAROLE OR EXECUTIVE CLEMENCY FOR THE ABOVE NAMED PERSON.

Signature Tivon Schardl Printed Name Tivon Schardl

II. COMPENSATED REPRESENTATION

TEXAS GOVERNMENT CODE § 305.002 DEFINES "COMPENSATION" AS MEANING MONEY, SERVICE, FACILITY, OR OTHER THING OF VALUE OR FINANCIAL BENEFIT THAT IS RECEIVED OR IS TO BE RECEIVED IN RETURN FOR OR IN CONNECTION WITH SERVICES RENDERED OR TO BE RENDERED.

TEX. GOV'T. CODE § 508.083 mandates that only an Attorney, licensed in the State of Texas, may receive compensation for representing an offender subject to the jurisdiction of the Texas Department of Criminal Justice.

AMOUNT OF COMPENSATION RECEIVED OR EXPECTED: \$

THE PERSON MAKING THE COMPENSATION: FIRST NAME MIDDLE LAST NAME
ADDRESS STREET ADDRESS CITY STATE ZIP PHONE #:

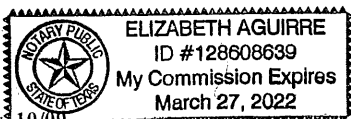
I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT, AND FURTHERMORE, I HEREBY AGREE TO IMMEDIATELY SUPPLEMENT THIS AFFIDAVIT IF ANY OF THE STATEMENTS MADE HEREIN ARE AFFECTED BY A CHANGE IN FEE AGREEMENT, OR ARRANGEMENT, OR FACTUAL CONDITIONS.

SIGNATURE DATE

SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY, UNDER PENALTY OF PERJURY, ON THIS THE 21st DAY OF March, A.D. 2022.

(SEAL)

SIGNATURE OF HEARING OFFICER OR NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



REGISTRATION FORM FOR REPRESENTATION OF OFFENDER

To be filed with the Texas Department of Criminal Justice - Parole Division

TEX. GOV'T. CODE § 508.083 requires a person who represents an offender for compensation before the Board of Pardons and Paroles, a Parole Panel, or the Parole Division of the Texas Department of Criminal Justice:

- 1) To be an attorney licensed to practice in this state, and
- 2) To register with the Texas Department of Criminal Justice - Parole Division.

FOR OFFICE USE ONLY

Date received:

Date processed:

Initial Filing Supplemental Filing Renewal Filing

I hereby declare my intention to represent one or more offenders before the Texas Board of Pardons and Paroles, a Parole Panel, or the Parole Division of the Department of Criminal Justice for compensation.

Texas Bar Number: 24104788

Registrant Name: Timothy Gumkowski

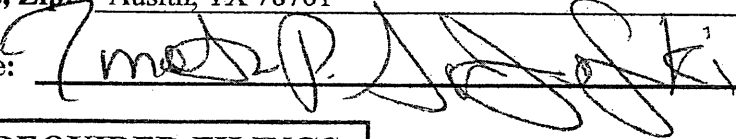
Phone #: 737 207-3007

Fax #: 512 499-1584

Street Address: 919 Congress Ave.

Apt./Suite #: 950

City, State, Zip: Ausitn, TX 78701

Signature: 

OTHER REQUIRED FILINGS

Any person representing an offender for compensation shall also:

- 1) File an Offender Representation Fee Affidavit with the Parole Division of the Texas Department of Criminal Justice.
 - * A separate affidavit must be completed for each offender represented and must be on file with the department before the person first contacts a member or employee of the Board or an employee of the Parole Division on behalf of the offender.
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- 3) File a Supplemental Registration Form with the Texas Department of Criminal Justice-Parole Division, no later than 10 days after any registrant information changes.

FEE AFFIDAVIT FORM

Original

Supplemental

CLIENT: Melissa Lucio PIA/TDCJ #: 999537 S.I.D. #:

ATTORNEY INFORMATION:

Mr. Timothy P Gumkowski MR./MS. FIRST NAME MIDDLE LAST NAME SUFFIX

TEXAS BAR NO. 24104788 ADDRESS

NAME OF BUSINESS Federal Public Defender BUSINESS ADDRESS 919 Congress Ave. Ste. 950

BUSINESS PHONE # 737 207-3007 Austin TX 78701 CITY STATE ZIP

BUSINESS FAX # 512 499-1584

BCJ-BPP-TDCJ (FORMER OR CURRENT) EMPLOYEE(S) OR MEMBERS WITH WHICH ATTORNEY IS ASSOCIATED OR HAS A RELATIONSHIP AS AN EMPLOYER OR EMPLOYEE OR MAINTAINS A CONTRACTUAL RELATIONSHIP TO PROVIDE SERVICES (LIST ADDITIONAL NAMES ON BACK).

FIRST NAME: MIDDLE: LAST NAME:

RELATIONSHIP: ENTITY:

HAVE YOU REGISTERED WITH THE TDCJ-PAROLE DIVISION WITHIN THE LAST 12 MONTHS? YES/NO

TEX. GOV'T. CODE §§ 508.084 and 508.085 require certain information relative to fees, or lack thereof. This affidavit must be completed in regards to the relevant areas, signed, sworn and subscribed to before a Notary Public prior to any representation.

I. NO FEE

I, OR ANY CORPORATION OR FIRM WITH WHICH I AM AFFILIATED, HAVE RECEIVED NO FEE NOR PROMISE OF FEE FOR SERVICES OF ANY NATURE RENDERED, OR TO BE RENDERED, IN CONNECTION WITH PAROLE OR EXECUTIVE CLEMENCY FOR THE ABOVE NAMED PERSON.

Signature Printed Name Timothy P. Gumkowski

II. COMPENSATED REPRESENTATION

TEXAS GOVERNMENT CODE § 305.002 DEFINES "COMPENSATION" AS MEANING MONEY, SERVICE, FACILITY, OR OTHER THING OF VALUE OR FINANCIAL BENEFIT THAT IS RECEIVED OR IS TO BE RECEIVED IN RETURN FOR OR IN CONNECTION WITH SERVICES RENDERED OR TO BE RENDERED.

TEX. GOV'T. CODE § 508.083 mandates that only an Attorney, licensed in the State of Texas, may receive compensation for representing an offender subject to the jurisdiction of the Texas Department of Criminal Justice.

AMOUNT OF COMPENSATION RECEIVED OR EXPECTED: \$

THE PERSON MAKING THE COMPENSATION:

FIRST NAME MIDDLE LAST NAME

ADDRESS PHONE #:

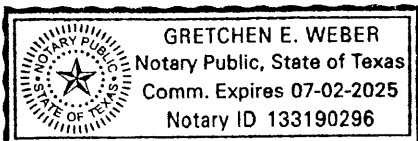
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SIGNATURE DATE 03/21/2022

SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY, UNDER PENALTY OF PERJURY, ON THIS THE 21st DAY OF March, A.D. 2022

(SEAL)



SIGNATURE OF HEARING OFFICER OR NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

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FOR OFFICE USE ONLY

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Date processed:

Initial Filing Supplemental Filing Renewal Filing

I hereby declare my intention to represent one or more offenders before the Texas Board of Pardons and Paroles, a Parole Panel, or the Parole Division of the Department of Criminal Justice for compensation.

Texas Bar Number: 3966413 (New York Bar Number, Texas Pro Hac Vice Pending)

Registrant Name: Vanessa Potkin


Phone #: (212) 364-5390

Fax #: (212) 364-5341

Street Address: 40 Worth Street

Apt./Suite #: 701

City, State, Zip: New York, NY 10013

Signature: 

OTHER REQUIRED FILINGS

Any person representing an offender for compensation shall also:

- 1) File an Offender Representation Fee Affidavit with the Parole Division of the Texas Department of Criminal Justice.
 - * A separate affidavit must be completed for each offender represented and must be on file with the department before the person first contacts a member or employee of the Board or an employee of the Parole Division on behalf of the offender.
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I hereby declare my intention to represent one or more offenders before the Texas Board of Pardons and Paroles, a Parole Panel, or the Parole Division of the Department of Criminal Justice for compensation.

Texas Bar Number: 4996898 (New York Bar Number, Texas Pro Hac Vice Pending)

Registrant Name: Jane Pucher

Phone #: (212) 364-5390 Fax #: (212) 364-5341

Street Address: 40 Worth Street Apt./Suite #: 701

City, State, Zip: New York, NY 10013

Signature: 

OTHER REQUIRED FILINGS

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Texas Bar Number: 5357389 (New York Bar Number, Texas Pro Hac Vice Pending)

Registrant Name: Lauren Gottesman

Phone #: (212) 364-5392 Fax #: (212) 364-5341

Street Address: 40 Worth Street Apt./Suite #: 701

City, State, Zip: New York, NY 10013

Signature: 

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Texas Bar Number: N/A (pro bono counsel admitted in New York and Washington DC)

Registrant Name: Jenya Godina, O'Melveny & Myers LLP

Phone #: 202-383-5245 **Fax #:** 202-383-5300

Street Address: 1625 Eye St. NW **Apt./Suite #:** _____

City, State, Zip: Washington, DC 20006

Signature: /s/ Jenya Godina

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Texas Bar Number: n/a (pro bono counsel admitted in New York and Washington, DC)

Registrant Name: Grace Leeper, O'Melveny & Myers LLP

Phone #: 202-383-5245 **Fax #:** 202-383-5300

Street Address: 1625 Eye St. NW **Apt./Suite #:** _____

City, State, Zip: Washington, DC 20006

Signature: /s/ Grace Leeper

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Texas Bar Number: n/a (pro bono counsel admitted in New York and Washington, DC)

Registrant Name: Meaghan VerGow, O'Melveny & Myers LLP

Phone #: 202-383-5504 **Fax #:** 202-383-5300

Street Address: 1625 Eye St. NW **Apt./Suite #:** _____

City, State, Zip: Washington, DC 20006

Signature: /s/ Meaghan VerGow

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EXHIBIT 5

STATE OF TEXAS

v.

MELISSA LUCIO
DISTRICT

§
§
§
§
§

IN THE DISTRICT COURT

CAMERON COUNTY TEXAS

138TH JUDICIAL

DECLARATION OF JANICE JEAN OPHOVEN, MD

I, Dr. Janice Ophoven, state and declare as follows:

1. All facts stated herein are within my personal knowledge, and are given to a reasonable degree of medical certainty. Had I been contacted in 2008, I would have been able to provide the same opinions as I did below.
2. I am a pediatric forensic pathologist with over 40 years of training and experience. I have worked in medical examiner's offices, as an independent consultant, and as assistant director and the director of the laboratory at the St. Paul Children's Hospital. I also served as the Medical Director of Quality Management at the St. Paul Children's Hospital for over 6 years. I have been board certified in pathology and forensic pathology since 1981. I am a graduate of the University of Minnesota School of Medicine. I have completed residencies in pediatrics and in anatomic pathology and fellowships in pediatric pathology and forensic pathology. My CV is attached as an appendix to this affidavit.
3. The focus of my medical training and practice over the past 30 years has been the evaluation of injuries and death in children. In my work at the laboratory at the St. Paul Children's Hospital, I was responsible for the autopsies of the children who died at the hospital. During the course of my career, I have either conducted the autopsy or reviewed the autopsy of thousands of cases of deceased children. I have published and lectured extensively in the field of pediatric forensic pathology and in the investigation of child abuse from a medical perspective. I have been qualified as an expert in pediatric forensic pathology in courts throughout the country, including in the State of Texas, Canada, England and Australia, and have testified for both the prosecution and the defense.
4. In years past, I have played a role in educating pediatricians, law enforcement, other forensic pathologists about child abuse and the various ways that children can present with the

effects of physical abuse and neglect, sexual abuse, poisoning and factitious illnesses. Included in my experience are numerous cases of extreme abuse.

5. I was asked by counsel for Melissa Lucio to provide forensic analysis of the findings, opinions and conclusions relating to cause and circumstance of the death of Mariah Alvarez, and specifically the trial testimony of medical examiner Norma Jean Farley that the child's death was caused by intentionally inflicted blunt force trauma to the head, and the child incurred a severe beating within twenty four hours of her death.

MATERIALS REVIEWED

6. I have examined the following materials that were provided by Ms. Lucio's attorneys:

Police Reports

1. Harlingen Police Department: Case Report Detail
2. Harlingen Police Department: Case Report Summary for Arrestee Melissa Lucio
3. Harlingen Police Department: Case Report Summary for Arrestee Robert Alvarez
4. Harlingen Police Department: Incident Report
5. Texas Department of Public Safety: Report of Investigation

CPS Reports

6. Defense Exhibit 20: CPS Monthly Logs
7. Defense Exhibit 21: CPS Notes from CPS Worker, Dora Cackley
8. Defense Exhibit 23.1: CPS Records from CPS Worker, Dora Cackley
9. Defense Exhibit 23.1: CPS Records from CPS Worker, Dora Cackley

Photographs

10. Photographs of Staircase at Madison Street Apartment

First Responder Report

11. South Texas Emergency Care: EMS Patient Care Report from 09/06/2004
12. South Texas Emergency Care: EMS Patient Care Report from 02/17/2007

Medical Records

13. Mariah Alvarez Medical Records from 09/06/2004 to 11/17/2006

Medical Reports

14. Valley Baptist Medical Center: Patient Report
15. Mariah Alvarez X-Ray Imaging
16. Valley Baptist Medical Center: Autopsy Report
17. Mariah Alvarez Autopsy Photos

Key Statements

18. Alexandra Lucio Statement
19. Daniella Lucio Statement
20. Melissa Lucio Interrogation Transcript
21. Robert Alvarez Statement
22. Robert Alvarez Interrogation Transcript

Trial Testimony

23. Trial Testimony of David Mendoza: Emergency Medical Technician
24. Trial Testimony of Randall Kenneth Nester: Paramedic
25. Oral Deposition of Norma Farley: Chief Forensic Pathologist at Valley Forensics
26. Trial Testimony of Norma Farley
27. Photos Referenced in Trial Testimony by Norma Farley
28. Trial Testimony in *State of Texas v. Robert Alvarez* of Norma Farley
29. Trial Testimony of Jose Kuri: Neurosurgeon

The autopsy evidence cannot exclude accidental and natural causes of death. Undetermined is an appropriate manner of death in this case.

7. The process of forensic review in the death of a child, where possible abuse is suspected, requires appropriate collection of the case evidence, careful analysis of the evidence, and identification of the key findings typically utilized to determine cause as well as manner /circumstances under which an injury or death could reasonably have occurred. The analysis includes a review of medical records, the circumstances of the child's life and medical conditions, as well as the investigation pertaining to the environmental circumstances and activities of the child in the days and hours before presentation to medical attention and of course the findings and conclusions at autopsy. Based on the medical and autopsy records I reviewed, and Dr. Farley's trial testimony, this type of analysis was not performed.

8. There was history of a significant fall on a stairway at the family's prior residence approximately two days prior to Mariah's death, on February 17, 2007. Such a fall carries significant risk for serious or fatal blunt force trauma to the head and neck. Biomechanical analysis of the injury potential of accidental injuries are frequently necessary to understand whether a particular event could have caused serious or fatal injuries. In criminal cases in which an accidental fall has been raised, biomechanical analyses have become critically important components of the forensic analysis. It appears that the nature of the child's fall was not well understood or even investigated in this case, and no assessment of the likely injury potential was undertaken. Despite this oversight, Dr. Farley testified that an accidental fall was conclusively excluded as a potential cause of the findings.

9. Falls remain the number one cause for traumatic brain injury in children of Mariah's age. In order to understand the issues in distinguishing child abuse from accidental falls a number of factors must be considered: the distance fallen; the nature of the surface onto which the child falls; forwards or sideways protective reflexes; there is no backwards protective reflex or righting reflex; whether a fall is in some way 'broken'; whether the child propelled himself; the mass of the body and of the head; what proportion of the total kinetic energy is absorbed in deforming the skull, the brain or the rest of the body, and in compressing the ground; this itself may be influenced by which body part hits the ground first; whether or not some kinetic energy

is dissipated in causing fractures; whether the contact with the ground is focal or diffuse, that is, whether the fall is on to a point or on to a flat surface. From the materials I reviewed, these factors were not considered. Secondary brain injury can make the injuries even more difficult to interpret; for example hypoxic encephalopathy from an unprotected airway, or ischemic from cerebral oedema. Wilkins,B., *Archives of Disease in Childhood* 1997;76:393–397

10. Mariah had a history of a prior traumatic brain injury on March 22, 2006 which involved a documented fall with loss of consciousness while at daycare. At autopsy there was evidence of microscopic remote bleeding in the brain parenchyma. A prior injury could very well have made Mariah more vulnerable to a subsequent head injury.

11. Although the brain showed microscopic evidence of edema, the brain weight was not significantly higher than what is normal for a child Mariah's age. In *fatal* traumatic brain injury there is typically evidence of severe brain swelling with herniation or significant amount of intracranial blood. The neuropathology did not indicate severe brain swelling but instead documented hypoxic ischemic injury which is not specific for traumatic brain injury. The neuropathology examination also indicated that Mariah had enlarged cerebral ventricles which suggests an underlying condition that may reflect reasons for her delayed development, this also may have been related to her prior brain injury.

12. The death investigation was inadequate for a case of this nature. Witness statements indicate that Mariah had overt signs and symptoms of illness in the days preceding her death. These included observations of lethargy, somnolence, diminished appetite, teeth clenching, and vomiting. Her father noticed that after the fall she "kept holding her head" and he "could tell that her head was hurting her". None of this appears to have been taken into account in accessing her injuries and cause of death.

13. Mariah's autopsy indicated she suffered from an acquired coagulopathy, a bleeding/clotting dysfunction, called Disseminated Intravascular Coagulation (DIC). DIC can result from trauma and infection. DIC is diagnosed clinically in living patients through clotting studies. Postmortem, the finding of fibrin thrombi in small vessels, especially in the lungs and brain, are a sign of DIC. I have not reviewed the histopathology in this case, however, fibrin thrombi were identified in the neuropathology report submitted by Dr. Nelson to Dr. Farley in August 2007. In my opinion, these findings signify the presence of DIC.

14. The finding of DIC is critical to the evaluation of the bruising observed at autopsy. DIC is known to lead to widespread, spontaneous bleeding throughout the body. This bleeding can be confused with abuse and can greatly complicate an autopsy. Individuals with DIC experience bleeding into the skin and surface soft tissues (termed purpura) that can be interpreted as bruising, with an appearance and distribution that can be mistaken for abuse.

15. Mariah's medical records and the autopsy report show that she was severely dehydrated. In clinical practice, dehydration refers to the loss of body water, with or without salt, at a rate greater than the body can replace it. Dehydration severity is typically classified as mild, moderate and severe. Younger children are at the greatest risk for dehydration due to higher body water content, renal immaturity, and inability to meet their own needs independently. Clinical assessment of degree of dehydration in the living child is quickly performed by examining capillary refill time, abnormal skin turgor, dry mucous membranes, sunken eyes, weight loss, and abnormal respiratory pattern. After death, laboratory analysis using vitreous chemistries is the standard adjunct for assessing dehydration. Mariah's vitreous urea nitrogen and creatinine were 67 mg/dl and 1.4 mg/dl., respectively. Levels seen in severe dehydration are ≥ 40 mg/dl urea nitrogen and ≥ 0.9 mg/dl creatinine. These findings in Mariah represent severely elevated levels and a state of likely hypovolemic shock sufficient to cause death. Hypovolemic shock is a life-threatening condition that results when the body loses more than 15 percent of its blood or fluid supply, resulting in impaired cardiac function and insufficient blood pressure to provide adequate circulation. DIC is also a well-recognized complication of severe dehydration and hypovolemic shock.

16. Unfortunately, the investigation is inadequate to properly assess the cause, nature, and duration, and extent of the underlying illness. In these cases, it is critical to collect the details of the child's signs, symptoms, fluid intake, food intake, urinary and bowel habits and activity levels. In these cases, I will request what I refer to as an "activities of daily living baseline and timeline" from the investigative process. These include: altered behavior and level of consciousness; baseline fluid offered and fluid intake/day; when and by how much was fluid intake diminished; baseline wet diapers; altered frequency of urination; baseline bowel habits; altered bowel habits; vomiting; diarrhea; baseline food offered and food eaten; altered food intake; sleeping; irritability; somnolence; discomfort / pain, baseline activity level, onset of altered activity, assessment of environmental temperatures. This was not done.

17. DIC may also cause organ damage with bleeding with minimal pressure. Dr. Farley testified that she observed contusions to both lungs and a contusion to the right kidney which had to come from abuse, "punches or stomps—or slams." But no trauma is necessary for organ damage and bleeding in the context of DIC. DIC can cause spontaneous bleeding in these and other organs. Additionally, CPR efforts, especially by inexperienced and/or distressed individuals, like family members, may have been the cause of inadvertent injury or exacerbation of existing injuries such as what was observed here.

18. In combination with the fever present, sepsis cannot be excluded. The actual time of death is unknown but there were no signs of life when paramedics arrived at 7:02 pm and during her transport and attempted resuscitation. Despite what would be a significant downtime during

this interval, with expected body cooling, her rectal temperature was 100.7⁰ F., twice measured, after death, at 7:39pm and at 7:45pm. This indicates a significant fever complicating her medical condition and certainly contributing to the severity of the dehydration status. The degree of dehydration is severe and in and of itself sufficient to cause hypovolemic shock and death.

19. The vitreous sodium and chloride similarly are sufficiently abnormal to give a picture of her condition prior to death. Sodium levels diminish after death, but the chloride level is significantly elevated to indicate a severe condition of physiological chaos around the time of death.

20. Dr. Farley testified at trial that Mariah's death had to have been caused by an abusive event that occurred immediately or shortly before her collapse. As support for this, Dr. Farley claims in her testimony that the lack of hemosiderin-laden macrophages indicates an injury interval of 24 hours. This is not correct; hemosiderin-laden macrophages can take up to several days to appear. Using hemosiderin-laden macrophages to time an injury to a precise 24 hours is inaccurate and misleading.

21. The investigation into Mariah's death appears to have been significantly prejudiced, not evidence based, and without an adequate consideration of alternative issues. The medical evidence is consistent with a cause of death related to a fall down the stairs two days before Mariah's collapse and other complications that went unexplored. There are several potential causes and contributions to Mariah's injuries and death that have nothing to do with intentional force. Dr. Farley's inaccurate testimony about the timing of injury and conclusion of a recent beating causing death creates a risk of a serious miscarriage of justice in this case.

I declare under penalty of perjury under the laws of the United States and the State of Texas that the foregoing is true and correct to the best of my knowledge and that this declaration was executed on March 18th, 2022, in Ramsey County, Minnesota.

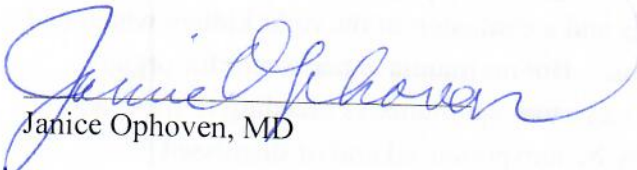

Janice Ophoven, MD

EXHIBIT 6

DECLARATION OF DR. MICHAEL LAPOSATA

I, Michael Laposata, state and declare as follows:

1. I currently serve as the Chairman of the Department of Pathology at the University of Texas Medical Branch-Galveston, a position I have held since 2014. For the six years immediately prior, I was the Pathologist-in-Chief at Vanderbilt University School of Medicine and Director of Clinical Laboratories at Vanderbilt University Hospital. I took my first faculty position at the University of Pennsylvania School of Medicine in Philadelphia in 1985, where I was an Assistant Professor and Director of the hospital's coagulation laboratory. In 1989, I became Director of Clinical Laboratories at the Massachusetts General Hospital and was appointed to faculty in pathology at Harvard Medical School, where I became a tenured full Professor of Pathology. I held these positions at Massachusetts General Hospital and Harvard Medical School for nearly two decades, until 2008. I received my M.D. and Ph.D. from Johns Hopkins University School of Medicine and completed a postdoctoral research fellowship and residency in Laboratory Medicine (Clinical Pathology) at Washington University School of Medicine in St. Louis.
2. My area of specialty includes coagulation disorders. My clinical expertise is in the field of blood coagulation, with a special expertise in the diagnosis of hypercoagulable states (coagulation disorders).
3. I have authored more than 170 peer-reviewed publications in basic and clinical research, continuously writing articles on topics related to diagnosis of coagulation disorders and optimization of clinical laboratory operations. This led to the production of several books, including a major textbook entitled *Laboratory Medicine: The Diagnosis of Disease in the Clinical Laboratory*, published by McGraw-Hill in the prestigious Lange series of medical textbooks. The first, second or third edition of this book has been translated into multiple languages and is used globally by those learning laboratory medicine and those using the clinical laboratory.
4. I implemented a system whereby the clinical laboratory data in coagulation and other areas of laboratory medicine are systematically interpreted with the generation of a patient specific narrative paragraph by a physician with expertise in the area. This service is essentially identical to the service provided by physicians in radiology and anatomic pathology, except that it involves clinical laboratory test results. In 2005, I was recognized by the Institute of Quality in Laboratory Medicine of the Centers for Disease Control and Prevention for this innovation.
5. My work on diagnostic errors resulted in an appointment to the 21-member panel of the National Academy of Medicine which issued the 2015 report on Improving Diagnosis in Healthcare.
6. In a peer nominated survey performed by *The Pathologist*, a journal reporting on the practice of pathology, the November 2015 issue identified me as the most influential pathologist in the United States, and the third most influential pathologist in the world.

7. I have been involved in the evaluation of more than 50,000 cases of patients who have presented for evaluation of excess bleeding or abnormal clot formation.
8. Disseminated intravascular coagulation (“DIC”) is an acquired coagulation disorder characterized by excessive activation of coagulation, resulting in both hemorrhage (bleeding) and abnormal thrombosis (clotting). Some common causes of DIC include infection, trauma, and shock. *See* May Chien, MD & Bertil Glader, MD, PhD., *Disseminated Intravascular Coagulation in Infants and Children*, Up-To-Date (Accessed on March 3, 2022).
9. Throughout my career, I have been involved in the treatment of hundreds of individuals who developed DIC as the result of accidental injuries, including patients who were injured in motor vehicle accidents and accidental falls. Trauma to the head is a notorious catalyst for DIC/clotting reactions. This is because when tissue factor is exposed to blood, clotting results. Tissue factor is in high concentration in the brain and clotting can quickly spread throughout the body when the brain is injured.
10. DIC can cause significant and widespread bleeding throughout the body: DIC can cause bleeding around the brain, eyes, within organs, and can cause organ damage. Patients with DIC can experience profound bruising throughout their body. This bruising can develop in minutes after an accidental injury and the bruises can enlarge greatly. DIC, and related bruising, also can develop or present days after an accidental injury. In patients with DIC, routine handling at home or in a hospital setting can cause significant bruising. It is not possible to tell the difference between a bruise from DIC and a bruise from abuse.
11. DIC-associated bleeding and bruising can be—and has been—incorrectly attributed to child abuse when it is caused by accidental trauma and infection. *See, e.g.*, Martha E. Laposata and Michael Laposata, *Children with Signs of Abuse: When is it Not Child Abuse?* *Am. J. Clin. Pathol.* 2005; 123 (Suppl. 1):S119-S124.
12. I was asked by counsel for Melissa Lucio about the significance of the presence of fibrin thrombi (clots) in blood vessels documented during Mariah Alvarez’s autopsy. The presence of fibrin thrombi in body tissues is consistent with DIC.
14. The lab work used to confirm a diagnosis of DIC involve several commonly available laboratory tests.
15. I have been involved in the treatment of children and adults who experienced DIC after accidental trauma to the head, with internal bleeding and extensive bruising throughout their bodies. In the context of DIC, doctors should not claim, without further investigation, that bleeding is due to violent trauma if another cause, such as infection, is present. In patients with DIC, bleeding can occur spontaneously, with no trauma at all, or with very minor trauma. When a patient has DIC it may be difficult or impossible to differentiate bleeding attributable to the DIC from bleeding attributable to trauma or other causes.

16. I was also asked by counsel for Ms. Lucio to review testimony from medical examiner Dr. Norma Jean Farley given at Ms. Lucio's trial regarding the significance of the absence of hemosiderin and microphages in the child's brain tissues. Dr. Farley testified that the absence of hemosiderin deposits and the absence of microphages indicate that the injuries to the brain were sustained within approximately 24 hours of autopsy. Dr. Farley testified that had these injuries been sustained two days prior to autopsy, hemosiderin and microphages would certainly have been present. This testimony was incorrect. Scientific literature shows that both hemosiderin deposits and the presence of microphages can take longer than two days to develop post-injury. See Squier, W. and Mack, J., *The Neuropathology of Infant Subdural Hemorrhage*, Forensic Science Intl. 187 (2009) 6-13 (hemosiderin initially identified up to 4 days post injury; infiltrating microphages first visible up to 4 days post-injury). Other literature shows even longer and more variable intervals. Walter, T. et. al., *Pathomorphological Staging of Subdural Hemorrhages: Statistical Analysis of Posttraumatic Histomorphological Alterations*, Legal Medicine 11 (2009) 556-562.

17. I am providing this declaration because child abuse is a diagnosis of exclusion. Medical guidance, including from the American Academy of Pediatrics, is clear that before determining whether injuries were caused by child abuse, physicians must rule out coagulopathies such as DIC. See Anderst et. al. *Evaluation for bleeding disorders in suspected child abuse*, PEDIATRICS Volume 131, Number 4, April 2013 (available at: www.pediatrics.org/cgi/doi/10.1542/peds.2013-0195).

I declare under penalty of perjury under the laws of the United States and the State of Texas that the foregoing is true and correct to the best of my knowledge and that this declaration was executed on March 14, 2022, in Galveston, Texas.

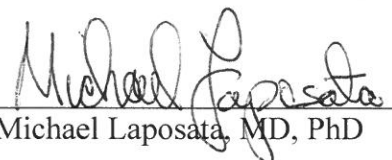

Michael Laposata, MD, PhD

EXHIBIT 7

DECLARATION OF DOCTOR ADAM J. FREEMAN

I, Dr. Adam J. Freeman, state and declare as follows:

Professional Background and Qualifications of Affiant

1. My name is Dr. Adam J. Freeman. My date of birth is July 28, 1961. My address is 329 Riverside Avenue, Westport, CT 06880.

2. I am a qualified dentist and have been licensed in the state of Connecticut since 1992. I obtained my Doctor of Dental Science degree from Columbia University's College of Dental Medicine in 1992. I obtained my board certification from the American Board of Forensic Odontology (ABFO)¹ in 2009, and served as President of the ABFO in 2015 and 2016.² I am also a member and Past President of the American Society of Forensic Odontology; a fellow of the American Academy of Forensic Sciences (AAFS) and currently serve as the immediate past chair of the Odontology Section of AAFS. I also serve as Master of the Academy of General Dentistry and am a Fellow of both the American College of Dentists and of the International College of Dentists. I have been qualified to testify in criminal matters as an expert in forensic dentistry in five jurisdictions: Alabama, Florida, Georgia, New Jersey, and Pennsylvania.

Materials Reviewed

3. In March of 2022, I reviewed materials from Melissa E. Lucio's 2008 Cameron County trial for the murder of Mariah Alvarez, prosecuted under cause number 07-CR-885-B. The materials I reviewed included photographs of Mariah Alvarez taken at Valley Baptist Hospital on February 17, 2007, and photographs taken at Mariah Alvarez's autopsy over the

¹ The American Board of Forensic Odontology ("ABFO") is the professional body for forensic dentists. The ABFO sets standards of qualifications for those who practice forensic odontology and is accredited by the Forensic Specialties Accreditation Board (FSAB) as a forensic specialty offering board certification to qualified dentists.

² I resigned from the ABFO in 2020, as a result of the recent scientific advances which, as discussed below, have undermined the validity of the discipline of forensic bitemark analysis.

course of February 18 and February 19, 2007, which include State's trial exhibits numbers 6, 23, and 24. I have also reviewed excerpts of the trial testimony and autopsy report of forensic pathologist Dr. Norma Jean Farley related to her identification of injuries on Mariah's body as human bitemarks, and excerpts of the trial testimony of Dr. Alfredo Vargas, an Emergency Doctor at Valley Baptist Medical, who testified that the injuries on Mariah's body were bitemarks.

4. I also have reviewed the 2009 National Academy of Sciences report, *Strengthening Forensic Science in the United States: A Path Forward*; the September 20, 2016 report of the President's Council of Advisors on Science and Technology, *Forensic Science in Criminal Courts: Ensuring Scientific Validity of Feature-Comparison Methods*; the 2016 Report of the Texas Forensic Science Commission, *Forensic Bitemark Comparison Complaint Filed By National Innocence Project On Behalf Of Steven Mark Chaney - Final Report* (Finalized at Quarterly Meeting on April 12, 2016); the American Board of Forensic Odontology ("ABFO") Bitemark Guidelines, and other scientific literature regarding bitemarks, including my own research findings, discussed below.

Changes in the Scientific Understanding of Bitemark Analysis

5. For much of the last three decades, bitemark evidence was an accepted forensic technique, generally understood by its practitioners and by the scientific community to be both valid and reliable. Forensic odontologists examining purported bitemarks were thought to be capable of: 1) reliably distinguishing a human bitemark from other injuries; 2) reliably distinguishing between bitemarks made by an adult and those made by a child; and 3) identifying the source or likely source of an injury purported to be a bitemark.

6. The scientific community's understanding of bitemark evidence has shifted significantly as a result of new research and through the impartial review of the technique by a

number of scientific bodies, as well as due to an ever-growing number of wrongful convictions based on bitemark evidence.

7. To date there is no published scientific literature that supports the use of bitemarks in criminal matters. There are no studies, empirical experiments, or systematic reviews that provide any objective metrics or assurances that the process of identifying injuries on a human body as caused by human bitemarks is reliable. Indeed, those studies that are available *universally* point to major issues with regard to the reliability (reproducibility) and hence validity of the field of bitemark analysis.

8. The initial major catalyst for this shift was the National Academy of Sciences (“NAS”) 2009 review of the scientific bases of many forensic disciplines, including bitemarks. The NAS review culminated in the publication of the report *Strengthening Forensic Science in the United States: A Path Forward* (“NAS Report”). The NAS Report found that bitemark evidence is scientifically invalid, grossly subjective, and especially prone to the influence of cognitive bias. NAS Report at 175-76.

9. Following the NAS Report, I, along with Dr. Iain Alastair Pretty,³ conducted a research study to assess whether experienced forensic odontologists could reach a consensus in opinions after viewing the same bitemark data. The research was designed to determine whether the basic “decision tree” for forensic bitemark analysis and comparison promulgated by the American Board of Forensic Odontology (“ABFO”) provided a scientifically legitimate framework for the opinions given by forensic odontologists who are board certified by the

³ Dr. Iain Alastair Pretty is a dental surgeon and a Professor of Public Health Dentistry at the University of Manchester in England. Dr. Pretty obtained his dental qualification, BDS (Hons), in 1998 from the University of Newcastle upon Tyne, and has further qualification in forensic dentistry, MSc, from the University of British Columbia, Vancouver, BC, Canada; a doctoral degree (PhD) from the University of Liverpool; and a Masters of Public Health (MPH) from the University of Manchester. Dr. Pretty is a member of the American Society of Forensic Odontology; a fellow of the American Academy of Forensic Sciences (AAFS) and former Chair of the Odontology Section of AAFS; a Fellow of the Forensic Science Society and the Royal College of Surgeons of Edinburgh and the Faculty of Public Health; and a member of the British Association of Forensic Odontology and the British Academy of Forensic Science. Dr. Pretty has published numerous articles and several book chapters on various aspects of forensic dentistry, in particular bitemark injuries and their analysis.

ABFO (ABFO Diplomates). Ultimately, the study demonstrated the fundamental unreliability of bitemark analysis, revealing that expert testimony which conclusively identifies an injury as a human bitemark is in fact without a scientific basis.

10. In designing the research, ABFO members, including members of the Executive Committee, were consulted. At each stage of the study design, ABFO Diplomates approved the approach and methodology. The study, entitled *Construct Validity Bitemark Assessments Using the ABFO Bitemark Decision Tree* (“Construct Validity Study”), was presented for the first time at a meeting of the American Academy of Forensic Science held in Orlando, Florida, in February of 2015. The study was also presented in November of 2015 to the Texas Forensic Science Commission.

11. In the Construct Validity Study, photographs from real forensic cases, in addition to one photograph of an injury with a known source,⁴ submitted by ABFO Diplomates, were used to present the study participants with a wide range of pattern injuries. The documentation of each injury met the ABFO’s minimum standard of evidentiary value, in that all of the images included a scale and, where necessary, an orientation photograph. Photographs of 100 patterned injuries were shown to ABFO Diplomates. Thirty-eight board-certified examiners completed all 100 questions, resulting in nearly 4,000 individual decisions.

12. The Construct Validity Study was designed to evaluate the inter-examiner reliability of opinions by Diplomates using the ABFO decision tree. The Construct Validity Study sought to assess whether there would be a consensus in opinion among experienced forensic odontologists who viewed the same pattern injuries. This question of consensus is vital to the validity of bitemark evidence because bitemark assessment and matching relies on *subjective* analysis of the experts in the field, *not* on quantifiable data. The level of consensus

⁴ Discussed below in paragraph 28.

would therefore indicate whether the results produced by the decision tree framework have the predictability and reproducibility necessary to be considered scientifically valid.

13. The study's first question asked Diplomates whether the questioned pattern injury was of sufficient evidentiary quality to proceed with analysis. This question—the first step in the decision tree—is the threshold issue in any bitemark analysis. Even at this threshold level, the results were shockingly poor, and determinations were wildly inconsistent among the forensic odontologists on the vast majority of marks. The thirty-eight analysts came to unanimous agreement in just 4 of the 100 case studies. In only 20 of the 100 cases was there agreement of 90% or more analysts on this initial question.

14. Most pertinent to Ms. Lucio's case, **the study's second question asked Diplomates whether the questioned pattern injury was indeed a human bitemark. Board certified analysts could not reach full consensus as to whether or not any of the 100 pattern injuries was a human bitemark.** In only 16 of the 100 cases were 90% or more of the analysts in agreement. And there were only 38 cases in which at least 75% were in agreement.

15. The study's third and final question asked Diplomates whether the bitemark had distinct, identifiable arches and individual tooth marks.⁵ The answers significantly fractionalized the Diplomates on nearly every case. Of the initial 100 cases, there were only 8 cases in which at least 90 percent of the analysts were in agreement.

16. A subjective method like bitemark analysis is reliable only if, as a threshold matter, when presented with the same evidence, examiners of similar training and experience—

⁵ The ABFO Reference Manual, which is the governing document of the organization and provides guidance to all ABFO Diplomates, sets forth Guidelines, which were used in the study. Those guidelines define a bitemark as follows: A circular or oval patterned injury consisting of two opposing (facing) symmetrical, U-shaped arches separated at their bases by open spaces. Following the periphery of the arches are a series of individual abrasions, contusions, and/or lacerations reflecting the size, shape, arrangement, and distribution of the class characteristics of the contacting surfaces of the human dentition. ABFO Manual at 115.

Notably, because neither mark on Mariah Alvarez's back consists of two symmetrical, U-shaped arches, even if using current ABFO Guidelines, these marks could not and would not be characterized as bitemarks.

in the case of our study, those who have passed the ABFO exam—reach the same conclusions. In the study, *none* of the 100 case studies resulted in unanimous agreement regarding which injuries could be characterized as human bitemarks and only 16% of the cases obtained even 90% agreement among the examiners.

17. The unreliability of bitemark analysis exposed by the Construct Validity Study is significant and exposes fundamental problems with this forensic technique that go substantially beyond those already revealed by the conclusions of the NAS Report. Put simply, **this research demonstrated that even experienced, board-certified forensic dentists cannot reliably answer the threshold inquiry in bitemark analysis—whether the injury at issue is or is not a bitemark—rendering the discipline unreliable from the outset.**

18. Scientific reviews of bitemark evidence have built upon this research and further established the unreliability of bitemark evidence. In August 2015, following still another reversal of a conviction secured through bitemark evidence,⁶ the Texas Forensic Science Commission (“TFSC”) began an in-depth investigation focused exclusively on the scientific validity and reliability of such evidence. The investigation involved taking testimony from numerous forensic dentists, including the undersigned, and conducting a robust literature review. At the conclusion of the investigation, on April 12, 2016, the TFSC issued its final report on bitemark analysis, entitled *Forensic Bitemark Comparison Complaint Filed by National Innocence Project on Behalf of Steven Mark Chaney - Final Report* (“TFSC Report”).

19. The TFSC sought to investigate whether “forensic odontologists reliably and accurately identify whether a patterned injury is a human bitemark[.]” and whether an expert can “reliably and accurately distinguish between patterned injuries made by adults versus those made by children[.]” *Id.* at 12. Relying in part on the Construct Validity Study, the TFSC

⁶ As of the date of this writing, twenty-four (24) people have been exonerated after being wrongfully convicted based upon testimony regarding a purported “bitemark.” See Innocence Project, *Description of Bitemark Exonerations*, available at https://www.innocenceproject.org/wp-content/uploads/2019/01/Description-of-bite-mark-exonerations-and-statistical-analysis_UPDATED-01.28.19.pdf (last visited Mar. 9, 2022).

recommended that bitemark analysis no longer be admissible in Texas courts unless and until certain foundational research is done. The TFSC’s recommendation was premised upon its finding that there was no evidence to support the fact that forensic dentists can even agree on what a bitemark *is*, never mind the more advanced proposal that such a pattern may actually be linked to someone or classified as an adult’s or a child’s bitemark. The TFSC concluded that “[t]he inability of . . . [board-certified forensic dentists] to agree on the threshold question of whether a patterned injury constitutes a human bitemark was of great concern”⁷ TFSC Report at 13.

20. In light of its findings, the TFSC recommended a moratorium on the use of bitemark evidence in all criminal cases unless and until research and “rigorous and appropriately validated proficiency testing” can establish reliable criteria for “identifying when a patterned injury constitutes a human bitemark” and for “identifying when a human bitemark was made by an adult versus a child.” *Id.* at 16.

21. In the years since the TFSC’s explicit call for additional research in the field of bitemark analysis, there has been no research nor any proficiency testing whatsoever to demonstrate that any forensic odontologist can reliably identify a wound on a human body as a bitemark.

22. Another important study published in 2016 likewise found a lack of reliability in the assessments of experienced forensic dentists:

Results highlighted an inconsistency in opinions between odontologists, and also an inconsistency in opinion for individual members over time, even for experienced odontologists. Inconsistencies varied from whether the mark could be from human or animal, and also from adult or child.⁸

⁷ Like the NAS, the TFSC also concluded that “there is no scientific basis for stating that a particular patterned injury can be associated to an individual’s dentition” and that “there is no scientific basis for assigning probability or statistical weight to an association, regardless of whether such probability or weight is expressed numerically.” TFSC Report at 11-12.

⁸ Gowri Vijay Reesu & Natahn Lee Brown, *Inconsistency in opinions of forensic odontologists when considering bite mark evidence*, 266 *Forensic Sci Int.* 263 (Sep. 2016).

23. These results are entirely in line with those reported in the Construct Validity Study, detailed above, where experienced odontologists failed to agree on the nature of injuries presented to them.

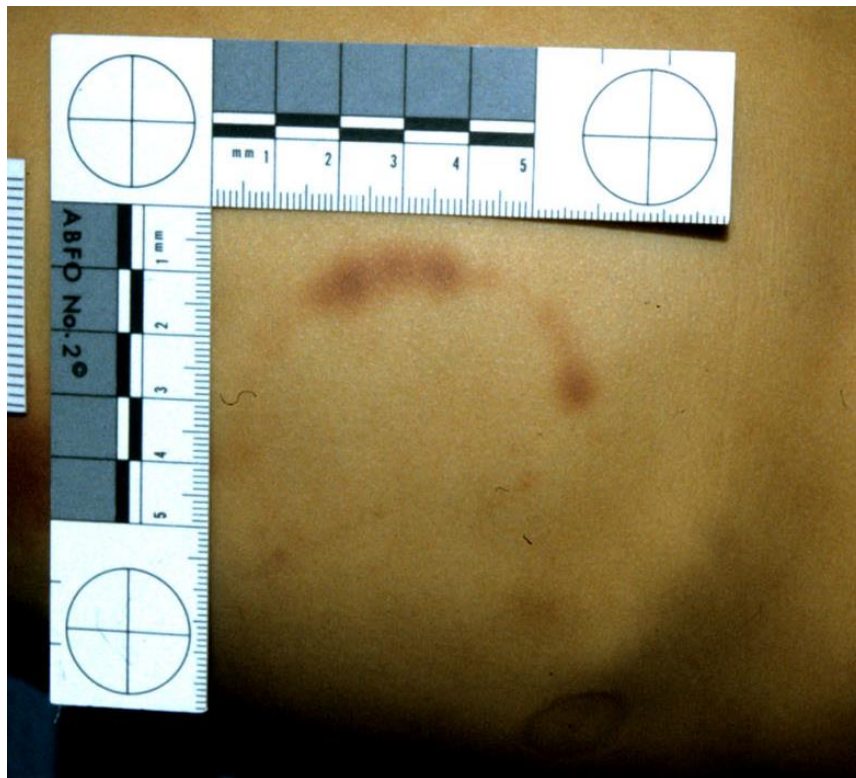
24. Finally, in 2016, the President’s Council of Advisors on Science and Technology (“PCAST”) reviewed a number of forensic science disciplines, including bitemark analysis. The PCAST undertook a thorough literature review (which included the aforementioned Construct Validity Study); it also took testimony from scientists, practitioners, and numerous other stakeholders.

25. In September of 2016, PCAST issued its report, *Forensic Science in Criminal Courts: Ensuring Scientific Validity of Feature-Comparison Methods* (“PCAST Report”). The PCAST Report concluded that “bitemark analysis does not meet the scientific standards for foundational validity, and is far from meeting such standards. To the contrary, available scientific evidence strongly suggests that examiners cannot consistently agree on whether an injury *is* a human bitemark and cannot identify the source of bitemark with reasonable accuracy.” PCAST Report at 87 (emphasis in original). PCAST also found “the prospects of developing bitemark analysis into a scientifically valid method to be” so low that it “advise[d] against devoting significant resources to such efforts.” *Id.*

26. The available scientific literature supports the NAS, TFSC, and PCAST conclusions. There have been, to my knowledge, no peer reviewed publications that provide support for the proposition that a human injury can reliably and conclusively be identified as a bitemark. To the contrary, these three bodies and recent peer reviewed publications have found that bitemark analysis lacks scientific validity.

27. In my twenty years of experience as a forensic odontologist, in case work and in authoring and reviewing published studies, I have seen numerous examples of circular or half-mooned injuries—not dissimilar to the wounds at issue here—that both laypeople and forensic

odontologists have mischaracterized as human bitemarks, when the wounds were actually caused by a range of inanimate objects, even a child's toy or a piece of fencing. In fact, contact with any circular, hard object to the human body can cause a wound that may appear to be consistent with a human bitemark. For example, depicted directly below is a mark that was thought to be a human bitemark, but was likely caused by a toy truck's wheel.



28. Likewise, the photograph of the injury depicted directly below was submitted to me by an ABFO Diplomat, Harry Mincer, who incurred the below-depicted injury in 2014, while packing a corrugated cardboard box. Dr. Pretty and I used this image in the Construct Validity Study, discussed above. This image was the only one submitted to study participants with a known source. Despite substantial agreement among Diplomates who participated in the Study that the injury depicted below was caused by a human bitemark—indeed this image drew one of the highest rates of agreements among Diplomates—there is no question that it was in fact *not* a bitemark. Thus, nearly all of the Diplomates were wrong.



29. These photographs demonstrate the total lack of reliability, even among highly qualified forensic odontologists, in identifying injuries on human skin as human bite marks.

Dr. Farley’s Testimony at Ms. Lucio’s Trial is Without Scientific Support

30. Dr. Norma Jean Farley, a forensic pathologist—who, based on my review of the record, is neither a forensic odontologist, nor ABFO certified—testified at Ms. Lucio’s trial that the injuries on Mariah’s “right back” were “obvious[ly]” bite marks. (Trial Tr. 16-70027.4510). Dr. Farley also described one of the injuries as a “big bite!” and opined that the bite marks were “adult size[d],” thereby excluding the possibility that the purported bites were made by a child or teenager. (Trial Tr. 16-70027.4512; 45289).

31. With regard to injuries on Mariah’s “left upper arm,” Dr. Farley testified that those wounds “could be” “bite marks.” (Trial Tr. 16-70027.4510).

32. Dr. Farley further testified that she consulted with a forensic odontologist, who informed her that the injuries on Mariah’s back were bite marks but that “she wouldn’t be able to match [the bite marks] to an individual” because they were “bite[s] with raking,” meaning

“someone dragged their teeth across” and it “just pull[ed] the flesh off the back.” (Trial Tr. 16-70027.4512; 4528).

33. Due to the advances in the scientific understanding of bite marks since Melissa Lucio’s conviction, Dr. Farley’s trial testimony that the injuries on Mariah’s back were human bite marks and that they were characterized as such by a forensic odontologist is without any scientific basis.⁹ As discussed above, in recent years, scientific study of bite mark analysis has established that the identification of an injury on skin as a human bite mark is not scientifically valid: even experienced, board certified forensic odontologists cannot agree on the threshold inquiry of whether a given injury is or is not a bite mark.

34. Further, Dr. Farley’s testimony that abrasions on Mariah’s back were “bite[s] with raking,” meaning that, according to Dr. Farley, someone dragged their teeth and pulled “flesh off the back” is likewise unscientific. This testimony was inflammatory and amounts to gross speculation.

35. Additionally, Dr. Farley’s testimony that the “bite marks” were attributable to a human adult, thereby excluding any child or teenager as the purported biter, is scientifically indefensible. As noted above, in 2016, the TFSC called for a moratorium on the admission of bite mark evidence at criminal trials unless and until research and “rigorous and appropriately validated proficiency testing” can establish reliable criteria for, among other things, “identifying when a human bite mark was made by an adult versus a child.” TFSC Report at 12. As of the date of this writing, no such research nor proficiency testing has been developed. Rather, available studies reveal that the size of a human’s dental arch may be fully developed when a child is as young as eight years old, with some, minimal, increase until age thirteen.

⁹ Dr. Farley testified that she had a phone call with a forensic odontologist, without providing any indication of what, if any, photographs the forensic odontologist reviewed or what, if any, analysis was conducted. To my knowledge, there was no expert opinion from a forensic odontologist—no forensic odontologist testified at trial, nor did any certified odontologist write a report. However, even if a board certified forensic odontologist had reviewed the relevant photographs and testified (as Dr. Farley did) that the injuries on Mariah’s body were bite marks, we know today that there is no scientific merit to such testimony.


Stated simply, because a child or teenager may have the same arch size as an adult, there is no reliable way to measure a circular or half-mooned abrasion and determine whether it is attributable to an adult's dentition, as compared to child's. Dr. Farley's conclusion that the "bite" on Mariah's back was "big" and "adult-sized" is thus without any scientific support.

36. Dr. Farley's unscientific and unreliable testimony conclusively identifying the injuries on the Mariah's body as adult-sized bitemarks could not, and would not, be presented to a jury today.¹⁰ Further, her highly inflammatory, yet false, testimony regarding the "pulling of flesh" off Mariah's back by a purported adult biter, was prejudicial speculation, and would likewise be inadmissible at a trial today.

Conclusion

37. In conclusion, applying the contemporary scientific understanding of bitemark evidence in this case, Dr. Farley's testimony that the marks on Mariah's body are human bitemarks is scientifically unfounded. Further, because that threshold inquiry cannot be satisfied, and because there is no scientific basis to distinguish between a mark that may have been left by an adult versus a child, the testimony that the injury on Mariah's back was a "big" bite, with "raking," attributable to an adult, was likewise without scientific merit.

I declare under penalty of perjury under the laws of the United States and the State of Texas that the foregoing is true and correct to the best of my knowledge and that this declaration was executed on March 17, 2022, in Fairfield County, Connecticut.



Dr. Adam J. Freeman

¹⁰ Emergency Room Doctor Alfredo Vargas, who assisted in efforts to resuscitate Mariah Alvarez, testified that she had "a couple of bite marks" on her body, depicted in State's exhibit 6. This testimony, for all of the reasons discussed above, was likewise without scientific basis and, today, would not be admissible.

EXHIBIT 8

DECLARATION OF HARRY DAVIS

I, Harry Davis, state and declare as follows:

1. My name is Harry Davis. My date of birth is June 13, 1945, and my address is 114 Wadhams Heights Lane, Wadhams, NY, 12993.
2. I am a physician currently practicing emergency medicine in Elizabethtown Community Hospital in Elizabethtown, NY. I graduated from Cornell University Medical College in 1980 and have practiced emergency medicine and primary care medicine for 42 years, including residency. My Texas Medical License Number is F8075.
3. In February 2007, I was a physician working in the Emergency Department of the Valley Baptist Medical Center, located in Harlingen, Texas. I had worked as a physician in the Emergency Department of Valley Baptist Medical Center since July 1992.
4. On February 17, 2007, I was working in the Emergency Department when Emergency Medical Services arrived with an unresponsive child in cardiopulmonary arrest. I would later learn that child was named Mariah Alvarez.
5. I remember immediately attempting to revive the child. I pronounced death after attempting to revive the child without success.
6. I was the Attending Physician to Mariah Alvarez. That means I was the primary physician responsible for directing her care while in the Emergency Department.
7. Dr. Alfredo Vargas came to assist in Mariah's care after I already began CPR. Dr. Vargas primarily worked in a different division of the emergency room, one where patients with less acute medical conditions were treated.

8. Mariah's body temperature was elevated when it was taken at the Emergency Department. I recall her temperature being well over 100 degrees Fahrenheit.
9. When EMS arrived, I remember learning that EMS performed CPR at Mariah's home, meaning she had already been in cardiopulmonary arrest for quite some time when she arrived at the Emergency Department.
10. When a person dies, their body temperature begins to drop as biological functions cease. The fact that Mariah's body temperature was elevated and that she had a fever even after being deceased for close to an hour strongly suggests she was battling an infection at the time of her death. Seeing an elevated temperature in a child who died from trauma is highly unusual.
11. I know State investigators prosecuted Mariah Alvarez's death as abuse. I have had considerable doubt about this conclusion. The presence of active infection at the time of Mariah Alvarez's death suggests alternate medical explanations for the bruising and internal bleeding that should have been explored.
12. Around October 2007 I moved out of the State of Texas. No member of law enforcement ever came to speak with me about my observations of Mariah Alvarez, in the months before I moved, or in the fifteen years since. I was never interviewed by law enforcement, by prosecutors, or by any defense attorney. I was never asked to testify. In fact, I was not even aware there was a trial. I would have testified to what I've said here.

I declare under penalty of perjury under the laws of the United States and the State of Texas that the foregoing is true and correct to the best of my knowledge and that this declaration was executed on March 2, 2022, in Temple, Texas.

Harry Davis M.D.

EXHIBIT 9

DECLARATION OF DR. CHRISTOPHER M. SULLIVAN

I, Christopher M. Sullivan, M.D., M.P.H., state and declare as follows:

I currently am an Associate Professor of Orthopedic Surgery and Rehabilitation Medicine, at the University of Chicago, Department of Orthopedic Surgery and Rehabilitative Medicine. I am a Pediatric Orthopedic Surgeon, which means I specialize in bone and joint problems in growing children. Fractures are a routine part of my practice.

I received my B.S in Physics and Life Sciences from the United States Air Force Academy in 1976, my Masters in Public Health(M.P.H.) in Epidemiology in 1980 from UCLA School of Public Health, and completed an Internship in Internal Medicine at Wilford Hall USAF Medical Center. I completed a Residency in Orthopedic Surgery in 1985 at the Northwestern University Orthopedic Residency Program and a Fellowship in Pediatric Orthopedic Surgery at the San Diego Children's Hospital and Health Center.

For over 32 years, I have practiced at Comer Children's Hospital of the University of Chicago. We have been a Pediatric Trauma Center for that entire period. A significant portion of my practice involves treatment of fractures. Throughout my career, I have been involved in the evaluation, diagnosis and treatment of fractures in children, many of which involved fractures of the humerus. I read hundreds of x-rays each week.

A fracture is a break in the bone that occurs when more force is applied to the bone than the bone can withstand. A fracture can be non-displaced or displaced. A non-displaced fracture is produced when the bone cracks but maintains its alignment. A displaced fracture means that the bones are separated into 2 or more distinct pieces. There is often movement through the fracture, swelling and deformity that is not present in non-displaced fractures. More force is necessary to produce a displaced fracture. A non-displaced fracture is produced by the minimum amount of force necessary, or else the fracture would displace.

Children who are learning to walk up to age 3 are referred to as "toddlers". Their balance is not good and they fall a lot. Fractures are very common in toddlers. The tibia, radius, ulna and humerus are common sites of non-displaced "toddler's fractures". In greater than 50% of these cases, the injury has not been witnessed and the parents do not know how the child was injured. These fractures can occur from a fall from a child's standing height.

If the tibia (lower leg bone) is involved, the child will limp or stop walking. However, if the fracture is in the humerus or radius (arm bones), the child will guard the arm slightly, but this can be very difficult to identify. One in three healthy children will break a bone at some point during their childhood. Common causes of arm fractures among toddlers include falls and accidents on the playground.

Roughly one-third of bones break in a torsional fashion and the fracture line may be "spiral" in shape. "Spiral" fractures are associated with twisting forces, but that does not mean that a person grabbed an arm and twisted it. Research that I have performed, along with others, has confirmed that spiral fractures in the femur are neither sensitive nor specific for abuse. Scherl, Susan A. MD; Miller, Lisa MD; Lively, Nicole BA; Russinoff, Scott MD; Sullivan, Christopher M. MD, MPH; Tornetta, Paul III MD *Accidental and Nonaccidental Femur Fractures in Children, Clinical Orthopaedics and Related Research: July 2000 - Volume 376 - Issue - p 96-*

105. A number of witnessed accidental situations have resulted in spiral fractures, including falls, sports injuries, kids playing, and motor vehicle accidents.

I was asked by counsel for Ms. Lucio to review x-rays taken during a skeletal survey on February 17, 2007 of Mariah Alvarez after her death, specifically of her left humerus, and trial testimony by Medical Examiner Norma Jean Farley regarding this fracture. She characterized the fracture as spiral, up to two weeks old, and evidence of "battered child syndrome." Specifically, Dr. Farley testified:

- Q. Typically, how would a [spiral] fracture occur?
- A. Usually, it's from tugging on the arm, or twisting the arm, basically.
- Q. And I can only assume that for a child, or an adult, a fracture would be a painful injury, would it not?
- A. Yes, it would.
- Q. Would that be something that the child would not [sic] complaining of, if she has a prior fracture of the arm?
- A. She should have been complaining of pain to that arm.

It is my opinion that the fracture in the left humerus is not a spiral fracture. A spiral fracture line looks like the line on a barber pole on x-rays. In fact, this fracture is an incomplete long oblique fracture line that does not go all the way through the bone. This is consistent with the fracture healing at the upper end of the bone where the fracture line starts. The bone did not break all the way through. So the humerus bone and the arm would continue to move like a normal humerus. It would be tender to palpation, but she would be able to move the arm easily. She could easily have produced this injury to herself. It could be extremely difficult to identify that the arm was broken. Toddler's fractures are often mistaken for non-accidental trauma by people who are not familiar with accidental fractures in this age group.

I disagree that this has any specificity for non-accidental trauma.

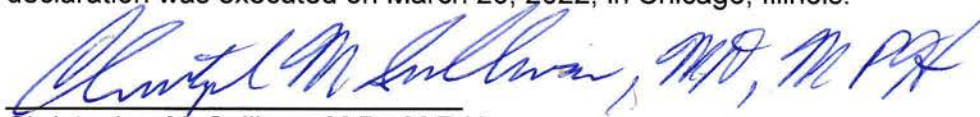
Even if this were a spiral fracture, it is incorrect that spiral fractures of the humerus are usually "from tugging on the arm, or twisting the arm." Ambulatory children get spiral fractures in a number of ways. Just a basic fall on the arm from a standing position or kids playing rough with each other could result in a spiral fracture.

The assertions that the fracture to Mariah Alvarez's humerus would be a "painful injury" and that she "should have been complaining of pain to that arm" is misleading and inaccurate in a child with limited verbal abilities due to age. It would have been painful when it occurred but that pain would become minimal over a few days in a non-displaced fracture. Mariah Alvarez's left humerus x-rays document a non-displaced fracture. Toddler fractures like Mariah's are often identified after a delay because the signs are subtle and a toddler with this type of injury can easily go on performing daily activities, with minimal pain, with only minor limitations on mobility (such as heavy lifting), and then heal. It is not uncommon for children to experience a fracture of this nature and also to not present as injured until later or not at all. It would be easy for this type of fracture to go unnoticed by parents and caregivers.

Orthopedic surgeons have unique training and experience in the diagnosis of fractures, both accidental and non-accidental. That experience is valuable in identifying physical child abuse and in avoiding false accusations or convictions. Both aspects are important to the welfare of children and their families.

The left humerus fracture in this case is not specific for abuse and is instead entirely consistent with having an accidental cause, such as a fall while walking. While the fracture would likely cause some pain initially, that pain would subside and a child of her age could continue to use her arm in daily activities without experiencing pain. Fractures of these kind are common among toddlers. There is nothing about the nature of this fracture that indicates that it was the result of an intentional act or abuse.

I declare under penalty of perjury under the laws of the United States and the State of Illinois that the foregoing is true and correct to the best of my knowledge and that this declaration was executed on March 20, 2022, in Chicago, Illinois.



Christopher M. Sullivan, M.D., M.P.H.
Pediatric Orthopaedics

EXHIBIT 10

Professor Gisli H Gudjonsson, CBE, FBPsS, BSc, MSc, PhD, CPsychol

Emeritus Professor of Forensic Psychology

KING'S COLLEGE LONDON

Department of Psychology (PO 78),
Institute of Psychiatry, Psychology and Neuroscience,
De Crespigny Park,
Denmark Hill,
London SE5 8AF,
England.

CLINICAL FORENSIC PSYCHOLOGY REPORT

State of Texas vs. Melissa Lucio

NAME: Melissa Elizabeth Lucio.

DATE OF REPORT: March 19, 2022.

DATE OF BIRTH: July 18, 1968.

REFERRAL SOURCE:

Vanessa Potkin,
Director of Special Litigation,
Innocence Project,
USA.

1. EXECUTIVE SUMMARY:

The scientific evidence base behind the understanding of false confessions has been steadily growing since the early 1980s. The enhanced understanding of the salient risk factors involved and their likely cumulative effect in terms of a process model, was first fully articulated in 2018 with the publication of *The Psychology of False Confessions. Forty Years of Science and Practice*. The current methodology employed to evaluate the risk factors to 'false confession' in Ms. Lucio's case, involved an *evidence-based cumulative disadvantage process model*. This is comprised of an evaluation of: [a] background, [b] contextual, [c] situational (i.e., associated with the interrogation and custody), [d] personal (i.e., both enduring and acute state), and [e] protective (e.g., access to lawyer, independent support) factors. There was absence of any protective (support) factor. The focus of the evaluation was therefore on the risk factors at each of the four key risk factor categories above [a-d] and their likely cumulative disadvantage [risk] effect on the outcome of the interrogation (i.e., incriminating admissions to beating her daughter and the doll enactment). Taken together, regarding Ms. Lucio's admissions elicited during her five hours of relentless interrogation in 2007, the salience, severity, and number of risk factors combined created a substantial cumulative disadvantage and high risk of false confession. This finding is built on scientific knowledge and empirically based methodology, which was not available at the time of Ms. Lucio's trial in 2008.

2.TERMS OF REFERENCE [‘INSTRUCTIONS’].

- a. Terms of Reference for the work commissioned, are provided in a letter from Vanessa Potkin, dated February 16, 2022:
- b. “We [Innocence Project] appreciate your willingness to review the interrogation in this case and the inculpatory statements made by Ms. Lucio that the prosecution characterized as a full confession at trial. Specifically, we are hoping that your review will focus on the coercive police questioning techniques utilized and Melissa’s vulnerability to false confession.”

3.For context, the letter of instructions also provides a summary of the background to the case.

4. DOCUMENTS REVIEWED:

5. Melissa Lucio Interrogation Transcripts & Videos

- a. Interrogation Transcripts (certified)
- b. Interrogation Videos (All watched)

6. Roberto Alvarez Interrogation Transcripts & Videos

- a. Interrogation Transcripts (original version)
- b. Interrogation Videos (Not watched)
- c. Roberto Alvarez Police Statement [Taken at 12:05am]

7. Officers Trial Testimony

- a. Detective Rebecca Cruz Testimony (Part 1)
- b. Detective Rebecca Cruz Testimony (Part 2)
- c. Detective Rebecca Cruz Testimony (Part 3)
- d. Detective Javier Villarreal Testimony
- e. Ranger Victor Escalon Testimony

8. Other documents

- a. *Lucio v. Lumpkin*, 142 S. Ct. 404 (2021) [“The Fifth Circuit affirmed the district court's denial of habeas relief to petitioner, who was convicted of capital murder for beating to death her two-year-old daughter.”]. Appeal from the United States District Court for the Southern District of Texas. [115 Pages].
- b. *Lucio v. Lumpkin*, “On Petition for Writ of Certiorari to the United States of Appeals for the Fifth Circuit.” No. 21-5095. [34 Pages].
- c. Psychological evaluation report of Ms. Lucio dated July 7, 2008.
- d. Dr. Diane Mosnik’s recent psychometric testing of Ms. Lucio [raw test data received on March 14, 2022].

9. I have carefully read all the documents listed above, including watching the 10 CDs of Ms. Lucio’s interrogation and carried out a systematic and detailed analysis of the information for the formulation of my informed opinions in the case.

10. QUALIFICATION OF THE EXAMINER.

11. I am an Emeritus Professor of Forensic Psychology at the Institute of Psychiatry, Psychology & Neuroscience, King's College London. Prior to my retirement from King's College on 1st January 2012, I was the Head of Forensic Psychology Services for the Lambeth Forensic Services and Medium Secure Unit at the South London and Maudsley NHS Trust (SLaM). I am a Fellow of the British Psychological Society and a registered practitioner (clinical and forensic) with the United Kingdom Health Care Professions Council (HCPC).

12. I pioneered the empirical measurement of interrogative suggestibility and have published extensively in the areas of psychological vulnerabilities, false confessions, and police interviewing. I have published about 500 peer reviewed articles, books (four as sole author), and book chapters/articles. In addition, I produced with colleagues two influential empirically based research reports for the *Royal Commission on Criminal Justice* on psychological vulnerabilities during police questioning (Clare & Gudjonsson, 1992; Gudjonsson, Clare, Rutter, & Pearse, 1993).

13. During the period 1980 to 2021 I had evaluated over 500 cases of disputed confessions for defense counsels, police, prosecution, and Criminal Cases Review Commissions [England, Scotland, and Canada]. Approximately 20% of the referrals come from Government agencies.

14. I have provided expert evaluation in several high-profile appeal cases in the UK (Gudjonsson, 2010).

15. I have provided expert testimony in high profile cases in the USA (e.g., Joe Giarratano; Henry Lee Lucas; John Wille – all on death row and death sentences subsequently commuted/vacated); Canada (e.g., Andrew Rose; Roméo Phillon); Norway (e.g., Birgitte Tengs case); Iceland (The Gudmundur and Geirfinnur cases – known in the United Kingdom as the 'Reykjavik Confessions'); Israel (a terrorist case); and The Hague, Netherlands (An International War Crime Tribunal).

16. For details of the UK and foreign cases see Gudjonsson (1992, 1995, 1999, 2003, 2006, 2010, 2012, 2018, 2021; Gudjonsson & Young, 2006, 2015).

17. I was awarded an Honorary Doctorate in Medicine in 2001 by the University of Iceland for services to forensic psychiatry and psychology. In April 2009, the British Psychological Society presented me with a Lifetime Achievement Award. I was awarded The European Association of Psychology and Law (EAPL) Lifetime Achievement Award for 2012 and received the 2017 Tom Williamson (illRG) Lifetime Achievement Award '*In recognition for his outstanding lifetime achievement to the area of investigative interviewing*'.

18. I was appointed a *Commander of the Order of the British Empire* (CBE) in the Queen's Birthday 2011 Honours List for services to clinical psychology (i.e., mainly in relation to my contribution to criminal justice cases in the United Kingdom).

19. I served as Lay Magistrate [‘Justice of the Peace’] with the Croydon Magistrates’ Court [London, England], one day per week, between 1990 and 1999. In the summers of 1975 and 1976, whilst on temporary leave from University in England, I served as a detective with the Reykjavik Criminal Investigation Police. My main role was to take statements from witnesses, victims, and suspects. Over the past 30 years I have continued to work closely with British law enforcement agencies.

20. METHODOLOGY:

21. The science of the psychology of confessions, including false confessions, has steadily grown over the past 40 years (Davis & Leo, 2013; Drizin, & Leo, 2004; Gudjonsson, 1992, 2003, 2018, 2021; Gudjonsson, Heaton-Armstrong et al, 2021; Gudjonsson & MacKeith, 1982, 1988, 1990, 1994; Kassin, 2014, 2015; Kassin & Gudjonsson, 2004; Kassin, Drizin, Grisso, Gudjonsson et al., 2010; Leo & Drizin, 2010).

22. The current position is that the suspect investigative interview is a dynamic and interactive process (Pearse & Gudjonsson, 1999, 2003; Soukara et al., 2009; Kelly et al., 2013, 2016). This process involves the interplay of five sets of factors (Gudjonsson, 2018, 2021):

- a. *Background* (e.g., previous history of physical, sexual, or emotional abuse).
- b. *Contextual* (e.g., nature of the crime; pressure on police to solve the crime; the strength of the evidence against the suspect; the relationship between the suspect and victim; bereavement).
- c. *Situational* (i.e., the nature and duration of the custodial and interrogative procedure and process; suspects’ understanding of their legal rights).
- d. *Personal* (e.g., age; mental state [or disorder]; history of abuse and bullying (bully victim); personality traits, such as suggestibility, acquiescence, and compliance).
- e. *Protective* (i.e., the presence of a legal representative, an independent person [when required by legislation] – known in the United Kingdom as an ‘appropriate adult’ [AA]). Any suspect under the age of 18 years, and those mentally vulnerable, are entitled to the presence of an AA during interviewing and when charged with an offence (Gudjonsson, 2016). In addition, when appropriate (e.g., in cases of foreign non-English speaking nationals) there is free access to interpreters.

23. The above categorisation provides a comprehensive conceptual framework for reviewing, analysing, and studying the dynamics of the suspect interview process pertaining to a particular case. It is particularly helpful in cases of disputed confessions (Gudjonsson, 2018).

24. For a detailed analysis of Ms. Lucio’s five hours of interrogation [including doll enactment], I have in broad terms relied on the methodology developed by Pearse and Gudjonsson (1999; 2003), using time sequence segments to understand the interrogation techniques used and Ms. Lucio’s responses (i.e., answers to questions, statements made,

and demeanour). Rather than using five-minute segments, I have analysed separately each of the 10 CD interrogation sessions. The detailed analysis is provided in Appendix 1.

25. I have evaluated the material submitted to me in terms of known ‘risk factors’ to false admissions/confession by using a cumulative disadvantage process model, like that recently published by Scherr, Redlich, & Kassin (2020).

26. CAVEAT.

27. I have not personally interviewed and assessed Melissa Lucio. This is a disadvantage when examining the totality of factors that impacted on her mindset, and mental and emotional functioning during the five hours of interrogation.

28. MS. LUCIO’S INTERROGATION.

29. A detailed analysis of the interrogation process and techniques used to pressure Ms. Lucio to make self-incriminating admissions regarding the death of Mariah is provided in Appendix 1. Each of the 10 CDs were analysed separately to provide a better understanding of the five continuous hours of interrogation, the interrogation process, the techniques used, and Ms. Lucio’s verbal and non-verbal responses.

30. The interrogators:

- I. Detective Cruz.
- II. Detective Salinas.
- III. Detective Banda.
- IV. Detective Villarreal.
- V. Texas Ranger Escalon.

31. **Duration of interrogation:** There were a total of 10 CD interrogations, lasting between 7:01 and 28:20 minutes.

32. Table 1. The duration of each of the 10 CDs.

PART 1 [CD]	PART 2 [CD]	PART 2 [CD]
1. 28:13	1. 28:12	1. 14:51
2. 28:19	2. 28:17	
3. 28:20	3. 28:20	
4. 28:18	4. 16:57 ¹	
5. 7:01		
Total = 120 minutes	Total = 102 minutes	Total = 14:51
Analysis:		
a. Total interrogation time: 5 hours and 22 minutes.		
b. Total time recorded on CD: 3 hours and 57 minutes.		
c. Total CD non-recording time: 85 minutes.		

¹ Three minutes into this interrogation CD, Ranger Escalon gives the time of 1:22am. He announces that he would like to take some blood, saliva, hair and fingernails. All recording is switched off after about 17 minutes.

33. **The main techniques and ploys used to break down Ms. Lucio’s resistance.**

- a. Raised voices and shouting [*Maximization of distress*].
- b. Relentless challenges, emphasizing that they know what happened and have the evidence to support it [*Maximization of knowledge and alleged evidence*].
- c. Extensive use of photographs throughout to break down resistance showing the daughter’s extensive injuries. [*Maximization of emotional distress and guilt induction*].
- d. *Theme Development* [i.e., either an accident/mistake or she was a ‘coldblooded killer’].
- e. Disingenuous perspective taking and claims of understanding her stress and frustration that led to her daughter’s death [*Minimization.*]
- f. Subtle and manipulative grooming and body posture. [*Psychological manipulation*; PART 2: CDs 3 and 4].
- g. *Enactment* using a doll, where Ms. Lucio is instructed to hit the doll harder and harder with the Ranger demonstrating on himself how hard she should hit the doll. [PART 3; CD 1].

34. The five interrogators’ guilt presumptive endeavour, techniques, and manipulative ploys, involved two main objectives: (a) To break down Ms. Lucio’s persistent denials and resistance [*Maximization* technique]; and (b) increasing her willingness to make incriminating admissions about having caused the injuries to Mariah’s body by hitting and beating her, leading to her death through a mistake or an accident [*Minimization* technique and *Theme Development*].

35. **Table 2. Summary comments on the interrogation techniques and ploys used during each of the 10 CDs used to coerce incriminating admissions.**²

CD	Main techniques [For details and substance see Appendix 1]
1	<p>The pressure gradually increased during this interrogation, comprised of accusations, challenges, and psychological manipulation (e.g., manipulation of her anxiety and self-esteem, making Ms. Lucio out to be a neglectful mother).</p> <p>Detective Cruz apparently attempts to trick Ms. Lucio into admitting that she had hit her children rather than merely spanking them. She appears to try to escalate the severity of the alleged assault on the child, after telling Ms. Lucio it was not illegal to hit her children [<i>Minimization</i> technique] then moving on to a more serious type of self-incrimination.</p> <p>During this interrogation, Ms. Lucio only admits that she and her husband spank the children, gently. The <i>Maximization</i> interrogation technique dominates during this interrogation.</p>
2	<p>The interrogative pressure that the two detectives exerted on Ms. Lucio was relentless, consisting mainly of <i>Maximization</i> of anxiety, <i>manipulation of her self-esteem, and threats</i>. The detectives often raised their voices, and, on a few</p>

² For substance behind these comments, please see Appendix 1.

	occasions, Detective Banda <i>forcefully shouted</i> at Ms. Lucio as he was standing in front of her.
3	<p>This is a direct continuation of the CD 2 interrogation. Detective Banda continues with the interrogation for a short while in a heavy-handed way, making implicit threats [that she might not be able to attend her daughter’s funeral], hinting in this context at her need to co-operate (apparent <i>inducement</i>).</p> <p>Detective Banda shouts a few times at Ms Lucio and then introduces a ‘<i>Theme Development</i>’, suggesting that it was perhaps an accident.</p> <p>Detective Salinas then takes over the interrogation and relentlessly hammers in the idea that either this was an <i>accident</i> or that Ms Lucio is a “<i>coldblooded killer.</i>”</p> <p>The interrogative pressure on Ms. Lucio and the psychological manipulation of her self-esteem is relentless.</p>
4	<p>Detectives Cruz and Villarreal repeatedly make Ms. Lucio look at the photographs of her daughter’s injuries whilst questioning her. Ms. Lucio repeatedly stated that she did not know how the bruises came to be on her daughter’s body.</p> <p>Detective Salinas came in with a more forceful manner, at times raising his voice, and used his apparent trump card from the previous CD interrogation: <i>either this was an accident or Ms. Lucio was a coldblooded killer.</i></p> <p>There are relentless attempts to undermine Ms. Lucio’s self-esteem using the photographs of the dead child and making out that she was a bad and neglectful mother. Ms. Lucio continues to maintain that she does not know how her daughter died and did not kill her.</p>
5	This interrogation is comprised almost entirely of a barrage of speeches by the two Detectives. The ploy appears to maximize Ms. Lucio’s emotional distress, accusing her of being a coldblooded killer, and without any feelings of remorse, whilst relentlessly pointing to the bruises on her daughter’s body from photographs.
6	<p>Whilst speaking to Ms. Lucio, Detective Villarreal frequently leans forward towards her and keeps his hand on the photograph on the desk. Detectives Villarreal and Salinas both repeatedly use the photographs to place Ms. Lucio under emotional pressure and distress (e.g., keeping touching them, tapping them, and pushing them towards her). Detective Villarreal used this ploy extensively.</p> <p>Twenty-two minutes into the interrogation, Detective Salinas declares: “Your other children aren’t going to lie. They’re not going to cover for you. It’s going to come out. It’s going to make you look like a coldblooded killer, coldblooded, no feelings, no remorse, no guilt, nothing, sitting there with a blank stare.”</p> <p>Soon thereafter, Texas Ranger Escalon, in his smart uniform and with his smooth demeanour, takes over the interrogation. He tries to manipulate [groom]</p>

	<p>Ms. Lucio into a confession mode. His speech is quiet, sometimes almost whispering. He leans closely towards Ms. Lucio [he is almost in her face] and looks seductive as if he was reassuring an intimate friend. He repeatedly asks Ms. Lucio to look at him, displaying a highly controlling and oppressive demeanour.</p>
<p>7</p>	<p>Ranger Escalon extends the manipulative softening up [grooming] process, asking Ms. Lucio in a ‘sympathetic’ way about her children [and the family more generally], expressing his understanding the stress she must have been under with all these children, and tries to find out what led to her daughter’s death. Whilst speaking he keeps asking her to look at him. Ranger Escalon emphasises from early in the interview that he will not trick or lie to her. He tells her they [the investigators] know what happened but they need to hear it from her.</p> <p>He then uses Theme Development to persuade her that his was merely a mistake due to the frustration due to the stress she was under at the time, emphasizing that everybody makes mistakes [Minimization and Theme Development technique].</p> <p>When giving long persuasive dialogues, he leans forwards towards Ms. Lucio, their faces being close together, frequently uses hand gestures to emphasise his points, keeps asking Ms. Lucio to look at him, and strategically places his hands on or points to the injuries shown in the photographs.</p> <p>Ranger Escalon is very leading in his questioning, suggesting that Ms. Lucio had hit, beat, strangled, and poisoned her daughter. The focus appears to have been on getting more serious admissions, building on her previous admissions that she had spanked and hit the child.</p> <p>When not getting the answer he wants, he repeats the question as if he was surprised and disappointed. Ranger Escalon uses both leading questions and subtle interrogative pressure to get admissions. Again, he repeatedly asks Ms. Lucio to look at him, which combined with his intimate body posture may be construed as oppressive.</p> <p>Ranger Escalon has hooked Ms. Lucio into her wishing to only speak to him (i.e., giving a statement of what happened), he refuses to allow her to have a cigarette break, and then pushes for incriminating admissions.</p> <p>Ranger Escalon is a smooth and skillful interrogator. To me, he comes across as a skillful actor who is an expert at psychological manipulation. He uses his manipulative skills and superficial charm to maximum advantage, even persuading Ms. Lucio that he is the only one who she will talk to.</p>
<p>8</p>	<p>The latter part of this CD shows relentless pressure and psychological manipulation [21:27-28:20 minutes]. It builds up rapidly with Ranger Escalon holding up several photographs of the dead child and exerting heavy pressure on Ms. Lucio to make admissions, leading her to uttering the words: “I guess I did it. I guess I did it.”</p>

	<p>This is not an admission of guilt or a confession. Under heavy interrogative pressure Ms. Lucio apparently accepts the possibility that she might have caused the injuries to her daughter as displayed in the photographs. It does not represent an acceptance of guilt or a confession where Ms. Lucio provides a narrative of what she exactly did to the child.</p>
<p>9</p>	<p>For the last 11 minutes of this CD there is no picture or sound. During this time Ms. Lucio provided forensic samples. Any conversation about the allegations and the use of the doll was not recorded.</p> <p>I am unsure as to why the investigators make two specific references to cigarettes during this interview. Ms. Lucio does not appear to have been given a cigarette break, which she had requested, and Ranger Escalon denied her in a previous interview, stating “<i>And once we’re done we’ll go smoke a cigarette.</i>”</p> <p>Comment: <i>This looks like an inducement.</i></p>
<p>10</p>	<p>This CD commences with Ms. Lucio leaning on her arms on the desk next to a doll lying on her back, with her head leaning against Ms. Lucio’s arms. <i>This appears to be a staged grooming process where Ms. Lucio is to focus her mind set on the doll, representing her dead daughter.</i></p> <p>There is evidence of a prior enactment discussion [grooming] process from Ranger Escalon’s comment at the beginning of the enactment procedure:</p> <p>“What I want you to do, Melissa, we had talked about it. Is I want you to show us how you hit the baby. Okay? I’m going to get these pictures and I want to go over them with you. And I want you to don’t hold back. Okay? And just get it over with, so we can move on.”</p> <p>There is no clear link provided between the previous CD [turned off 1½ hours earlier] and the current [final] CD. Even if Ms. Lucio’s physical privacy was being protected, there is no apparent reason why the sound was not kept on. There is a lack of transparency about what happened during this almost 1½ hour interval, apart from references to some physical samples being taken.</p> <p>The enactment is coercive. Ranger Escalon is firmly encouraging Ms. Lucio to hit the doll harder and harder, demonstrating on himself how hard she should hit the doll.</p> <p>Comment: <i>This undermines the credibility of the entire enactment and its outcome.</i></p>

36. Table 3. Ms. Lucio’s demeanour during the interrogation and enactment.

CD	Demeanour [For details and substance see Appendix 1]
1	Ms. Lucio’s answers to questions are speedy and spontaneous. She looks acquiescent in her demeanour during this interrogation, frequently nodding her head in agreement with the detective. At times she becomes confused. She looks distressed during the interrogation (e.g., rubbing her eyes a lot), which becomes visibly more severe at times (e.g., when describing how her husband had discovered that Mariah was not responding).
2	Ms. Lucio consistently pleaded her innocence and maintained that she would not hurt her children. Her replies to questions are spontaneous and it looks as if stated with conviction. She keeps reasonable eye contact with the interrogators, often looking the Detectives in the face and keeps nodding when they are speaking. She is co-operative and respectful of them and does not lose her temper. Her final words in this interrogation CD, “I wish I was dead”, shows the extent of her distress and self-hatred.
3	Ms. Lucio continues to look distressed. She makes no incriminating admissions during this CD interrogation.
4	Ms. Lucio looked distressed during this interrogation CD. She maintained reasonable eye contact with the officers when they asked her questions, engaged in the questioning [with some silences at times], and seemed genuinely at a loss about what had caused her daughter’s bruises, bite marks, and death. Ms. Lucio did not make incriminating admissions during this interrogation.
5	Ms. Lucio looks distressed during this interrogation, holding her left hand onto her forehead while leaning on the desk, and occasionally rubbing her eyes.
6	Ms. Lucio largely remains with her head down, hand on front of her head, looking distressed, tired, passive, and defeated.
7	Ms. Lucio does more sobbing and crying than in the previous interviews. She looks very distressed, tired, and defeated. She has now become extremely vulnerable and susceptible to misleading admissions.
8	Ms. Lucio looks tired and distressed, apparently trying hard to cope with the interrogative pressure and answer the questions to her best ability. She appears bewildered about what caused her daughter’s death.
9	Ms. Lucio looks passive, compliant, and defeated.
10	Ms. Lucio is a passive and compliant participant during this coercive enactment. At the end she cries, wishing it was her that was dead and not her daughter. Ms. Lucio’s demeanour during the enactment shows that she is reluctantly participating and is vague and unsure of what had caused the bruises to her daughter. It appears that she is merely passively complying with enactment

	without any clear evidence of genuine responses. (i.e., she seems to be merely role playing).
General comments	<ul style="list-style-type: none"> a. Ms. Lucio remains polite and respectful through all 10 recorded CDs. b. She is reasonably engaged with the interrogators, sometimes looking at them (i.e., at times she had reasonable eye contact with the interviewers, but often she had her head down, particularly when Ranger Escalon interrogated her). c. She appears to be doing her best to answer their questions. Her demeanour is consistently passive and acquiescent. She is vague in her answers, apparently not knowing what had caused her daughter's death. She at first attributes the daughter's bruises to a fall down some stairs two days previously and to the children larking about ('horseplay'), but the Officers firmly reject these explanations. d. Ms. Lucio often seems to be guessing what might have happened, or simply giving in to the interrogators' suggestions, requests, and demands.

37. RECENT SCIENTIFIC DEVELOPMENTS ON 'RISK FACTORS' TO FALSE CONFESSION.

38. Gudjonsson (2018) outlines and discusses 17 sets of empirically based risk factors to false confession. Ms. Lucio meets criteria for 10 of those:

1. Salient background and context.
2. Interrogation and custodial factor.
3. Not understanding her Miranda rights.
4. Naive 'mind set'.
5. Mental health issues.
6. A history of sexual and physical abuse.
7. Substance abuse history.
8. Personality (e.g., suggestibility, compliance, acquiescence).
9. Cognitive abilities (i.e., poor verbal comprehension).
10. Absence of support while in custody and during interrogation.

39. Both field and experimental studies have shown a significant association between suggestibility and compliance, as personality traits, and susceptibility to false confession. (Otgaar et al., 2021).

40. Negative events as risk factors to false confession.

41. From the evidence that has become available since Ms. Lucio's trial in 2008, a history of negative/traumatic life events is associated with increased level of suggestibility, compliance, and false confession (for a review, see Gudjonsson, 2018).

- a. Association of negative life events with suggestibility (e.g., Childs et al., 2021; Drake, 2010a, 2010b, 2014; Drake, Bull, & Boon, 2008).
- b. Association of sexual abuse with suggestibility (Vagni et al., 2015; Gudjonsson, Vagni, et al., 2021a, 2021b, 2022).
- c. Association of sexual, physical, and emotional abuse with Compliance (Gudjonsson, Sigurdsson, and Tryggvadottir, 2011; all medium effect size).

- d. Association with false confessions. The largest effect sizes [large] are found for sexual abuse (Gudjonsson et al., 2009a, 2009b; Gudjonsson et al., 2010; Gudjonsson et al., 2012).

42. Until recently, the impact of trauma, particularly history of sexual abuse, has been largely unrecognized as a salient risk factor to false confession. The research cited above, shows that history of trauma significantly reduces the *resilience* of the trauma victims to cope with *interrogative pressure* (e.g., repeated questioning; indicating that previous answers are not acceptable; indicating that other answers are wanted; negative feedback from the interrogator), particularly as measured by the *Shift* component of the Gudjonsson Suggestibility Scales, and the overall compliance score on the Gudjonsson Compliance Scale.³

43. *These two components of vulnerability [‘Shift’ type suggestibility and ‘compliance’] are highly pertinent to the evaluation of the reliability and voluntariness of Ms. Lucio’s answers to the interrogators’ repeated and relentless challenges to her answers.*

44. Dr. Mosnik’s recent psychometric test results.

45. Dr. Mosnik’s recent psychometric testing of Ms. Lucio, using the Gudjonsson Suggestibility and Compliance scales, is entirely consistent with the research evidence regarding sexual trauma symptoms, highlighting her enduring vulnerabilities. Dr. Mosnik’s main findings were as follows:

- a. The cognitive and clinical evaluation strongly corroborate Dr. Pinkerman’s findings from 2008 regarding Ms. Lucio’s vulnerabilities.
- b. The IQ scores are remarkably similar across the two evaluations, conducted about 14 years apart. They demonstrate great stability in Ms. Lucio’s cognitive functioning over a decade. Her greatest intellectual vulnerability remains her impaired verbal comprehension (5th percentile rank on both occasions). The stability of the scores across the different composite scores is remarkable.
- c. As far as the Gudjonsson Suggestibility Scale (GSS 1) is concerned, Ms. Lucio’s current Shift score of 11 falls over 3 standard deviations above the mean for the general population. It is a highly abnormal score and gives a strong indication that Ms. Lucio copes extremely poorly with interrogative pressure. This vulnerability is repeatedly highlighted in her CD interrogations in 2007 where she makes incriminating admissions during relentless questioning, apparently to appease the interrogators.
- d. Ms. Lucio obtained a compliance score of 17, which falls more than two standard deviations above the mean for the general population, showing a vulnerability that is corroborated by her persistently low self-esteem and maladaptive behavioral pattern (Gudjonsson & Sigurdsson, 2003).
- e. Whilst not tested for suggestibility and compliance in 2008, it is probable that the scores would have been similar at that time.

³ Research has found an overlap between susceptibility to alter answers after interrogative pressure [‘Shift’] and compliance (Gudjonsson, 2003; Mastroberardino & Marucci, 2013).

46. CUMULATIVE DISADVANTAGE PROCESS MODEL OF RISK FACTORS TO FALSE CONFESSION.

47. The process model presented in Table 4 uses a holistic framework for understanding the extent to which Ms. Lucio was susceptible to false confession during her five hours of interrogation and doll enactment.

48. Table 4. Cumulative disadvantage process model of the risk factors to false confession.⁴

<p>Background:</p> <ul style="list-style-type: none">a. Extensive history of sexual, physical, and emotional abuse, creating an early cumulative disadvantage.b. Long term involvement of Child Protection Services (CPS).c. Children taken away from her and placed in foster care (October 2006).d. Children returned into Ms. Lucio's and her husband's care (November 21, 2006).
<p>Contextual factors</p> <ul style="list-style-type: none">a. In the first trimester of her pregnancy with twins.b. In the middle of moving to a new apartment.c. Looking after nine children in an apparently chaotic environment.d. Under active CPS [Child Protective Service] monitoring and drug testing.e. Death of her youngest child [two years of age].f. Bruises and apparent bite marks found on the child, which was the primary focus of the investigators.g. The ambulance staff in attendance and investigators did not believe that the bruises were caused by a fall from the stairs.h. Ms. Lucio was a suspect from the start.i. Alleged drug paraphernalia found in their apartment, raising suspicion that she or her husband were still taking drugs.j. Mr Alvarez, her Common-Law husband, was pressured to indirectly implicate his wife through threats and inducements.⁵k. A Texas Ranger is called in to assist with the interrogation after the detectives have failed to get a confession.
<p>Situational factors:</p> <ul style="list-style-type: none">a. Long and confrontational interrogation, lasting over five hours, apparently without a break.b. Guilt presumptive interrogation from the beginning, increasing the risk of <i>misclassification</i> and <i>coercion</i>. (Leo & Drizin, 2010).c. Interrogation started late in the evening and into the night [between 9:53 p.m. and 3:13 a.m.]. This exacerbates other vulnerabilities due to tiredness and sleeplessness.d. There is almost 1½ hours of unrecorded CD interrogation between CD 4 [PART 2] and CD 1 [PART 3].

⁴ This is based on a careful analysis of the transcripts and the CDs of Ms. Lucio's interrogation, and a review of Mr. Alvarez's interrogation transcript and written statement.

⁵ In the final interview Officer Villarreal repeatedly said that he was going to recommend to CPS that the children were placed in foster homes in the context of him agreeing to give a sworn statement.

- e. Unrecorded conversation [grooming] about the doll prior to enactment.
- f. **Five different interrogators, with overlapping but different approaches, ranging from:**
 - Raised voices and one detective repeatedly shouting at Ms. Lucio.
 - Relentless accusations that she had caused the injuries to her child, leading to her death.
 - Exacerbating Ms. Lucio’s feeling of low self-esteem, being a neglectful mother, and guilt induction.
 - Discussion of the use and likely outcome of a polygraph test [The same *Maximization* ploy had been used with Mr. Alvarez during his interrogation].
 - Extensive use of photographs throughout to break down resistance showing the daughter’s extensive injuries. [*Maximization*].
 - *Theme Development* [i.e., either it was an accident/mistake or she was a ‘coldblooded killer’ – the message being forcefully communicated].
 - Suggestions that it was understandable due to her level of stress and frustration in looking after all nine children to overcome feelings of shame and denials. [*Minimization*].
 - *Subtle and manipulative grooming and body posture*. [PART 2: CDs 3 and 4].
 - *Enactment* using a doll, where Ms. Lucio is instructed to hit the doll harder and harder with the Texas Ranger demonstrating on himself how hard she should hit the doll. [PART 3; CD 1].

Enduring personal factors⁶

- a. Extensive history of physical, sexual, and emotional abuse.
- b. Post-Traumatic Stress Disorder.
- c. Depression.
- d. History of illicit drug use (Cocaine).
- e. Poor verbal comprehension skills.
- f. Naivety
- g. Acquiescence.
- h. Low self-esteem.
- i. Self-critical.
- j. Self-defeating behavioural patterns.
- k. [Suggestibility and Compliance]⁷

Acute state personal factors⁸

- a. Death of an infant daughter earlier that evening.
- b. Shock, grief.
- c. Sobbing, crying.
- d. Distress and self-hatred.
- e. Passive and compliant.
- f. Polite, respectful, and [unduly] trusting of the five interrogators.⁹
- g. Avoided actively challenging or confronting them.
- h. Vague, hesitant, appears unsure what caused her daughter’s death.
- i. Husband suddenly turned against her (Gave a sworn statement at 12:05am, implicating his wife in abusing the child).
- j. Denied requested cigarette break (Uncomfortable cravings?)
- k. No offer of drink or food (possible Glucose depletion?)

⁶ These are from Dr. Pinkerman’s report.

⁷ From Dr. Mosnik’s recent testing of Ms. Lucio.

⁸ These are largely based on my observation and evaluation of Ms. Lucio’s demeanour during the five hours of interrogation.

⁹ This polite and trusting demeanour left Ms. Lucio particularly vulnerable to manipulation (e.g., Gudjonsson, 2018; Ofshe, 1989).

Total cumulative disadvantage: The cumulative disadvantage across the four relevant risk areas [Background, Contextual, Situational, Personal] is exceptionally extensive and severe. Under those circumstances and analysis, the risk of a false confession/admissions is very high.	

49. CONCLUSIONS.

50. It seems that Ms. Lucio never directly admitted or confessed to murdering her child. She did admit to spanking her children, including her dead daughter, and after relentless interrogative pressure eventually admitted to hitting and biting the child, but kept reverting to the theme that she had only spanking the child, even at the end of the doll enactment.

51. During the 8th CD [PART 2, CD 3], she uttered the words: “I guess I did it. I guess I did it.” She failed to explain exactly what she was supposed to have done and why. This is not a credible admission of guilt or a confession to murder. Under heavy pressure Ms. Lucio appears to be accepting the possibility that she might have caused the injuries to her daughter as displayed in the photographs. It does not represent an acceptance of guilt or a confession where Ms. Lucio provides a narrative of what she exactly did to the child and why.

52. The incriminating nature of her admissions is *inadvertent*, which substantially limits their credibility and evidential value (Filipović, 2021).

53. The absence of tangible and credible admissions during the CD recorded interrogations, appears to have been beefed up by alleged admission in a phone conversation with her sister in a car journey after the interrogation ended. This ‘supporting’ admission in the car only emerged 1½ years later. It lacks credibility.

54. “A Texas jury convicted Melissa Lucio of capital murder for beating to death her two-year-old daughter.”¹⁰

55. Ms. Lucio’s passive and apparently flat demeanour during the entire interrogation is best explained by her history of repeated sexual, physical, and emotional abuse since childhood.¹¹ In addition, she was having to cope with the death of her daughter, undoubtedly being in a state of shock, and facing bombardment of repeated accusations by five forceful interrogators that she was responsible for her daughter’s death. Ms. Lucio never lost her temper during the interrogation and remained polite and respectful of the officers. My interpretation of her demeanour during the five hours of interrogation is that she was in a state of shock and feeling extremely distressed. She appeared to be co-operating with the interrogators as best she could. Her self-incriminating admissions were made reluctantly, apparently without conviction, and always followed relentless pressure and leading questions.

56. It is evident that Ms. Lucio was relentlessly pressured and extensively manipulated to admit to having repeatedly hit her child. From the start, the five interrogators presumed her guilty of having murdered the child. They would not accept her account that the child had

¹⁰ Lucio v. Lumpkin, No. 16-70027 (5th Cir. 2021). [Page 2]. Death was caused by brain haemorrhage, apparently from unknown causes but assumed Ms. Lucio had caused the injury leading to the haemorrhage. Her admissions did not include hitting her daughter on the head.

¹¹ Having watched all 10 CDs of her interrogation, it seems to me that the extent of her allegedly flat demeanour has been overstated, and wrongly interpreted as evidence of her guilt.

fallen down some stairs two days previously, even though there appears to be supporting evidence from one of her other children.

57. Table 2, combined with Appendix 1, provides a detailed analysis of the interrogation techniques and ploys. The *Maximization* technique was repeatedly and relentlessly used to induce anxiety over denials, one of the detectives stood over her and repeatedly shouted at her, there is use of threats and inducements, and extensive *Theme Development* (i.e., that Ms. Lucio had either made a mistake or was a coldblooded killer). ***On top of all that, the interrogators were relentlessly holding up or touching the child's photographs and pointing to the bruises shown in the photographs.***¹²

58. ***I have grave concerns about the enactment using the doll.*** It clearly involved a coercive process, there is a lack of transparency due to the recording being stopped for almost 1½ hours prior to enactment, and it seems that Ms. Lucio was merely reluctantly and passively complying with the Texas Ranger's firm and dictating requests for hitting the doll harder and harder (i.e., this seems to be the essence of the beatings used to convict her for capital murder). **There is a lack of credibility about the enactment procedure and process.**

59. The scientific evidence base behind the understanding of false confessions has been steadily growing since the early 1980s. The enhanced understanding of the salient risk factors involved and their likely cumulative effect in terms of a process model, was first fully articulated in 2018 with the publication of *The Psychology of False Confessions. Forty Years of Science and Practice*.

60. The current methodology employed to evaluate the risk factors to 'false confession' in Ms. Lucio's case, involved an *evidence-based cumulative disadvantage process model*. This is comprised of an evaluation of: [a] background, [b] contextual, [c] situational (i.e., associated with the interrogation and custody), [d] personal (i.e., both enduring and acute state), and [e] protective (e.g., access to lawyer, independent support) factors.

61. There was absence of any protective (support) factor to ensure that Ms. Lucio understood her Miranda rights and the implications of her answers. This is particularly important in view of her poor verbal comprehension, naivety, highly passive demeanor, and Dr. Pinkerman's observation that Ms. Lucio "seems minimally aware of the serious implication of the charges against her." I am not satisfied that she fully understood her legal rights and entitlements and the implications of her pressured and manipulated answers. Ms. Lucio may not have had the capacity and frame of mind to actively waive her rights "voluntarily, knowingly, and intelligently" (Gudjonsson & Grisso, 2007; Viljoen, Klaver, & Roesch, 2005).

62. Table 4 outlines in detail the different risk factors at each level of the cumulative disadvantage model. There were several risk factors both within and across each level of the four risk factor categories. The largest number of risk factors were within the situational and personal categories.

63. In my extensive forensic evaluation of cases of disputed confessions internationally, the number, severity, and combination of the risk factors involved during the lengthy interrogation are exceptional.

¹² There was a lot of pointing to various bruises on the child's body and emphasising the seriousness of the injuries. This appeared to greatly distress Ms. Lucio, as well as the coercive doll enactment. The emotional impact of being relentlessly forced to look at the photographs of her daughter's bruises would have been greatly exacerbated by her own extensive history of abuse, including emotional abuse.

64. Dr. Mosnik's recent cognitive, personality and clinical findings corroborate extremely well Dr. Pinkerman's pre-trial findings but also provide new [additional] findings relating to Ms. Lucio's abnormally high level of suggestibility and compliance. These two tests show Ms. Lucio's extreme vulnerabilities to interrogative pressure and are undoubtedly exacerbated by her history of sexual, physical, and emotional abuse.

65. A recent review of field and experimental studies (Otgaar et al., 2021), shows a significant link between suggestibility, compliance, and false confessions.

66. Taken together, regarding Ms. Lucio's admissions elicited during her five hours of relentless interrogation in 2007 [almost 1½ hours were unrecorded, some of which was taken up with collecting physical samples from Ms. Lucio], the salience, severity, and number of risk factors combined created a substantial cumulative disadvantage and high risk of false confession.

67. The findings are built on scientific knowledge and empirically based methodology, which was not available at the time of Ms. Lucio's trial in 2008.

68. Statement of Truth:

I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.



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70. APPENDIX 1. A summary of Ms. Melissa Lucio’s CD interrogation from the certified transcript.

PARTS 1, 2 and 3. Interrogators: Detectives Cruz, Banda, Salinas, Villarreal, and Texas Ranger Escalon.

PART 1 [CD 1]: February 17, 2007:

Time interrogation commences: 21:53pm (duration 28 minutes and 13 seconds).

Interrogator:

Detective Rebecca Cruz.

Observation: Prior to the interrogation, Detective Cruz reads Ms. Lucio her legal rights and asks her to put her initial to the left of the number, for each right, if she understands them. Ms. Lucio passively signs each right in turn without fully acknowledging that she understands them. The Detective Cruz does not check if Ms. Lucio understands all her legal rights. *Ms. Lucio looks passive, acquiescent, and compliant in her demeanour.*

I have doubts that Ms. Lucio actively waived her rights “voluntarily, knowingly, and intelligently” (Gudjonsson & Grisso, 2007, p. 179).

After signing to indicate she understood the four legal rights, the interrogation commences at 9:53 pm. She understands that she is being interrogated about the death of her daughter, which happened earlier that evening.

Ms. Lucio is asked to give a background to her daughter’s death [“fatality”]. The sequence of interrogation salient events was described as follows:

- a. Ms. Lucio: “So yesterday we were--we were moving. We were moving from the -- place, from the previous place to this new place. And she [Mariah] had fell down the stairs. It was like maybe three stairs because my, my husband had taken my old--my second to oldest daughter--” [Page 5].
- b. Ms. Lucio, when asked, said that she had not actually seen the fall. She said she had been moving her belongings from the living room to the kitchen, with her older daughter, Alexandra, while the other children were downstairs playing.
- c. **Detective Cruz asks a leading question regarding the day of the fall:** “And this was on what? Friday? Ms. Lucio *immediately yields to the leading question:* “Friday.” She then realises she had been confused about the date and states: “It was Thursday because we--” [Page 6]. [**Comment:** This raises the possibility that she was in a confused state when interrogated].
- d. Ms. Lucio does not remember the 220 East Madison apartment number where they had been living [Page 8].
- e. Ms. Lucio had not seen her daughter fall but knew she had fallen: “Because I did not lock the screen door ‘cause she never does this. She never goes outside. And I guess she would hear the kids playing outside and she went outside. And when I was calling out for her because I was bringing stuff from the bedroom and the living room to the kitchen, I did not see her. So I went downstairs and she was getting up on the floor. But, you know, she was crying but not, you know, like

heavy crying.” [Page 9]. Ms. Lucio added a little later: “No, she, she was just bleeding from her tooth on the bottom.” [Page 10].

- f. Ms. Lucio could not estimate how many steps her daughter had fallen but stated that she had told a detective previously that Mariah had fallen three steps, but this was merely a guess. Detective Cruz then asks a leading question: “If you—if you had to estimate, would it be five, ten, 15?” Ms. Lucio replies: No, like maybe eight, ten, twelve?” [Page 11].
- g. Detective Cruz: How do you discipline your daughter when she gets--Mariah, when she does something wrong?” [Ms. Lucio replies: “She never does nothing wrong. She’s just a baby.” [Page 14].
- h. Detective Cruz: “Ok. Do you hit her? Who does the disciplining in the home?” [Ms. Lucio replies: “No, we don’t hit her. My husband does the discipline. My husband and I does the discipline on the older children, the oldest ones, but not the baby, because she’s not--she’s--” [Page 14].
- i. This is followed by a *leading question on spanking* with Detective Cruz explaining that it is “not illegal.”

Comment: This is the use of the *Minimization* technique.

- j. **Detective Cruz then turns the spanking of the children into hitting the children:** “How does he *hit them* with belts or do—” [Page 15]. Ms. Lucio replies: “No, he [her husband] spansks on them their butts with his—with his hand.”
- k. **Detective Cruz then follows this by further leading questioning, trying to introduce the word “hit” again”:** “How about you?”...”Do you use your hand also?...”You’ll hit them where?” [Page 15].

Comment: Detective Cruz appears to be tricking Ms. Lucio into admitting that she hits her children].

- l. The conversation turns to Ms. Lucio describing symptoms of seizures that her older daughter had due to her epilepsy. [Pages 18-19].
- m. Detective Cruz: “You saw the beginning signs to it. So you, you knew, more or less, it could be something like that [epileptic seizure]?” [Ms. Lucio replies: “Well, the beginning signs, I mean I remember when my daughter had the seizure. I mean she fell down and she started shaking and everything but Mariah never did that.” [Page 20].

Comment: Detective Cruz is using the *Maximization* technique.

- n. Ms. Lucio said she was going to take her daughter to the doctors but: “Oh, my husband--we were having problems with the, the plumbing there at, at home. The water was leaking from the--from under the sink. And then we didn’t have hot water. So my husband was getting in touch with the landlord and the manager and everything.” [Page 25].
- o. Ms. Lucio: “So then I had gone to go check up on her and she was fine. She was breathing normal because, like I said, last night, you know, she was having trouble breathing from her nose because she had the--I guess she had a stuffy nose. So—” [Pages 29-30].
- p. Detective Cruz: “[Interposing] And these signs from the seizure was when? The lockjaw and the dribbling of the nose and having a hard time breathing?”

- q. **Comment:** Ms. Lucio had been referring to problems with breathing and not a seizure. Detective Cruz distorts the context, making Ms. Lucio look more neglectful and adding to the interrogative pressure [Using the **Maximization** technique].
- r. Ms. Lucio's husband had discovered that Mariah was dead when he went to check on her and called out to Ms. Lucio. Their daughter called the police. [Pages 32-33].
- s. Detective Cruz: "Did he [husband] know that she hadn't been eating? Did you tell him that, "Hey, Mariah hasn't been eating?" [Using the **Maximization** technique].
- t. Ms. Lucio was being robustly challenged about not taking her daughter to the doctors. She explained: "Yes, but that's when we were having problems with the plumbing and everything and, and the, the, the landlord was supposed to come. And, you know, we were getting everything situated there. And that's when all this happened." [Page 34].

Increased robust challenges to Ms. Lucio's story of the fall [about 24 minutes into the interrogation onwards]:

- a. Detective Cruz: "When your daughter ended up going to the hospital, the medical facility, they, they work with children, the pediatricians. They, they can see if a child is, you know, something is of natural causes or not. Your--Mariah has a lot of bruising on her--on her body." [Using the **Maximization** technique]. [Page 34].
- b. Detective Cruz: "Ok. Not consistent with a fall." [Using the **Maximization** technique].
- c. Detective Cruz: "So I don't know what the real story is." [Implying that Ms. Lucio is not telling the truth].
- d. Detective Cruz: "But there has to--something has to account. She's only two. You can't say that she was at school and somebody else did it." [Using the **Maximization** technique].
- e. "Somebody hit her." [Using the **Maximization** technique]. Ms. Lucio replies: "No, nobody hit her, ma'am."
- f. Detective Cruz: "There's no way she fell off the stairs. Okay? There's no way. A child can fall and will not have those bruises." [Using the **Maximization** technique and **robustly challenging** Ms. Lucio's story of a fall]. [Page 35].
- g. Detective Cruz: "I have medical personnel that are saying that this was abuse." [Page 36]. Ms. Lucio replies: "No, ma'am. I never abused my children, never." [Ms. Lucio offers a **robust denial**].
- h. When asked how the bruises would have got there, Ms. Lucio replies: "My, my--I have four boys. And they're, they're always, you know--I mean I'm not going to say fight, you know, wrestling." Ms. Lucio also explained that Mariah sometimes wakes up at night and moves about. [Page 37].
- i. Detective Cruz: "There were narcotics found in--there was a blanket in one of the closets in your home and on the, the new home you moved into, in the bedroom where she was found."
- j. Detective Cruz: "That was drug paraphernalia in there, spoons, cans from a soda with holes in it, with burn marks. There was a spoon, things indicating that there's drug use." [Page 39].
- k. Detective Cruz: Who, who uses drugs? Is it you or your husband or--["Is it your children?]. [Using the **Maximization** technique].

- l. Ms. Lucio explains that her husband uses drugs. “We did. We, we were--I’m not gonna lie. We were drug--we were drug addicts before.” [Page 40].
- m. Detective Cruz: “Okay. Could it be possible that you might have been on that and that’s why you did not really notice that Mariah had all these—”
- n. Detective Cruz: “Your husband’s been arrested before for beating one of your children.” [Ms. Lucio replies: “No.”].
- o. Detective Cruz: “Or investigated for, for domestic abuse, if I’m not mistaken. [Ms. Lucio replies: “This was a long time ago—” [Page 40.]

This was the end of this CD.

GENERAL COMMENTS DURING THIS INTERROGATION:

- a. Ms. Lucio’s answers to questions are speedy and spontaneous. She looks acquiescent in her demeanour during this interrogation, frequently nodding her head in agreement with the detective. She looks distressed during the interrogation (e.g., rubbing her eyes a lot), which becomes visibly more severe at times (e.g., when describing how her husband had discovered that Mariah was not responding). ***Her repeated denials of hitting her children are expressed with apparent conviction.*** [Comment: I’m making no inferences about veracity or mendacity].
- b. The pressure gradually increased during this interrogation, comprised of robust challenges, psychological manipulation (e.g., manipulation of her anxiety and self-esteem), ***and apparently attempts to trick Ms. Lucio into admitting that she had hit her children rather than merely spanking them. She only admits that she and her husband spanked the children, gently.***

PART 1 [CD 2]: February 17, 2007:

Duration: 28 minutes and 19 second.

Interrogators:

Detective Cruz.
Detective Banda.

This is a direct continuation of CD 1 interrogation [Page 41].

Detective Cruz greatly increases the pressure from the previous CD, focusing on the assumed “drug paraphernalia” found in the apartment, using psychological manipulation comprising the Reid Maximization technique and guilt induction:

- a. Detective Cruz: “And your, your baking soda with you, if you already kicked the habit. Somebody is still doing these drugs. You have nine children. You don’t have a babysitter. They’re not in daycare. It’s the weekend. If they’re not with family, they’re there. Do you--are you all using drugs in front of your children?” [***Maximization*** technique]. Ms. Lucio replies “No, no.” [Page 41].
- b. Detective Cruz: Could that be why there’s no water and there and--you know, of them? If you don’t—” [Ms. Lucio interposing: “Water?”, apparently not understanding the connection with the discussion of drug].

- c. Detective Cruz: “You don’t monitor how much water they take? I mean a child is two years old. You give her maybe eight ounces of water, maybe a bowl of cereal.” [Comment: This is using the *Maximization* technique to induce anxiety associated with *supposed negligence*, and *manipulation of self-esteem*].
- d. Detective Cruz: I mean there’s, there’s no nutrition whatsoever. And, and then she doesn’t eat all day and it doesn’t bother you. [Page 42]. [Comment: Detective Cruz continues to make Ms. Lucio look like a *bad and neglectful mother, undermining her already low self-esteem*].
- e. Detective Cruz: “...Explain to me how these got here because it’s--I’m going to tell you right now. Somebody has to account for the--for who--for who hit her.” [Page 43]. Ms. Lucio replies: “Nobody hit her, ma’am. Nobody hit her.”
- f. Detective Cruz: “Okay. These bruising, they all happen--they, they all happen from that one fall, from three steps, yet you have to go down maybe 10, 15 to get her?”
- g. The conversation then shifts to Ms. Lucio’s history of drug use, dating back to the age of 17. Ms. Lucio explains that she last took cocaine, her only illicit drug, in February the previous year. She explains that the CPS last tested her the previous week to the current incident, and she tested negative [Pages 44-45].
- h. Shortly afterwards, Detective Cruz leaves the interrogation room between 3:30 and 11:00 minutes during which Ms. Lucio leans forward on the table, with her arms folded and her head on her arms. One can hear voices in the background coming from outside the interrogation room. Before she leaned on the table her face looked tense.**

Detectives Banda and Cruz’s interrogation technique:

Detective Cruz returns with Detective Banda and introduces him [Page 46]:

- a. Detective Cruz: “Ma’am? Okay. We got--this is Detective Banda. He has been talking to your husband right now. We’re waiting to download the pictures. There are some markings on your child’s body that I want you to try to explain to me when you saw them, when you last took a shower with her, because there’s even bite marks on her. Okay? And I want you to explain to me when you saw what marks? And he was talking to your husband and he might have a couple questions. Okay?”
- b. Detective Banda: “First of all, I’m very sad that this child died. Unfortunately, the child die--did not die because of something that would be explained. Right now it’s unexplainable. There is reasons for that child--when I first saw you in here, I knew something was wrong. You know something is wrong.” [Page 47]. [**Detective Banda is heard raising his voice**]. [Ms. Lucio replies: “No, sir. I don’t.”]
- c. Detective Banda: “You know something is wrong.” Ms. Lucio replies: “No, sir. I don’t.”
- d. Detective Banda: “If I bring you all those pictures, if I beat you half to death like that little child was beat, I bet you you’d die too.” [**Detective Banda is standing in front of her and shouting at her**]. Ms. Lucio replies: “Sir, I did not beat my daughter, sir.”
- e. Detective Banda: “What are those bruises on your little child. This is a two year old!” [**More shouting at her**] Ms. Lucio replies: “I know, sir. I know.”
- f. Detective Banda: “This is a two year old!” [**More shouting at her**]. Ms. Lucio replies: “I know. I did not beat my daughter. I did not beat my daughter.”

- g. Detective Banda: “The, the child beat itself up?” [*There is more shouting*]. Ms. Lucio replies: “No, sir. I’m not saying—”
- h. Detective Cruz: “[Interposing] If you had those markings, would you want help? That’s what--you would want medical help. Right? Why wouldn’t you give it to your daughter?” [Page 48].
- i. Ms. Lucio is then asked for her rings and Detective Cruz states firmly: “There are some markings on your child that look like it could be that mark. So you can’t say that you don’t have anything to do with any of her markings. If this was just discipline, I need to know because I’m going to tell you right now that ring, if it matches up with those markings, the doctors match it up, it’s on you. Is it going to stick or is it going to come up no match?” [*Maximization* technique].
- j. Detective Banda: “[Interposing] Let’s just put it this way. That’s going to be considered evidence.” [Page 49].
- k. Detective Cruz: “If you take a polygraph, are you going to fail or are you going to pass?” [*Maximization* technique]. Ms. Lucio replies: “I’ll pass.” [Page 51].
- l. Detective Banda: “You know, I’d hate to--when they first asked me if I ever wanted to work in this division that she’s working, I told them I could never handle it because I have two children that I love so much, that I could never even think about spanking them, let alone the discipline, let alone seeing something like that as a parent. Not just as a human being, as a parent. You gave birth to this little girl. You gave birth to this little girl. What happened? What happened?” [Pages 51-52]. [*Maximization* technique]. Ms. Lucio replies: “I don’t know.” [Ms. Lucio can be heard *sighing* and she looks distressed].
- m. Detective Banda: “What happened? Did the pressure just get to you?” Ms. Lucio replies: “No, sir. I don’t abuse my kids. I don’t. I don’t abuse my kids.”
- n. Detective Banda: “Sometimes we let things get, get out of hand. Sometimes we--we’ve gone too far and realize later that we’ve gone too far. And we look back and said, “I should have never have done that.” Is that or is this one of those times?” [*Minimization* technique, implying she beat the child because she could not cope with the pressure at the time]. Ms. Lucio replies: “No, no, no, no, no.”
- o. Detective Banda: “You need to think hard. You need to think about your child that you will no longer have, that you will no longer be able to enjoy. Think of the injustice that was done to your little girl. This is the most heart wrenching thing that can ever happen to a person. This little girl was so bruised. Your child, your daughter that you...it’s hard. It’s tough to accept. But if this little child could come back and talk to us, and tell us exactly what happened, I bet you she would tell us it was not her brothers and her sisters.” [Page 53].
- p. The relentless pressure continues from both Detectives with Ms. Lucio being shown photographs of her daughter’s injuries [At 18:56 minutes] with raised voices, and some *shouting* by Detective Banda who is standing over her: “*Do you even feel sorry for this little girl?*” [Page 55]. **Comment:** Detective Banda shows her a photograph of her daughter’s injuries. *He stands over her and shouts at her*. *Ms. Lucio keeps denying that she had hurt her daughter*.
- q. Detective Cruz: “You did not let her get medical attention either.” [Page 55]. [*Maximization* technique, making out that she had been neglectful].
- r. Detective Banda: “[Interposing] “I’ll tell you something right now. Just by seeing these, these, these right here, both you and your husband are going to get hit for it.” [Page 57]. [Detective Banda had clearly decided that they were both guilty, raising the possibility of *Misclassification*].

- s. Detective Banda: “Something did happen. It’s the district attorney that’s out there. That tells you how important this is going to be, not to me because I get to go home. I’ll go home at 5, 6:00 in the morning if I have to. He’s going to decide what’s going to go on here. First thing he’s going to ask is how cooperative are you, both you and your husband.” [Page 58]. [*Maximization* technique]. Ms. Lucio replies: “I--I’ll be very cooperative. I don’t have nothing to—”
- t. Detective Banda: [Interposing] “Okay. Let me just tell you like I told him. There was a death in a household. Crime scene was over there. That means the whole residence is checked. All right? So with him, like I said, I’m going to ask you one more time. Now, take into consider--consideration what I just told you. The whole house was searched. And I’ll tell you the same thing. You’ve been clean the whole time?” [Page 60].
- u. Detective Banda: “Okay. So your knowledge of it, the fact that it was found, guess what? I just told you when I asked you and I know somebody asked you, honesty plays a big factor. Be honest with me and I’ll be honest with you. You need to at some point say, “Okay, I saw this. This is what I saw. This is what I did. This is what might have happened.” You just--you say nothing happened in that house that you can look back and say, “I should have never done that?”
- v. Detective Banda: “What do you want to happen to you? Right now.” Ms. Lucio replies: **I wish I was dead.** [**Comment:** Ms. Lucio looks very distressed towards the end] Detective Banda responds: “I’d probably feel the same way. I’d feel the same way as you.”

These were the last words spoken on CD 2.

GENERAL COMMENTS DURING THIS INTERROGATION:

- a. The interrogative pressure that the two detectives exerted on Ms. Lucio was relentless, consisting mainly of maximization of anxiety, manipulation of her self-esteem, and threats. The detectives often raised their voices, and, on a few occasions, Detective Banda shouted at Ms. Lucio as he was standing in front of her.
- b. Ms. Lucio consistently pleaded her innocence and maintained her denials that she would not hurt her children.
- c. When asked about the bruises on her daughter’s body she explained them in the following terms: “They all tend to play together, and they fight and they wrestle and everything.” [Page 56].
- d. Her replies to questions are spontaneous and it looks as if stated with conviction. She keeps good eye contact with the interrogators, often looking the Detectives in the face and keeps nodding when they are speaking. She is co-operative and respectful of them and does not lose her temper. Her final words in this interrogation CD, “I wish I was dead”, shows the extent of her distress.

PART 1 [CD 3]: February 17, 2007:

Duration: 28:20 minutes.

Interrogators:

Detective Cruz.
Detective Banda.
Detective Salinas.

This is a direct continuation of the CD 2 interrogation.

- a. Detective Banda: “You know why? If I were you, I’d be telling myself this would have never happened, this would have never happened. That’s the only reason I’d - - . I’ll be honest with you. I don’t know what the hell is going to happen to you. I won’t be surprised if you won’t be able to attend your child’s funeral. If you do, the best way to start is telling us what the hell happened. You need to tell us.” [Page 63]. [*Maximization* technique; combination of *implicit threat and inducement*].
- b. Detective Banda: “Tell us. You have to tell. You have to know. You were with her. You were with her every day. Every single day you were with her.” [*Detective Banda is shouting at Ms. Lucio.*] Ms. Lucio’s denials are met with more shouting as Detective Banda stands in front of her.
- c. Detective Banda: “You know exactly what happened to her.” [*Shouting*]. [Answer: “No, I don’t”].
- d. Detective Banda: “Yes, you do. You know exactly what happened to her. The only way we’re going to find out what happened is if you tell us what happened, so we can start taking care of everything else.” [*Shouting*]. Ms. Lucio’s replies: “So what do you want me to tell you? I don’t know what happened to her.”
- e. Detective Banda: “You know exactly what happened to her.”
- f. Detective Banda: “You need to tell us what the hell. You need to tell us. Either tell us right now what happened, so we can start helping you take care of this whole situation before it gets any further and it gets any worse for you. Accidents happen. Maybe this was an accident.” [Page 65].

Comment: The interrogation has now moved from ‘*Direct Confrontation*’, Step 1, to Step 2: ‘*Theme Development*’. (See Gudjonsson, 2003, pp. 10-21).

- g. Detective Salinas now takes over the interrogation and furthers the ‘theme development’.
- h. Detective Salinas: “That’s what it looks like now. It was either an accident or it was intentional.” [Page 65]. Ms Lucio replies: *It wasn’t intentional* but insists that she does not know what happened.
- i. Detective Salinas: “Okay? And I mean, like I said, it was either intentional or it’s an accident.” Ms. Lucio replies: “No, it wasn’t intentional and it wasn’t an accident.” [Page 66].
- j. Detective Salinas insists that “It’s one or the other.” Ms Lucio does not accept that.
- k. Detective Salinas: “[Interposing] Well, you have a dead child now. We’re not accusing you. We know somebody did it. We’re trying to find out who did it. If it wasn’t you, I don’t think somebody crept in there at the middle--in the middle of the night and went up to your child and specifically singled her out. So he could bite her on the back and walk out, and bruise a baby and walk out while you either pretended to be asleep or said, “Oh, the baby got up and went and hit himself or herself.” Even the child’s feet are freaking bruised. I bet you we can match that for that. I bet you it’s there.” [Pages 68-69].

- l. Detective Salinas: “Now is your chance to put it out. Now is your chance to tell us exactly what happened. Like we said, it’s either intentional or it’s an accident, but this happened. There’s no, no going back on it. You can’t bring your daughter back. We can’t bring your daughter back.” [Page 70]. [**Comment:** We are now back to ‘theme development’; *an accident versus intentional*].
- m. Detective Salinas: “Was it frustration?”
- n. Detective Salinas: “You saw the pictures of your child. You need to tell us right now what exactly happened. This is your chance to set it straight because right now it looks like capital murder. Right now it looks like you’re a coldblooded killer. Now, are you a coldblooded killer?” [Pages 72-73].

Comment: *Ms. Lucio is now accused of looking like a coldblooded killer.*

- o. Detective Salinas: “Or were you a frustrated mother who just took it out on her, for whatever reason?” [Ms. Lucio is being offered a less damaging alternative to being a coldblooded killer]. Ms. Lucio replies “No.” [Page 73].
- p. Detective Salinas: “It’s got to be one, one or the other. There’s no other--there’s nothing else here. Either you’re a coldblooded killer who has no remorse, no remorse whatsoever for that two and a half year old child that’s dead, or it was an accident. Accidents happen.”
- q. Detective Salinas: “You can’t say it’s horseplay. I mean come on. Kids play but not like that. Right now is the time, Melissa. Right now is the time to put it out. Lay it on the table. Just lay it out, Melissa. Right now is the time. Like I said, it was an accident or it was coldblooded and planned. So it was an accident?” [Page 74].

Comment: *Ms. Lucio is being pressured into accepting one of two alternatives, neither of which may apply to her.*

- r. Detective Salinas: “You can shake your head all you want but plain and simple, Mariah is dead. It’s plain and simple. It’s cut and dry. Mariah is dead and Mariah did not die because she fell down stairs or because she had bad tamales. Mariah is dead because somebody beat her.”
- s. Detective Salinas: Do you have anything to say for yourself? You know how this is going? You know how this looks? You don’t know how this looks? Can I tell you how this looks? **It looks like you’re a coldblooded killer.**” [My emphasis; Page 76.] Ms. Lucio replies: “I’m not.”
- t. Detective Salinas: You keep saying that. You keep saying that you’re not. Prove to us that you’re not. **How are you not a coldblooded killer? How are you not coldblooded? How are you going to change our minds and prove to us that you’re not a coldblooded killer?”** [My emphasis]. Ms. Lucio replies: “I don’t know how to change your minds.”
- u. Ms. Lucio keeps insisting: “***I don’t know how she died. I did not kill my baby.***” [Page 77; my emphasis].
- v. Detective Salinas: “The facts are there. The facts are in the photos. The facts speak for themselves. The pictures speak--they say tons of things. All I want to know is what happened.” [Page 78].
- w. Detective Cruz [having apparently just entered the room]: “We’re just waiting for the x-rays and more staffing and everything. You’re sure there’s nothing? Okay. Because all the information that was--that we’re getting from your family and your

husband, we're going to--we're going to meet up and we're going to share that information. So you're saying it's not your husband?"

- x. Detective Cruz: "The injuries were not from--were not from two days ago. It's old injuries. It means it's, it's a pattern of abuse that's been going on and somebody killed this kid. So they're waiting for the doctor to read the x-rays and then they're going to give us a call. That's what I'm waiting for. Okay? And I'll let you know. I'll be right back."
- y. Ms. Lucio remains in the room for about three minutes, looking distressed [posture], until the CD stops.

GENERAL COMMENTS DURING THIS INTERROGATION:

- a. This is a direct continuation of the CD 2 interrogation. Detective Banda continues with the interrogation for a short while in a heavy-handed way, making implicit threats [that she might not be able to attend her daughter's funeral, hinting in this context at her need co-operate].
- b. Detective Banda shouts a few times at Ms. Lucio and then introduces a '*Theme Development*', suggesting that it was perhaps an accident.
- c. Detective Salinas then takes over the interrogation and relentlessly hammers in the idea that either this was an accident or that Ms. Lucio is a "coldblooded killer." He firmly dismisses the idea that the bruises could be explained by children's 'horseplay'. [Pages 64, 74].
- d. Ms. Lucio looks distressed but makes no incriminating admissions during the CD interrogation.

PART 1 [CD 4]: February 17, 2007:

Duration: 28:18 minutes.

Interrogators:

Detective Cruz.

Detective Villarreal.

Detective Salinas.

Ms. Lucio remains in the room for four minutes, apparently on her own, and looks distressed, leaning on her arms on the table and appears to be gently sobbing. Detective Cruz then enters the room and continues with the interrogation:

- a. Detective Cruz: "- - your case, the hospitals are saying that there are old injuries. The injuries are old and there's no way that it happened on the fall. There is definitely abuse. Your husband is saying it was you." [Page 81]. Ms. Lucio sounds surprised: "*That I abused my daughter?*" She then asks: "**Why did--how did my daughter die?**". [My emphasis]. The detective then explains that the child died of "Physical abuse."

- b. Detective Cruz goes through a series of photographs of the injuries and states: “Obviously she was numb with all the beatings. What are these, right here?” [Page 82].
- c. Detective Cruz: “Why would he [husband] say it’s more you and not him? He didn’t even blame the kids. Also the bite marks, these--the bite marks, it’s--these look like adult teeth and there’s no way that this happened on Thursday. I mean that’s an old bruise. That’s clearly more than four days ago. You know? I mean doesn’t it look like she got run over by a car maybe? Really badly beaten? Why would you just let her lay there and die without eating? What was going through your mind? Hurry up and die?” [Page 84].
- d. Detective Cruz: “If you were laying in the bed like this, as a kid, and your mother left you like that, how would you feel? What kind of a mother would you think would leave their child to lay in bed and sleep without food, looking like this, in this condition, very fragile, two years old?”
- e. There is then further discussion of the injuries with Detective Cruz stating: “I’m going to step out. CPS is here. They might want to talk to you. Okay?” [Pages 88-89]. After Detective Cruz leaves the room at 12:33, Ms. Lucio leans on her arms on the table, and soon Detective Villarreal enters the room [12:55].
- f. Detective Villarreal continues with the interrogation: “Melissa, I’m Detective Villarreal. I’m not sure whether - -. I’ve been talking to your husband. Your husband told me to come and ask you, since you’re always the one that has Mariah, as far as to explain the injuries. This is your daughter. You’d rather--you’d rather have me come and ask you, and you tell me.” [By now Detective Cruz had re-entered the room].
- g. There is a female voice calling out “Melissa” and Detective Cruz declaring: “I’m going to - -.” with female replying “Okay.” Detective Villarreal: “I already know why. You caused these injuries, right? You have how many children?” [Page 89].
- h. Detective Villarreal adds to the emotional pressure: “*She [her daughter] had a slow death, real slow death. And finally she just gave out today.*” [Page 90, 16 minutes into the interview; My emphasis]. *Whilst he is questioning Ms. Lucio he is flicking through the photographs in front of Ms. Lucio.*
- i. Detective Salinas: “Are you even going to defend yourself? Are you even going to say anything? Ms. Lucio replies: “*I didn’t kill my daughter*”. [My emphasis].
- j. Detective Salinas “Well, regardless, she’s dead. Your daughter is dead. She’s gone. I already told you, we can’t bring her back. You can’t bring her back. There’s nothing you can say or do that’s going to bring your daughter back. You can’t play these bruises off and these bite marks off like they didn’t happen because they did.” [Page 90].
- k. Detective Villarreal: “To me, honestly, what I’m looking here, she was tortured day after day after day. Mom didn’t even bother seek, seeking—” [Page 98; end of CD 4].
- l. Detective Villarreal continues to ask for an explanation for the bite mark and bruise, using Theme Development: “What did she do that she deserved this? What happened? She a handful? Was she crying?” [Answer: “No.”]. “Were you stressed out, frustrated?” [Page 92].
- m. Detective Villarreal: “You know what happened. You just don’t want to tell us. Right?” [Page 93].
So what was it? At the very least you can speak up for your daughter.”
- n. Detective Salinas suddenly asks and Ms. Lucio looks up [22:42]: “Like I told you earlier, that’s the only thing you can do for her. It’s obvious you never did anything

else. It's the only thing you can do for her. You said yourself you didn't take her to the doctor because they were going to see the bruises and they were going to think that you abused her. Am I right? If you didn't, what would you be scared of?" [Page 93].

- o. Detective Salinas continues to imply that *Ms. Lucio had been a bad and neglectful mother, attacking her already low self-esteem.*
- p. Detective Salinas: "*Like I told you earlier, you're either a coldblooded killer or it was an accident.* This just--didn't just happen. That just doesn't happen." [Page 94; 24:21. My emphasis].
- q. Whilst Detective Salinas forcefully interrogates her, sometimes raising his voice, Detective Villarreal held up a photograph of her bruised daughter in front of her. [*Maximizing the emotional pressure.*]
- r. Detective Villarreal: "You know what, ma'am? You know what's going to make it a lot worse? Eventually the children will be talking. Children see what mommy does or daddy does. I haven't spoken to the children but right now, now is the time for you to come clean, tell us what happened to Mariah. All right?" "Ma'am? You got nothing to say? No, you do. I mean you speak for your daughter. What happened?" *Ms. Lucio insists that she does not know what happened to her daughter* and "did not bruise her up like that." [Pages 94-95].
- s. Detective Villarreal: "You can't--you don't know? You're the mom. You're just saying you don't know what happened? You can clearly look at this picture of your daughter covered in bruises all over, and that's just the back side, with that large teeth mark that came from an adult from the back side, and you're the mom." [*Detective Villarreal had placed one of the photographs right in front of her on the desk and pointing to it*] "And you're the only one that has Mariah throughout the whole day and night. And the only thing you can say, you don't know? You want me to believe that? You're the mom, 12 children, with the littlest one that you still bathe and you don't know? That's your answer?" Ms. Lucio replies: "I did not bruise her up like that."
- t. Detective Villarreal: "Then who did? Who did? Who did? You know who did."

GENERAL COMMENTS DURING THIS INTERROGATION:

- a. Detectives Cruz and Villarreal repeatedly make Ms. Lucio look at the photographs of her daughter's injuries whilst questioning her. Ms. Lucio repeatedly stated that she did not know how the bruises came to be on her daughter's body.
- b. Detective Salinas came in with a more forceful manner, at times raising his voice, and used his apparent trump card from the previous CD interrogation: *either this was an accident or Ms. Lucio was a coldblooded killer.*
- c. Ms. Lucio looked distressed during this interrogation CD. She maintained reasonable eye contact with the officers when they asked her questions, engaged in the questioning [with some silences at times], and seemed genuinely at a loss about what had caused her daughter's bruises, bite marks, and death.
- d. Ms. Lucio did not make incriminating admissions during this interrogation.

PART 1 [CD 5]: February 17, 2007 [precise timing of interrogation not on CD, but is likely to be around midnight].

Duration: 7:01 minutes.

Interrogators:

Detective Villarreal.

Detective Salinas.

- a. Detective Villarreal: “But yet you don’t want to take responsibility. Right? Your daughter is dead. She had a slow death but yet you don’t want to take responsibility. Is that right?” : Ms. Lucio replies: “I didn’t cause her death.” **[Denial]**. [Page 96].
- b. Detective Villarreal: “Then who did? Who did, ma’am? You’re the mom. I asked dad. Dad said come see you, ask you. You’re the one that has Mariah all day. You’re gonna--you’re not going to speak for her, right?” Ms. Lucio replies: “What do you want me to say? I did not hurt my daughter.” **[Denial]**.
- c. Detective Salinas: “Somebody did.”
- d. Detective Villarreal: “Who? Then who? You’re in a situation, this is your daughter. She’s always with you. She’s no daycare, no Headstart. She’s with you and only you. When you changed her diaper, you didn’t mind looking at those bruises on her genitalia? *[Detective Villarreal places a new photograph on the desk in front of Ms. Lucio; 2:28, having kept his hand on a previous photograph in front of her, and leading towards her]*. You didn’t mind looking at that? You just changed the diaper and went on your own way like nothing? All these bruises on the inside of her thigh, like nothing? And you expect me to believe that, “Oh, I didn’t cause her death? I didn’t do that?” But you--you’re okay with that. Right? You’re okay that--it’s okay for her to have these bruises, that large teeth mark, that’s--and that’s fine? *Maybe I am looking at a coldblooded killer right here. No remorse, don’t want to take responsibility as a parent, as a parent.* Someone caused her death.” [Page 97].
- e. Detective Salinas: “Now’s your time. Now’s your time to fess up. Now’s your time to say it. Now’s your time. Didn’t bother you when she was alive. Let it bother you when she’s dead. It’s your chance to speak for her. Now is your chance. She can’t speak for herself. She cannot speak for herself.” [Page 97].
- f. Detective Villarreal: “We are going to find out what was going on inside that home. Why? Because there are other children in those homes, in your home. The thing is that I got a mom, you can clearly see here, doesn’t know who did that. “It wasn’t me. I didn’t cause her death.” But yet, day by day, as she was slowly dying, you could easily change her diaper. You could easily bathe her, dress her. You could easily do that.”
- g. Detective Salinas: “Can’t even cry for this little girl? Because I think I’ve seen more officers out here shed a tear over this than you. More officers who didn’t even know your daughter affects us this hard and you’re just sitting there. You take it like nothing. “Oh, nothing’s wrong. Nothing’s wrong with those pictures. I don’t see anything wrong with those pictures. What is going through your head right now looking at that bite mark, looking at all those bruises? You can’t ignore those pictures. You can’t. Look at that. And you have no explanation. Your explanation is, oh, the kids roughhouse with her. Yeah, I don’t think so, not like that.” [Page 98].

- h. Detective Villarreal: “To me, honestly, what I’m looking here, she was tortured day after day after day. Mom didn’t even bother seek, seeking--- [Page 98].

GENERAL COMMENTS DURING THIS INTERROGATION.

- a. This interrogation is comprised almost entirely of a barrage of speeches by the two Detectives. I have presented it in its entirety above. *The ploy appears to maximize Ms. Lucio’s emotional distress, accusing her of being a coldblooded killer, and without any feelings of remorse, whilst relentlessly pointing to the bruises on her daughter’s body.*
- b. Ms. Lucio looks distressed during this interrogation, holding her left hand onto her forehead while leaning on the desk, and occasionally rubbing her eyes.

PART 2 [CD 1]: February 18, 2007.

Duration: 28:12 minutes.

Interrogators:

Detective Villarreal.
Detective Salinas
Texas Ranger Escalon.

The barrage of assertions and pressure continue from the previous interrogation, particularly from Detective Salinas. Samples extracts are provided below.

- a. Detective Villarreal: “I’m giving you an opportunity to right now for you, the mom, to tell me what happened.” [No reply].
- b. Detective Salinas: “If you didn’t know--do this, you know who did. You know who was abusing her like this. You know who was torturing her like that. You know who led--who was responsible for leading her to die such a slow, painful death. You know that. You know who did it. I need you to come clean with us right now. Put it all on the table. Be truthful.” [No reply].
- c. Detective Villarreal: “Take responsibility, man. That’s the very least you can do for your own daughter, as a parent. Two years old, she was in this world for two years, two years. Didn’t get an opportunity to go to her first day in school, grow up and, you know, be a teenager, teen girls do, make friends, boyfriend, living to the life out there. She’s not going to get that chance to do that. The very least you can do is give her that. Tell us what happened. Not just sit there, staring blank. Tell us what happened. That’s the very least you can do.” [No reply]
- d. Detective Salinas: “Were you frustrated with your husband?” [Reply, “No.”] [Page 100]. Detective Salinas: then questions her in detail about day to day stress she many have been under.
- e. Detective Salinas: “Now, what was this?” *Was this frustration that went a little too far or were you planning to kill her? Was it a huge weight off your chest when Mariah died?*” [Page 103]. [My emphasis].
- f. Detective Villarreal: “It does bother you? But not enough? Not enough to take her to the doctor, not enough? Not, not enough to find out who did this because

actually it was you. Right?" [*Placing a photograph in front of her; Ms. Lucio looks distressed and tired; she had been yawning a few times earlier*].

- g. Detective Salinas: "You're not leading us to believe otherwise. Come up with no explanation for these bruises, for the bite marks, for this torture that this little girl endured, the torture this little girl went through. Especially the last--the last day of her life, which was today, when she laid there all day in bed, suffering." [Page 104].
- h. Detective Salinas: She wasn't sleeping. She was suffering. She was asleep from the pain. She couldn't take the pain, the pain of this beating, these beatings that have been going on. And the only thing you can say is, "I don't know how they got there."
- i. Detective Salinas: "If you're such a good mother, you need to stand up for her right now and tell us exactly what happened. You want us to believe you're a good mother. You want to believe yourself that you're a good mother because you're not believing that right now. Whether it's because you did it or because you know who did it, that needs to come out."
- j. Detective Salinas: "The x-rays are going to come back and I'm pretty sure they're going to show there's a pattern of abuse. This is not a one-time thing. I'm sure the x-rays are going to show broken bones that have healed, other trauma to the body. I'm sure they're going to show that. And we don't have to answer for that. You and your husband do." [Page 105].
- k. Detective Salinas: "Moreso you because you were the primary caregiver to Mariah. You were the one who took care of her. You were the one that was with her day in and day out, every day, all day, while your husband was at work, while your kids were at school, while your husband was out smoking crack. You're the one who is going to have to answer for this. Your husband is saying he never saw her with her clothes off. Now we know why."

Comment: *Detective Salinas leans forward and taps the photograph on the desk to emphasize the seriousness of the situation and periodically keeps doing it and pushing the photographs towards her.* [Maximization technique].

- l. Detective Salinas: "And maybe you're not fully to blame. Maybe you're husband's got more to--more to do with it than what he's saying. But if that's the case, we need to know. We need to know. Everything needs to come out. The truth needs to come out." [Page 106]. [*Here the Detective applies the minimization technique*].
- m. Detective Villarreal: "Now is the time, ma'am. Now is the time." [Page 106; 10:15]
- n. The barrage of assertions and confrontation continues with Detective Salinas making most of the speeches. *Ms. Lucio mainly sits in silence.*
- o. Detective Salinas: "No easy way out of this one. There's no easy way out. You can't blame that on children. You can't blame that on children playing. You're not even standing up for yourself. Are you going to offer any explanation for this? Melissa? Melissa, are you going to offer any explanation for this? Why not?" [Page 107]. Ms. Lucio replies, looking up: "*I don't know what to tell you.*" [Page 107; 15:20].
- p. *Detective Salinas: "Your other children aren't going to lie. They're not going to cover for you. It's going to come out. It's going to make you look like a coldblooded killer, coldblooded, no feelings, no remorse, no guilt, nothing, sitting there with a blank stare."* [Page 110; 22:40; My emphasis].

- q. Detective Villarreal: "I'm going to go talk to your husband now." [23:25].
- r. Ranger Escalon: "Melissa, my name is Victor Escalon." [Page 110]. [*He leans forward towards Ms. Lucio in a similar way Detective Villarreal had done, speaks in a soft voice, and indicates that he does not want to be interrupted*].
- s. Ranger Escalon: "I'm with the Texas Rangers out of Harlingen. Okay? We already know what happened. Okay? We got to hear it from you." Ms. Lucio looks up and replies: "*You mean what happened what?*"
- t. *Ranger Escalon now continues with a relentless speech of psychological manipulation:*
- u. "Listen, Melissa [*raising his hand in front of Ms. Lucio to indicate she is not to speak*]. Okay? We're going to test those teeth. Okay? We're going to test them on your teeth bite marks. We're going to test them with your husband's bite marks. Okay? And when everything comes out it's not going to look good. Okay? What we're here--what we're here for is to help you along. Okay? Because telling the truth is hard. It's very hard."
- v. "Hey, I have kids. You have kids. [*Gently Takes off his hat*] We get frustrated. We hit 'em. We spank 'em cause we're mad. You're human. Melissa, look at me. Look at me. [*She is sobbing in distress*] Melissa, look at me. Melissa, look at me. Melissa, look at me. Mellissa, look at me. It happens. Okay? We all make mistakes. We all make mistakes. We all get upset. We all get mad. Okay? It gets out of control. It happens. It happens. The world is not going to stop moving because we're not going to stop. We already know what happened. We already know what happened. Okay?"
- w. "But it's going to--it's going to help you because you're going to explain to us everything. Okay? Because all we know right now, this is brutal. Okay? But there's a reason for everything. Okay? What you're going to need, you're going to explain everything that led to this. Okay? You're going to explain. You're going to explain it to me. You're going to explain it to a jury. Make us understand what happened. It's--the world is not going to stop moving. It's going to continue. And that's what we're here for."
- x. "We're here to help you. Okay? We're here to help you get it out. Explain it to us because it happens. We all get upset. We all make mistakes. That's because we're human. Okay? We're human. Okay? God is going to forgive you. God is going to forgive you and **your** husband. This is all part of the healing right now. You're making it right, right now. Melissa, how old are you, Melissa?"
- y. "All I want you to do is just tell us everything that happened. We're going to help you along the way because you're going to explain to everybody what you were feeling. Okay? Everybody is a parent. When every parent gets upset, bad things happen. You're not thinking clearly. You make mistakes. It happens. Melissa, it happens. And you want to tell me because once we're--once we're done, once you tell me everything that happened, you're going to feel better. You're going to feel better. You're going to start healing. Okay? Because this is never going to go away. It will come to an end right now, tonight - - put this to rest. Okay?"
- z. "And the thing is there's going to be a lot of evidence on this case that's not going to look good on you. Okay? And, and no one is going to ever hear your side of the story - -. That's why we're here, to hear your side of the story - -." [113].
- aa. "You understand me, Melissa? Okay. It's going to be okay. It's going to be okay. What happened? Were you getting frustrated? How many kids do you have?" [Page 114]. Ms. Lucio replies: "Altogether, 12 kids."

GENERAL COMMENTS DURING THIS INTERROGATION.

- a. Whilst speaking to Ms. Lucio, Detective Villarreal commonly leans forwards to her and keeps his hand on the photograph on the desk. Detectives Villarreal and Salinas both repeatedly use the photographs to place Ms. Lucio under emotional pressure and distress (e.g., keep touching them, tapping them, and pushing them towards her). Detectives Villarreal, particularly, used this ploy extensively.
- b. Ms. Lucio largely remains with her head down, hand on front of her head, looking distressed, tired, passive, and defeated.
- c. *Ranger Escalon, in his smart uniform and with his smooth demeanour, is trying to manipulate [groom] Ms. Lucio into a confession mode. His speech is quiet, sometimes almost whispering. He leans closely towards Ms. Lucio [he is almost in her face] and looks seductive as if he was reassuring an intimate friend. He repeatedly asks Ms. Lucio to look at him.*

PART 2 [CD 2]: February 18, 2007:

Duration: 28:17 minutes.

Interrogators:

Texas Ranger Escalon.
Detective Salinas.
Detective Cruz.

Admissions made to slapping, hitting, and biting Mariah. Denies strangulation.

Ranger Escalon continues with the softening up [grooming] process, gradually but subtly breaking getting Ms. Lucio's denials, placing her in a potential confession mode. The extracts shown below will highlight the main strategic points:

- a. Ranger Escalon: "What led you to this? What, what problem--we're trying to find out. Okay? We're trying to understand. Okay? This is not the first time this has happened. This happens many times. Okay? It happens all over the United States. Okay? It happens every single day because parents are pushed to the limit. Okay?" [Page 115].
- b. Ranger Escalon: "But, see, I'm finding out more and more. Okay? Because you're telling me a little more. Okay? Did the world stop moving? No. You're making us understand what led to this. Melissa, do you understand? That's all important. That's very important - -. That's going to be key to where you are, Melissa. Your mom and dad are still alive?" [**Reply:** "Mom."]
- c. Ranger Escalon: "Okay. If your mom was right here sitting next to me, what would she want you to do, Melissa? She would want you to be--to tell us everything. Right? Because these are the things we want to know. Not just me, the district attorney. The district attorney is sitting outside. Okay? They're the ones who are going to prosecute this case. Okay?" [Page 116].
- d. Ranger Escalon: "And right now is your time to explain to everybody. You explain it to us. And what we're going to do, we're going to tell everybody. Okay?"

- Because we want to know did you feel sorry. Did you regret what happened? Do you wish it never happened?" [Page 116] .
- e. Ranger Escalon: "Your mom. Your mom. Your mom is going to understand. Okay? Your mom is going to understand. Okay? Your mom is going to under--but only one--under only one circumstance, is that you tell us what happened and why it happened. Okay? Because she would do the same thing while she expects you to do that, Melissa. She expects you to come out and explain - -. Okay?" [Page 117].
 - f. Ranger Escalon: "You owe it to your kids. You owe it to your mom. You owe it to your baby. She's going to understand. It's all going to be--she's going to understand. Okay? You cannot hold this inside. You cannot hold this inside. You need to let it out. That's why we're here - - to let it out." [Page 117].
 - g. Ranger Escalon: "Melissa? **Melissa, look at me. I want you to look at me for a second. Look at me, Melissa. We're not going to trick you. We're not going to lie to you. We're not going to backstab you.**" [Pages 117-118; My emphasis].
 - h. Ranger Escalon: "You made a mistake. You made a mistake. We all make mistakes. Nobody is perfect. This is very hard. This is very hard. This is hard. I can only imagine. Okay? Do the right thing. Just tell us what happened. We're going to help you along the way. We're going to explain everything. We're going to explain what happened. It's going to be simple. Don't make it complicated." [Pages 118-119].
 - i. Ranger Escalon: "Melissa, look at me. I want you to tell me what happened. Look at me, Melissa. You're 37 years old. You have all these kids that are looking up to you. Okay? I mean they're--they have the rest of their lives and they're looking to you. Okay? They lost their, their sister. Okay? They're not going to hate you. They're not going to think worse of you. Okay?" [Page 119].
 - j. Ranger Escalon: "Because you're going to explain to them. We're going to explain to them. You got put through a lot. Okay? The only way you're going to make--the only way you're going to make this right is telling us what happened. Okay? We've got to hear it from you, Melissa. It is so important and everybody starts healing. Everybody starts - -. Okay? Because it was a mistake." [Page 120].
 - k. Ranger Escalon: "You have too much--you have too much pressure on you. Okay? I can already see that. When you told me you have 12 kids, I could--and your husband works and not you, how do you make it? You know, you've got to feed the kids. You've got to clothe the kids. You've got medical. Okay? They're crying all night. Okay? What is--I mean you got to have - -. You want to have - - but you had all these responsibilities." [Pages 120-121].
 - l. Ranger Escalon: "Melissa? Look at me, Melissa. This is serious, Melissa. You understand how serious it is? We're not going to just turn our backs after you tell us what happened. We're going to stay here. Okay? If you need help, we'll get you help. Okay? No problem. No problem." [Page 121].
 - m. Ranger Escalon: "Melissa, do you see me? Do you hear me? Do you understand? Okay. We're going to make this right. Melissa? Is that where you're going to take the statement? Or you--okay, you already--okay." [Page 121].
 - n. Detective Salinas: "I'll talk—I'll call them back in if you're going to make it." [Page 121].
 - o. **Comment: This is followed by Ms. Lucio insisting that she will only talk to Ranger Escalon. She is now fully under his control and command. This is nine minutes into the interrogation.**

- p. *Ms. Lucio requests a cigarette, but Ranger Escalon insists: “Okay. Let’s finish this. Okay? And I’ll get you a cigarette. Okay? Let’s get this out of the way. Then we’ll go outside and smoke a cigarette. Okay?”* [Page 122].
- q. Ranger Escalon: “We’re good. Okay. What I want you to do--it’s being recorded. Okay? And we’re going to do everything recorded today. Okay? What I want you to do is from the beginning and get--explain everything in detail. All right? Just break it down for me. And once we’re done we’ll go smoke a cigarette. I’m not gonna - -. I’m going to be here. What I just told you, you understand everything? Okay? Okay. Start from the beginning.” [Pages 122-123].
- r. Ms. Lucio: “I mean I would spank her but I mean I didn’t think I would spank her to, to where it got to this point.” [Page 123].
- s. Ranger Escalon: “Explain that. Frustration? Melissa, I’m being straight with you. I need you to be completely honest with me. Okay? It’s just you and I. Okay? I’m meeting you halfway. Okay? We’re going to match those teeth. Okay? I want to just hear it from you, Melissa. It’s okay. You hit her? Out of anger? Who did it?” [Page 123]
- t. Ms. Lucio: “I did.” [**An admission to hitting her daughter**]. [Page 123].
- u. Ranger Escalon: “Start from the beginning and break it down for me. Just lay it out. I want to hear your side. Lay it all out and then I’ll come back with questions. Explain this one. Is anybody else responsible? Or am I talking to the right person? Okay. Perfect. Tell me. Melissa, tell me. Let’s do this together. Okay? Let’s get it over with. So, yeah, we can get it over with and move on. Okay, Melissa? Let’s just get it over with.” [Page 124].
- v. Ms. Lucio: “What am I going to say? **I, I--I’m responsible for it.**” [Page 124; 12:55; My emphasis].
- w. Ranger Escalon: “Okay. What did you do? So you--okay. How would you spank her? Does it bother you looking at ‘em? Do you want me to take it away? Take ‘em away. **Because we know exactly. We have all these bruises in the back, in the front, in the--in her vagina, the bite mark, her head marks. Okay. We know this. Okay? We know this.**” [Page 124; My emphasis].
- x. Ranger Escalon: “How would you spank her?” [Reply: “With my hand.” – “Frustration I guess.” – “My other children, they were very hyper and it was hard for me take care of all of ‘em.”]
- y. Ranger Escalon: “You were doing okay? Just too many kids, too much? And the bite mark, you bit her? Why? You were doing okay? Just too many kids, too much? And the bite mark, you bit her? Why?” [Page 125].
- z. Ms. Lucio: “**I was just playing around with her one day and I, I was tickling her, and I bit her.**” [Page 125].
- aa. Ranger Escalon: “That’s a real hard bite. Were you frustrated?”
- bb. Ranger Escalon: “Because, you know, a baby brings in a lot of responsibility. And then what happened? What, what led her--what led her to her death? Just did you hit her in the head?” [Pages 126-127].
- cc. Ms. Lucio: “No. I don’t know how she died. I don’t know. That day I was--Friday morning--.” [Page 127].
- dd. Ranger Escalon suggests that she had spanked her daughter “a lot” when frustrated. [Page 127-128].
- ee. Ranger Escalon: “**Did you hit her head somewhere?**” [Reply: “No”; “I never hit he on the head” [**Denial**; Page 128].
- ff. Ranger Escalon: “**Did you give her anything, poison?**” [Reply: “No”]

- gg. Ranger Escalon: “And when you saw the bruises...**did you suffocate her?**” [Reply: “**No.**”] [Page 129; My emphasis.].
- hh. Ranger Escalon: “Melissa?” [**interrogative pressure to shift her answers to greater self-incrimination**]. [Reply: “No, I didn’t.”]
- ii. Ranger Escalon: “We’re going so good.” [**Positive feedback and reinforcement for further admissions; highly manipulative**].
- jj. Ms. Lucio: “No, I didn’t, sir. I would never do that, no.” [Page 129].
- kk. Ranger Escalon: Okay. “Then what caused her to die?” [Reply: “I don’t know.”]
- ll. Ranger Escalon: “Other than just, you know, **hitting her?**” [Reply: “I don’t know.”]. [Page 129]. Detective Escalon: “Did anybody beat her besides you?” [Reply: “mm.”].

GENERAL COMMENTS DURING THIS INTERROGATION.

- a. Ranger Escalon extends the manipulative softening up [grooming] process, asking Ms. Lucio in a sympathetic way about her children [and the family more generally], expressing his understanding the stress she must have been under with all these children, and tries to find out what led to her daughter’s death. Whilst speaking he keeps asking her to look at him. Ranger Escalon emphasises from early in the interview that he will not trick or lie to her. He tells her they [the investigators] know what happened but they need to hear it from her.
- b. He then uses Theme Development to try to persuade her that this was merely a mistake due to the frustration due to the stress she was under at the time, emphasizing that everybody makes mistakes [**Minimization and Theme Development techniques**].
- c. When giving long persuasive dialogue, he leans forwards towards Ms. Lucio, their faces being close together, frequently uses hand gestures to emphasize his points, keeps asking Ms. Lucio to look at him, and strategically places his hands on or points to the injuries shown in the photographs.
- d. When seeking information he leans forward, then moves back when Ms. Lucio appears ready to talk.
- e. Ranger Escalon is very leading in his questioning, suggesting that Ms. Lucio had hit, strangled, poisoned, and beat. The focus appears to have been on getting more serious admissions, building on her previous serious admissions that she had spanked the child.
- f. When not getting the answer he wants, he repeats the question as if he was surprised and disappointed. Ranger Escalon uses both leading questions and subtle interrogative pressure to get admissions. Again, he repeatedly asks Ms Lucio to look at him.
- g. **Ms. Lucio does more sobbing and crying than in the previous CDs. She looks very distressed, tired, and defeated. She has now become extremely vulnerable and susceptible to misleading admissions.**

- h. Ranger Escalon has hooked her into her wishing to only speak to him (i.e., giving a statement of what happened), refuses to allow her to have a cigarette break, and then pushes for incriminating admissions.
- i. Ranger Escalon is a smooth and skillful interrogator. To me, he comes across as a skillful actor who is an expert at psychological manipulation. He uses his manipulative skills and superficial charm to maximum advantage, even persuading Ms. Lucio that he is the only one to who she will talk to.

PART 2 [CD 3]: February 17, 2007:

Duration: 28:20 minutes.

Interrogator: Ranger Escalon

Ranger Escalon now moves from the term “hitting” to “beating” to get an admission that Ms. Lucio had beaten her daughter [to death by implication].

- a. Ranger Escalon: “Did any of your other kids--and did any of the other kids beat her, beat her?” [Reply: “No.”] [Page 133].
- b. Ranger Escalon: “Did anybody beat her besides you?” [Reply: “Hmm-mm”.]

Comment: *This is a highly loaded and leading question. Ms. Lucio had not previously made any admission of beating her daughter, only spanking, and hitting her*].

- c. Ranger Escalon: “Did your husband know you were beating her?” [Reply: “Hmm-mm”].]
- d. Ranger Escalon: “Why not?”
- e. Ms. Lucio: “Wasn’t there. *I mean I wasn’t beating her up to where I was like throwing her against the wall or anything like that. I would just spank her but it got severe*”. [Pages 133-134; My emphasis].
- d. Ranger Escalon: “It happens, Melissa. It happens.”
- e. Ms. Lucio: “It should have never happened though.”
- f. Ranger Escalon: “Well, it did. It shouldn’t have happened but it did. Okay? It did. Okay? That’s why we’re here. Let’s, let’s try to make it right from here on out. Okay? Do you love your little girl? And what I want you to do is tell me the complete truth. Okay? Do it for her. Because one day--do you believe in god?” [Page 134]. [Reply: “Uh-huh.”]
- g. Ms. Lucio: “The last time I spanked her was--I spanked her was Friday morning, Thursday or Friday morning.” [Page 135].
- h. Ranger Escalon: “And when did you lose her to CPS? “[Reply: “Actually it was September 6th, September 21st.” (2006) and returned home November 21st.” (2006)]. [Page 142].
- i. Ranger Escalon: “When did you start spanking her?” [Reply: “When? December, January.”; Page 143].
- j. Ranger Escalon: “I’m looking at a statement here from one, one of your kids. They saw Mariah was sick. She was breathing heavy. When did she get sick? How many days ago?” [Reply: “yesterday”]. [Page 145].

- k. Following this, the interrogation becomes leading with relentless pressure on Ms. Lucio to make an incriminating admission or a confession whilst Ranger Escalon holds up the photographs and keeps pointing to the injuries [some of the key interchanges are shown below; New Transcript pages 145-156]:
- “Why did you have a hard time saying you spanked her - -?” [**Comment:** *As he says this, Ranger Escalon leans forward and closely enters Ms. Lucio’s physical space*].
 - “That you spanked her, causing all these bruises on her body. Why did you have a hard time? Explain that to me.” [Reply: “I can’t”].
 - “You can’t? Why? Were you scared?...”
 - Ranger Escalon then refers to the pending autopsy: “They’re not going to find a fractured skull” [pointing to his own skull; Reply: “No.”]
 - “Do you ever hit her in the head?” [Ranger Escalon leans forward again, at 16:45 minutes; Reply: Mm-mm].
 - “You ever slap her?” [“Mm-mm.”].
 - “Did you feed her any poison?” [No, no.]. “If you did, it’s okay.” [**Minimization** technique; Reply: “No, no.”]
 - “Did you want to get rid of her?” [Reply: “Mm-mm, no.”]
 - “Cause it was too much?” [Reply: “Mm-mm.”]
 - “It push [*sic*] you to the limit?” [Mm-mm].
 - There are then questions about why she had not taken her daughter to the doctor.
 - Ranger Escalon: “You were afraid that CPS would take, take them back.”
 - At 18:36 Ranger Escalon leaves the room and returns at 21:27 with photographs of the dead daughter, pointing to an injury and asking: “**How’d this happen?**” [Reply: “I don’t know. I don’t know about that.”]
 - **From then onwards Ranger Escalon puts Ms. Lucio under relentless pressure to confess:**
 - “And you hit her with a stick or...” [Reply: “No.”]
 - “This is with what? Your hand?” [Reply: “Mm-hmm.”]
 - “This is from spanking. That’s your bite mark. That’s your bite mark? So you bit her twice? The same time? The same thing? You hit her there?” [Mm-hmm.”]
 - “Just like that?” [**At 22:13 minutes Ranger Escalon physically demonstrates with his arm how hard she hit the daughter**; Reply: “No, I didn’t hit her there...”]
 - “Who did ?” [Reply: “I did not hit her there.”]
 - “Okay, who hit her?” [Reply: “I didn’t. I don’t know who did.”]
 - “You know who did?” [Reply: “I don’t know”.]
 - “How about all these sore spots around her vagina?” [Reply: “I never did that.”]
 - “Who did? Your husband?” [**As he says this at 22:53 minutes, Ranger Escalon leans forward close to Ms. Lucio’s face**; Reply: “No.”]
 - “Why don’t you want to tell me? Why don’t you want to tell me?” [Reply: Denials].
 - **By this time the pressure reaches a peak:** “*But who did it? Just tell me, Melissa. Just get it over with. Just get it over with. So I can move onto the next, get this - -. How did this happen? We know that you did this.*”
 - Ms. Lucio’s reply: “**I guess I did it. I guess I did it.**” [23:30 minutes].

- “How?” [Reply: “I don't know.”]
- **Comment:** *The fact that she can't explain what she did to the child fundamentally undermines the credibility of her words “I guess I did it.”*
- “You hit her there?” [Reply: “No, I never hit her there.”]
- “But when you said yes you did it, you're telling me you did, you're having a hard time, you're having a hard time coming out of it. I don't blame you, okay. Just tell me and we'll move on. What'd you hit her, how would you hit her in this area?” [24:05 minutes].
- Ms. Lucio: “Probably pinch her or something.”
- “You'd pinch her? This out of frustration? Would you pinch her, yes or no?” [Reply: “Mm-hmm”.]
- “In her vagina?” [Reply: “Mm-hmm.”]
- “You hit her with a stick?” [Reply: “Mm-mm.”]-
- “With your hand?” [Reply: Mm-hmm.”]
- “You pinched her and spanked her in the vagina?” [Reply: “No, no, I pinched her on there.”]
- “How would you hit her?” [Reply: “With my hand.”]
- “Like this?” [*At 25:45 minutes Ranger Escalon gives a physical demonstration with his right arm how hard she is supposed to have hit her daughter.*].
- Ms. Lucio: “No, like that.” [A much less forceful blow, like a slap].
- “You would hit her like this 'cause you were mad--? [*Ranger Escalon repeatedly makes a hitting motion with his hand to emphasise the severity and frequency of the assumed blow; at 26:42 minutes*].
- “The bruises on her feet?”
- Ms. Lucio: “[Shakes head] I don't know...”
- “Why are you crying? Melissa, - - what happened to her feet?”
- Ms. Lucio: “I don't know what happened to her foot. Honestly I don't know.”
- “You don't want to tell me?” [*Ranger Escalon leans forward again into Ms. Lucio's physical space, which is potentially intimidating; at 27:30 minutes*].
- Ms. Lucio: “No, I don't know.”
- “Tell me, Melissa.”
- Ms. Lucio: “I don't know, sir.”
- “So you hit her a lot, 'cause you have it on the arms too. That's when she's laying - -.”
- Ms. Lucio: “No, that's probably when I would grab her from her arm. I mean when we would walk downstairs, I would hold her, I mean I would hold her real tight because I don't have enough strength in my arm. I was scared - -.”
- “You would drag her down the stairs?” [*Ranger Escalon uses hand movements of dragging*].
- Ms. Lucio: “No, I would hold her tight from her arm.”
- “How old are your bite marks, more or less?” [End of CD; Page 157 of New Certified transcript].

GENERAL COMMENTS DURING THIS INTERROGATION.

- a. There was less intense interrogative pressure during the first 15 minutes of this CD. Ranger Escalon's posture and demeanour are less imposing, and he sits sitting more back, letting her talk (i.e., not being close to Ms. Lucio face). He still holds the photographs in his hand and uses hand gestures to emphasise incriminating points he wants to make.
- b. By using a subtly leading question he tries to get her to admit that she had beat her daughter, but this is only partly successful (i.e., "*I mean I wasn't beating her up to where I was like throwing her against the wall or anything like that. I would just spank her but it got severe*").
- c. Between 18:36 and 21:27 minutes Ranger Escalon is absent from the interrogation room. When he returns, he is holding several photographs of the dead child in his hand and the pressure on Ms. Lucio to make admissions during extremely leading questioning and manipulative demeanour increases substantially. She eventually utters: "I guess I did it. I guess I did it." This is not an admission of guilt or a confession. Under heavy pressure Ms. Lucio considers the possibility that she might have caused the injuries to her daughter as displayed in the photographs. Her uttered words appear to represent a hypothetical scenario produced by relentless interrogative pressure.

PART 2 [CD 4]: February 18, 2007.

Duration: 28:31 minutes [The recording stopped at 16:57 minutes at the request of Ranger Escalon whilst physical samples were collected].

Interrogators:

Ranger Escalon.
Detective Cruz.

This is a continuation of the previous CD about the bruises found on Mariah's body as shown in photographs and when the slapping and hitting started.

- a. Ranger Escalon: "You hit her over here in the chest too? I mean you hit her in the back, you probably just...yes or no?" [Page 157]. [Reply: "Mm-hmm."]
- b. There is then a discussion about the move to the apartment on Lee Street to the new address at Madison. Ms. Lucio says that they had been living temporarily at Madison for about one month. There is then a discussion about the living and sleeping arrangements. At 2:47 minutes, Ranger Escalon asks Ms. Lucio: "Anything else you want to tell me?" [Reply: "Hmm-mm"].
- c. Ranger Escalon: "Okay. Okay. At this time it's going to end the interview for now. It is 1:22 a.m. He leaves the room at 2:52 minutes and a voice can be heard in the background "*Hey, I'm going to take her outside to smoke a cigarette.*" [My emphasis: Is this a tease? - Despite the comment about a cigarette break, Ms. Lucio remains in the room until Ranger Escalon returns at 7:31 minutes, accompanied by Detective Cruz.

- d. Ranger Escalon: "Melissa, what we need from you - - is we're going to take some blood, saliva, some head hair, fingernails. And also we're going to do a dental mold impression. Okay? Will you cooperate and give those to us?" [Page 161].
- e. Ranger Escalon: "I'm going to read this to you. Okay? Would you give us consent? Would you cooperate? That's, that's good."
- f. Ranger Escalon: "Rebecca is going to be the other witness. And we won't force you or nothing like that." [Page 161].
- g. Ranger Escalon: "What we want to get is your blood, saliva swab, head hair, clippings, fingernails for DNA comparison. Also dental mold impressions. Will you go ahead and give us consent? Thank you. What I need for you to do, Melissa, just sign right here. This is an extra copy?" [Reply: "Yes."].
- h. At 10:39 Ranger Escalon leaves the room to get his forensic toolbox. ["I'm going to get the stuff. I'll be right back."; Page 161].
- i. Detective Cruz then immediately asks Ms. Lucio: "What kind of cigarettes do you smoke?" This is followed by a conversation about smoking and her common law husband.
- j. Detective Cruz: "Was your husband cheating on you?" [Page 164]. Detective Escalon returns at 13:31 with his forensic tool kit. Detective Cruz says she has been notified that she needs to be a witness to the taking of Ms. Lucio's forensic specimens.
- k. Ranger Escalon: "Did your husband know anything about this? The bruise or - - the child abuse?" [Reply: "Hmm-mm."]
- d. At 15:18 Ranger Escalon asks Detective Cruz to switch off the CD recording. DET. CRUZ: Sure." [Page 166].
- j. Ranger Escalon can be heard: "I'm going to let your hair down because I'm going to comb it and put it back in a ponytail." [for about a minute the camera is moved away from Ms. Lucio, whilst the sound is on].
- k. At 16:47 the sound and picture from the CD are paused.

GENERAL COMMENTS DURING THIS INTERROGATION.

1. For the last 11 minutes of this CD there is no picture or sound. During this time Ms. Lucio provided forensic samples. If there was any conversation about the allegations and the use of the doll, this was unfortunately not recorded.
2. I am unsure as to why the investigators make two specific references to cigarettes during this interview [d and I, above]. Ms. Lucio does not appear to have been given a cigarette break, which she requested, and Ranger Escalon denied her in a previous interview [PART 2, CD 3, p-q], stating "*And once we're done we'll go smoke a cigarette.*"

PART 3 [CD 1]: February 18, 2007:

Duration: 14:51 minutes. [This interrogation commences at about 3 am.]

Interrogator and enactment enforcer:

Ranger Escalon.

[Detective Villarreal is present but does not participate in the questioning].

- I. This CD commences with Ms. Lucio leaning on her arms on the desk next to a doll lying on its back, leaning against Ms. Lucio's arms. There is no link provided between the previous CD and the current [final] CD.
- II. This CD involved Ms. Lucio's enactment [role play] to explain the wounds on her daughter's body, using a doll for demonstration purposes. Ranger Escalon goes through each wound [mark, bruise] from the photographs. ***Ms. Lucio is reluctant to participate in the role play, but Ranger Escalon insists that she has to.***
- III. Ranger Escalon is extremely leading during this enactment and repeatedly insists that Ms. Lucio hits the doll harder and harder, demonstrating what he wants by making loud hitting noises by forcibly hitting himself with his fist.
 - a. Some extracts from the transcript and CD are as follows:
 - b. Ranger Escalon: "Okay. Today's date is 2/18/2007. It is 3 a.m. We are here at the Harlingen Police Department. I am here with Melissa Lucio. My name is Victor Escalon with the Texas Rangers. I am--also in this room is Officer--Harlingen Police Detective Javier Villarreal." [Page 167].
 - c. Ranger Escalon: "Okay. They're still in effect [her legal rights]. ***What I want you to do, Melissa, we had talked about it. Is I want you to show us how you hit the baby. Okay? I'm going to get these pictures and I want to go over them with you. And I want you to don't hold back. Okay? And just get it over with, so we can move on. Okay?***" [Page 168; My emphasis].

Comment: *The above comment strongly suggests that there was an unrecorded conversation about the doll when the previous CD was paused.*

- d. Ranger Escalon: "Okay, Melissa? I want you to do it exactly how you did it, exactly. It's going to hurt for a little bit. I understand. Okay? But let's do it and get it over with. Okay? Let's start with the, the bite mark. There's two bite marks on the back of--how do you pronounce her name? Mariah? Mariah's back, on her--on the back part of her--on the back, in this area. How, how did you do that? Was this laying in her--in her bed, in yawl's [sic] bed? Whose bed?" [Page 168].

Comments: *Ms. Lucio is very vague in her replies when she is asked about motive for the bites and beatings, timing, and is confused about which hand she used to hit the child. She does not seem to know what happened to the child and is apparently guessing.*

- e. Ranger Escalon: "How, how would you do it when you're sitting down? Show me how you would do it, I mean the way you actually did it. Just get it over with." [Page 172]. [Reply: "I would just spank her real hard on her back."]
- f. Ranger Escalon: "Well, do it real hard like you--like you would do it." [Reply: "I would spank her hard."] [Page 172].
- g. Ranger Escalon: "Like the way you would do it." ["Reply: "That's the way I would do it. I mean I wouldn't pound on her."]
- h. Ranger Escalon: "***Well, do it.***" [5:50 minutes; ***The Ranger gives an example of what he wants ["Like that."] by banging his hand hard onto himself. He then shows her several times how hard he wants her to hit the doll. Basically, he is instructing her to hit the doll harder and harder.***
- i. ***Ms Lucio responds by hitting the doll harder and harder until Ranger Escalon seems satisfied.***

- j. When asked, Ms. Lucio denies punching the child. [Page 177].
- k. Ranger Escalon: “The kids? We’ve got statements that they knew. They saw you.” [Page 180].
- l. Ms. Lucio: “Yeah. They, they would see me spank her but not, not severely. My, my - - would always tell me, you know, why, why would I spank her. And I would tell him it was she always gets up in the middle of the night. And I’ll say, “Don’t you see her get up?” He’ll say, “Yes, I do.” But they wouldn’t be there with me when I--when I would do what I did.” [Page 180].
- m. Ms. Lucio: “When I would spank her the way, to the point where she would get those bruises and everything.” [Page 180].
- n. When asked how often, Ms. Lucio admits that she would spank her daughter several times, every other day +[Page 181].
- o. Ranger Escalon: “How do you feel when you see these pictures? What’s going through your head?”
- p. Ms. Lucio: “I wish it was me and not her.” [Page 182].
Ranger Escalon: “Is there anything else you want to add? [Crying].”
Ranger Escalon: “Okay. Melissa, it’s 3:15 a.m. and that will end the interview. “

GENERAL COMMENTS DURING THIS ENACTMENT.

1. This CD commences with Ms. Lucio leaning on her arms on the desk next to a doll lying on her back, with her head leaning against Ms. Lucio’s arms. This appears to be a grooming process where Ms. Lucio is to focus her mind set on the doll, imaginably representing her dead daughter.
2. There is evidence of a prior enactment discussion [grooming] process from Ranger Escalon’s comment at the beginning of the enactment procedure:
3. *“What I want you to do, Melissa, we had talked about it. Is I want you to show us how you hit the baby. Okay? I’m going to get these pictures and I want to go over them with you. And I want you to don’t hold back. Okay? And just get it over with, so we can move on.”* [My emphasis].
4. There is no clear link provided between the previous CD [turned off more than 1½ hours earlier] and the current [final] CD. Even if Ms. Lucio’s physical privacy was being preserved, there is no apparent reason why the sound was not kept on. There is a lack of transparency about what happened during this 1½ hour interval.
5. The enactment is farcical. Ranger Escalon is firmly encouraging Ms. Lucio to hit the doll harder and harder, demonstrating on himself how hard she should hit the doll. This undermines the integrity of the entire enactment.
6. Ms. Lucio, from her demeanour clearly reluctantly, complies with his instructions and command, hitting the doll increasingly hard as Ranger Escalon demands greater force into the hitting the doll.
7. Ms. Lucio is a passive and compliant participant during this coercive enactment. At the end she cries, wishing it was her that was dead and not her daughter.

8. Ms. Lucio's demeanour during the enactment shows that she is reluctantly participating and is vague and unsure of what had caused the bruises to her daughter. It appears that she is merely passively complying with enactment without any clear evidence of genuine responses.

Holly Gutierrez

March 19, 2022.

EXHIBIT 11



WICKLANDER-ZULAWSKI

Learn How to Use the Truth to Your Advantage

State of Texas

v.

Melissa Lucio

Expert Opinion

Re: Confession Evidence

Date:

March 18, 2022

Report Prepared for:

Innocence Project
Vanessa Potkin
Director of Special Litigation
40 Worth Street, Suite 701
New York, NY 10013

Report Prepared by:

David Thompson, CFI
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630.324.4370

I, David Thompson, a Certified Forensic Interviewer (CFI) was contacted by Ms. Vanessa Potkin of the Innocence Project to conduct an expert review of confession evidence in the case of *State of Texas v. Melissa Lucio*. The scope of my analysis and consultation is to provide a comprehensive overview as to the contributors of involuntary, unreliable, or false confessions. Additionally, within the scope of this assessment, I have been requested to evaluate the interrogation methods used in this case as they relate to these contributors. My assessment of the risk of false confession and reliability of Ms. Lucio's statements are based on the specific methods used and information obtained during Ms. Lucio's interrogation on February 17, 2007, using the below-listed evidence, provided by the Innocence Project upon my engagement in this matter.

As part of the analysis of Ms. Lucio's interrogation, I reviewed pertinent details which would provide a more comprehensive review of the entire context of the interrogation and subsequent confession. The materials provided to me included the following:

- Officers Trial Testimony
 - Detective Rebecca Cruz
 - Officer Javier Villarreal
 - Ranger Victor Escalon

- Roberto Alvarez interrogation video and transcript
- Roberto Alvarez Testimony (Part 1 and 2)
- Melissa Lucio interrogation videos
- Melissa Lucio interrogation transcript (CDI, CDII, CDIII)

As this report will detail, the context of the investigation and subsequent interrogation is essential in attempting to understand the strategies implemented and their relative impact on Ms. Lucio. An overview of academic research into the phenomenon of false confessions and the known contributing risk factors will be explained as it relates to this case. Specifically, this report will detail the tactics used by investigators which are known contributors to unreliable and false confessions.

This report will be broken down into six parts for ease of reference and contextual understanding of the causes of false and involuntary confessions as they relate to the scope of this opinion.

The outline of the report will be as follows:

Part 1: Summary of Findings

Part 2: False Confessions: Causes and Risks of Improper Techniques

Part 3: Review of Ms. Lucio's Interrogation

Part 4: References

Attachment: David Thompson, CFI; Background and Qualifications

Respectfully,

A handwritten signature in black ink, appearing to read 'David Thompson, CFI', with a stylized flourish above the name.

David Thompson, CFI
President | Partner
Wicklender-Zulawski & Associates

PART 1: SUMMARY OF FINDINGS

Ms. Lucio's interrogation and confession contain several of the hallmarks of coerced-compliant false confessions. The case presents a significant risk that Ms. Lucio was misclassified as a suspect based on pseudo-scientific judgements, creating a guilt presumptive interrogation approach, that placed her at risk of false confession. Specifically, Ms. Lucio's interrogation included tactics that are considered to be false confession risk factors, such as explicit and implicit threats and promises, minimization and maximization techniques and exaggerated claims of the available evidence. After repeated attempts of stating her innocence, Ms. Lucio's resulting admission was a product of these tactics as well as fact-feeding, leading to a contamination of her confession. Finally, Ms. Lucio's history as a victim of abuse as well as the immediate recency of the traumatic death of her child make her even more susceptible to these techniques. I have also been informed by Ms. Lucio's lawyers that she has cognitive deficits and high levels of suggestibility, which further increase her risk of false confession.¹ Each of these factors cast doubt on the veracity of Ms. Lucio's confession. A high-level overview of these findings is listed below:

- Ms. Lucio was identified as a suspect through a series of presumptions made prior to the interrogation, posing an inherent risk for misclassification. Misclassification occurs when police presume guilt of a subject based on faulty evidence, witness statements, behavior interpretation or other biases. As this report will discuss, behavior interpretation and the resulting confirmation bias are known contributors to risks of misclassification and false confessions. At the time of the interrogation, officers had made unscientific determinations about the meaning of Ms. Lucio's behavior, demeanor, and body language at the scene, and an expert review of forensic evidence (including an autopsy) had not yet been completed. Therefore, initial suspicions of abuse or cause of death were based off a superficial review of the circumstances. This potential evidence, and its reliability, should have been vetted prior to an interrogation of Ms. Lucio. Without this vetting, the subsequent interrogation is then primed for a guilt-presumptive interrogation approach based on potential misclassification.
- Ms. Lucio was also at an increased risk of being misclassified as the guilty party through an evaluation of her responsiveness and non-verbal behavior displayed throughout the course of the interrogation. Ranger Escalon testifies to determining Ms. Lucio's guilt and his interrogation strategy strongly based on her non-verbal behavior. The use of physical behavior to accurately detect deception or guilt of a subject has been thoroughly discredited (Bond, 2006). Additionally, the tactics used in the interrogation, combined with Ms. Lucio's traumatic background and current mental state, are all contributors to provoking perceived abnormal behavior. Investigators misclassified this behavior as guilt, further perpetuating confirmation bias and tunnel vision in their approach to the confession.

¹ I have been informed by counsel at the Innocence Project that Ms. Lucio was recently administered an IQ test and was determined to have a below-average IQ with impaired verbal comprehension. I have been informed that this is consistent with testing that occurred in 2008. I have additionally been informed that Ms. Lucio was recently tested using the Gudjonsson Suggestibility Scale (a test to determine a person's vulnerabilities to interrogation pressure) and that her scores on both the "shift" and "compliance" scales were above the mean score of the general population. As I understand it, this means Ms. Lucio both has cognitive deficits (verbal comprehension issues and a lower-than-average IQ) and higher than normal suggestibility and compliance levels, all of which significantly increase her vulnerabilities to coercive interrogation techniques and her risk of false confession.

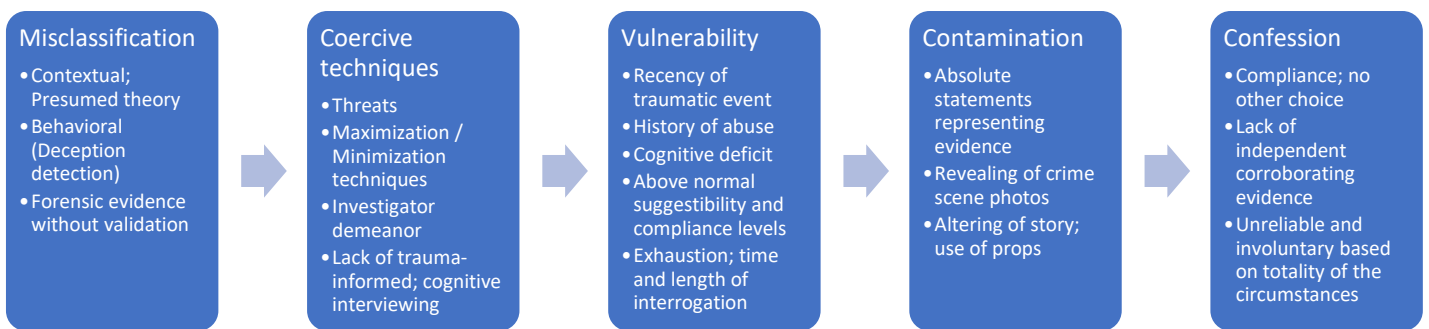
- Investigators are seen multiple times becoming aggressive with Ms. Lucio in both their tone and their posture. At certain points, officers raise their voice and shout at Ms. Lucio. At multiple points in the interrogation, male investigators are seen leaning in or touching Ms. Lucio, which could be perceived as threatening to any person in custody. These elements of intimidation are especially concerning given Ms. Lucio's prior experience as a victim of abuse.
- Investigators utilized a variety of implicit and explicit threats within the interrogation. Ms. Lucio is repeatedly told that she is responsible for her "dead child" and suggested to be a "cold-blooded killer". These remarks are partnered with threats of punishment, suggesting that the interrogation is not going to stop until an admission is made. In addition to these fears being instilled by interrogators, it is also understandable that Ms. Lucio would be concerned about losing the custody of her other children. These threats are known to contribute to false confessions and will often result in behavioral changes by a subject, mistaken for guilt or deception.
- Ms. Lucio is also presented with minimization techniques, including alternative scenarios and the suggestion of leniency. Ms. Lucio is presented with multiple excuses or justifications for the death of her child, suggesting that the punishment would not be extreme if she was "just frustrated" or it was an "accident". The combination of threats followed by suggestions of leniency create an incentive for innocent subjects to confess. All these tactics are consistent with coerced-compliant false confessions and cast doubt on the reliability of any information gained.
- Ms. Lucio's confession is contaminated, as her statements are a result of fact-feeding or other tactics used by investigators which revealed details of the alleged crime. The display of crime scene photos and absolute statements made by investigators as to what they believed happened provided Ms. Lucio with details of the alleged crime that she could simply regurgitate for an admission.
- Ms. Lucio's statements are further contaminated through the altering of her story. Throughout a 5-hour interrogation, officers lead Ms. Lucio to change her words from "discipline" to "spank" to, ultimately, a role-play of her "beating" a doll in the interrogation room. The words Ms. Lucio volunteers are repeatedly refuted by investigators until she changes her responses to their satisfaction.
- Extensive research in the field of trauma-informed interviewing and deception detection have been conducted over the last several years. The empirical evidence suggests that Ms. Lucio's entire interview process should have been conducted differently and with these factors in mind. A trauma-informed, cognitive approach with an understanding of the multiple causes of non-verbal cues would have provided more reliability to any statements made by Ms. Lucio. The interrogation methodology used on Ms. Lucio is not trauma-informed and does not apply appropriate cognitive-interviewing techniques. Furthermore, there appears to be no consideration for Ms. Lucio's susceptibility to coercive tactics relating to her traumatic experience, including the death of her daughter, or her below-average cognitive abilities. The methods used also contained leading questions and presumptive statements which both contribute to the unreliability of this confession.
- The interrogative approach used by investigators was guilt presumptive as seen in the multiple accusations, repetitive deflection of Ms. Lucio's denials and a refusal to accept any response that was

not an admission of guilt. Trial testimony by investigators further substantiates this opinion, as Ms. Lucio’s non-verbal behavior was a large determinate in the presumption of her guilt and subsequent interrogation.

- Although the investigators repeatedly accuse Ms. Lucio of being responsible for her daughter’s death, they also appear to attempt to get an admission that would implicate Mr. Alvarez, her children or another potential suspect. This approach demonstrates that investigators were not factually certain of Ms. Lucio’s guilt, but still pursued an aggressive approach against her where a confession would confirm their suspicion. This lack of certainty, however, was contradictory to the way in which investigators leveraged threats of Mr. Alvarez’s or the children’s potential involvement. Investigators also made several statements threatening Ms. Lucio that Mr. Alvarez and/or her children would implicate her in this alleged crime.

The Path to Ms. Lucio’s Confession

Reviewing the reliability and voluntariness of a confession requires a review of the process which led to the disclosure or admission by the subject. In summary, it is observed that the likely misclassification error was the catalyst for coercive and guilt-presumptive interrogation techniques in this case. The use of these techniques, especially when applied to Ms. Lucio who is in a vulnerable state and has a history of trauma-exposure, create a scenario where her confession has an increased risk of unreliability. The amount of details provided in the confession are limited and vague, but those that are included are unreliable as a result of the contamination by investigators in their approach, making any independent corroboration difficult to achieve. The elements of this process, as seen in the chart below, will be detailed within the body of this report.



Summary

The interrogative approach, including the likely misclassification of Ms. Lucio, was inappropriate and contained a lack of an open investigative mindset. Investigators, with a guilt-presumptive approach, failed to take into consideration Ms. Lucio’s vulnerability and mistook her responses as further indications of her guilt. Repetitive threats combined with promises or suggestions of leniency are known to incentivize innocent subjects to confess. These tactics, alongside Ms. Lucio’s susceptibility and her state of mind in a lengthy

interrogation shortly after her daughter's death, are known to have a substantial psychological impact on a subject's decision-making.

The statements made in any interrogation should be scrutinized as to how they were obtained. Relying simply on the result of the interrogation takes for granted potential coercive elements that facilitated such a conclusion. This report is not intended to make a determination as to the innocence or guilt of Ms. Lucio, but rather the likely veracity of her statements as they relate to the applied interrogation process. While coercive interrogations can lead to both truthful and false confessions, the process in which they arrive there should be scrutinized by the court to assess its reliability.

The opinions and analysis in this report are based off the information provided to me at the time of this report. If additional details are uncovered or further information is disclosed, I reserve the right to review and update my opinion and analysis accordingly.

PART 2: FALSE CONFESSIONS: CAUSES AND RISKS OF IMPROPER TECHNIQUES

HISTORICAL OVERVIEW

Confession evidence is often the heaviest weighted in determination of a subject's guilt by a judge or jury. This weight is not placed on the confession due to its scientific reliability, but rather the human element and bias in which most people cannot comprehend that an innocent person would falsely implicate themselves in a crime. Unfortunately, history has proven this phenomenon of false confessions to occur at a rate of frequency that should cause scrutiny over the reliability of any confession obtained, especially when investigations and interrogations are conducted improperly.

At the time of this report, the National Registry of Exonerations reports that 22% of wrongful homicide convictions contained a false confession from the subject (The National Registry of Exonerations, 2022). This number is strictly based off false confessions in which exonerations occurred, causing one to conclude there are additional cases of false confessions in which DNA or other new evidence of innocence is unavailable to confirm. In effort to evaluate a potential false confession, experts will look for commonalities of risk indicators including coercive techniques, contamination and investigative failures. A combination of these indicators creates concern as to the reliability and voluntariness of a confession. Detailed below are the commonly accepted "types of false confessions" as well as the common risk factors that are prevalent in known false confession cases.

TYPES OF FALSE CONFESSIONS

The psychology behind the incentive of a false confessor and the potential influence of the interrogator have been heavily researched and documented. False confessions have been most commonly categorized into three varying types of confessions; Voluntary, Coerced - Compliant and Coerced-Internalized (Leo, 2009). It is important to first understand the types of false confessions as they each have defining contributors that help explain the reasoning behind the subject's decision to confess.

Voluntary False Confessions

The voluntary false confessor is known to have a motive outside of what may occur during the actual interrogation which may otherwise incentivize their admission. These confessions may even occur outside of police custody. Those that are most susceptible to voluntary false confessions could be suffering from a psychiatric disorder, have a need for notoriety in a high-profile case, or the inability to distinguish between fantasy and reality (Kassin, 2008).

However, some false confessors may also be incentivized to provide admissions if they feel that their statements would cover up another crime or provide an alibi or protection for the actual guilty subject. These confessions are more common in subjects that are seeking acceptance or credibility into a group comprised of others committing similar acts. These confessions may also occur when the confessor has a goal of protecting another person and chooses to voluntarily confess to a crime in effort to safeguard another. The voluntary false confessor may have been impacted by coercive techniques used on another subject, incentivizing the confessor to provide information hoping to protect the other implicated person.

Coerced – Compliant Confessions

These admissions are generally a result of tactics used in the interrogation process or other investigative methods that applies pressures to the subject. In the "modern-era" of interrogations,

investigators are no longer utilizing antiquated “third-degree” tactics (torture, physical abuse) to elicit confessions from their subject. However, the psychological pressures and influential strategies used to gain information may have comparable impacts on the subject. Typically, the coerced-compliant confessor has decided to provide false information in the hope of mitigating consequences that have been threatened by the investigator. Their primary goal in this context is to escape the pressure of the interrogation, recognizing that compliance with the interrogator is their only avenue to perceived relief.

Tactics in these interrogations, which will be explored later in this report, typically include providing threats or promises, interrogating the suspect over an excessive length of time, confrontation, minimization, and the false evidence ploy (lying about or exaggerating the potential strength of incriminating evidence). The subject is often then placed into a position of risk versus reward, contemplating confessing to a crime they did not commit versus a continued argument with investigators. They are often convinced that if they do not confess, a harsher penalty is inevitable. Ultimately, the subject is aware of their innocence but feels pressured into making the confession as all other options appear unfavorable, or unreachable (Kassin, 2008).

Coerced – Internalized Confessions

These confessions are generally a result of the subject being lead down a path where they come into doubting their own innocence. The subject will distrust their memory and may agree with the investigator's statements of their involvement. These confessions are induced by the interrogator providing a false narrative for the subject, often with confrontational tactics, the false evidence ploy, and a plausible explanation for the gap in the subject's memory. This combination of tactics creates self-doubt in the subject's memory of the event, and they begin to believe the only possible version of the story is the one being provided by investigators.

CAUSES OF FALSE CONFESSIONS

False confessions, ranging from voluntary to coerced, have a multitude of potential causes that lead to their result. Although each false confession may be substantially different, research and historical review of these cases have proven several commonalities. The existence of any of the below factors are known to increase the risk of obtaining a false confession and should also be heavily weighted when evaluating the voluntariness and reliability of any admission.

Misclassification

Prior to an interrogation of an innocent subject, an error is made in which the subject is presumed guilty based on faulty evidence or information in the investigation. This concept, known as misclassification, is how an innocent person becomes the target of the interrogation in the first place. Once a primary suspect has been identified, the subsequent interrogations and investigation often result in an inherent bias of a presumption of guilt. In the analysis of a confession, it is imperative to review the course in which investigators arrived at the primary suspect.

Many factors may contribute to the misclassification error including the interview process itself, especially when investigators rely on behavioral cues to identify innocence from guilt. As research has indicated, most people have approximately a 50% accuracy rating when trying to detect deception based off physical behavior (Bond, 2006). Research has consistently debunked the efficacy of detecting deception based on physical behavior, as there are many other potential causes for a shift in

a person's behavioral norm including their culture, experience with law enforcement, age, gender or their fears of being disbelieved. Non-verbal behaviors such as avoiding eye contact, fidgeting or slouching are all commonly misidentified as signs of guilt without exploration as to the actual cause of these reactions. The same behaviors are often seen by victims of crime, hesitant witnesses or subjects who are simply nervous during an interrogation.

Coercion

Coercion can take on many forms in an interrogation, or even be present throughout the entire investigative process. One of the most common elements of coercion is the presence of threats or promises made by the investigator, both explicit and implied. However, coercive elements are usually observed in tandem with another including threats of punishment often followed by promises of leniency. A combination of a threat of potential consequence followed by a promise of mitigating those consequences creates a risk-benefit analysis evaluation by the subject.

The coercive nature of an interrogation is also heightened through additional tactics utilized by law enforcement. Lengthy interrogations are another commonality in coerced-compliant confessions, with most false confessions derivative of an interrogation that lasted more than three hours (Garrett, 2015). Coercion may also be amplified through the confrontational, intimidating, and relentless nature of the investigator which may render the subject feeling helpless, regardless of their innocence. Common misconceptions of coercion assume that these tactics must include physical intimidation or torture and often underestimate the influential power of psychological persuasion.

Implied or Explicit Threats

Threats made by investigators during an interview or interrogation may range from explicit, direct threats to implied or suggestive statements. Explicit threats include statements made by investigators that inform the subject of consequences that will result if they choose not to cooperate during the interrogation. These threats may be as direct as stating specific punishments, such as threatening the death penalty, lengthy sentences, or additional charges. Similarly, investigators may accomplish the same result by using a more suggestive statement which implies the threat without specifically stating it. These statements may be more ambiguous but deliver the same message, such as stating "...if you don't tell us the truth today, the prosecutor is going to use their full authority" (Leo, 2009).

False Evidence Ploy

The use of deceptive tactics by investigators can result in both coerced-compliant and coerced-internalized confessions. The false evidence ploy is a technique used by an interviewer in which they fabricate or exaggerate the available evidence in the case during the interrogation. Although the Supreme Court has permitted limited use of this tactic (*Frazier v. Cupp*, 1969), it is well documented that the use of this ploy contributes to many false confessions. This strategy has been noted to be one of the risk factors, among others, of false confessions and coercion, resulting in a reform movement to eradicate this practice, including legislative efforts to ban this technique in recent months. Illinois and Oregon have both recently passed bills that ban the use of deceptive tactics in interrogations of juvenile suspects (Taylor, 2021).

The false evidence ploy has been known to contribute to incentivizing an innocent person to confess. In *People of the State of New York vs Marty Tankleff*, we see an example of investigators lying to the defendant about the existence of witness testimony and forensic evidence. These deceptive tactics suggested to Tankleff that he may have committed the crime, and even if he maintained his innocence, that a jury would find him guilty based on the existence of this alleged evidence (Nirider, 2021). Explicit statements about false evidence (such as lies about the existence of DNA evidence that does not actually exist) have incentivized many innocent people to confess, but even “bluffs” or implicit suggestions of evidence could equally pose a risk to an innocent. (Perillo & Kassin, 2011). Research studies on this tactic have supported this same concept, as most innocent people do not believe that law enforcement could or would lie to them during an interrogation. Because of this belief, when an innocent person is told that potential evidence exists (fingerprints were found at the crime scene), they have confidence that the proposed evidence will prove their innocence (once testing of the fingerprints are conducted). Therefore, an innocent person may be incentivized to provide a confession with the goal of escaping the pressure of an interrogation, erroneously believing the investigation will eventually prove their innocence. However, when this evidence is fabricated, there is no such saving grace for the innocent subject and their conviction relies heavily on their confession only (Perillo & Kassin, 2011).

Minimization

One of the difficult concepts for laypeople to grasp is the idea that an innocent person would confess to a crime while knowing the severity of consequences that come with such a decision. The use of minimization tactics within an interrogation provides an explanation for how investigators assist subjects in overcoming this obstacle. Similar to threats, minimization can be delivered through explicit promises made by the investigator or implied, suggestive statements of leniency. Minimization is referring to the removal or lessening of perceived potential consequences for the subject’s actions.

Minimization techniques are often combined with threats or maximization tactics. Interviewers may utilize this approach to provide two polarizing options for the subject, one being morally unacceptable. Examples of this technique include investigators offering the suspect an option to confess by suggesting they are either a heartless killer or just a frustrated person. These options utilize maximization (heartless killer) to minimize the alternative option of being a frustrated person. As a result, subjects may pick the lesser of the two suggestions to avoid harsher punishment or judgment of their actions. Innocent subjects may also select the lesser of the two options as there is no other choice presented in which they could state their innocence.

This technique can be employed in a variety of ways and is often used repetitively throughout a conversation. Explicit statements of leniency may be those that directly tell the subject how their punishment will not be as severe if they admit to their involvement. Implicit suggestions of leniency may appear more subtle in nature, for example, by simply using words such as “accident” or “mistake” officers start the process of removing intent. In some false confession cases, the subject is surprised by the fact that they are detained or charged with a crime after their confession due to the amount of minimization techniques used during the interview (*Dassey v. Dittman*, 2018).

Contamination

A confession that does not contain detailed elements of the crime should be vetted out through the investigation by law enforcement and the prosecuting agency. Investigators should search for corroborating evidence to substantiate confessions that contain minimal details or to disprove the confession as true. However, most false confessions that are utilized in wrongful convictions contain intimate facts and details relating to the crime. These details however, are generally established through the investigator's revealing of evidence, statements made by other witnesses as well as any potential media coverage. Often, these confessions are a result of multiple versions of a story being told by the subject and then altered throughout the interrogation process as an investigator corrects their narrative to fit the available evidence or theory of the crime (Kassin, 2008).

These confessions appear believable and true when heard at face value, but it is essential to review the timeline in which these facts became known to the subject. Detective (Ret.) James Trainum discusses the importance of Independent and Dependent Corroboration when determining the reliability of a confession. The two primary tasks here include a) has the subject provided any information that was previously known which can be substantiated? and b) how did the subject come to know that information? (Trainum, 2016).

The error of contamination can happen in a few ways; unintentionally by the investigator, intentionally, or by a third party. Unintentional contamination may occur by the investigator asking a leading question as well as leaking details of the crime through a theme or narrative they provide during the interrogation. Leading questions, such as *"How many times did you bite her?"* inform the subject that the victim was bit, or *"You did this about 3 times, right?"* informs the subject of the quantity of acts the investigator is looking for. Intentional contamination also occurs by providing crime-scene photos during an interrogation, revealing specific details of evidence or the use of the false-evidence ploy. Lastly, contamination can occur through a third-party such as media coverage, eyewitnesses or other subject's that have been interviewed by the law enforcement agency.

Confirmation and Cognitive Biases

Many of the above errors may be committed by well-intended investigators who fall victim to confirmation bias. This bias, which creates a self-fulfilling narrative for the crime, often makes it difficult for investigators to independently evaluate a confession or other evidence that supports their theory of the crime. A study sponsored by the National Institute of Justice identified that 80% of wrongful conviction cases studied contained factors such as confirmation bias in the process (Rossmo, 2019). The misclassification of a subject, as described earlier, initiates the process of potential tunnel vision and confirmation bias.

Meissner and Kassin (2002) explored these biases as related to detecting deception and found that investigators are often more confident in their classification of behavior but just about as accurate as laypeople, not much over 50%. Once an investigator, eyewitness, or other contributor to the investigation, has a theory or primary suspect identified, it mitigates their ability to review conflicting evidence. Instead, investigators will generally identify further explanations for these inconsistencies rather than explore them as an alternative theory. This perspective can be damaging when a case is

presented to the prosecuting agency, a judge or jury, as it also prohibits their ability to evaluate a case fully.

Confirmation bias is also heavily influenced when misclassification occurs, and an investigator acquires a presumption of guilt of their interview subject. Kassin (2003) suggests that when investigators are presented with a higher probability of guilt of their suspect, their behavior and tactics within the interview conform to this belief, in that they use more coercive techniques, ask leading questions, and refuse to accept alternative explanations by the subject. Misclassification is often the catalyst to confirmation bias, resulting in increased coercion and potential issues with the reliability of any resulting confession.

Vulnerable Subjects

A historical review of false confessions demonstrates that any individual, given the appropriate circumstances, could be driven to provide a false confession. However, it is also known that there is a higher risk of obtaining false information when the interviewee is considered a vulnerable subject. A subject may be considered vulnerable due to age, intellectual disabilities, personality disorders, mental or physical exhaustion or any other context in which their susceptibility to the above coercive techniques may be amplified (IACP, 2012).

Trauma as a Factor

Vulnerability comes in many forms, but recent research suggests that subjects who have experienced trauma may be more susceptible to misclassification, coercion, and contamination (Cleary et al., 2021). Those who have been exposed to trauma are more likely to exhibit perceived abnormal behavioral responses to questioning by law enforcement. Victims of traumatic events, especially when experienced as an adolescent, are prone to being triggered from the interrogative experience and the behavior of investigators (Cleary et al., 2021). Investigators may potentially provide these trauma cues through their own behavior, including their tone or approach in the interrogation. A subject who has a history of trauma exposure may also struggle in feeling as though they are in a safe environment if they are re-traumatized during the interview (Wilson et al., 2019)

Subjects who have experienced trauma are also more likely to be susceptible to coercive interrogation techniques. The acute stress response of “fight or flight” is generally a result of a physiological reaction to a perceived threat (McLaughlin et al., 2014). A subject who has been exposed to trauma may have a similar response, however it may fail to be regulated and de-escalate in nature causing an increase in the perceived threat and anxiety surrounding the situation (McLaughlin et al., 2014). Cleary and colleagues suggest that this susceptibility by vulnerable subjects may cause them to be further incentivized to comply with investigators in effort to escape the pressure of the interrogation (2021). Trauma subjects are likely to pursue avoidance in stressful situations; the combination of threats and aggressive approaches by interrogators are likely to put the interviewee in a vulnerable position incentivizing them to be compliant with the interrogator.

Evolution of Interview Methodology

Evidence-based interviewing approaches have rapidly expanded across the globe over the last several years including approaches founded on principles of rapport, transparency, and respect. Modern interrogation techniques also emphasize the use of open-ended questioning and the

withholding of evidence. These techniques also advocate against the use of the false-evidence ploy or minimization techniques due to their known contributions to unreliable and false confessions (Alison et al., 2021). The evolution of these techniques is a result of expansive research on the causes of false and unreliable confessions and the necessity to train law enforcement on evidence-based approaches.

Prior to this evolution, law enforcement in the United States were predominately trained in confrontational-style techniques including the Reid Technique (Kassin & Gudjonsson, 2004). This technique often includes a behavioral analysis interview followed by a direct confrontational approach. Although many investigators have been trained in the Reid Technique, they may have altered their approach based on other trainings or experience. The reliance on behavioral analysis as a determinant of proceeding into an interrogation is identified as a common source of misclassification, discussed above. The Reid Technique, among others, also guides investigators on the use of minimization and maximization techniques, the false-evidence ploy and presenting alternative choices to a subject in question. These techniques, especially when utilized with a vulnerable subject, increase the risk of obtaining false information due to their coercive nature.

Researchers have continued to explore errors in the interview process while also identifying more effective ways to obtain reliable information from subjects. The Cognitive Interview approach to a fact-gathering conversation has been shown to produce more reliable results by relying on open-ended questioning, development of rapport, instructional guidelines provided to the subject and allowing for uninterrupted narratives (Fisher et al., 2011). This concept is specifically necessary when interviewing a witness who may have experienced a traumatic event or be in an emotional state making it difficult to recall details. The Cognitive Interview also consists of specific memory-probing techniques including recreating the context of the incident and the drawing of a sketch or diagram. These concepts are known to increase the amount of information recalled by a cooperative subject or witness, while also not impacting the accuracy of the disclosures (Fisher et al., 2011).

As an expansion to the Cognitive Interview, other methods have evolved and been implemented across the United States over the last several years. The PEACE Framework, (Planning and Preparation, Engage and Explain, Account, Closure, Evaluate) originated in the United Kingdom and has been adopted by many agencies across the United States over the last decade (Schollum, 2017). This framework focuses on the preparation of an interview through a thorough investigative process as well as a structured phase of open-ended questioning. Best practices of investigative interviewing generally include the importance of open-ended questioning, allowing a subject to provide their statements with minimal interruption (Vrij et al., 2014).

Additionally, there have been progressive changes in specialty interview methodology especially with vulnerable populations, including those who have experienced abuse or trauma. Best practices regarding trauma-informed interviewing generally include suggestions on how to question a subject, creating a comfortable environment and being wary of re-traumatizing during the interview. Interviewers often negatively contribute to this issue by asking leading questions and interrupting the subject without allowing for proper time to recreate the context of the incident (Fisher et al., 2011; Wilson et al., 2019). These interruptions not only create a more unfriendly environment for a trauma-impacted subject but may also disrupt their ability to recall an event with accurate details. In a trauma-informed interview, investigators should project empathy, create a supportive environment, and allow the subject ample time to answer questions uninterrupted (Wilson et al., 2019).

Practical applications

Multiple training organizations, including Wicklander-Zulawski & Associates (WZ) have adopted many of these changes over the last several years as they deliver this curriculum to law enforcement agencies across the United States. I have personally adopted and embedded these philosophies as recommended best practices for investigative interviewing strategies in agencies and organizations across the globe. Working in conjunction with law enforcement agencies (state, local and federal), I have customized interviewing strategies supported by this relevant research. Officers, detectives, federal agents and other law enforcement professionals have adopted these techniques as a result of these training programs. Investigators from across the country, including agencies in Texas, have requested and received our training on evidence-based, non-confrontational interviewing techniques. Specifically, trauma-informed interview training has been mandated by multiple departments across the US and I have created custom training overviews per request for agencies within Texas on this topic.

The latest interview training programs educate investigators on the risks of using coercive techniques, while providing alternative methods based on rapport and empathy. These modern training programs emphasize the importance of strategy and preparation of an interview, considering any subject vulnerabilities and alternative explanations of the evidence. Additionally, there is a focus on the strategic development and maintenance of rapport, especially with vulnerable or traumatized subjects. Training programs which I have developed and presented to law enforcement agencies also focus on appropriate open-ended questioning structure and active listening skills. It is with these modern-day evidence-based approaches that investigators are equipped to conduct effective interviews that are more likely to produce reliable confession evidence and less likely to elicit false confessions.

Recently, due to the incorporation of evidence-based techniques, a WZ training program in which I co-authored was awarded a National Certification by the International Association of Directors of Law Enforcement Standards and Training. This is an example of the law enforcement community's recognition of the importance of implementing interviewing methodology that embraces research along with practical experience. Coercive or high-risk techniques such as maximization, threats and leading questions have been replaced by active listening, open-ended questioning, strategic use of evidence, empathic approaches, and the development of rapport. The evolution of interviewing research has also provided hindsight to how prior interviews or interrogations were handled incorrectly. Investigators, after attending training sessions, often can reflect on past interviews and conduct a self-critique on how they could have performed differently based on their latest learnings.

PART 3: REVIEW OF MS. LUCIO'S INTERROGATION

OVERVIEW

The summary of findings is highlighted within **Part 1** of this report, as this section is intended to provide contextual information supporting those opinions. The below quotes or statements are examples pulled from a review of Ms. Lucio's interrogation, Mr. Alvarez's interrogation, and available trial transcripts. The analysis is based off the information provided to me at the time of this report and I reserve the right to edit or change the opinion as additional evidence or information is obtained.

CONTEXTUAL OVERVIEW

Miranda Advisement

Ms. Lucio was advised of her Miranda rights by Detective Rebecca Cruz and signed a waiver acknowledging this advisement on February 17, 2007 at approximately 9:53pm. This is captured by electronic recording, and it is unknown if any questioning occurred prior to this waiver. Ms. Lucio is also informed that the conversation is regarding the fatality of her daughter.

Environment

Ms. Lucio was brought to the Harlingen Police Station on February 17th, 2007 immediately after first responders attempted to resuscitate her daughter, Mariah, and she was subsequently pronounced dead at 7:34pm that evening. The location of the interrogation, as observed through electronic recording, appears to be in an office setting within the police station. Ms. Lucio is positioned with her back to the wall, next to a desk and facing the exit to the room. Ms. Lucio is not in any physical restraint, although the setup of the room, at times, positions the interrogators between her and the exit.

Although they vary slightly, each of the investigators that question Ms. Lucio sits across from her with no physical barrier in-between. Det. Cruz generally remains seated at the desk with Ms. Lucio positioned across from her, speaking over the corner of the desk. In this position, Ms. Lucio would have an unobstructed pathway to the door. The other interrogators, including Ranger Escalon and Det. Banda, position themselves closer to Ms. Lucio and in a more direct obstacle to egress. This positioning is also observed to become closer at times during the interrogation, with investigators leaning in and closing the available space between Ms. Lucio and themselves. This is specifically observed during the latter part of the interrogation as Ranger Escalon closes in physically to Ms. Lucio as he begins the accusatory process. Some of the investigators, including Ranger Escalon, who ultimately obtains Ms. Lucio's confession, are seen with their weapons holstered and exposed during the interrogation. Although this may be department protocol and appropriate in the circumstance, the presence of weapons during this interrogation poses an additional risk of causing anxiety and fear within Ms. Lucio, particularly in light of her trauma history.

Misclassification

Contextual

Ms. Lucio's classification as the primary suspect begins at the onset of the investigation, when first responders arrive to her residence on February 17, 2007. In response to a 911 call, EMT's arrive at Ms. Lucio and Mr. Alvarez's residence and attempt to resuscitate Mariah. First responders reported that Ms. Lucio was distressed and also stated concerns about her statements regarding a story of Mariah falling down the stairs. Ms. Lucio's counsel has also advised that first responders testified that

they felt Ms. Lucio's behavior was concerning upon their arrival. Their assumption of how a mother in this circumstance should act was inconsistent with what they observed in Ms. Lucio, causing them to be suspicious as to her involvement. There was also confusion regarding Ms. Lucio's statement that her daughter fell down a set of stairs, as first responders were unaware that Ms. Lucio was referring to a staircase at another residence, rather than the few steps at the location they responded to. This immediately cast doubt on her story, which is relayed to investigators.

At the beginning of the interrogation, Det. Cruz questions Ms. Lucio as to the details of this fall that she alleged to have occurred days prior. As Ms. Lucio recalls this incident, Det. Cruz interrupts with several follow-up questions. This questioning technique, however, disrupts a subject's memory recall and potentially contaminates or confuses their statement. Although Det. Cruz is asking relevant, investigative questions, the nature and timing of the question is disruptive to the telling of the event. This results in Ms. Lucio's story being disjointed and appears to Det. Cruz that it is not completely truthful, based on her follow-up remarks listed below pulled from the interrogation transcript of Ms. Lucio.

Det Cruz: Somebody hit her.

Ms. Lucio: Mm-hmm

Det. Cruz: Who did it?

Ms. Lucio: No, nobody hit her, ma'am.

Det. Cruz: There's no way she fell off the stairs. Okay? There's no way. A child can fall and will not have those bruises. (p. 39)

The above dialogue suggests that Det. Cruz did not believe Ms. Lucio's story, which is the same concern that was perpetuated by first responders. The immediate rejection of Ms. Lucio's explanation results in a presumption of guilt that is carried through the rest of the interrogation. Det. Cruz proceeds to state that medical personnel are claiming Mariah was abused and the bruises did not come from a fall. Although investigators may, in good faith, have believed that Ms. Lucio was lying about this incident, the challenging interrupting questions and lack of an empathetic approach only increases her fears and anxiety during the conversation. This confrontational approach further incentivizes a confession as an escape from the pressure of the interrogation, resulting in compliance. The ensuing non-verbal behavior of Ms. Lucio could be attributed to her increased anxiety, her fear of being disbelieved, or her being deceptive about a story; but due to the nature of the questioning it is impossible to assume the causation.

As a consequence of the first responder's theories, as well as the initial interview process, investigators appeared to be confident that Ms. Lucio was fabricating her story. The reliance on this gut-feeling, without a thorough forensic examination of the evidence yields itself to a presumption of guilt and tunnel vision by investigators. Investigators heavily relied on photographs that were taken of Mariah, and repeatedly referred to these pictures and concluded that there were signs of abuse, represented by alleged bite marks and other bruising. These assumptions were all made prior to an autopsy or forensic examination. Contextually, investigators had only circumstantial evidence which suggests that Mariah was not cared for appropriately and could have been subjected to abuse. These important factors should be explored through an investigative interview process alongside a thorough review of the evidence first. Instead, it appears that investigators developed a theory of the situation and proceeded to attempt to confirm it through their interrogation techniques.

Behavioral Analysis

As explained in **Part II** of this report, a leading contributor of misclassification of innocent subjects is a result of a reliance on behavioral analysis to detect deception. As mentioned, the accuracy of using behavioral analysis to identify a guilty subject is slightly better than chance. Furthermore, Ms. Lucio is especially susceptible to being misclassified as her perceived behavioral anomalies may be derivative of her exposure to trauma as well as the immediate recency of losing her child. Ms. Lucio is seen slouching, becoming emotional, leaning on the table and even appears to attempt to rest her head when the investigators leave the room. These behaviors are not exclusively indicative of deception but could be caused by a multitude of reasons. Ms. Lucio's heightened emotional state, the likelihood of being re-traumatized by the interrogators behaviors and her fears induced by the threats being made are all likely sources of anxious or concerning behavior, that interrogators apparently perceived as indicative of deception or guilt.

The major risk factor of behavioral analysis is when investigators identify these behavioral cues as deceptive, prompting them to have a presumption of guilt. This then correlates to their interrogation technique and level of aggressiveness towards obtaining a confession. This is observed in both the review of Ms. Lucio's interrogation and supported by testimony provided at trial. The below is an excerpt from Ranger Escalon's trial testimony attesting to this causation (pp 114-116):

Q: Can you describe to the jury how you go about doing that (introducing himself)?

A: Well, my initial observation – that's when the investigation starts, is when I walked into the room and I see the investigators interviewing the suspect. I'm just observing right now, trying to soak it all in, and see what we have, and try to get a better idea about this lady. And I observe her, how she's answering these questions, her demeanor, how she's standing. All of that is telling me – it's like a picture, almost – I'm observing everything, and that is already feeding me – that's already telling me what I'm dealing with. Okay? And then I see the investigators and I'm just making note – I'm making note – you know; Okay. This is what I have.

Q: What type of demeanor would you describe her having?

A: When I walked in, she was not making eye contact with the investigator. She had her head down. So right there and then, I knew she did something. And she was ashamed of what she did, and she had a hard time admitting to the officers what had occurred. That's what crossed my mind. And I knew she was beat. I knew – when I say she was "beat" – she was giving up. She wants to tell because she's giving that slouched appearance – you know: I did it. I've given up. I need to interview her, visit with her a little more. That's what I sensed. And I get that because of my experience in law enforcement, and my experience in interviewing people. Every time it's pretty much similar, in demeanor, in people and that's what I have experienced.

Q: Have you had other types of experience in your experience as a Trooper and investigator in interviewing people?

A: That's one of the most common clues you would call – that you see – somebody with their head down, and like their shoulders are slouched forward, and they won't look at you. They're hiding – hiding the truth.

This testimony provides insight to the perspective of the investigator as they strategize their interrogation of Ms. Lucio. Although practical experience may have yielded positive results from these assumptions for the investigator in the past, it is with clear empirical evidence that we know the reliance on these physical behaviors to identify guilt is inaccurate and dangerous. Ranger Escalon is seen to proceed with his interrogation consistent with the strategy he provides in his testimony, using interrogation techniques intended to persuade a presumed-guilty subject to confess to a crime. The use of behavioral analysis as part of an interrogative strategy has been widely used by law enforcement, but the evolution of scientific research and data from false confessions have shown the inaccuracy and risk of this approach. The reliance on physical behavior, however, became the catalyst to the interrogation approach and presumption of guilt of Ms. Lucio.

INTERROGATIVE TACTICS

Coercion

Implied or Explicit Threats

During the interrogation, there are multiple examples of both implicit and explicit threats made towards Ms. Lucio. It is the impact of these threats that are important to consider when evaluating the reliability and voluntariness of her confession. Ms. Lucio is in a vulnerable position in which several consequences are in front of her, including the potential loss of custody of her children, the implication of her husband or children in an alleged crime and potential incrimination of her involvement in criminal behavior. It is also important to consider that some threats made by investigators would be especially concerning to Ms. Lucio as it relates to her experience as a victim of abuse as well the traumatic context of the interrogation itself. These threats and maximization techniques are intended to create an incentive for the subject to comply. The below threats are relayed in the context that if Ms. Lucio does not comply by providing the expected responses of the interrogators, there is no doubt as to the consequences. These threats further the notion that Ms. Lucio has no other alternative, rendering her helpless and incentivizing a confession so that she can avoid or escape the interrogative pressure. Below is a non-inclusive list of examples pulled from Ms. Lucio's interrogation transcript of both implicit and explicit threats:

Det. Banda: If I bring you all those pictures, if I beat you half to death like that little child was beat, I bet you you'd die too. (p. 52, line 21)

Det. Banda: Just by seeing these, these, these right here, both you and your husband are going to get hit for it. (p. 64, line 19)

*Det. Banda: Something did happen. It's the district attorney that's out there. That tells you how important this is going to be, not to me **because I get to go home**. I'll go home at 5, 6:00 in the morning if I have to. He's going to decide what's going to go on here. First thing he's going to ask is **how cooperative are you, both you and your husband**. (pp. 65-66, line 23)*

*Det. Banda: **What do you want to happen to you?***

Ms. Lucio: Right now?

Det. Banda: Right now.

Ms. Lucio: I wish I was dead.

Det. Banda: I'd probably feel the same way. I'd feel the same way as you. (p. 71, lines 10-16).

Det. Banda: That's the only reason I'd - -. I'll be honest with you. I don't know what the hell is going to happen to you. I won't be surprised if you won't be able to attend your child's funeral. If you do, the best way to start is telling us what the hell happened. You need to tell us. (p. 71, line 23)

Det. Banda: Either tell us right now what happened, so we can start helping you take care of this whole situation before it gets any further and it gets any worse for you. Accidents happen. Maybe this was an accident. (p. 74, line 3)

Det. Salinas: You saw the pictures of your child. You need to tell us right now what exactly happened. This is your chance to set it straight because right now it looks like capital murder. Right now it looks like you're a coldblooded killer. (p. 84, line 15)

Det. Salinas: You're going to have to explain yourself one way or another. Any maybe we're not the ones you have to answer to. I think you know who you have to answer to. Are you a religious person? (p. 87, lines 14-18)

Det. Salinas: You keep saying that. You keep saying that you're not. Prove to us that you're not. How are you not a coldblooded killer? How are you not coldblooded? How are you going to change our minds and prove to us that you're not a coldblooded killer? (p. 88, lines 7-12)

Det. Salinas: She was abused. There's no doubt in my mind. You keep saying you didn't abuse you, you didn't abuse her. Somebody did. Right now it's pointing towards you. It's all pointing towards you. You're in a hole right now. You're digging yourself deep. (p. 91, line 14)

Det. Villareal: You know what, ma'am? You know what's going to make it a lot worse? Eventually the children will be talking. Children see what mommy does or daddy does. I haven't spoken to the children but right now, now is the time for you to come clean, tell us what happened to Mariah. All right? (p. 113, line 7)

Det. Salinas: The x-rays are going to come back and I'm pretty sure they're going to show there's a pattern of abuse. This is not a one-time thing. I'm sure the x-rays are going to show broken bones that have healed, other trauma to the body. I'm sure they're going to show that. And we don't have to answer for that. You and your husband do. Moreso you because you were the primary caregiver to Mariah. You were the one who took care of her. You were the one that was with her day in and day out, every day, all day, while your husband was at work, while your kids were at school, while your husband was out smoking crack. You're the one who is going to have to answer for this. (p. 125, line 20)

Interviewer Behavior (Tone and Demeanor)

The impact of implicit or explicit threats is compounded by the delivery of statements to Ms. Lucio in an aggressive and condescending manner. The lack of empathy and rapport building, especially regarding a traumatic event such as the loss of a child, impacts an investigator's ability to obtain reliable information and cooperation. Furthermore, these remarks increase the fear in Ms. Lucio if she failed to comply, and as it relates to her experience as a victim of abuse, she is in a position of wanting to avoid such a hostile or unsafe situation.

Det. Banda: What are those bruises on your little child? This is a two year old! (shouting)

Ms. Lucio: I know, sir. I know.

Det. Banda: This is a two year old! (shouting)

Ms. Lucio: I know. I did not beat my daughter. I did not beat my daughter.

Det. Banda: The, the child beat itself up? (p. 53, lines 6-12)

Det. Banda: You need to tell us what the hell. You need to tell us. (p. 73, lines 24-25)

Det. Banda: (Interrupting) Well, you have a dead child now. (p. 78, lines 22-23)

Det. Banda: You're not going to say anything to defend yourself? Anything to defend your daughter that you love so much, that she died? (p. 81, line 12-15)

Det. Salinas: Are you even going to defend yourself? Are you even going to say anything? (p. 107-108, line 25).

Det. Salinas: Now's your time. Now's your time to fess up. Now's your time to say it. Now's your time. Didn't bother you when she was alive. Let it bother you when she's dead. (p. 116, lines 22-25)

Det. Salinas: Can't even cry for this little girl? Because I think I've seen more officers out here shed a tear over this than you. More officers who didn't even know your daughter affects us this hard and you're just sitting there. You take it like nothing. (p. 117, lines 19-25)

Det. Salinas: No easy way out of this one. There's no easy way out. You can't blame that on children. You can't blame that on children playing. You're not even standing up for yourself. (p. 129, lines 3-7)

Det. Salinas: Your other children aren't going to lie. They're not going to over for you. It's going to come out. It's going to make you look like a coldblooded killer, coldblooded, no feelings, no remorse, no guilt, nothing, sitting there with a blank stare. (p. 132, lines 8-13).

Minimization Techniques

The use of threats or maximization techniques is generally partnered with minimization tactics, providing the subject a way to admit their wrongdoing in a more acceptable way. These minimization techniques, as described in **Part II**, often consist of language that suggests leniency or justifications for

the alleged wrongdoing. The below are excerpts from the interrogation of Ms. Lucio which provide examples of minimization techniques that were applied:

*Det. Cruz: Okay. Could it be possible that **you might have been on that (drugs)** and that's why you did not really notice that Mariah had all these – (p. 43, lines 21-24)*

*Det. Banda: Either tell us right now what happened, so we can start helping you take care of this whole situation before it gets any further and it gets any worse for you. **Accidents happen. Maybe this was an accident.** (p. 74, line 3)*

*Det. Salinas: That's what it looks like now. It was either an **accident** or it was intentional. (p. 74, lines 11-13).*

Ms. Lucio: No, it wasn't intentional, and it wasn't an accident.

*Det. Salinas: **It's one or the other.** (p. 75, line 19)*

Det. Salinas: Now, are you a coldblooded killer?

Ms. Lucio: No, I'm not.

*Det. Salinas: Or **were you a frustrated mother** who just took it out on her, for whatever reason (pp. 84-85, lines, 23-25, 2-4)*

*Det. Salinas: ...Like I said, it was an **accident** or it was coldblooded and planned.*

*Det. Salinas: So it was an **accident**? (p. 86, lines 5-9)*

*Det. Salinas: ...Like I told you earlier, you're either a coldblooded killer **or it was just an accident.** This just – didn't just happen. That just doesn't happen (p. 113, lines 3-6)*

*Det. Salinas ...Now, what was this? Was this **frustration that went a little to far** or were you planning to kill her? (p. 123, lines 21-23)*

*Ranger Escalon: Melissa, look at me. Melissa, look at me. It happens. Okay? We all make **mistakes.** We all make **mistakes.** We all get upset. We all get mad. Okay? It gets out of control. It happens. It happens. **The world is not going to stop moving because we're not going to stop.** We already know what happened. (p. 134, lines 3-12)*

*Ranger Escalon: ...Explain it to us because it happens. We all get upset. **We all make mistakes.** That's because we're human. Okay? God is going to forgive you. God is going to forgive you and your husband. **This is all part of the healing right now. You're making it right, right now.** (p. 135, lines 3-9)*

*Ranger Escalon: ...**Your mom is going to understand.** Okay? Your mom is going to under- but only one – **under only one circumstance, is that you tell us what happened and why it happened.** Okay? Because she would do the same thing while she expects you to do that Melissa. She expects you to come out and explain – okay? You owe it to your kids. You owe it to your mom. **You owe it to your baby. She's going to understand.** (p. 140, lines 170)*

Ranger Escalon: ...You made a mistake. You made a mistake. We all make mistakes. Nobody is perfect. This is very hard. This is very hard. This is hard. I can only imagine. Okay? Do the right thing. Just tell us what happened. We're going to help you along the way... (p. 142, lines 14-20)

Ranger Escalon: Okay, you did it (hit Mariah)?

Ms. Lucio: {Nods head, yes}

Ranger Escalon: Did the world stop moving? No. But we're putting this to a rest. Okay? You're doing good. You want a water?. (p. 148, lines 10-14)

Perception of evidence strength

Throughout the course of the interrogation, investigators routinely made absolute statements relative to the evidence that was available at the time. Generally, their statements were not explicitly deceitful about the evidence, but rather made assumptions as to their conclusive findings. One recurring theme involves a reference to Ms. Lucio's ring as a possible match to bruising identified in a photo. Investigators remove the ring from Ms. Lucio and make several remarks suggesting that the ring will be a direct match to the markings on Mariah's body. The below are a series of excerpts from Ms. Lucio's interrogation where investigators made statements which would portray a certainty about the strength of available evidence, regardless of its reliability:

Det. Cruz: I have medical personnel that are saying that this was abuse (p. 39, lines 9-10)

Det. Banda: Let's just put it this way. That's going to be considered evidence (Ms. Lucio's ring)

Det. Cruz: There are some markings on your child that look like it could be that mark. So you can't say that you don't have anything to do with any of her markings. (pp. 54-55, lines 22-24; lines 14-7)

Det. Salinas: Those bruises are not from horseplay. That's not from kids playing around. (p. 73, lines 21-22)

Det. Banda: I bet you we can match that for that (Ms. Lucio's ring). I bet you it's there (p. 79, lines 16-17)

Det. Salinas: ...Mariah is dead because somebody beat her. (p. 87, lines 4-5)

Det. Salinas: ...There's bite marks. There's all kinds of stuff. She was abused. There's no doubt in my mind. You keep saying you didn't abuse you, you didn't abuse her. Somebody did. (p. 91, lines 12-16)

Contamination

Fact-feeding

Ms. Lucio's confession is generally a regurgitation of information relayed to her from investigators throughout the interrogation. As it relates to evidence about the alleged crime, this is exemplified in the *Perception of evidence strength* subsection of this report. Ms. Lucio is also provided details about the investigator's theory of the alleged crime through their interpretation and revealing of photographs of Mariah. Detectives are observed going through several photographs with Ms.

Lucio in the interrogation room, both prior to her confession and throughout her admission development.

Ms. Lucio's admission also includes her alleged reasoning for abusing Mariah. As Ms. Lucio explains her rationale, she is consistently repeating the words of the investigators from the interrogation. As referenced in the *Minimization Techniques* section of this report, Ms. Lucio eventually admits to abusing Mariah due to her frustration and being overwhelmed at times with responsibility. These are theories of the alleged crime that investigators strategized as minimization techniques (and the very words they used) which then became a part of Ms. Lucio's confession. This is observed multiple times in Ms. Lucio's confession, highlighted by the excerpt below. After repeatedly being told by investigators that it would be understood if Ms. Lucio was just overwhelmed as a parent of so many children, including hyper boys, and that frustration may have overcome her, she states the following:

Ranger Escalon: Explain that to me. I know why but I got to hear it from you.

*Ms. Lucio: **Frustration** I guess. (p. 150, lines 15-17)*

Ranger Escalon: (Angry) At what?

*Ms. Lucio: I was just **frustrated**.*

Ranger Escalon: At what? Melissa, what frustrated you?

*Ms. Lucio: **My other children, they were very hyper and it was hard for me to take care of all of 'em.** (pp. 150-151, lines 23-25; 1-6)*

Altering of story

Commonly in false or unreliable confessions, the investigator modifies the subjects telling of the story to align more closely with the available evidence or the interrogators' theory of the case. In Ms. Lucio's interrogation we see a few variations of this concept as investigators increase the severity of her alleged actions throughout the interrogation process. One primary example noted throughout the interrogation is the escalation of the term "discipline" into "spanking" and then, eventually, "beating".

Early in the interrogation, Det. Cruz asks Ms. Lucio about her parenting style as it relates to disciplinary decisions and asserts to Ms. Lucio that "disciplining is not illegal". Of course, discipline can range in severity, but this approach works along with the minimization techniques presented throughout the interrogation. Investigators utilizing the term "discipline" and referring to "spanking" as a frustrated mother induces Ms. Lucio to admit to these interactions without fear of consequence. An example of this occurs as Ms. Lucio is explaining that she was "playing around" with Mariah, "tickling her" and "bit her". Ranger Escalon then makes the following statements, acknowledging Ms. Lucio's disclosure but attempting to escalate its severity:

Ranger Escalon: You were mad? That's not playing around. Let's be straight. Okay? You were mad, weren't you? And you bit her? Look at me Melissa (pp 151-152, lines 25; 1-4)²

² At the time of the interrogation, officers presumed that marks on the child's body, depicted in photographs taken after her death, were bitemarks.

Ranger Escalon: But it wasn't because you were playing around.

Ms. Lucio: We were playing around at first.

Ranger Escalon: And what happened?

Ms. Lucio: I don't know. I just bit her.

Ranger Escalon: Do you wish she was never born? (p 152, lines 13-19)

Ranger Escalon: Did you hit her head somewhere?

Ms. Lucio: No.

Ranger Escalon Okay. How did you hit her?

Ms. Lucio: I never hit her head.

Ranger Escalon: How would you hit her?

Ms. Lucio: I would just spank her. (p 154, lines 17-23)

(After multiple denials by Ms. Lucio of hitting, poisoning, suffocating Mariah, but only acknowledging she would "spank" her)

Ranger Escalon: Okay. They what caused her to die?

Ms. Lucio: I don't know.

Ranger Escalon: Other than just, you know, hitting her? (p 156, lines 5-9)

This theme escalates further at the conclusion of the interrogation as Ranger Escalon brings a baby-doll into the interrogation room. Ms. Lucio is asked by Ranger Escalon to demonstrate the way she would discipline or spank Mariah using the doll as a prop. This is also captured on the electronic recording as part of the interrogation. As Ms. Lucio is demonstrating how she would spank Mariah, Ranger Escalon asks if it was "harder". Ms. Lucio denies that it was any harder than her demonstration, explaining that she wasn't "pounding her". Ranger Escalon then demonstrates a slapping motion on his own leg, asking if that's how it actually occurred. Throughout the final stages of the interrogation, Ms. Lucio's acknowledgement of spanking her daughter escalates, in response to Ranger Escalon's repeated use of leading questions, to admissions of abuse. Due to the strategy used throughout the interrogation, it is unknown if these admissions are a result of contamination and altering of her story, or if they were truthful statements.

Methodology

Humanistic approach

Investigative interviews are known to be more successful in obtaining reliable information when they are founded on elements of rapport and empathy towards the subject. This is especially true if the subject being interviewed has experienced trauma or been a victim of abuse. In Ms. Lucio's interrogation, she falls into both of these categories. However, approximately two hours after her daughter's death she is interrogated by multiple investigators over a five-hour time frame. Throughout the interrogation, she is challenged on her parenting style including discipline, nutrition and general care-taking. Ms. Lucio is also reminded several times (as seen in the *Interviewer behavior subsection*) that her daughter is dead and told that she is to blame for it. These comments, and this

general approach, is the opposite of what modern research in interviewing would utilize to obtain reliable information.

Cognitive or trauma-informed

Elements of the Cognitive Interview or Trauma-informed interviewing (as discussed in **Part II**) are also not observed being executed consistently in Ms. Lucio's interrogation. Ms. Lucio is rarely given the opportunity to tell a story or answer a question without interruption or a refusal to listen. The constant redirection and disruption of her responses come across as challenging, cause confusion to both the interrogator and Ms. Lucio, and increase her fear of being disbelieved.

Ms. Lucio should have been granted ample time to recreate the context of Mariah's fall down the stairs and then provide her story in its entirety before exploratory questions are asked. Instead, in the interrogation, it is observed that Ms. Lucio is asked several leading questions that interrupt her and minimize the amount of information gained. Direct, leading questions also contaminate statements provided by Ms. Lucio further making them unreliable.

Investigators did not appear to take the vulnerability of Ms. Lucio into consideration as they strategized the interrogation. The officers generally do not approach Ms. Lucio with empathy or in consideration of her history of trauma or recent death of her daughter. Ms. Lucio's re-traumatization caused by the interrogators' actions is apparent, especially when she explains to investigators that she wishes she was dead.

Refusal of denials or explanations

As discussed throughout the report, a presumption of guilt creates confirmation bias in investigators which often interferes with their ability to accept alternative explanations for the evidence. This is apparent in Ms. Lucio's interrogation, as she denied her involvement in abuse of Mariah approximately 86 times verbally and 35 times non-verbally (shaking of the head). Of the 121 combined denials, Ms. Lucio denied 63 times with statements such as "it wasn't me" or "I don't know". The remaining 58 denials were in response to a variety of specific accusations including abusing, beating, biting, bruising, causing death, hitting, hurting, killing or suffocating Mariah. Because many of these denials are duplicative in their form, a full list is not necessary to demonstrate their context. A sampling of denials by Ms. Lucio included "I didn't do it", "I didn't abuse my daughter", "I don't know what happened" and "I didn't bruise my daughter"

CONCLUSION OF ANALYSIS

A combination of the investigator's reliance on behavioral interpretation and their initial reactions to the circumstantial evidence, initiated a guilt-presumptive interrogation process. The subsequent, lengthy interrogation contained elements of coercive techniques, proven to be contributors to false and unreliable confessions. These techniques were seen in multiple forms throughout Ms. Lucio's interrogation including implicit and explicit threats combined with minimization and maximization techniques. Ms. Lucio's admissions occurred after multiple examples of fact-feeding, revealing of evidence and modifications of her story. This created a contaminated confession which was elicited through a coercive process with a high likelihood of producing a coerced-compliant and unreliable confession. For all of these reasons, Ms. Lucio's admissions are unreliable and have many of the hallmarks of a coerced-compliant false confession.

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- Evidence-based application in a practical setting
- Legislative process and criminal justice reform

PROFESSIONAL PROFILE

David Thompson, CFI, is a Partner and the President of Wicklander-Zulawski & Associates (WZ) as well as an active instructor for the organization. Thompson also leads the evolution of interview and interrogation curriculum development to provide research-based investigative tools to practitioners while driving change in the industry. He is a highly sought-after expert by both the law enforcement community and advocates of criminal justice reform in the field of investigative interviewing and interrogation techniques. David's practical experience, combined with his academic background and his immersion in the investigative interviewing community has resulted in an experienced and evidence-based expert knowledge on these topics.

In his experience as a practitioner, along with prior service as WZ's VP of Operations and Director of Investigations, David has had the opportunity to manage a variety of cases while conducting interviews and consulting on investigations ranging from theft and fraud to sexual harassment and homicide. David has created and delivered customized training programs internationally, conducted live broadcasts of training, and presented keynote presentations at numerous events. He also serves on the Advisory Board of the International Association of Interviews (IAI) and has contributed several articles and presentations to the members of this organization.

David is a highly requested speaker who has presented customized training sessions to clients in both the private and public sectors. David has developed interview and interrogation training modules and specific methodologies which have been presented at several organizations including Organized Crime Associations, U.S. Immigration & Customs Enforcement, U.S. Marshals Service, New York State Office of Attorney Generals, U.S. Department of Housing and Urban Development, Chicago Police Department, Singapore's Ministry of Manpower, and multiple other local, state and federal agencies. David has also delivered domestically and internationally seminars for multiple Fortune 500 companies. He has presented at conferences hosted by the National Retail Federation, International Investigative Interviewing Research Group, Academy of Criminal Justice Sciences, multiple human resources associations, employment law firms, and academic institutions.

Incorporating both practitioner experience and research-based ideology, he has led the creation of numerous customized interview and interrogation curriculums, including a major program for the U.S. Citizenship and Immigration Services, serving as the Deputy Program Manager. David has consulted with major law enforcement agencies to provide evidence-based investigative interview methodology and training for implementation.

He has a passion for leading reform movements in the field of investigative interviewing to incorporate academic research into practical application. Through this dedication, David has collaborated with members of the law enforcement and academic community, advocacy groups, and other relevant partners to further the enhancement of interview and interrogation protocols throughout the U.S. In addition, he has contributed expert opinions for a variety of cases and was cited by the Federal Court of Appeals for his opinion on the topic of interview and interrogation. He has also provided consults on legislative propositions and served as a subject matter expert for reform efforts and case evaluation.

SELECT EXPERT CONSULTATION & TESTIMONY

Legislative Support and Testimony

Written Testimony in Support of CT SB 306

An Act Concerning Deceptive Interrogation Tactics

Assisted in modification of bill language and negotiations with stakeholders.

Connecticut State Senate – Senate Judiciary Committee | February 2022

Oral Testimony in Support of CO SB 22-023

Deceptive tactics – Juvenile custodial interrogations

Colorado State Senate – Senate Judiciary Committee | February 2022

Oral Testimony in Support of UT HB0171

Custodial interrogation amendments

Assisted in negotiation of bill language with stakeholders, including opposition and support.

Utah House of Representatives – House Law Enforcement and Criminal Justice Committee | February 2022

Oral and Written Testimony in Support of WA HB 1690

Concerning the use of deception by law enforcement officers during custodial interrogations

Washington House of Representatives – Public Safety Committee | January 2022

Oral Testimony in Support of IL Senate Bill 2122

Prohibition of deceptive tactics

Assisted in negotiation of bill language with interested parties, including opposition and support.

Illinois House of Representatives – Judiciary and Courts Committee | May 2021

Oral and Written Testimony in Support of OR Senate Bill 418

Relating to law enforcement interviews of persons under 18 years of age

Oregon State Senate | May 2021

Expert and Fact Witness – Select Cases

Expert Report and Testimony– Reliability Assessment of Confession Evidence

State of New Hampshire v Louis Torres Santos | 2021 – Pending

Post-conviction review of the investigative process and subsequent witness interviews and suspect interrogations leading to an alleged wrongful conviction. Opinions produced relative to common causes of false confessions as it related to the specific context of this matter.

Expert Report and Testimony– Reliability Assessment of Confession Evidence

State of New Hampshire v Jason Carroll | 2021 – Pending

Post-conviction review of the investigative process and subsequent witness interviews and suspect interrogations leading to an alleged wrongful conviction. Opinions produced relative to common causes of false confessions as it related to the specific context of this matter.

Expert Report and Testimony– Reliability Assessment of Confession Evidence

Lawrence Rubin Montoya v City and County of Denver, et al. | 2021 – Pending

Provided expert opinion relative to the civil matter concerning both coercive interrogation techniques and departmental policy and training. Analysis of interrogation techniques and a review of training records and standard operating procedures to produce a qualified opinion.

Expert Report and Testimony– Reliability Assessment of Confession Evidence

United States v Stephen Tanner Vineyard | 2021 – Pending

Post-conviction critique and analysis of a confession provided in a custodial setting relative to a homicide. Specifically addressing concerns of alleged confirmation bias, coercion, and contamination within the interrogation.

Deposition as Fact Witness – Interview and Interrogation Standards

Rennhack v Wal-Mart Stores | January 2021 - Pending

Provided information regarding appropriate non-confrontational interview methodology, strategy, and standard operating procedures for an investigation as it related to a workplace incident.

Expert Report – Reliability Assessment of Confession Evidence

People v Marni Yang | 2020

Post-conviction review of an investigation focused on the alleged wrongful conviction of the defendant in a homicide. Provided critique of misclassification found in the investigative process, as well as an analysis of the reliability of admissions disclosed in a non-custodial setting.

Additional Expert Opinion Support

Petition for Executive Clemency on Behalf of Brendan Dassey

Expert Opinion – Interrogation Techniques | October, 2019

Letter of Support on Behalf of Law Enforcement Instructors

Innocence Project NY State Legislative Proposal | October, 2019

Seeking Clarity in the Era of False Confessions

Northwestern Journal of Criminal Law and Criminology | Contributing Speaker

Brief of Independent Law Enforcement Instructors as Amici Curiae

United States Supreme Court | Contributing Author | 2018

SELECT CURRICULUM AUTHORSHIP

- | | |
|----------|---|
| JUL 2021 | <p>U.S. Marshal Services Criminal Interviewing and Interrogation Seminar
A three-day course designed for the investigative arms of the USMS. This program was built with evidence-based methodology focused on internal affairs and criminal investigations. Curriculum contained customized practical exercises and case examples for Deputies of the USMS.</p> <p>Office of Community Oriented Policing Services Introduction to Non-Confrontational Interviewing
Retained as a Subject Matter Expert in the curriculum development of an asynchronous training program in partnership with the Department of Justice, the Office of Community Oriented Policing Services, and the University of Tennessee. The training focuses on issues with confrontational approaches and presents evidence-based alternatives to rapport-building, de-escalation, and questioning techniques.</p> |
| APR 2021 | |
| JAN 2021 | <p>Wicklander-Zulawski Practical Aspects of Interview & Interrogation Techniques, 3rd Edition (In Press)
Textbook providing comprehensive insight into the evolution of interview and interrogation techniques. The text presents evidence-based methodology to multiple interviewing techniques used globally. Discussions are also made around false confessions, vulnerabilities, and specialized interviews. Co-Authored Textbook Zulawski, D., Thompson, D., Wicklander, D.</p> |

- U.S. Law Enforcement | Criminal Interviewing and Interrogation Seminar**
MAR 2020 A three-day course designed for the law enforcement professional ranging from local to federal agencies. This curriculum covers multiple non-confrontational interview techniques, legal framework, and a comprehensive overview of false confessions.
- Wicklander-Zulawski | Workplace Investigative Interviewing Seminar**
JAN 2020 Program developed for Human Resource, Employee Relations and Legal Counsel to conduct appropriate investigative interviews for workplace issues. Curriculum is built over a two-day course and previous versions have been presented to attendees across the globe.
- Office of Inspector General | Cognitive Interviewing Techniques**
JUN 2019 This course was designed to instruct OIG investigators on the appropriate use of the cognitive interview when investigating allegations of fraud.
- Non-Confrontational Interview Techniques | Maryland Commission of Civil Rights**
MAR 2019 This two-day course included interview methodology that is tailored to investigations of discrimination, harassment, and civil rights violations. The curriculum included multiple methods of non-confrontational interview methods.
- THE LINK Powered by WZ | A Simulated Interview Training Program**
SEP 2018 THE LINK technology, developed in partnership with Simmersion was designed to facilitate training for investigators after attending a seminar on interviewing techniques. The content written for this program included over 450 interviewer statements with correlating feedback and instructional notes that highlight the benefits of non-confrontational interviews.
- U.S. Citizenship & Immigration Services | Non-Confrontational Interview Techniques**
JUN 2018 A comprehensive two-day course designed for USCIS agents and officers investigating fraud in the naturalization and immigration process. The curriculum and course guidelines were reviewed and accepted by the USCIS training team, resulting in over 2,000 investigators being placed through the program in the first two years.
- U.S. Department of Housing and Urban Development | Non-Confrontational Interview Techniques**
SEP 2017 This course was developed for investigators from across the United States tasked with cases of fraud, discrimination, and harassment. Multiple methods of non-confrontational techniques were covered and tailored to meet the needs of these specific case types.
- Chicago Police Department | Detective Academy | Criminal Interview & Interrogation Techniques**
JAN 2017 This four-day program was built for Chicago Police to coincide with their desire to train all Detectives on non-confrontational interviewing techniques. The course focused on multiple methods of interviewing as well as a comprehensive overview on false confessions and the risks of improper techniques.

SELECT MEDIA**False Confessions, Interviewing Training and Legislation**

Quattrone Center Podcast | Innocence Project, Matt Jones, Andy Griffiths, David Thompson, CFI | November 2021

What's New with Organized Retail Crime?

Axis Open Mic Forum | Host | June 2021

Wrongful Conviction: False Confessions – Special Update

Wrongful Conviction Podcast | Laura Nirider, Senator Robert Peters, David Thompson, CFI, Marty Tankleff | April 2021

Police Interviews, Social Distancing Call for Creativity

Legal Examiner | Elaine Silvestrini | Contributing Opinion | August, 2020

Your Zoom Interrogation is About to Start

The Marshall Project | Eli Hager | Contributing Opinion | July 2020

CrimeScience Podcast – Investigation & Interviewing, Coercion, and Interrogation Training

LPRC CrimeScience | University of Florida | May 2020

What Is The 'Reid Technique,' And Was It Used In The Interrogation Of The Central Park 5?

Oxygen – Martini's and Murders | Gina Tron | Contributing Opinion | June 13, 2019

Brendan Dassey: A Conversation with Wicklander-Zulawski

Freedom for Brendan Dassey | Tracey Keogh | April 2019

In the "Making a Murderer" Case the Supreme Court Could Help Address the Problem of False Confessions

The New Yorker | Douglas Starr | Contributing Opinion | June, 2018

The Confession Tapes | Gaslight | Season 2, Episode 1

Netflix | Contributing Opinion

TalkLP Podcast Co-Host

TalkLP | Amber Bradley, Dave Thompson, CFI | 2019 – 2020

SELECT PRESENTATIONS AND LECTURES

APR 2022 (Accepted)	Banning Police Deception: Policy Efforts to Implement Ethical, Science-Based Interrogations The Innocence Network Annual Conference Co-Presenting with Innocence Project, et al.
MAR 2022	Lying to Get to the Truth? The Evolution of Juvenile Interrogations Academy of Criminal Justice Sciences Annual Conference Co-Presenting with Hayley Cleary, PhD
JAN 2022	"I've got nothing to say to you!" ORC Investigative Interviews Florida Attorney General Florida Organized Retail Crime Exchange
JAN 2022	Forensic Science and Interrogations: The Dangers of Misclassification and False Confessions State Bar of Wisconsin Forensic Justice Institute
SEP 2021	Torture or Truth? An Inside Look at Investigative Interviewing International Association of Financial Crime Investigators
OCT 2021	Research and Legislative Trends: Investigative Interviewing Elite Training Days International Association of Interviewers

- SEP 2021 **Interrogations to Interviewing: The Evolution of Identifying the Truth**
Carolina Organized Retail Crime Association
- SEP 2021 **"You're on Mute! Investigative Interviews in a Remote World"**
HR Florida
- SEP 2020 **From Torture to Truth: The Evolution of Interrogation**
International Association of Financial Crime Investigators
- MAY 2020 **Lessons from False Confessions**
Broward County Sheriff's Office
- JUN 2019 **Intersection of Confession Evidence and Shaken Baby Syndrome Convictions**
Center for Integrity in Forensic Sciences | Putting Science in Forensic Science
- APR 2019 **CFI's vs PhD's: Same Letters, Different Goals - An Analysis of the Interrogation**
International Association of Interviewers | Elite Training Day
- FEB 2019 **Organized Crime Interviewing**
California Organized Retail Crime Coalition
- NOV 2018 **Essentials of Non-Confrontational Investigative Interviewing Techniques**
United States Housing and Urban Development – National Fair Housing Training Academy
- OCT 2018 **Isn't it Obvious? The Cognitive Interview**
Florida Retail Federation
- OCT 2018 **Organized Crime Interviewing**
California Organized Retail Crime Coalition
- SEP 2018 **Interview and Interrogation Techniques**
Cook County Organized Crime Conference
- JUL 2018 **Practical Perspectives to Identifying the Truth: Academic & Practitioner Partnership**
International Investigative Interviewing Research Group Symposium
- APR 2018 **The Cognitive Interview**
Metro Organized Crime Association | New York City
- NOV 2017 **Solving Difficult Investigations – Selective Interview Techniques**
Association of Certified Fraud Examiners | Mexico City
- OCT 2017 **Cautions of Confrontation**
U.S. Asia Law Institute | New York University Wrongful Convictions Symposium
- JUN 2017 **An Interrogator's Perspective on Netflix's "Making a Murderer"**
National Retail Federation PROTECT
- AUG 2016 **Interviewing Techniques for Fraud**
U.S. Customs and Immigration Services
- JAN 2016 **Advanced Criminal Interviewing Techniques**
New York State Office of Attorney General
- JUN 2015 **Interviewing Techniques**
U.S. Equal Employment Opportunity Commission

SELECT PUBLICATIONS

Interview and Interrogation – Recurring Column

Loss Prevention Magazine | David Thompson, CFI | 2020 – Present

Conviction Review Unit Report: Key Takeaways

Wicklender-Zulawski & Associates | David Thompson, CFI | August, 2020

Truth Be Told Bi-Weekly Column

Downing-Downing Daily Newsletter | David Thompson, CFI | 2019 - Present

Videotape all Police Interrogations: Justice Demands It

The New York Times | Saul Kassin, PhD; David Thompson, CFI | August, 2019

And We Wonder Why Victims Don't Report Sooner

Wicklender-Zulawski & Associates | David Thompson, CFI | September, 2019

Conducting Interviews: An Auditor's Guide to Getting to the Truth

Journal of Forensic & Investigative Accounting | Berecz, Metrejean, Thompson

Inside the Organized Retail Crime Interview

Loss Prevention Magazine Featured Article | David Thompson, CFI

He Said. She Said. Now What? Key Questions for Handling Workplace Harassment

HR Florida Review | David Thompson, CFI | March, 2018

I Did It?! Why Innocent People Confess

The Western Criminologist | David Thompson, CFI | Spring 2017

EXHIBIT 12





EXHIBIT 13

MELISSA ELIZABETH LUCIO, Petitioner,

v.

BOBBY LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, Respondent.

Declaration of Lisa Feldman Barrett, Ph.D

1. My name is Dr. Lisa Feldman Barrett and I am a University Distinguished Professor of Psychology and the Director of the Interdisciplinary Affective Sciences Laboratory at Northeastern University. I am also appointed to Massachusetts General Hospital/Harvard Medical School in the Program for Psychiatric Neuroimaging and the Athinoula A. Martinos Center for Biomedical Imaging. My expertise is in the area of how the human brain generates instances of emotion, perceives emotions in others, and regulates human behavior. I am among the top 1% of most-cited scientists in the world for this research, which includes more than 250 peer-reviewed scientific publications. I am a past president of the Association for Psychological Science and am an elected fellow of many honorific scientific societies, including the American Academy of Arts and Sciences and the Royal Society of Canada. I have been honored with numerous awards including the Distinguished Scientific Contribution Award from the American Psychological Association and a Guggenheim Fellowship in neuroscience. I am also the Chief Science Officer of the Massachusetts General Hospital Center for Law, Brain and Behavior. Attached to this Declaration as Exhibit A is a true copy of my current curriculum vitae, which accurately lists my training, licenses, experiences, academic appointments, publications and awards.
2. I have been asked by Attorneys Jane Pucher and Vanessa Potkin to review select testimony presented in the above captioned case. In particular, I have been asked to review testimony regarding (a) the defendant's facial movements, body posture and vocal diction immediately after the index events and (b) during her police interrogation, as well as (c) the inferences made about the defendant's affective condition based on those observations, and (d) the conclusions drawn from those inferences.

3. Brief Background of the Case

By information and report, Melissa Lucio's early life was characterized by chronic adversity, including sexual abuse by family members, which continued into adulthood and included pervasive domestic abuse. When her two-year-old daughter died suddenly, she was interrogated by officers including Texas Ranger Victor Escalon, during which Ranger Escalon made repeated assertions that she was responsible for her daughter's death. Ranger Escalon secured a confession after five hours of interrogation.

At trial, the State was permitted to elicit witness testimony regarding Ms. Lucio's demeanor during interrogation without testimony from defense evaluators. Ms. Lucio was not outwardly expressive, was slumped in her posture, and failed numerous times to make eye contact during the interrogation. This pattern of observable behavior was described as calm and detached. Texas Ranger Escalon was permitted to testify at Ms. Lucio's trial that her passive demeanor and failure to make eye contact during the interrogation told him "right there and then" that she "did it" even before he began his questioning (Trial Day 2, 115). Ranger Escalon testified that "She wants to tell because she's giving that slouched appearance – you know: I did it," as if he had the ability to infer her emotions and her intentions from her lack of expressivity, slumped posture, and failure to make eye contact (Trial Day 2, 115). He expressed complete certainty in the accuracy of his inferences, characterizing the contrast between Ms. Lucio's behavior to that of the stereotype of an "honest" person as a "black and white" distinction.

4. In my opinion, which I hold to a reasonable degree of scientific certainty, Texas Ranger Escalon's trial testimony presented the jury with scientific testimony that is scientifically incorrect regarding his inferences from Ms. Lucio's behavior. As detailed below, the substance of the testimony in question was erroneous as a matter of now-established behavioral science and neuroscience.

A. Scientific Error. Ranger Escalon's statements that he was able to determine the defendant's internal thoughts and emotions from her facial movements, posture, body movements and diction is scientifically baseless and false.

1. For over 100 years, behavioral scientists have debated whether emotions exist in fixed and finite categories that are expressed in

stereotyped configurations of facial movements. Since the 1960's, the dominant scientific view was that anger, sadness, fear, disgust and several other emotion categories are, indeed, expressed with stereotypic facial movements. As a corollary, it was assumed that these fixed emotions could be universally detected independent of person, experience or culture. This view of emotions has now been firmly disconfirmed in studies both inside the laboratory and in the real world, including brain imaging studies, cross-cultural studies of emotional expressions, physiology studies and experiments using artificial intelligence algorithms. Attached to this Declaration as Exhibit B is a bibliography citing a representative sample of hundreds of scientific studies establishing this consensus.

2. This firm scientific consensus disproving “emotion reading” was not yet in place at the time of Ms. Lucio’s trial in 2007, although a growing number of individual studies had started to reveal the impossibility of diagnosing emotions solely from facial movements, bodily movements, or non-verbal vocalizations. When confirmatory studies failed to replicate the original studies asserting the existence of fixed, universal categories, newer brain imaging modalities (EEG, MRI, PET, fMRI) similarly failed to find evidence to support fixed, universal emotion categories. In 2016, at the request of the Association for Psychological Science, which is an international scientific society of more than 30,000 scientists, I directed a team of four other senior scientists, all experts in the science of emotion and emotional expression, to examine more than 1,000 peer-reviewed published scientific articles on whether it is possible to infer a person’s emotional state, including their state of mind, from their facial movements. We issued a peer-reviewed consensus paper in 2019, concluding that there is no scientific basis for the notion that a particular facial movement or set of movements can be “read” to reveal an underlying emotional state. Our conclusions extend to body movements and non-verbal vocalizations. This consensus paper is attached to this Declaration as Exhibit C.
3. Observable movements (such as facial movements, bodily movements, and body posture) and non-verbal vocalizations (such as tone of voice) do not carry inherent, biologically-determined emotional meaning. Any perception of a person’s thoughts or feelings, based on these observable physical signals, is only an

inference (i.e., a guess). Nonetheless, Texas Ranger Escalon gave conclusory testimony as to both the existence of and his ability to identify inherent affective and emotional characteristics of innocent versus guilty suspects. The state explicitly directed Ranger Escalon to testify as to the existence of these two distinct categories of suspects, and his special expertise in discerning whether the suspect in question, Ms. Lucio, belonged in the guilty or innocent category, based upon what in fact are his guesses about the psychological meaning of her observable movements and vocal diction.

4. Ample scientific evidence indicates that the actual facial and bodily movements, as well as tone of voice, that express a person's immediate state of mind (including their affective feelings and emotions) varies with that person's background and life history and how this background and history interact with the immediate situational context. There is no single template, fingerprint, or signature of physical signals that express guilt or innocence across all individuals in all situations, regardless of life history and culture. Nonetheless, Ranger Escalon outlined such a template for an innocent individual, explaining that innocent individuals "are going to be upset...they're going to tell you: 'Get out of my face. I didn't do anything....I want my attorney'" and contrasted that with Ms. Lucio's passivity. (Trial Day 2, 116) He further opined that the difference in behavior between a guilty person and an innocent person was a categorical one that he was able to detect because it is "black and white. You'll see the difference. It'll stand out." (Trial Day 2, 116)
5. As I have presented in other legal contexts and in presentations of my research to several federal agencies, including the Federal Bureau of Investigation (FBI), the facial and bodily movements that express the instances of a particular category of emotion, such as instances of guilt, are highly variable and person- as well as context-dependent, rather than fixed across situations and people. There is no basis to infer lack of remorse, absence of grief or culpability from facial movements or body postures.
6. There is no reliable nor robust scientific evidence to support the claim that one person has the ability to "detect" the emotions of another person in facial movements, body postures or non-verbal vocalizations. Configurations of facial movements do not have

inherent emotional meaning nor signal particular emotional states in a manner that is independent of person, context and culture. Whether using personal observation or elaborate artificial intelligence algorithms, it is not possible to detect, nor to accurately infer, an instance of emotion from a person's facial movements such as a scowl, frown or smile.

7. No person nor any artificial intelligence algorithm can detect a person's emotional state from a single pattern of facial movements, physiological signals, vocal signals, or even neural signals in a way that generalizes across instances of that emotion category. Neuroscientists have attempted to make such emotional inferences measuring signals in behavior (facial muscle movements, postural changes, vocalizations, word use), peripheral nervous system changes (heart rate, breathing rate, skin conductance) and brain imaging patterns, but to date *none* of these methods of detecting emotional state have proven reliable, specific or generalizable across published studies.

B. The individuated meaning of Ms. Lucio's Facial Movements and Demeanor: Ranger Escalon's trial testimony regarding the meaning of Ms. Lucio's facial movements and demeanor perfectly illustrates the dangers of purporting to "read" an emotional state without reference to any individuating data. Ms. Lucio was the victim of chronic physical and sexual abuse which began at age 6 and continued into adulthood. Cumulative physical abuse, sexual abuse and family violence have pervasive and far-reaching effects. A disengaged demeanor, sometimes described as "learned helplessness," is a common presentation for someone who has been the target of chronic physical and sexual abuse.

Ms. Lucio was examined by two experts – a psychologist and a social worker- who reviewed her extensive history of abuse and performed comprehensive evaluations. Both diagnosed her with Post Traumatic Stress disorder and explained that her restricted facial movements, passive demeanor and dissociative denial were classic symptoms of repeated childhood sexual abuse and the effects of chronic adult gender-based violence. These defense experts were not permitted to testify at trial regarding Ms. Lucio's individual personal history of abuse, her Post-Traumatic Stress Disorder, and its manifestations in her appearance and behavior.

There is consensus in the behavioral and neuroscientific community regarding commonly observed symptoms of chronic abuse and the neurobiological underpinnings of these commonly observed symptom clusters (e.g. avoiding eye contact; appearing detached):

1. Repeated exposure to abuse causes chronic activation of the body's stress management systems, with long-term alterations in those neurochemical and hormonal systems. This results in the emergence of characteristic symptoms of Complex Trauma and Post Traumatic Stress Disorder (PTSD) such as increased anxiety, hypervigilance to possible threat, problems with concentration and sleep, intrusive memories of abuse alterations in learning and memory, and withdrawal during perceived threat.
2. Neuroscientists have discovered some of the neurobiological correlates of these symptoms clusters. Traumatic stress has a broad range of effects on the brain:
 - a. On average, patients with PTSD have smaller hippocampal volumes, as well as smaller insular and anterior cingulate cortical volumes. This is the posited mechanism for reduced inhibitory control over responses to perceived threat. Reduced inhibitory control of the amygdala by the prefrontal cortex and hippocampus is thought to increase the expression of the threat-related behaviors noted above.
 - b. Brain scans have demonstrated that atrophy or shrinkage in the hippocampus of patients with PTSD, in particular, are related to changes in learning and memory. There is also good evidence for decreased activity in the neural networks associated with declarative and autobiographical memory.
 - c. Extended Stressors produce changes in two critical systems: the hypothalamic pituitary adrenal axis (HPA) and the sympathetic medullary system (SAM). Disturbances in these systems leads to the release of hormones (ACTH, cortisol, epinephrine, norepinephrine) which result in chronic stimulation of threat-related responses.

- d. The changes in neurotransmitters caused by chronic stress cause a global alteration in the modulation of brain functions. Alterations in dopamine, serotonin, glutamate and norepinephrine underlie abnormalities in arousal, vigilance and response to perceived threat.
- e. Finally, there is increasing evidence in humans that chronic stress causes heritable epigenetic change to DNA (i.e. FKBP5 CRHR2), which impacts the offspring of affected individuals.

In my opinion, which I hold to a reasonable degree of scientific certainty, Texas Ranger Escalon’s testimony regarding his ability to “read” defendant Lucio’s emotional state from her facial movements, body posture and vocal demeanor was, and is, scientifically unsupportable and inaccurate. Compounding this error was failure to allow experts to present evidence regarding the particular meaning of Ms. Lucio’s facial movements and other aspects of her demeanor in the context of her personal history.

I declare, under penalty of perjury under the laws of the United States and the State of Texas that the foregoing is true and correct to the best of my knowledge and that this declaration was executed on Thursday, March 17, 2022 in Newton, Massachusetts.



Lisa Feldman Barrett, Ph.D.



CURRICULUM VITAE



Lisa Feldman Barrett

INFORMATION

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h-index = 123 (Google Scholar)

BIOGRAPHY

Barrett, L. F. (2021). Award for Distinguished Scientific Contributions. *American Psychologist*, 76, 1366-1368.

EDUCATION

2004 Fellow, National Science Foundation Advanced Training Institute in Immersive Virtual Environment Technology and Social Psychology, University of California, Santa Barbara
2000 Fellow, American Psychological Association's Advanced Training Institute in Functional Magnetic Resonance Imaging, Boston.
1995 Fellow, National Science Foundation Training Institute for Cardiovascular Approaches to Social Psychophysiology, State University of New York, Buffalo.
1992 Ph.D., Clinical Psychology, University of Waterloo
1992 Clinical Internship, University of Manitoba Medical School
1986 B.Sc., Psychology, with honors, University of Toronto

ACADEMIC EMPLOYMENT

2021-present Core Member, Institute for Experiential Artificial Intelligence, Northeastern University
2016-present Affiliated Faculty, Electrical and Computer Engineering, Northeastern University
2013-present University Distinguished Professor of Psychology, Northeastern University
2010-2013 Distinguished Professor of Psychology, Northeastern University
2003-2010 Professor of Psychology, Boston College
1999-2003 Associate Professor of Psychology, Boston College
1996-1999 Assistant Professor of Psychology, Boston College
1992-1996 Assistant Professor of Psychology, The Pennsylvania State University

OTHER POSITIONS

2019-present	Chief Science Officer, Center for Law, Brain and Behavior, Massachusetts General Hospital
2007-present	Research Appointment, Department of Radiology, Massachusetts General Hospital
2007-present	Lecturer in Psychiatry, Harvard Medical School
2000- present	Research Appointment, Department of Psychiatry, Massachusetts General Hospital
2000-2007	Research Fellow, Harvard Medical School

HONORS

2022	Mentoring Award, Society for Affective Science (inaugural award)
2021	Distinguished Scientific Contribution Award in Psychology, American Psychological Association
2020	Finalist, US Presidential Award for Excellence in Science, Mathematics and Engineering Mentoring (PAESMEM)
2020	John P. McGovern Award Lecture in the Behavioral Sciences, American Association for the Advancement of Science (AAAS)
2019	Member, Dana Alliance for Brain Initiatives (DABI)
2019	John Simon Guggenheim Memorial Foundation Fellowship (Neuroscience)
2019	Thibaut Award in Social Psychology, University of North Carolina
2018-present	In top 1% of scientists cited for 2018, 2019, and 2020, according to Web of Science
2018	Elected Fellow, American Academy of Arts and Sciences
2018	Mentor Award for Lifetime Achievement, Association for Psychological Science
2018	Fifty Most Influential Living Psychologists, The Best Schools
2016	Foundation for Personality and Social Psychology Heritage Initiative Wall of Fame
2014	Carol and Ed Diener Award in Social Psychology, Society for Personality and Social Psychology
2014	Elected Fellow, Mind and Life Institute
2013	Award for Distinguished Service to Psychological Science, The American Psychological Association
2013	Elected Fellow, The Society of Experimental Psychologists
2012	Elected Fellow, Royal Society of Canada
2012	Excellence in Research Award, Northeastern University
2010	Education All-Star Award (to IASLab), Boston Museum of Science
2010	Arts in Academics Alumni Award, University of Waterloo
2009	Elected Fellow, Society for Experimental Social Psychology
2009	Elected Fellow, American Association for the Advancement of Science
2008	Kavli Fellow, National Academy of Sciences, Frontiers of Science
2007	NIH Director's Pioneer Award
2007	American Philosophical Society Fellowship
2007	James McKeen Cattell Fund Fellowship
2006	Career Trajectory Award, Society for Experimental Social Psychology
2006	William James Distinguished Lecture, Association for Psychological Science
2005	Elected Fellow, American Psychological Association
2005	Elected Fellow, Society for Personality and Social Psychology
2003	Elected Fellow, Association for Psychological Science
2002	Independent Scientist Research (K02) Award, NIMH
2000	Distinguished Junior Research Award, Boston College
1998	Elected member, Society for Experimental Social Psychology
1992	Social Sciences and Humanities Research Council of Canada Postdoctoral Fellowship (declined)
1992	Graduate Research Award, University of Waterloo
1992	Sheps Research Award in Psychiatry, University of Manitoba
1990	University of Waterloo Graduate Scholarship
1987	Social Sciences and Humanities Research Council of Canada (SSHRC) Doctoral Fellowship
1986	Ontario Graduate Scholarship, 1986-1987
1986	Natural Science and Engineering Research Council (NSERC) Undergraduate Research Fellowship

1985	Robert S. Lockhart Graduation Award in Psychology, University of Toronto
1985	Rhea V. Scott In-Course Scholarship for Academic Excellence, University of Toronto
1984	McNab Undergraduate In-Course Scholarship for Academic Excellence, University of Toronto

RESEARCH INTERESTS & CURRENT PROJECTS

- A systems-level model of the brain and body mechanisms underlying mental life, unifying human affect, emotion, motivation, cognition and action.
- A predictive processing approach to understanding mind and brain, with a focus on the role of metabolic processes, allostasis, and interoception
- The nature and dynamics of affective processing, including the structure of affect, the neurobiology of affect and how it changes with age and disease, individual differences in affective reactivity, and how affect supports memory and perception
- The theory of constructed emotion, including the conceptual system for emotion (including how emotion knowledge is represented and structured in the mind and the brain) and the role of language and conceptual knowledge about emotion in constituting the experience and perception of emotion
- Cultural variation in emotion, with a focus on small-scale, remote societies
- Sex differences in emotion, including the influence of ovarian hormones on brain connectivity, with corresponding changes in memory and experience
- The neuroscience of emotion from an evolutionary-developmental (evo-devo) neuroscience perspective

DIVERSITY, EQUITY, AND INCLUSION

For 30 years, I have been dedicated to mentoring young scientists as co-director of the Interdisciplinary Affective Science Laboratory (IASLab). The IASLab is 65–70% female and is diverse ethnically/racially, economically, and in sexual orientation and gender. Across the history of the lab, 14% of its members are from racial or ethnic groups that have been historically underrepresented/excluded in STEM; 17% are from low socioeconomic status backgrounds; 9% are first-generation college students; and 19% indicated other aspects of identity that are historically underrepresented/excluded in STEM. More than half of the peer-reviewed published papers listed in this CV include at least one mentee author from a group that is underrepresented in STEM.

EXTERNAL GRANT SUPPORT

*funding in blue is currently active; funding in red is based on individual merit

2022-2027	National Institute of Mental Health (R21MH129902). Quantifying the brain metabolism underlying task-based BOLD imaging (\$218,112). Principal Investigators: Jordan Theriault (LFB: Other Significant Contributor).
2022-2027	National Institute on Aging (R01AG071173). Biopsychosocial mechanisms of successful aging (\$3,989,761). Principal Investigators: LFB, Brad Dickerson, Karen Quigley.
2022-2026	Elizabeth R. Koch Foundation (Unlikely Collaborators Fund). The biology of meaning-making (\$2,881,249). Principal Investigator: LFB.
2021-2026	National Institute on Aging (U19 AG073172). Resilience/resistance to Alzheimer's Disease in centenarians and offspring (\$4,278,987). Principal Investigator: Thomas Perls (LFB Other Significant Contributor).
2021-2026	Templeton Foundation, <i>Academic ideas in the public sphere: Teaching scientists and philosophers how to communicate with the public</i> (\$1,785,454). Project Leaders: David DeSteno, James Ryerson and Joseph Fridman (LFB Other Significant Contributor).
2020-2023	National Science Foundation (BCS 1947972) <i>The Brain Basis of Emotion: A Category Construction Problem</i> (\$799,998). Principal Investigators: Ajay Satpute, LFB, Deniz Erdogmus.

- 2019-2022 National Institute on Aging (R21 AG061743) *Noninvasive brain stimulation as a tool to study the role of motivation in age-related cognitive abilities* (\$450,445). Principal Investigators: Sumientra Rampersad and Alexandra Touroutoglou (LFB Co-Investigator).
- 2018-2021 National Institute of Aging (R56 AG058745). *Biopsychosocial mechanisms of superaging* (\$832,369). Principal Investigators: LFB and Brad Dickerson.
- 2017-2023 National Institute of Mental Health (R01 MH113234). *Affect regulation and beta-amyloid: Maturational factors in aging and age-related pathology* (\$3,872,599). Principal Investigators: LFB, Brad Dickerson and Derek Isaacowitz.
- 2017-2022 National Institute of Mental Health (R01 MH109464). *Ovarian effects on intrinsic connectivity and the affective enhancement of memory* (\$3,212,205). Principal Investigators: LFB and Joseph Andreano.
- 2016-2022 U.S. Army Research Institute (W911NF- 16-1-0191), *Individual differences in emotional experience and cognitive performance* (\$2,844,554). Principal Investigators: Karen Quigley/Jolie Wormwood (LFB Co-Investigator).
- 2016-2022 National Cancer Institute (U01 CA193632), *Fundamental subcortical mechanisms in affective processing* (\$3,180,229). Principal Investigators: LFB, Ajay Satpute and Larry Wald.
- 2019-2021 Templeton Foundation, *Building online resources for scientists and philosophers communicating with the "general reader"* (\$165,000). Project Leaders: LFB, David DeSteno, James Ryerson and Joseph Fridman.
- 2019-2021 Templeton Foundation, *Academic ideas in the public sphere: Teaching scientists and philosophers how to communicate with the "general reader"* (\$234,000). Project Leaders: LFB, David DeSteno, and James Ryerson.
- 2019-2020 Alfred P. Sloan Foundation. Book grant to support the writing of *Seven and a half lessons about the brain*. (\$49,879). Principal Investigator: LFB
- 2018-2020 National Eye Institute (R01 EY020834). *A study of the computational space of facial expressions of emotion* (\$390,000). Principal Investigator: Aleix Martinez (LFB PI on subcontract).
- 2016-2019 National Science Foundation (CMMI 1638234), *CRISP Type 2: Identification and control of uncertain, high interdependent processes involving humans with applications to resilient emergency health response* (\$2,498,810). Principal Investigator: Mario Sznaiar (LFB Co-Principal Investigator).
- 2016-2018 Templeton Foundation, *Informal Science Education via Storytelling: Teaching Scientists and Philosophers How to Communicate with the Public* (\$216,400). Project Leaders: LFB, David DeSteno, and James Ryerson.
- 2015-2017 U.S. Army Research Institute (W911NF-15-1-0647), *Emotion perception in the Hadza Hunter-Gatherer Society: A Strong Test of Cultural Relativity* (\$96,013.65). Principal Investigators: LFB and Maria Gendron.
- 2014-2016 Mind and Life Institute. (SRA 3505-MLI). A first person experience sampling investigation of desire and self (\$299,555). Principal Investigator: LFB and Christy Wilson Mendenhall.
- 2014-2016 National Science Foundation (BCS-1422327), *Threat perception after the Boston Marathon bombing* (\$300,000). Principal Investigators: Karen Quigley and Jolie Wormwood (LFB Co-Investigator).

- 2006-2017 National Institute on Aging (R01 AG030311), *Neural Mechanisms of Affective Salience in Aging* (\$3,372,997). (Previously *Neural Mechanisms of Social Decision Making in Aging*, 2006-2012, \$2,048,664). Principal Investigators: LFB and Brad Dickerson.
- 2014-2016 National Institute of Child Health and Human Development (R21 HD076164). *Does reward mediate human maternal bonding? A PET-fMRI study.* (\$474,000). Principal Investigators: LFB and Ciprian Catana.
- 2012-2015 U.S. Army Research Institute (W5J9CQ-12-C-0049), *Affective Realism* (\$916,944). Principal Investigator: LFB.
- 2012-2015 U.S. Army Research Institute, *Optimizing Threat Detection Under Signal-Borne Risk* (\$434,499). Principal Investigator: Spencer Lynn (LFB Co-Investigator).
- 2012-2014 National Institute of Mental Health (R21 MH099605). *Sex differences in affective responding to repeated negative stimuli* (\$478,000). Principal Investigator: LFB.
- 2011-2016 National Institute of Mental Health (R01 MH093394), *The Utility of Threat Detection in Generalized Social Anxiety Disorder* (\$1,954,208). Principal Investigators: Spencer Lynn and Naomi Simon (LFB Co-Investigator).
- 2011-2014 U.S. Army Research Institute (W5J9CQ-11-C-0046), *Constructing Emotion in the Brain: A Meta-Analytic Approach* (\$1,495,468). Principal Investigator: LFB.
- 2007-2014 National Institutes of Health Director's Pioneer Award (DP1OD003312). *Emotions as emergent events constrained by affective and conceptual processes* (\$3,910,625). Principal Investigator: Lisa Feldman Barrett.
- 2011-2015 National Science Foundation (BCS-1052790), *The Affective Vision Hypothesis* (\$300,000). Principal Investigator: LFB.
- 2008-2011 U.S. Army Research Institute. (W91WAW-08-C-0018). *The Link between Feeling and Seeing.* (\$556,484). Principal Investigator: LFB.
- 2007-2011 National Science Foundation (BCS 0721260). *Language and the Perception of Emotion* (\$449,194). Principal Investigator: LFB.
- 2005-2009 National Science Foundation (BCS 0527440), *Dynamics of Affective Reactivity* (\$603,886). Principal Investigator: LFB.
- 2002-2007 National Institute of Mental Health Independent Scientist Research Award (K02 MH001981), *Emotional Granularity: A View From Multiple Levels* (\$489,000). Principal Investigator: Lisa Feldman Barrett.
- 2003-2005 National Science Foundation (BCS 0322352), *Enhancing the Experience-Sampling Program (ESP)* (\$60,588). Principal Investigator: LFB.
- 2002-2003 National Science Foundation Doctoral Dissertation Research in DRMS (BCS 0215509), *The Effect of Affective Experience in Investment Decision Making* (\$15,000). Principal Investigator: LFB. Graduate Student: Myeong-Gu Seo.
- 2001-2003 National Science Foundation (BCS 0092224), *Emotional Working Memory: An fMRI study* (\$99,871). Principal Investigator: LFB.
- 2001-2003 National Science Foundation (BCS 0204431), *Mechanisms of Resilience in the Face of On-Going Threat* (\$38,320). Principal Investigator: LFB.

- 2000-2001 Fetzter Institute. *Accurate and Illusory Theories in Self-Report* (\$29,800). Principal Investigator: LFB.
- 2000-2001 National Science Foundation Professional Opportunities for Women in Research and Education (POWRE) Award (SES 0074688). *Emotional Granularity: A Neuroscience Perspective* (\$75,000). Principal Investigator: Lisa Feldman Barrett.
- 1998-2003 National Science Foundation (BCS 9727896). *Individual Differences in Emotion Discrimination* (\$431,670). Principal Investigator: LFB.

AUTHORED BOOKS

Barrett, L. F. (2017). *How emotions are made: The secret life of the brain*. New York: Houghton-Mifflin-Harcourt; London, England: Macmillan. Translations published in China, Japan, Korea, Poland, Romania, Russia, Spain, Sweden, Turkey, and the Ukraine. A Best Book of 2017, Kirkus Reviews. Semi-finalist, 2018 PEN/E. O. Wilson Literary Science Writing Award. For reviews, see heam.info/reviews.

Barrett, L. F. (2020). *Seven and a half lessons about the brain*. New York: Houghton-Mifflin-Harcourt; London, England: Macmillan. Translations published in China, Czech Republic, Greece, Italy, Japan, Korea, Poland, Portugal, Romania, Russia, Slovak, Slovenia, Spain, Taiwan, Turkey, and the Ukraine. Also translated into Arabic. A Best Book of 2020, Amazon, Barnes and Nobles, Behavioral Scientist; 2021 D.L.G. Winner of AudioFile Earphones Award. For reviews, see 7half.info/reviews.

Barrett, L. F. & Finlay, B. L. (book under contract). *Meaning making: An Embodied Extended Evolutionary Synthesis*. Cambridge, MA: MIT Press.

EDITED VOLUMES

Barrett, L. F., & Russell, J. A. (Eds.) (2015). *The psychological construction of emotion*. New York: Guilford.

Barrett, L. F., & Salovey, P. (Eds.). (2002). *The wisdom in feeling: Processes underlying emotional intelligence*. New York: Guilford.

Barrett, L. F., Lewis, M., & Haviland-Jones, J. M. (Eds.). (2016). *The handbook of emotion*, 4th Edition. New York: Guilford. Selected by Choice (www.choice360.org) as an Outstanding Academic Title for 2017.

Barrett, L. F., Niedenthal, P., & Winkielman, P. (Eds.). (2005). *Emotion: Conscious and unconscious*. New York: Guilford.

Lewis, M., Haviland-Jones, J. M., & **Barrett, L. F.** (Eds.). (2008). *Handbook of emotion*, 3rd Edition. New York: Guilford.

Mesquita, B., **Barrett, L. F.**, & Smith, E. (Eds.) (2010). *The mind in context*. New York: Guilford.

WHITE PAPERS

Barrett, L. F. (2007). *The science of emotion*. White paper commissioned by the National Research Council Committee on Opportunities in Basic Research in the Behavioral and Social Sciences for the U.S. Military. National Academies Press.

Barrett, L. F., Abiose, O., & Edersheim, J. G. (2016). *The neuroscience of racial prejudice: Current concepts and controversies*. White paper commissioned by Chief Justice Gants of the Massachusetts Supreme Court for the Standing Committee on Eyewitness Identification.

PEER REVIEWED PUBLICATIONS

* Senior author is either shared or is not in the final authorship position ^shared senior authorship

Preprints

Hoemann, K., Gendron, M., Crittenden, A. N., Mangola, S. M., Endeko, E. S., Dussault, E., **Barrett, L. F.**, & Mesquita, B. (2022). *What we can learn about emotion by talking with the Hadza*. <https://psyarxiv.com/sm2cp/>

Katsumi, Y., Kamona, N., Zhang, J., Bunce, J. G., Hutchinson, J. B., Yarossi, M., Tunik, E., Quigley, K. S., Dickerson, B. C. & **Barrett, L. F.** (2021). *Functional connectivity gradients as a common neural architecture for predictive processing in the human brain*. <https://doi.org/10.1101/2021.09.01.456844>

Theriault, J. E., Shaffer, C., Dienel, G. A., Sander, C. Y., Hooker, J. M., Dickerson, B. C., ^**Barrett, L. F.**, & ^Quigley, K. S. (2021). *Aerobic glycolysis, the efficiency tradeoff hypothesis, and the biological basis of neuroimaging: A solution to a metabolic mystery at the heart of neuroscience*. <https://psyarxiv.com/pkzr8>

In Press or Invited

1. **Barrett, L. F.** (Invited). Context reconsidered: Complexity, variation and relational meaning. *American Psychologist* (Distinguished Scientific Contribution Award in Psychology, American Psychological Association).
2. Katsumi, Y., Theriault, J. E., Quigley, K. S., & **Barrett, L. F.** (in press). Allostasis as a core feature of hierarchical gradients in the human brain. *Network Neuroscience*.
3. Shaffer, C., Westlin, C., Quigley, K. S., Whitfield-Gabrieli, S., & **Barrett, L. F.** (in press). Allostasis, action and affect in depression: Insights from the theory of constructed emotion. *Annual Review of Clinical Psychology*.

2022

4. Sennesh, E., Theriault, J., Brooks, D., van de Meent, J-W., **Barrett, L. F.** & Quigley, K. S. (2022). Interoception as modeling, allostasis as control. *Biological Psychology*, 167, 108242.

2021

5. Hoemann, K., **Barrett, L. F.**, & Quigley, K. S. (2021). Emotional granularity increases with intensive ambulatory assessment: Methodological and individual factors influence how much. *Frontiers in Psychology*. <https://doi.org/10.3389/fpsyg.2021.704125>
6. Hoemann, K., **Barrett, L. F.**, & Quigley, K. A. (2021). The N400 indexes acquisition of novel emotion concepts via conceptual combination. *Psychophysiology*. PMID: 33241553
7. Hoemann, K., Gendron, M., & **Barrett, L. F.** (2021). Assessing the power of words to facilitate emotion category learning. *Affective Science*. <https://doi.org/10.1007/s42761-021-00084-4>
8. Hoemann, K., Khan, Z., Kamona, N., **Barrett, L. F.**, & Quigley, K. S. (2021). Investigating the relationship between emotional granularity and peripheral physiological activity in daily life. *Psychophysiology*, 58, 6, e13818. <https://doi.org/10.1111/psyp.13818>
9. Hoemann, K., Nielson, C., Yuen, A., Gurera, J. W., Quigley, K. S., & **Barrett, L. F.** (2022). Expertise in emotion: A scoping review and unifying framework for individual differences in the mental representation of emotional experience *Psychological Bulletin*, 147(11), 1159–1183.

10. Katsumi, Y., Andreano, J. M., **Barrett, L. F.**, Dickerson, B. C., & Touroutoglou, A. (2021). Greater neural differentiation in the ventral visual cortex is associated with youthful memory in superaging. *Cerebral Cortex*, 31, 5275-5287. <https://doi.org/10.1093/cercor/bhab157>
11. Kragel, P.A., Čeko, M., Theriault, J., Chen, D., Satpute, A. B., Wald, L. W., Lindquist, M. A., **Barrett, L. F.**, & Wager, T. D. (2021). A human colliculus-pulvinar-amygdala pathway encodes negative emotion. *Neuron*, 109, 1-9.
12. Le Mau, T., Hoemann, K., Lyons, S.H., Fugate, J. M. B., Brown, E. N., Gendron, M.* & **Barrett, L. F.*** (2021). Professional actors demonstrate variability, not stereotypical expressions, when portraying emotional states in photographs. *Nature Communications*, 12, <https://doi.org/10.1038/s41467-021-25352-6>
13. Singh, A., Westlin, C., Hedwig, E., Losin, E. A. R., Andrews-Hannah, J. R., Wager, T. D., Satpute, A. B., **Barrett, L. F.**, Brooks, D., & Erdogmus, D. (2021). Variation is the norm: Brain state dynamics evoked by emotional video clips. 2021 43rd Annual International Conference of the IEEE Engineering in Medicine & Biology Society (EMBC). October 31-Nov 4, 2021, Virtual.
14. Wormwood, J. B., Quigley, K. Q., & **Barrett, L. F.** (2021). Emotion and threat detection: The roles of affect and conceptual knowledge. *Emotion*. doi: 10.1037/emo0000884. Online ahead of print. PMID: 34081492
15. Zeev, L., Irani, M., Catana, C., **Barrett, L. F.**, & Atzil, S. (2021). Maternal dopamine encodes affective signals of human infants. *Social Cognitive and Affective Neuroscience*. DOI: <https://doi.org/10.1093/scan/nsab116>

2020

16. Azari, B., Westlin, C., Satpute, A. B., Hutchinson, J. B., Kragel, P. A., ... & **Barrett, L. F.** (2020). Comparing supervised and unsupervised approaches to emotion categorization in the human brain, body and subjective experience. *Scientific Reports*. <https://doi.org/10.1038/s41598-020-77117-8> PMID: [PMC7679385](https://pubmed.ncbi.nlm.nih.gov/347679385/)
17. **Barrett, L. F.** (2020). Hypotheses about emotional development in the theory of constructed emotion: A response to developmental perspectives on *How Emotions Are Made*. *Human Development*. <https://doi.org/10.1159/000508988>.
18. **Barrett, L. F.** (2020). Debate about universal expressions goes big. *Nature*, <https://doi.org/10.1038/d41586-020-03509-5>
19. Berent, I., **Barrett, L. F.**, & Platt, M. (2020). Essentialist biases in reasoning about emotions. *Frontiers in Psychology*, <https://doi.org/10.3389/fpsyg.2020.562666>. PMID: [PMC7538619](https://pubmed.ncbi.nlm.nih.gov/347538619/)
20. Eldaief, M. C., Perez, D. L., Quimby, M., Hochberg, D., Touroutoglou, A., **Barrett, L. F.**, & Dickerson, B. C. (2020). Atrophy in distinct corticolimbic networks subserving socioaffective behavior in semantic variant primary progressive aphasia. *Dementia and Geriatric Cognitive Disorders*, 49, 6, 589-597. <https://doi.org/10.1159/000511341> PMID: 33691310
21. Gendron, M., Hoemann, K., Crittenden, A. N., Mangola, S. M., Ruark, G., & **Barrett, L.F.** (2020). Emotion perception in Hadza hunter-gatherers. *Scientific Reports*, 10 3867. <https://doi.org/10.1038/s41598-020-60257-2>. PMID: [PMC7051983](https://pubmed.ncbi.nlm.nih.gov/347051983/)
22. Gruber, J., Mendle, J., Lindquist, K. A., Schmader, T., Clark, L.A., Bliss-Moreau, E., et al. (2020). The future of women in psychological science. *Perspectives on Psychological Science*. Advance online publication. <https://doi.org/10.1177/1745691620952789>. PMID: 32901575

23. Hoemann, K., Devlin, M., & **Barrett, L. F.** (2020). Emotions are abstract, conceptual categories that are learned by a predicting brain. *Emotion Review*. <https://doi.org/10.1177/1754073919897296>
24. Hoemann, K., Kahn, Z., Feldman, M., Nielson, C., Devlin, M., Dy, J., **Barrett, L. F.**, Wormwood, J. B., & Quigley, K. S. (2020). Context-aware experience sampling reveals the scale of variation in affective experience. *Scientific Reports*. <https://doi.org/10.1038/s41598-020-69180-y> PMID: [PMC7385108](https://pubmed.ncbi.nlm.nih.gov/3385108/)
25. Hoemann, K., Wu, R., LobBue, V., Oakes, L. M., Xu, F., & **Barrett, L. F.** (2020). Developing an understanding of emotion categories: Lessons from objects. *Trends in Cognitive Sciences*, 24, 39-51. PMID: [PMC6943182](https://pubmed.ncbi.nlm.nih.gov/36943182/)
26. Katsumi, Y.* , Racine, A.* , Torrado-Carvajal, A., Loggia, M. L., Hooker, J. M., Greve, D. N., Hightower, B. G., Catana, C., Cavallari, M., Arnold, S. E., Fong, T. G., Vasunilashorn, S. M., Marantonio, E. R., Schmitt, E. M., Xu, G., Libermann, T., **Barrett, L. F.**, Inouye, S. K., Dickerson, B. C., Touroutoglou, A., & Collins, J. A. for the RISE Study Group (in press). The role of inflammation after surgery for elders (RISE) study: Examination of [¹¹C] PBR28 binding and exploration of its link to post-operative delirium. *NeuroImage: Clinical*, 27, 102346 <https://doi.org/10.1016/j.nicl.2020.102346>. PMID: [PMC7390821](https://pubmed.ncbi.nlm.nih.gov/37390821/)
27. Khalaf, A., Nabian, M., Fan, M., Yin, Y., Wormwood, J., Siegel, E., Quigley, K. S., **Barrett, L. F.**, Akcakaya, M., Chou, C-A., & Ostadabbas, S. (2020). Analysis of multimodal physiological signals within and between individuals to predict psychological challenge vs. threat. *Expert Systems with Applications*, 140, <https://doi.org/10.1016/j.eswa.2019.112890>.
28. Lebois, L. A. M., Wilson-Mendenhall, C. D., Simmons, W. K., **Barrett, L. F.**, & Barsalou, L. W. (2020). Learning situated emotions. *Neuropsychologia*, 145, 106637. <https://doi.org/10.1016/j.neuropsychologia.2018.01.008>. PMID: PMC6037607 (available on 2021-08-01)
29. Quigley, K. S., Kanoski, S., **Barrett, L. F.**, Tsakiris, M. (2020). Functions of interoception: From energy regulation to experience of self. *Trends in Neurosciences*. PMID: PMC7780233
30. Poß, D., Liebl, D., Kneip, A., Eisenbarth, H., Wager, T.D., & **Barrett, L.F.** (2020). Super-consistent estimation of points of impact in nonparametric regression with functional predictors. *Journal of the Royal Statistical Society*, 82, 1115-1140.
31. Theriault, J. E., Young, L., & **Barrett, L. F.** (2020). The sense of should: A biologically-based framework for modeling social pressure. *Physics of Life Reviews*. PMID: 32008953
32. Theriault, J., Coleman, M., Feldman, M., Fridman, J., Sennesh, E., **Barrett, L.F.**, & Quigley, K. (2020). Beginning with biology: “Aspects of cognition” exist in the service of the brain's overall function as a resource-regulator. *Behavioral and Brain Sciences*, 43, E26. doi:10.1017/S0140525X19001705. PMID: 32159500
33. Touroutoglou, A., Andreano, J., Dickerson, B. C., & **Barrett, L. F.** (2020). The tenacious brain: How the anterior mid cingulate contributes to achieving goals. *Cortex*, 123, 12-29. PMID: [PMC7381101](https://pubmed.ncbi.nlm.nih.gov/37381101/)
34. Zhang, J., Scholtens, L. H., Wei, Yongbin, van den Heuvel, M. P., Chanes, L., & **Barrett, L. F.** (2020). Topography impacts topology: anatomically central areas exhibit a “higher-level connector” profile in human cortex. *Cerebral Cortex*, 30, 1357–1365, <https://doi.org/10.1093/cercor/bhz171>. PMID: PMC7132940

35. Adolphs, R., Mlodinow, L., & **Barrett, L. F.** (2019). What is an emotion? *Current Biology*, 29, R1–R5. PMID: [PMC7749626](#)
36. Anderson, E., Wormwood, J., **Barrett, L. F.**, & Quigley, S. (2019). Vegetarians' and omnivores' affective and physiological responses to images of food. *Food Quality and Preference*, 71, 96-105. PMID: [PMC6582652](#)
37. Asutay, E., Genevsky, A., **Barrett, L. F.**, Hamilton, J. P., Slovic, P., & Västfjäll, D. (2019, October 24). Affective calculus: The construction of affect through information integration over time. *Emotion*. <http://dx.doi.org/10.1037/emo0000681>. PMID: 31647282
38. **Barrett, L. F.**, Adolphs, R., Marsella, S., Martinez, A., & Pollak, S. (2019). Emotional expressions reconsidered: Challenges to inferring emotion in human facial movements. *Psychological Science in the Public Interest*, 20, 1-68. PMID: [PMC6640856](#)
39. **Barrett, L. F.**, & Satpute, A. B. (2019). [Historical pitfalls and new directions in the neuroscience of emotion](#). *Neuroscience Letters*, Feb 6; 693:9-18. doi: 10.1016/j.neulet.2017.07.045. Epub 2017 Jul 26. PMID: [PMC5785564](#)
40. Betz, N., Hoemann, K., & **Barrett, L. F.** (2019). Words are a context for mental inference. *Emotion*. PMID: [PMC6620159](#)
41. Fridman, J., **Barrett, L. F.**, Wormwood, J. B., & Quigley, K. S. (2019). Applying the theory of constructed emotion to police decision making. *Frontiers in Psychology*, 10:1946. doi: 10.3389/fpsyg.2019.01946. PMID: [PMC6749088](#)
42. Hoemann, K., Crittenden, A. N., Msafiri, S., Liu, Q., Chaojie, L., Roberson, D., Ruark, G., Gendron, M. & **Barrett, L. F.** (2019). Context facilitates performance on a classic cross-cultural emotion perception task. *Emotion*, 19, 1292-1313. <http://dx.doi.org/10.1037/emo0000501>. PMID: [PMC6535382](#)
43. Hoemann, K., Xu, F., & **Barrett, L. F.** (2019). Emotion words, emotion concepts, and emotional development in children: A constructionist hypothesis. *Developmental Psychology*, 55, 1830-1849. PMID: [PMC6716622](#)
44. Hutchinson, J. B. & **Barrett, L. F.** (2019). The power of predictions: An emerging paradigm for psychological research. *Current Directions in Psychological Science*, 28, 280-291. PMID: [PMC6867616](#)
45. Kragel, P.A., Bianciardi, M., Hartley, L., Matthewson, G., Quigley, K. A., Wald, L. L., Wager, T.D., **Barrett, L. F.**, & Satpute, A. B. (2019). Functional involvement of human periaqueductal gray and other midbrain structures in cognitive control. *Journal of Neuroscience*, 39, 6180-6189. PMID: [PMC6668211](#)
46. Mobbs, D., Adolphs, R., Fanselow, M., **Barrett, L. F.**, LeDoux, J., Ressler, K., & Tye, K. (2019). Viewpoint: Approaches to defining and investigating fear. *Nature Neuroscience*, 22, 1205-1216. PMID: [PMC6943931](#)
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BOOK CHAPTERS

In Press or Invited

1. **Barrett, L. F.** (in preparation). Title to be determined: Chapter on philosophy of science. In D. Gilbert, S. T. Fiske, E. Finkel, & W. B. Mendes (Eds.), *Handbook of Social Psychology*, 6th Edition.

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2. **Barrett, L. F.** & Lida, T. (2022). Constructionist approaches to emotion in psychology and related fields. Chapter to appear in A. Scarantino (Ed.), *Routledge Handbook of Emotion Theory*.

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3. **Barrett, L. F.** & Westlin, C. (2021). [Navigating the science of emotion](#). In H. Meiselman (Ed.), *Emotion measurement*, 2nd Edition (p. 39-84). Oxford, England: Elsevier.
4. Park, B., Petty, R.E., Correll, J., **Barrett, L.F.**, Hutchings, V., Langer, G., Otten, S., Parker, C. & von Hippel, W. (2021). Report on the 2017 NSF Conference on Implicit Bias. In Krosnick, J.A., Stark, T. H & Scott, A.L. (Eds.) *The Cambridge Handbook of Implicit Bias and Racism*. Cambridge, England: Cambridge University Press.

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BOOK REVIEWS

- Barrett, L. F.** (2019). Survival: The first 3.8 billion years. A review of *The Deep History of Ourselves: The Four-Billion-Year Story of How We Got Conscious Brains* by Joseph LeDoux. *Nature*.

Barrett, L. F. (2019). In search of emotions: Review of *The Neuroscience of Emotion* by Adolphs and Anderson. *Current Biology*, 29, R1–R3.

Barrett, L. F. (2018). How elastic is your brain? *The New York Times Book Review (The Shortlist)*,

OP-EDs

- February 28 2014 What Faces Can't Tell Us, *The New York Times*.
April 17, 2015 When a Gun is Not a Gun, *The New York Times*.
August 2, 2015 What Emotions Are (and Aren't), *The New York Times*.
Sept. 1, 2015 Psychology Is Not In Crisis, *The New York Times*.
June 5, 2016 You are in despair? That's good, *The New York Times*.
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January 1, 2017 How to Become a "Superager," *The New York Times*.
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April 6, 2017 Smile If You Think Robots Can Read Our Emotions, *The Financial Times*.
April 8, 2017 Can Jurors Really Detect Remorse? *The Toronto Star*.
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July 8, 2020 College Courses Online are Disappointing. Here's How to Fix Them, *The New York Times*.
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March 4, 2021 Variation is the Stuff of Life. So Why Can It Make Us Uncomfortable? *The Guardian*.

For links to op-eds, see <https://lisafeldmanbarrett.com/articles/>

ESSAYS

Barrett, L. F. (2014, January). Essentialist views of the mind. In J. Brockman (Ed.) (2015) *This idea must die*. New York: Harper Perennial.)

Barrett, L. F. (2016, January). The predictive brain. In J. Brockman (Ed.) (2017) *Know this: Today's most interesting and important scientific ideas, discoveries, and developments*. New York: Harper Perennial.)

Barrett, L. F. (2017, January). Conceptual combination. (The Edge 2017: What scientific word or concept ought to be more widely known?)

Barrett, L. F. (2017, March 5). The secret history of emotions, *The Chronicle of Higher Education*.

Barrett, L. F. (2019, September). [The publications arms race](#). Presidential column, *The Observer*, Association for Psychological Science.

Barrett, L. F. (2019, October). [Zombie ideas](#). Presidential column, *The Observer*, Association for Psychological Science.

Barrett, L. F. (2019, November). [Looking at psychology through the lens of metascience](#). Presidential column, *The Observer*, Association for Psychological Science.

Barrett, L. F. (2019, December). [The gift of discovery](#). Presidential column, *The Observer*, Association for Psychological Science.

Barrett, L. F. (2020, January). [Take an aisle seat](#). Presidential column, *The Observer*, Association for Psychological Science.

Barrett, L. F. (2020, February). [A day in the life](#). Presidential column, *The Observer*, Association for Psychological Science.

Barrett, L. F. (2020, March). [Forward into the past](#). Presidential column, *The Observer*, Association for Psychological Science.

Barrett, L. F. (2020, April). [Forward into the past, part 2](#). Presidential column, *The Observer*, Association for Psychological Science.

Barrett, L. F. (2020, May). [Mind, body, illness: Amidst pandemic, opportunity for discovery](#). Presidential column, *The Observer*, Association for Psychological Science.

HUMOR

Barrett, L.F. & Barrett, D. J. (2016). [What do ghosts feel? Emotion in the afterlife](#). *The Observer*, 29, 22-24.

POPULAR ARTICLES

For additional articles in the popular media, see <https://lisafeldmanbarrett.com/articles/>

- February 27, 2017 Why Women Look “Mad” When Men Look “Serious,” *Cosmopolitan*.
March 7, 2017 This is How Your Brain Constructs Emotions, *Popular Science*.
April 30, 2017 How ‘superagers’ stay sharp in their later years, *The Observer*, *The Guardian*.
May 10, 2017 7 Things You Don’t Know About Emotion, *Female First*.
June 8, 2017 Poverty on the Brain, *Thrive Global*.
August 3, 2017 Emotional Intelligence Needs a Rewrite, *Nautilus*.
May 11, 2018 How Emotions Trick Your Brain, *BBC Focus*.
May 11, 2018 Why Men Need to Stop Relying on Non-Verbal Consent, *Time*.
May 22, 2018 The Science of Making Emotion, *Healthy Living Made Simple*.
June 5, 2018 Buddhists in love, *Aeon*.
November 15, 2020 The power of words, *Maria Shriver’s Sunday Paper*.
December 8, 2020 Do These 7 Things if You Want to Raise Kids with Resilient Brains, *CNBC*.
January 1, 2021 Why Chimpanzees Don’t Hold Elections: The Power of Social Reality, *Undark*.
March 3, 2021 That Is Not How Your Brain Works, *Nautilus*.
March 5, 2021 Brains Make More Than One Kind of Mind, *The Psychologist*.
April 20, 2021 Your Brain Predicts (Almost) Everything You Do, *Mindfulness Magazine*.
April 27, 2021 7 (and a Half) Myths About the Brain, *BBC Science Focus*.
July 15, 2021 Interoception: The Secret Ingredient, *Cerebrum* (with Karen Quigley).
August 12, 2021 Psychology is in a Crisis: But Not the One You’re Thinking Of, *BBC Science Focus*.
August 14, 2021 We Have More Than Five Senses, *BBC Science Focus*.
August 15, 2021 Will We Ever Recreate the Brain on a Computer? *BBC Science Focus*.
August 25, 2021 This is How Your Brain Makes Your Mind, *MIT Technology Review*.
August 28, 2021 We Don’t Understand How Emotions Work, *BBC Science Focus*.
September 16, 2021 Your Brain Secretly Works With Other Brains, *Mindful*.
December 9, 2021 Neuroscience Says There’s No Such Thing as Free Will. A Psychologist Explains Why This Might Not Be True, *BBC Science Focus*.
December 22, 2021 There’s More Than One Way to Carve Up a Human Brain, *BBC Science Focus*.

BLOG POSTS

For additional blog posts, see <https://lisafeldmanbarrett.com/blog/>

November 6, 2014 Discovering the ecology of the mind, *Science2034*

July 5, 2015	How Pixar's "Inside Out" Gets One Thing Deeply Wrong, <i>WBUR's Common Health Blog</i> .
January 4, 2017	Degeneracy, https://lisafeldmanbarrett.com/blog/
January 8, 2017	Essentialism, https://lisafeldmanbarrett.com/blog/
February 5, 2017	Core Systems, https://lisafeldmanbarrett.com/blog/
March 15, 2017	Pattern Classification Explained, https://lisafeldmanbarrett.com/blog/
March 19, 2017	Population Thinking, https://lisafeldmanbarrett.com/blog/
April 13, 2017	Three Myths About the Brain (That Deserve to Die), <i>NBC News Online</i> .
April 17, 2017	Brain Circuits for Emotion? https://lisafeldmanbarrett.com/blog/
May 24, 2017	The Mental Inference Fallacy, https://lisafeldmanbarrett.com/blog/
June 4, 2017	Poverty on the Brain, https://lisafeldmanbarrett.com/blog/
September 23, 2017	Simulating the bodily pain of future climate change, <i>NPR, 13.7 cosmos & culture</i> .
July 21, 2018	How to be Misquoted, https://lisafeldmanbarrett.com/blog/
October 5, 2020	Every Pandemic Tells a Story, https://lisafeldmanbarrett.com/blog/
October 18, 2020	The World Sculpts Your Physical Health, https://lisafeldmanbarrett.com/blog/
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September 2, 2021	A Quartet of Science Questions https://lisafeldmanbarrett.com/2021/09/02/a-quartet-of-science-questions/

WIKIPEDIA PROJECT (in collaboration with Wikimedia)

2012 Edited "affect" and "emotion" pages.

ABSTRACTS PUBLISHED

Barrett, L.F. (2003). Detecting evidence of self-deception: Defensive verbal behavior assessment. *Journal of Research in Personality*, 36, 546-548.

Feldman, L. A. (1994). Distincion entre la depresion y la ansiedad en la autocomunicacion: Evidencias derivadas del analisis de factores confirmativos en muestras clinicas y no clinicas. *Focus on Psychiatry*, 2, 44-45.

KEYNOTE AND INVITED ADDRESSES

* This list does not include departmental colloquia

Barrett, L. F. (2022, March). *Allostasis, action and affect in depression: Insights from the theory of constructed emotion*. McLean Hospital/Harvard Medical School Center for Depression, Anxiety and Stress Research (CDASR) Speaker Series (virtual).

Barrett, L. F. (2021, September). *Concept construction in a predicting brain: A paradigm for studying brain, body and mind*. Keynote Address, Oxford Mindfulness Center, University of Oxford.

Barrett, L.F. (2021, August). *Through the looking glass: Using the science of emotion to understand how a mind is constructed*. Keynote, Distinguished Scientific Contribution Award in Psychology, annual convention of the American Psychological Association (virtual).

Barrett, L.F. (2021, July). *The neuroscience of emotion formation*. Keynote, Oxford NeuroCon Forum, Royal College of Psychiatrists/Wellcome Neuroscience Project, UK (virtual).

Barrett, L.F. (2021, June). *Allostasis and interoception at the core of the brain*. Keynote, Brain Connectivity Workshop 2021 (virtual).

Barrett, L.F. (2021, May). *Concept construction in a predicting brain: A paradigm for studying brain, body and mind*. Catherine Kerr Memorial Lecture for Mindfulness and Compassion Grand Rounds, Harvard Medical School, Cambridge MA (virtual).

Barrett, L. F. (2021, April). *Be an architect of your experience: Lessons from the theory of constructed emotion*. Plenary address at the annual meeting of the Wisconsin Psychological Association (virtual).

Barrett, L.F. (2021, April). *Concept construction in a predicting brain: An emerging paradigm for studying brain, body and mind*. Departmental Colloquium, University of California, Riverside (virtual).

Barrett, L.F. (2021, April). *Variation is the norm: Darwin's population thinking and the science of emotion*. Distinguished Public Lecture, University of Calgary, Calgary Alberta, Canada (virtual).

Barrett, L. F. (2021, April). *Policing reform and predicting brains*. Policing and the brain: How neuroscience can contribute to police reform. The Petrie-Flom Center for Health, Law Policy, Biotechnology and Bioethics, Harvard Law School, Cambridge MA (virtual).

Barrett, L. F. (2020, December). *What brain evolution reveals about human nature*. Keynote address, Rubin Forum Lecture Series, The Zvi Yavetz School of Historical Studies, Tel Aviv University (virtual).

Barrett, L. F. (2020, December). *Be an architect of your experience: Lessons from the theory of constructed emotion*. The Conway Lloyd Morgan Lecture, University of Bristol (virtual).

Barrett, L. F. (2020, November). Panel discussion to *From brain to self- A temporospatial and neuro-econological approach*, Keynote address by Georg Northoff, Brain-to-Society Decision and Behavior Seminar, McGill Center for the Convergence of Health and Economics (virtual).

Barrett, L.F. (2020, November). *A populations approach to affective science*. Keynote address, Technology, Mind and Society Showcase, American Psychological Association (virtual).

Barrett, L.F. (2020, November). *The role of emotions in global health: Variation is the norm*. Keynote address, The Role of Emotion in Global Health Webinar, Vaccine Confidence Project, London School of Hygiene and Tropical Medicine (virtual).

Barrett, L. F. (2020, June). *Can machines perceive emotion?* Keynote address, Conference on Computer Vision and Pattern Recognition (virtual).

Barrett, L.F. (2020, March). *Emotions: Separating fact from fiction*. Public Lecture, University of Waikato, Hamilton, New Zealand.

Barrett, L.F. (2020, February). *Variation is the norm: Darwin's population thinking and the science of emotion*. The 2020 John P. McGovern Award Lecture in the Behavioral Sciences, annual meeting of the American Association for the Advancement of Science, Seattle Washington.

Barrett, L. F. (2019, October). *From essences to predictions: A brain-based understanding of emotion*. Grand Rounds, Yale Medical School, New Haven CT.

Barrett, L. F. (2019, October). *From essences to predictions: A brain-based understanding of emotion*. Watson Colloquium, University of New Hampshire, Durham NH.

Barrett, L. F. (2019, September). *Beyond the replication crisis: A curmudgeon's view*. Meta-Science 2019 Symposium: The Emerging Field of Research on the Scientific Process. Invited talk, Stanford University. Palo Alto, CA.

Barrett, L. F. (2019, September). *Can machines perceive emotion?* Keynote address, 8th International Conference on Affective Computing & Intelligent Interaction (ACII 2019), Cambridge UK.

Barrett, L. F. (2019, May). *Curating and constructing: affective science and the nature of emotion*. Invited talk, Festschrift for Dr. Gerald Clore, University of Virginia, Charlottesville VA.

- Barrett, L. F.** (2019, April). *Interoceptive predictions*. Invited talk, *US NIH Workshop on Interoception*, Bethesda MD.
- Barrett, L. F.** (2019, March). *From mental faculties to the predicting brain: A new way to teach psychological science*. Keynote address for the Institute on the Teaching of Psychological Science, Paris, France.
- Barrett, L. F.** (2019, March). *Unifying the mind: allostasis and interoception are the core of all mental activity*. Invited talk, third biennial International Convention of Psychological Science (ICPS), Paris, France.
- Barrett, L. F.** (2019, March). *Emotions: Facts vs. fictions*. Invited Public Lecture, Iowa State University. Ames, Iowa.
- Barrett, L. F.** (2019, January). *The power of predictions: An emerging paradigm for psychological research*. 2019 Thibaut Award Lecture, University of North Carolina, Chapel Hill NC.
- Barrett, L. F.** (2018, November). *Emotions: Separating fact from fiction*. Psi Chi Annual Lecture, Wheaton College, Norton MA.
- Barrett, L. F.** (2018, October). *From essences to concepts: A brain-based understanding of emotion*. Contemplative Sciences Center, University of Virginia, Charlottesville VA.
- Barrett, L. F.** (2018, October). *From essences to predictions: A brain-based understanding of emotion*. Boston Action Club, Northeastern University, Boston MA.
- Barrett, L. F.** (2018, October). *Emotions: Facts vs. myths*. Anderson Public Lecture, University of Aberdeen, Scotland.
- Barrett, L. F.** (2018, September). *Why words matter: Lessons from neuroanatomy*. Distinguished Lecture, University of Virginia.
- Barrett, L. F.** (2018, September). *Emotions: Separating fact from fiction*. Center for International Affairs, Northeastern University.
- Barrett, L. F.** (2018, September). *Emotions: Separating fact from fiction*. Northeastern University Alumni Event, New York NY.
- Barrett, L. F.** (2018, September). *Why words matter: Lessons from neuroanatomy*. Burack President's Distinguished Lecture, University of Vermont.
- Barrett, L. F.** (2018, August). *The fundamentals of emotion: allostasis, interoception and categorization within a predicting brain*. Affective Neuroscience Workshop, National Institute on Aging, TBD.
- Barrett, L. F.** (2018, July). *From essences to predictions: A brain-based understanding of emotion*. Plenary address at the annual meeting of the Society for Philosophy and Psychology, University of Michigan, Ann Arbor MI.
- Barrett, L. F.** (2018, July). *From essences to predictions: A brain-based understanding of emotion*. Plenary address at the annual meeting of the Society for European Society for Social, Cognitive and Affective Neuroscience, Leiden, the Netherlands.
- Barrett, L. F.** (2018, July). *The fundamentals of emotion: allostasis, interoception and categorization within a predicting brain*. Women in Psychology Conference, Cambridge MA.
- Barrett, L. F.** (2018, June). *Emotions inside out: From cartoon neuroscience to the predictive brain*. Invited address, NIH Science of Behavior Change (SOBC) Electronic Grand Rounds, Boston, MA.

Barrett, L. F. (2018, May). *How the brain builds emotions: An active inference account of allostasis, interoception and categorization*. Invited talk at the annual meeting of the Association for Psychological Science (APS), San Francisco CA.

Barrett, L. F. (2018, April). *Emotions: Separating Face from Fiction*. Invited address at the Russell Museum, Massachusetts General Hospital, Boston MA.

Barrett, L. F. (2018, April). *The predictive brain and the human mind*. Conference on Predictive Coding, Tufts University, Medford, MA.

Barrett, L. F. (2018, March). *Emotions inside out: From cartoon neuroscience to the predictive brain*. Keynote address, Stockholm Psychiatry Lectures, Karolinska Institutet, Stockholm, Sweden.

Barrett, L. F. (2018, March). *From essences to predictions: A brain-based understanding of emotion and depression*. Keynote address, Association of Scientists in Child and Adolescent Mental Health, Alicia Koplowitz Foundation. Barcelona, Spain.

Barrett, L. F. (2018, February). *Deconstructing emotional experience*. University of North Carolina School of Social Work Continuing Education Series, Chapel Hill, NC.

Barrett, L. F. (2018, January). *Emotions: Separating Face from Fiction*. Public Lecture at the Hebrew University of Jerusalem, Jerusalem Israel.

Barrett, L. F. (2017, November). *From essences to concepts: A brain-based understanding of emotion*. Invited talk, Annual meeting of the American Academy of Religion, Boston MA.

Barrett, L. F. (2017, October). *Superagers: A model of successful aging*. Brain Imaging Center Symposium, Mount Sinai Hospital, New York, NY.

Barrett, L. F. (2017, October). *Social animals, predicting brains and internal models*. Invited address, SESP Attraction and Relationships Preconference, Society for Experimental and Social Psychology, Boston MA.

Barrett, L. F. (2017, July). *The predictive brain and the human mind*. Invited address, International Positive Psychology Conference, Montreal, Canada.

Barrett, L. F. (2017, May). *The predictive brain and the human mind*. Advances in Health Neuroscience and Multimodal Neuroimaging, Center for the Neural Basis of Cognition, University of Pittsburgh, PA.

Barrett, L. F. (2017, April). *The predictive brain and the human mind*. Office of Behavioral and Social Sciences Research, National Institutes of Health, Bethesda MD.

Barrett, L. F. (2017, March). *The predictive brain and the human mind*. Social Affective Neuroscience Society annual conference, Los Angeles, CA.

Barrett, L. F. (2016, September). *Lessons for brain-computer interfaces from the science of emotion*. Brain-Computer Interface Industry Day: Making New Connections, Facebook, Menlo Park CA.

Barrett, L. F. (2016, September). *Introducing a biologically plausible unified theory of the mind of EPIC proportions*. Lost in Translation? Great Clinical Science and Great Clinical Problems in Mental Health. The University of Tulsa, Tulsa OK.

Barrett, L.F. (2016, June). *What can the nervous system teach us about emotion?* Anesthesiology Grand Rounds, Beth Israel Deaconess Medical Center, Boston MA.

Barrett, L.F. (2016, June). *The brain basis of emotional intelligence: Interoception, concepts, and the predicting brain*. Florentine Symposium on Emotional Intelligence, Florence, Italy.

- Barrett, L.F.** (2016, May). *Understanding emotion: Separating science from ideology*. The Science of Teaching Psychology, 28th annual meeting of the Association for Psychological Science, Chicago IL.
- Barrett, L.F.** (2016, May). *Of mice and men: Brain evolution and the emergence of emotion*. International workshop on Animal and human emotion, Living Links Center for the Advanced Study of Human & Ape Evolution, Sicily, Italy.
- Barrett, L.F.** (2016, April). *What can the nervous system teach us about emotion?* Interpersonal approaches to emotion, Cologne Germany.
- Barrett, L.F.** (2015, September). *Emotions and pain in the predictive brain*. Bench to Beside Lecture, Brown University, Providence RI.
- Barrett, L.F.** (2015, October). *Emotion inside out: From cartoon neuroscience to the predictive brain*. Second annual symposium of the Research Coordination Network for Neuroimaging of Social and Affective Disorders, Boston MA.
- Barrett, L.F.** (2015, September). *Emotion inside out: From cartoon neuroscience to the predictive brain*. Harvard Conte Colloquium, Harvard University, Cambridge MA.
- Barrett, L.F.** (2015, June). *Emotion and pain in the predictive brain: How Neuroimaging Helps Law Re-envision pain*. Center for Law, Brain and Behavior as Harvard Medical School and the Petrie-Flom Center for Health Law, Policy, Biotechnology and Bioethics at the Harvard Law School, Cambridge MA.
- Barrett, L.F.** (2015, June). *The science of emotion: Lessons for chronic pain*. Keynote address, 57th annual meeting of the American Headache Society, Washington DC.
- Barrett, L.F.** (2015, June). *Emotion inside out: From cartoon neuroscience to the predictive brain*. Frontiers of Brain Science, Knight Science Journalism at MIT, Cambridge MA.
- Barrett, L.F.** (2015, May). *How emotions are made*. Grand Rounds, Department of Psychiatry, Alpert Medical School, Brown University, Providence RI.
- Barrett, L.F.** (2015, April). *How emotions are made*. L. Startling Reid Lecture, University of Virginia, Charlottesville VA.
- Barrett, L.F.** (2015, March). *How emotions are made*. Grand Rounds, Rotman Research Institute, Baycrest Hospital, Toronto Ontario CA.
- Barrett, L. F.** (2014, April). *Beyond Essentialism in Social and Affective Neuroscience*. Annual Meeting of the Social and Affective Neuroscience Society, Denver, CO.
- Barrett, L. F.** (2014, April). *How emotions are made: Insights for the Science of Learning*. Symposium on the Science of Learning, Harvard Medical School, Boston MA.
- Barrett, L. F.** (2013, October). *How emotions are made*. William K. Warren Frontiers in Neuroscience Distinguished Speaker, Tulsa Oklahoma.
- Barrett, L.F.** (2013, August). *Language as a core component of emotion*. Bi-Annual meeting of the International Society for Research on Emotion (ISRE), Berkeley CA.
- Barrett, L.F.** (2013, June). *Using meta-analysis to understand the nature of emotion*. Annual meeting of the Organization for Human Brain Mapping, Seattle Washington.
- Barrett, L.F.** (2013, April). *How the mind works: Lessons from the science of emotion*. Grand Rounds, Department of Psychiatry, Mass General Hospital, sponsored by Center for Law, Brain, and Behavior, Boston MA.

Barrett, L. F. (2013, March). *How emotions are made*. Invited address presented at Emotional, All Too Emotional Conference, Tel Aviv Israel.

Barrett, L. F. (2012, September). *The science of emotion: from where to how*. Address delivered at the NIH Director's Pioneer Award, Washington DC.

Barrett, L. F. (2012, November). *Reconsidering emotion recognition*. Address delivered at the Affective Science Institute's *Reading the Face*, Boston MA.

Barrett, L. F. (2011, October). Invited address delivered at the National Institute of Drug Abuse, Bethesda, MA.

Barrett, L.F. (2011, September). Invited address delivered during "What are emotions?" conference, New York, New York.

Barrett, L. F. (2011, September). *What the brain reveals about emotional intelligence*. Keynote address delivered to International Congress on Emotional Intelligence, Croatia.

Barrett, L. F. (2011, January). *Emotion: A history of the field in 50 min*. Invited paper delivered to the National Cancer Institute, Washington DC.

Barrett, L. F. (2010, November). *The nature of emotion*. Paper delivered to the High-Value Detainee Interrogation Group, Federal Bureau of Investigations (FBI), Washington DC.

Barrett, L. F. (2010, October). *A new model of cognition and emotion*. Address given at the Neuroleadership Institute, Cambridge MA.

Barrett, L. F. (2010, April). *The future of Psychology: Connecting mind and brain*. Invited address presented at the annual meeting of the Southern Society for Philosophy and Psychology, Atlanta GA.

Barrett, L. F. (2010, April). *On the nature of emotion: Connecting mind and brain*. Invited address presented at the annual meeting of the Midwestern Psychological Association, Chicago IL.

Barrett, L. F. (2010, February). *Constructing emotion*. Invited address presented in the NIH Behavioral and Social science Research Lecture Series, Rockville MD.

Barrett, L. F. (2009, June). *Is a growling dog angry?* Invited paper presented at the conference on the Neuroscience of Emotion, Boston MA.

Barrett, L. F. (2009, February). *Putting the brain in brainstorm: Divining and designing ideas in the science of the mind*. Invited paper presented at the annual meeting of the Society for Personality and Social Psychology, Tampa, Florida.

Barrett, L.F. (2008, December). *What is an emotion?* Invited paper presented at the annual Kavli Frontiers of Science Symposium, National Academy of Sciences, Irvine CA.

Barrett, L.F. (2008, September). *What is an emotion?* Invited paper presented at the annual meeting of the NIH Director's Pioneer Award Symposium, Washington DC.

Barrett, L.F. (2008, August). *What is an emotion?* Invited paper presented at the annual meeting of the American Psychological Association, Boston MA.

Barrett, L. F. (2007, August). *What is an emotion?* Paper delivered at the National Institute of Mental Health (NIMH), Milestones in NIMH Discoveries (MIND) series, August 2007

Barrett, L. F. (2007, May). *The neural reference space for emotion: New meta-analytic insights*. Invited paper delivered at the conference on the Neural Systems of Social Behavior, Austin TX.

Barrett, L. F. (2006, October). *The science of emotion*. Paper presented at a workshop for the Committee on Opportunities in Basic Research in the Behavioral and Social Sciences for the U.S. Military at the National Academies, Washington, DC.

Barrett, L. F. (2006, October). *What is an emotion?* William James Distinguished Lecture presented at the annual meeting of the New England Psychological Association, Manchester, NH.

Barrett, L. F. (2006, August). *What is an emotion?* Keynote address presented at the annual meeting of the International Society for Research on Emotion, Atlanta.

Barrett, L.F. (2006, May). *What is an emotion?* Invited paper presented at the annual meeting of the Association for Psychological Science, New York, NY.

Barrett, L. F. (2006, May). *The embodiment of emotion*. Invited paper presented at a conference on embodied cognition, Amsterdam, The Netherlands.

Barrett, L. F. (2006, February). *What is an emotion?* Invited paper presented at the Mind-Body Center, University of Pittsburg.

Barrett, L.F. (2006, January). *Emotions as natural kinds?* Invited paper presented at the ISRE pre-conference of the annual meeting of the Society for Personality and Social Psychology, Palm Springs.

Barrett, L.F. (2006, January). *Emotion: In the brain or in the world?* Invited paper presented at the APR pre-conference of the annual meeting of the Society for Personality and Social Psychology, Palm Springs.

Barrett, L.F. (2005, August). *What is an emotion?* Invited paper presented at the APF Charles D. Spielberger EMPathy Symposium during the annual meeting of the American Psychological Association, Washington DC.

Barrett, L.F. (2005, February). *Valence as a basic building block of emotional life*. Invited paper presented at the annual preconference of Association for Personality Research, New Orleans LA.

Barrett, L.F. (2004, May). *The experience of emotion*. Invited address to the European Network of Emotion Researchers, Amsterdam, the Netherlands.

Barrett, L.F. (2003, June). *The experience of emotion*. Invited paper presented at the conference on Culture, Emotion, and the Brain, Cambridge, MA.

Barrett, L.F. (2003, September). *The experience of emotion*. Invited paper presented at the conference on Emotion: Conscious and unconscious, Clerront-Ferrand, France.

Barrett, L.F. (2003, November). *What the structure of affect can tell us about emotional intelligence*. Invited paper presented at Emotional Intelligence: Knowns and Unknowns, Educational Testing Service, Princeton, NJ.

Barrett, L.F. (2002, February). *Detecting evidence of self-deception: Defensive verbal behavior assessment*. Invited paper presented at the annual preconference of Association for Personality Research, Savanna GA.

Barrett, L.F. (2000, February). *Personality and emotion: The conceptual value of variations in emotion structure*. Invited paper presented at the annual meeting of the Society for Personality and Social Psychology, Nashville TN.

Barrett, L.F. (2000, September). *Accurate and illusory theories in self-report*. Invited paper presented at a meeting at the Fetzer Institute, Kalamazoo MI.

Barrett, L.F. (2000, November). *Individual differences in affective structure*. Invited paper presented at a meeting of the Center for Consciousness Studies on First-Person Methods in the Science of Consciousness, Tucson AZ.

Barrett, L.F. (1999, July). *Discrete emotions or affect dimensions? Suggestions from an idiographic perspective*. Invited paper completed for an NIMH sponsored conference, New Approaches to Emotion and Mood, Bethesda MD.

Barrett, L.F., Pietromonaco, P. R., & Laurenceau, J. P. (1999, October). *The role of emotional disclosures in interpersonal outcomes*. Invited paper presented at the annual meeting of the New England Social Psychological Association, Dartmouth, NH.

Barrett, L.F. (1998, May). *The big two dimensions of affect: Stability and variation*. Invited paper presented as part of an invited symposium at the annual meeting of the American Psychological Society, Washington.

Pietromonaco, P. R., & **Barrett, L.F.** (1997, October). *Internal working models: What do we know about knowing about the self in relation to others?* Invited paper presented at the annual meeting of the Society of Experimental Social Psychology (SESP) Close Relationships Preconference, Toronto, Canada.

Barrett, L.F. (1996, May). *Individual differences in affective structure*. Invited paper presented at the annual meeting of the Midwestern Psychological Association, Chicago.

EDITORIAL DUTIES

2022- Advisory Board, *Trends in Cognitive Sciences*
 2020 – 2023 Advisory Board, *Current Directions in Psychological Science*
 2016 – 2019 Editorial Board, *Network Science*
 2011 – Editorial Board, *Emotion*
 2009 – 2015 Editorial Board, *Frontiers in Emotion Science*.
 2009 Advisory Board, *Emotions of the Past* Series, Oxford University Press.
 2007 – 2012 Editor in Chief, *Emotion Review* (journal launch 2009; covered by Thomson Reuter's ISI Journal Citation Reports)
 2007 – Editorial Board, *Psychological Science*
 2007 – 2012 Editorial Board, *Psychological Review*
 2007 – 2010 Editorial Board, *Perspectives on Psychological Science*
 2006 – 2018 Editorial Board, *Social, Cognitive, and Affective Neuroscience*
 2006 Associate Editor, *Emotion*
 2005 – 2008 Editorial Board, *Journal of Personality and Social Psychology* (Attitudes and Social Cognition Section)
 2004 – 2007 Editorial Board, *Personality and Social Psychology Review*
 2003 – 2005 Editorial Board, *Emotion*
 1998 – 2003 Editorial Board, *Personality and Social Psychology Bulletin*
 1997 – 2010 Editorial Board, *Journal of Personality and Social Psychology* (Personality Processes and Individual Differences Section)

Ad Hoc Reviewer: *Nature, Behavioral and Brain Sciences, J of Neuroscience, PNAS, Science, Cognition and Emotion, Neuroimage, American Psychologist, Journal of Cognitive Neuroscience, PLoS One, Current Biology, Nature Human Behavior, Cerebral Cortex, Cell, Neuron*

PROFESSIONAL SERVICE

2021- Advisory Committee Member, Center for the Politics of Feeling, University of London
 2021-2023 Member, Committee on Accelerating Behavioral Science Through Ontology Development and Use, National Academies of Sciences (NAS)
 2020- Organizer and Workshop Leader, Interoception Working Group, National Cancer Institute
 2019-2020 President, Association for Psychological Science (APS)
 2019-present Chief Science Officer, Center for Law, Brain and Behavior, Massachusetts General Hospital
 2018-2019 President-Elect, Association for Psychological Science (APS)
 2017-2020 Member, Electorate Nominating Committee (ENC) of the Section on Psychology, American Association for the Advancement of Science

2016	Member, Scientific Board, Cultural and Emotional Intelligence Projects for Business Efficiency
2015-2018	Board of Directors, Society for Affective Science
2014-2105	President, Society for Affective Science
2012-2015	Chief Operating Officer, Society for Affective Science
2012	Founded, Society for Affective Science (with James Gross)
2012-2019	Faculty, The Center for Law, Brain, and Behavior, Massachusetts General Hospital
2012-2015	Member, NIH Director's Pioneer Award Review Panel, NIH
2012-2015	Member, External Advisory Committee for the Advanced Multimodal Neuroimaging Training Program, MGH
2011-2014	Chair, Janet Spence Transformative Early Contribution Award Committee, Association for Psychological Science (APS)
2011-2014, 2016	Member, NIH Director's Early Independence Award Editorial Board, NIH
2011-2014	Member, Board of Directors, Association for Psychological Science (APS)
2010-2014	Member, Scientific Advisory Board, Boston Museum of Science
2009-2011	Member, Board on Behavioral, Cognitive, and Sensory Sciences (BBCSS), National Academy of Sciences
2008	Member, Scientific Advisory Board, Society for Ambulatory Assessment
2006-2010	Member, Social Psychology and Interpersonal Processes Review Panel, NIH
2006-2009	Member-at-Large, Society for Personality and Social Psychology
2005-2008	SPSP representative, Federation of Behavioral, Psychological, and Cognitive Sciences
2004-2006	Member, Task Force on Extramural Funding, Society for Experimental Social Psychology
2004	Member, Workshop on Cyberinfrastructure, SBE Directorate, NSF
2004	Member, Social Psychology and Interpersonal Processes Review Panel, NIH
2003	Member, Convention Program Committee, Society for Experimental Social Psychology
2002-2005	Member, Convention Program Committee, American Psychological Society.
2002	Co-Chair, Convention Program Committee, Society for Personality and Social Psychology
2002	Member, Convention Program Committee, International Society for Research on Emotion
2000-2004	Treasurer, International Society for Research on Emotion
2000-2003	Member, Social Psychology Review Panel, the National Science Foundation
1998-2000	Member, Executive Committee, International Society for Research on Emotion
1997-1999	Member, Executive Committee, Emotion Research Group

Ad hoc reviewing over the past three years for the US National Science Foundation (NSF); the Flanders Research Foundation (FWO); the Netherlands Organization for Scientific Research (NWO); the European Commission on Research; Israel Science Foundation

CONFERENCES - ORGANIZED

Barrett, L. F., Gross, J. J., & Mendes, W. B. (2016, March). The third annual meeting of the Society for Affective Science. Chicago, IL.

Barrett, L. F., Gross, J. J., & Mendes, W. B. (2015, April). The second annual meeting of the Society for Affective Science. Oakland CA.

Barrett, L. F., Gross, J. J., & Mendes, W. B. (2014, April). The first annual meeting of the Society for Affective Science. Washington DC.

Barrett, L. F., Ferrer, R., McDonald, P. (2012, July). *New horizons in emotion regulation and resilience*. Conference organized for the National Cancer Institute, Rockville MD.

Barrett, L. F., Ferrer, R., McDonald, P. (2012, April). *Workshop on emotion and stress*. Conference organized for the National Cancer Institute, Rockville MD.

Barrett, L. F., Ferrer, R., McDonald, P. (2011, October). *Applying affective science to the cancer control continuum*. Conference organized for the National Cancer Institute, Rockville MD.

Barrett, L. F., Kagan, J., & Russell, J. A. (2011, March). *What is an emotion?* Interdisciplinary workshop held at the American Academy of Arts and Sciences, Cambridge MA.

Barrett, L. F. (2011, December). *Affective Science Initiative Conference*, Northeastern University, Boston MA.

Barrett, L. F. & Niedenthal, P. (2003, September 7-10). *Emotions: Conscious and unconscious*. Clermont-Ferrand, France.

Barrett, L. F. & Pietromonaco, P. (1998, October 22). *Society for Experimental Social Psychology (SESP) Close Relationships Preconference*, Lexington, Kentucky.

Barrett, L. F. (1998, April 14-19). *Emotion Research Group (ERG) Annual Meeting*, Martha's Vineyard MA.

PROFESSIONAL MEMBERSHIPS

American Academy of Arts and Sciences (Elected Fellow)
American Association for the Advancement of Science (Elected Fellow)
American Psychological Association (Elected Fellow)
Association for Psychological Science (Elected Fellow)
Cognitive Neuroscience Society
Emotion Research Group (Emeritus)
Human Brain Mapping
International Society for Research on Emotion
Royal Society of Canada (Elected Fellow)
Social and Affective Neuroscience Society
Society for Ambulatory Assessment
Society of Experimental Psychologists (Elected Fellow)
Society for Experimental Social Psychology (Elected Fellow)
Society for Personality and Social Psychology (Elected Fellow)
Society for Neuroscience
Society for Social Neuroscience
Society for Affective Science (Founding Member)

CONSULTING

2011-2012 National Cancer Institute, Affective Science Workshops

2008-2013 National Cancer Institute (R01 RCA133908). *Biopsychosocial factors in depression and marriage: Implications for cancer*. Principal Investigator: Paula Pietromonaco. (\$2,294, 074).

2006-2011 National Institute of Mental Health (K23), *The neural basis of delusions: Studies of emotion perception*. Principal Investigator: Daphne Holt, M.D. (\$919,296).

2005-2010 National Institute of Mental Health (K01 MH074942-01), *Discrimination and short and long-term risks for depression*. Principal Investigator: Laura Smart Richman, Ph.D. (\$664,729).

2005-2007 National Science Foundation (0452984), *Managing Radical Organizational Change: The Role of Leadership and Affective Experience*. Principal Investigator: Myeong-Gu Seo, Ph.D. (\$273,175).

PRODUCTS

Experience-sampling program (ESP; Barrett & Barrett, 2005). ESP 4.0 is a free software package for conducting experiments by experience sampling. ESP 4.0 runs on a Palm Pilot platform). Program files and documentation are freely available and can be found at www.experiencesampling.org

WORKSHOPS

- Ryerson, J., DeSteno, D., & Barrett, L. F. (2019, September). *Beyond the Ivory Tower*. Science Writing for the Public, Northeastern University, Boston MA.
- Barrett, L. F. (2019, January). *Cultivating emotional expertise in children: Lessons from the theory of constructed emotion*. Yale Center for Emotional Intelligence, New Haven CT.
- Barrett, L. F. (2018, January). *From essences to meaning: The theory of constructed emotion*. Workshop presented at The Hebrew University of Jerusalem, Jerusalem Israel.
- Ryerson, J., DeSteno, D., & Barrett, L. F. (2018, June). *Beyond the Ivory Tower*. Science Writing for the Public, Northwestern University, Chicago IL.
- Ryerson, J., DeSteno, D., & Barrett, L. F. (2017, November). *Beyond the Ivory Tower*. Science Writing for the Public, New York University, NY NY.
- Ryerson, J., DeSteno, D., & Barrett, L. F. (2017, June). *Beyond the Ivory Tower*. Science Writing for the Public, Northeastern University, Boston MA.
- Barrett, L. F. (2017, March). *Brain camp*. Workshop presented at a preconference to the fourth annual meeting of the Society for Affective Science, Boston MA.
- Barrett, L. F. (2016, March). *Brain camp*. Workshop presented at a preconference to the third annual meeting of the Society for Affective Science, Chicago IL.
- Barrett, L. F. (2009, October). *Multi-level modeling: Basic and novel application to experience-sampling and laboratory experiments*. Workshop presented at the Catholic University of Leuven, Leuven Belgium.
- Barrett, L.F. (2004, June). *The science of self-report: Measuring subjective emotional experience*. Workshop presented at the annual meeting of the International Society for Research on Emotion, New York, NY.
- Barrett, L.F. (2004, February). *Life by the numbers: the science of experience-sampling*. Workshop presented at the Max Planck Institute, Germany.
- Barrett, L.F. (2003, January). *The science of experience-sampling*. Workshop presented at the Radcliffe Center, Harvard University.
- Barrett, L.F. (2001, October). *The amygdala for dummies: A user's guide*. Workshop presented at the annual meeting of the Society for Experimental Social Psychology, Spokane, WA.
- Barrett, L.F., & Jamner, L (co-leaders). (2000, February). *Capturing the Vicissitudes of Life: Electronic Experience-Sampling methods*. NSF sponsored workshop held at the annual meeting of the Society for Personality and Social Psychology, Nashville, TN.

CONGRESSIONAL TESTIMONY

- 2008 Testimony before the Subcommittee on Research and Science Education, Committee on Science and Technology, US House of Representatives

COMMUNITY SERVICE

- 2021 “Expert Check-In” videos for the American Association of Retired Persons (AARP) Staying Sharp program.

- 2005 – 2017 Interdisciplinary Affective Science Laboratory Annual Haunted House for The Greater Boston Food Bank <http://newtonhauntedhouse.org/>
- 2005 Advisory Committee Member, The Institute for Contemporary Art, Boston, “Getting Emotional” exhibition, May 18-September

PUBLIC LECTURES AND DISCUSSIONS

- Barrett, L. F. (2021, August). *Mind, Maps and Reality*. The Institute of Art and Ideas. (virtual)
- Barrett, L. F. (2021, May). *Creativity vs. Knowledge*. HowTheLightGetsIn Festival. (virtual)
- Barrett, L. F. (2021, April). *Seven and a Half Lessons About the Brain*. Conversation with Peter Godfrey-Smith. Newburyport Literary Festival, Newburyport MA. (virtual)
- Barrett, L. F. (2021, April). *The Totalitarian Brain*. Conversation with Tim Snyder. Center for Law, Brain and Behavior, Boston MA. (virtual)
- Barrett, L. F. (2021, March). *Seven and a Half Lessons About the Brain*. American Library in Paris, Paris FR. (virtual)
- Barrett, L. F. (2021, March). *Seven and a Half Lessons About the Brain*. How To Academy, London England. (virtual)
- Barrett, L. F. (2020, December). *Seven and a Half Lessons About the Brain*. Wayland Library, Wayland MA. (virtual)
- Barrett, L. F. (2020, November). *Seven and a Half Lessons About the Brain*. Conversation with Lulu Miller, host of *RadioLab*. Brookline Booksmith, Brookline MA. (virtual)
- Barrett, L. F. (2020, November). *Why do we have brains? And other neuroscientific revelations*. Conversation with James Ryerson, Editor of *The New York Times*. Seattle Town Hall, Seattle OR. (virtual)
- Barrett, L. F. (2020, October). *Cultivating comfort*. Keynote, Lululemon’s Science of Feel. Virtual Conference.
- Barrett, L. F. (2020, October). *Walk in my shoes*. Conversation with Playground of Empathy. Boston Museum of Science. (virtual)
- Barrett, L. F. (2020, October). *WALK into an Environment of Deeper Belonging*. Association for Independent Schools of New England (AISNE) Conference on Diversity, Equity & Inclusion. Virtual Conference.
- Barrett, L. F. (2020, February). *When is Speech Violence? And Other Questions About Campus Speech*. Harvard Law School Rappaport Forum, Cambridge MA.
- Barrett, L. F. (2020, March). *Emotions: Facts vs. fictions*. New Zealand Festival 2020, Wellington, New Zealand.
- Barrett, L. F. (2019, September). *Emotions: Facts vs. fictions*. Keynote address, International Coaching Federation, Prague, Czech Republic.
- Barrett, L. F. (2019, October). *Emotions: Facts vs. fictions*. Keynote address, Institute of Coaching, Boston, MA.
- Barrett, L. F. (2019, September). *The Science of Emotion: A Guide to the Perplexed*. Boston Museum of Science.
- Barrett, L. F. (2019, June). *Emotions: Facts vs. fictions*. Discussion with Ross Anderson of *The Atlantic*, The Aspen Ideas Festival, Aspen CO.

- Barrett, L. F. (2019, March). *Emotions: Facts vs. fictions*. Invited Lecture, Rotman Institute of Philosophy, University of Western Ontario, London Ontario Canada.
- Barrett, L. F. (2018, December). *Emotions: Facts vs. myths*. Unlikely Collaborators, Ojai CA.
- Barrett, L. F. (2018, November). *Emotions: Facts vs. myths*. Lexington Speaker Series, Lexington MA.
- Barrett, L. F. (2018, November). *Emotions: Facts vs. myths*. Sound Education, Cambridge MA.
- Barrett, L. F. (2018, November). *Social science podcasting*. Sound Education, Cambridge MA.
- Barrett, L. F. (2018, October). *Women in science*. Invisibilia Live, NPR Studio, Washington DC.
- Barrett, L. F. (2018, September). *Emotions: Facts vs. myths*. Invited Keynote Address, W2O Marketing Sciences Summit, New York NY.
- Barrett, L. F. (2018, September). *Emotions: Facts vs. myths*. Invited Address, Global Board Leaders' Summit, National Association of Corporate Directors, Washington DC.
- Barrett, L. F. (2018, September). *Changing the emotional climate of high school*. Newton South High School, Newton MA.
- Barrett, L. F. (2018, June). *The evolution of human nature*. Boston Public Library, Boston MA.
- Barrett, L. F. (2018, June). *The believing brain: Evolution, neuroscience and the spiritual instinct*. World Science Festival, NYC NY.
- Barrett, L. F. (2018, June). *Science and story cafe*. World Science Festival, NY NY.
- Barrett, L. F. (2018, June). *Designing the workplace for the human nervous system*. Invited address, Workplace Week, Workplace Trends, New York City, NY.
- Barrett, L. F. (2018, May). *Can machines perceive emotion?* Invited address, Google, Menlo Park, CA.
- Barrett, L. F. (2018, May). *How emotions are made: The secret life of the brain*. The Heschel School, NY NY.
- Barrett, L. F. (2018, May). [*The power of mood*](#). A TEDx Cambridge, Boston MA.
- Barrett, L. F. (2018, April). *How emotions are made: The secret life of the brain*. The Silver Unicorn Bookstore, Acton MA.
- Barrett, L. F. (2018, January). *Implicit bias*. Presentation to the Supreme Judicial Court of Massachusetts, Boston College Law School, Newton MA.
- Barrett, L. F. (2017, December). [*You aren't at the mercy of your emotions — your brain creates them*](#). TED.com, San Francisco CA.
- Barrett, L. F. (2017, November). *The three big myths about emotions, gender and brains*. WIRED Live, London England.
- Barrett, L. F. (2017, October). *Emotion: Separating facts from fairytales*. 1892 Club, Hartford CT.
- Barrett, L. F. (2017, October). *The secret behind emotions*. Concord Festival of Authors, Concord MA.
- Barrett, L. F. (2017, August). *How emotions are made: The secret life of the brain*. Savoy Bookshop & Cafe, Westerly RI.

- Barrett, L. F. (2017, July). *Emotional intelligence in the workplace*. Women@Work conference, Women in Technology Group, Cimpress/Vistaprint, Waltham MA.
- Barrett, L. F. (2017, June). *How emotions are made: The secret life of the brain*. Neuromarketing Palooza, Boston MA.
- Barrett, L. F. (2017, May). *How emotions are made: The secret life of the brain*. C-SPAN recorded talk at Newtonville Books, Newtonville MA.
- Barrett, L. F. (2017, May). *How emotions are made: The secret life of the brain*. Tewksbury Public Library, Tewksbury MA.
- Barrett, L. F. and Ryerson, J. (2017, April). *How emotions are made: The secret life of the brain*. Center for Law, Brain & Behavior, Harvard University, Cambridge MA.
- Barrett, L. F. (2017, April). *How emotions are made: The secret life of the brain*. Flyleaf Books, Chapel Hill NC.
- Barrett, L. F. (2017, March). *Emotions: Separating facts from fairy tales*. Invited address, Women in Technology Group, Cimpress/Vistaprint, Waltham MA.
- Barrett, L. F. (2017, March). *How emotions are made: The secret life of the brain*. Politics and Prose Bookstore, Washington DC.
- Barrett, L. F. (2017, March). *How emotions are made: The secret life of the brain*. Brookline Booksmith, Brookline MA.
- Barrett, L. F. (2017, March). *How emotions are made: The secret life of the brain*. Oxford Literary Festival, Oxford England.
- Barrett, L. F. (2017, March). *How emotions are made: The secret life of the brain*. Bristol Festival of Ideas, Bristol England.
- Barrett, L. F. (2017, March). *How emotions are made: The secret life of the brain*. How To Academy, London England.
- Barrett, L. F. (2017, March). *How to become a superager*. Invited Address, Hope for Depression Foundation, Palm Springs, FL.
- Barrett, L. F. & Guare, J. (2017, March). *Misperception and deception*. Rubin Museum of Art, New York NY.
- Barrett, L. F. (2017, February). *Emotions inside out: From cartoon neuroscience to the predictive brain: Part I*. Heartland Conference, Kansas City, MO.
- Barrett, L. F. (2017, February). *Emotions inside out: From cartoon neuroscience to the predictive brain: Part II*. Heartland Conference, Kansas City, MO.
- Barrett, L. F. (2016, September). *Understanding Emotions: Separating science from ideology*. EuroSense 2016: Seventh European Conference on Sensory and Consumer Research. Dijon, France.
- Barrett, L. F. (2016, August). *When a gun is not a gun*. International Police Executive Symposium, Washington DC.
- Barrett, L. F. (2016, February). *Cultivating Character: The Art of Living*, New York Academy of Sciences, New York, New York.
- Barrett, L.F. (2015, March). *The science of emotion: A primer*. Peabody Essex Museum, Salem MA.

Barrett, L.F. (2012, March). *Three myths about the brain*. Center for Law, Brain, and Behavior, Boston MA.

Barrett, L. F. (2005, May). *What is an emotion?* Public address given at the Institute for Contemporary Art, Boston MA.

Barrett, L. F. (2003, April). *The wisdom of feeling: Processes underlying emotional IQ & experiences in boys & girls*. Public address given at the Conference on Learning and the Brain, Cambridge MA.

VIDEOS

<https://lisafeldmanbarrett.com/multimedia/>

PODCASTS

<https://lisafeldmanbarrett.com/podcasts/>

EXHIBIT 14

March 16, 2022

Texas Governor Greg Abbott
Office of the Governor
PO Box 12428
Austin, TX 78711-2428

Texas Board of Pardons and Paroles
Clemency Section
8610 Shoal Creek Boulevard
Austin, TX 78757

Dear Governor Abbott and Honorable Members of the Texas Board of Pardons and Paroles:

As former prosecutors, anti-violence organizations, scholars, individuals, and law clinics dedicated to ending all forms of violence against women, we have long worked with prosecutors and police to ensure that victims of violence are treated with dignity and receive the protection and care they deserve. From our experience working directly with victim/survivors of sexual abuse and intimate partner violence, we know that violence often has a profound impact on how survivors respond to authority figures. For this reason, we have promoted trauma-informed interviewing practices by police that acknowledge the heightened vulnerability of those who have endured gender-based violence.

Melissa Lucio endured decades of interpersonal violence at the hands of relatives and partners. Her uncle and her stepfather repeatedly sexually assaulted her over a period of years, starting when she was just six. As a young teenager, she was raped again. At age sixteen, in an effort to flee from her abusive home life, Melissa married, becoming a child bride. Melissa's first husband, a violent drug dealer, abandoned Melissa after she gave birth to five children. Her next partner continued the cycle of violence and abuse. He beat her, choked her, threatened to kill her, and repeatedly raped her. He sought to isolate her from her friends and criticized her appearance—controlling behavior that is the hallmark of intimate partner violence. During the time they were together, Melissa gave birth to seven children. Her partner was in and out of prison during this time, leaving Melissa to care for her children on her own. The family sunk deeper into poverty and was intermittently homeless. By the time she was thirty-five, struggling with abuse, mental illness, addiction, and poverty, Melissa had given birth to twelve children and suffered multiple miscarriages.

Although others witnessed the abuse Melissa endured, no one provided her the services she needed as a victim of intimate partner violence. After she was arrested, the legal system failed to recognize and respond to Melissa as a victim/survivor. Contrary to what we know are the best practices for engaging with trauma survivors, the police who interrogated her employed coercive techniques designed to intimidate her and extract a confession. They assumed her guilt based on signs and symptoms of trauma, including her posture and avoidance of eye contact. Social science research has repeatedly proven that police officers are unable to ascertain an individual's guilt based on their appearance.

The police officers who led the interrogation were male and some were armed. One stood over her. One yelled at her. Another detective, who was clearly armed, leaned within inches of her face. After hours of interrogation in the middle of the night, during which Melissa repeatedly told the police that she did not kill her daughter, Melissa finally stated, "I guess I did it." One police officer coached her

to demonstrate how she hit Mariah, using a doll as a prop. At this point, it was well after midnight, on the night that Melissa's daughter had died. The police failed to give her an opportunity to rest or eat. On top of the physical and emotional exhaustion, Melissa was pregnant with twins at the time of the interrogation.

Simply put, this type of interrogation does not comport with best practices in the treatment of trauma survivors. The tactics used by the police who interrogated Melissa were not designed to let her tell her story. They were designed with one end in mind: to get Melissa to admit that she killed her daughter.

At trial, the prosecution failed to introduce any witness testimony establishing that Melissa had ever abused her daughter or any of her children. None of her children testified against her or told the police that she had harmed them. Instead, the prosecution—led by a District Attorney who was later convicted of bribery—relied upon Melissa's coerced statement as "proof" that she had killed her daughter. Police officers and paramedics testified about their perceptions of Melissa's demeanor, painting her symptoms of trauma, shock, and numbness as proof of Melissa's guilt. Melissa's defense attorney sought to introduce the testimony of two expert witnesses to explain Melissa's acquiescence to her interrogators. Those experts would have testified that Melissa became compliant when faced with hostile, domineering men, saying whatever was needed to escape the dangerous situation. The trial judge excluded the testimony, and as a result, the jury never learned how Melissa's history of gender-based violence shaped her reactions after her daughter's death. Rather, the jury heard the interrogating officer's unchallenged, yet unscientific, opinion that he "knew" Melissa was guilty as soon as he walked into the interrogation room, due to his perception of her demeanor. Without the benefit of the complete story, the jury convicted Melissa of capital murder.

Melissa's trial attorneys were wholly unprepared for the trial's penalty phase. Lead counsel failed to seek the assistance of a mitigation specialist and experts in a timely fashion. As a result, Melissa's mitigation specialist could not complete her investigation before the trial began. The jury never learned about the extent of Melissa's history of gender-based violence. This omission was particularly damaging given the weakness of the prosecution's case for death. As Melissa had no prior record of violence and had never before been accused of harming any of her children, the prosecution relied on gendered tropes and misleading evidence to obtain a death sentence. They introduced evidence that Melissa did not cry after her conviction to imply that she was remorseless. They also presented a so-called prison violence expert whose testimony was based exclusively on statistics from male prisons. Finally, the prosecution introduced evidence that Melissa had been convicted of driving while intoxicated—a conviction they secured when Melissa lacked legal representation. That the jury was encouraged to sentence Melissa to death on the basis of such testimony is, in itself, reason to commute her sentence.

Those of us who work in the anti-violence field or have experienced abuse know that victims of violence bear not only the burden of pain and trauma but also the heavy burden of people and systems that misunderstand, or even actively overlook, their experiences of abuse. Melissa suffered horrific physical and sexual abuse beginning when she was just six, struggled with trauma and addiction, and was a victim long before she was a defendant. Melissa has already experienced a lifetime of punishment. We respectfully urge you to commute Melissa Lucio's death sentence.

Thank you for your serious consideration of this matter.

Sincerely,

Texas Domestic Violence and Sexual Abuse Organizations

Asociación de Servicios para el Inmigrante (ASI) (San Antonio, Texas)
Asian Family Support Services of Austin (Austin, Texas)
Brighter Tomorrows (Irving, Texas)
Crisis Center of Comal County (New Braunfels, Texas)
Dallas Area Rape Crisis Center (Dallas, Texas)
Domestic Violence Clinic, University of Texas School of Law (Austin, Texas)
Family Crisis Center of the Big Bend, Inc. (Alpine, Texas)
Fannin County Family Crisis Center (Bonham, Texas)
Friendship of Women, Inc. (Brownsville, Texas)
Hays-Caldwell Women's Center (San Marcos, Texas)
Hope's Door New Beginning Center (Plano, Texas)
Houston Area Women's Center (Houston, Texas)
Hutchinson County Crisis Center (Borger, Texas)
National Center on Domestic and Sexual Violence (Austin, Texas)
Resource and Crisis Center of Galveston County, Inc. (Galveston, Texas)
Texas Association Against Sexual Assault (TAASA) (Austin, Texas)
The ARK Domestic Violence and Sexual Assault Shelter (Brownwood, Texas)
The SAFE Alliance (Austin, Texas)
The Turning Point (Plano, Texas)
Tahirih Justice Center (Houston, Texas)
Women's Shelter of South Texas dba The Purple Door (Corpus Christi, Texas)

Texas Experts on Domestic Violence and Sexual Abuse (Organizations listed for identification purposes only)

Abby Fraser
Aja Gair
Aleigh Ascherl
Alene Levy
Alexis Cardenas, Houston Area Women's Center
Alison Hom-Crosier
Allen Blair
Alyssa Blanco
Amber Myers, Houston Area Women's Center
Anderson Blaisdell
Angela Ayers, The Ark Domestic Violence and Sexual Assault Shelter
Arely Hernandez
Barbara Agron
Barbara Mcinnis
Beth Spencer, Resource and Crisis Center of Galveston County, Inc.
Brady Hostetler
Breall Baccus
Brooke Hinojosa
Cara Chamberlain, The Turning Point
Carol Duncan
Carolina Douthit
Caroline Traylor
Casie Wofford

Catherine Berns
Chantal Pierre, LMSW
Cherise Miles
Christina Coultas
Christina Wells
Claudia Vial
Courtney Sullivan
Crystal Love-Carroll, Brave Alliance
D L Staples
Danielle Neuman
Deanna Dyer, Esq., Former Dallas County District Attorney Victim Advocate
Deborah Alexis
Deborah D. Tucker, National Center on Domestic and Sexual Violence
Deborah Tomov
Debra Neel
Denise Loya
Dion Banville
Dolores Loya
Elena M. Torres
Elizabeth Becker
Elizabeth Hartman
Ellen Payne
Emiliano Diaz de Leon
Emily DeMarco
Foxye Jackson, Texas Association Against Sexual Assault (TAASA)
Frances D. Friedman
Gabrielle Humphrey
Guadalupe Jimenez
Heather Mahaffey
Holly Bowles
Ingrid Sands, Houston Area Women's Center
Iris Jordan
Isabel Camacho
Jaklin Lucero, The Turning Point Rape Crisis Center
Janey R. Wawerna
Jasmine Di Diego, Asian Family Support Services of Austin
Jennifer Abshire-Wicker
Jess Husband
Joanne Byrne Lyke
Joethelia Mooney, Houston Area Women's Center
John Allen
John Koonz
Karen Coy Romano
Karen Kalergis
Karen Limon
Kasey Duke, RN CP/CA SANE
Katelyn Gilchrist
Katie Grimmer
Kayleigh Garcia
Kiana Gaston, Houston Area Women's Center
Laramie Gorbett

Laura Hoke
Leah Walsh
Lizette Rocha
Lori Bunton
Lori Friedman Perales
Lyndel Williams
Maricarmen Garza
Marina Foster
Meg Langlitz
Melissa Hernandez, Open Arms Rape Crisis Center
Miguel A. Venegas
Mona Muro
Nancy F. Johnson
Nubia Torres
Nyna Burright
Olimpia Morales
Pauline Rubin
Pinkie Wright
Q. Olivia Rivers, The Bridge Over Troubled Waters, Inc.
Rebekah Riojas, Crisis Center of Comal County
Reva Clayton
Rhonda Gerson
Rhonda Keith
Robert Horton
Rosa J. Castiel
S. Ixchel Morrison
Sabrina Garza, The Ark Domestic Violence and Sexual Assault Shelter
Samantha McCoy
Sara Ellington, Dallas Area Rape Crisis Center
Sara Healey, The Turning Point Rape Crisis Center
Sarah Buel, Professor, Arizona State University – Retired, Founder, University of Texas Law School
Domestic Violence Clinic
Sean Woods, Dallas Area Rape Crisis Center
Shay Smith
Sinia Campos
Sondra J. Kaplan, LCSW
Stephanie Ritcherson
Susan Post, BookWoman, Inc.
Sydney Greenblatt
Sydney Sanders
Terry Stroud
Thomasita Lira, Houston Area Women's Center
Toby Myers
Valentine Andre
Veronica T. Medina, Esq.

National Domestic Abuse and Sexual Abuse Organizations

2nd Chance, Inc. (Alabama)
Arizona Coalition to End Sexual and Domestic Violence (Arizona)
Battered Women's Justice Project (Minnesota)

California Coalition for Women Prisoners (California)
CAWS North Dakota (North Dakota)
Center on Wrongful Convictions, Northwestern Pritzker School of Law (Illinois)
CLUES - Comunidades Latinas Unidas En Servicio (Minnesota)
Cornell Gender Justice Clinic, Cornell Law School (New York)
Crisis Intervention Service (Iowa)
Delaware Coalition Against Domestic Violence (Delaware)
Esperanza United (Formerly Casa de Esperanza: National Latin@ Network) (Minnesota)
Futures Without Violence (California)
Georgia Coalition Against Domestic Violence (Georgia)
Illinois Coalition Against Domestic Violence (Illinois)
Indiana Coalition Against Domestic Violence, Inc. (Indiana)
Iowa Coalition Against Domestic Violence (Iowa)
Maine Coalition to End Domestic Violence (Maine)
New York State Coalition Against Domestic Violence (New York)
New York State Coalition Against Sexual Assault (New York)
Ohio Alliance to End Sexual Violence (Ohio)
Ohio Justice & Policy Center (Ohio)
Oregon Justice Resource Center (Oregon)
Standpoint (Minnesota)
State's Attorney's Office for Baltimore City (Maryland)
Survivors Justice Project, Brooklyn Law School (New York)
The Rebuild, Overcome, and Rise (ROAR) Center at the University of Maryland, Baltimore (Maryland)
University of Maryland Carey School of Law Gender Violence Clinic (Maryland)
University of Michigan Women's Justice & Clemency Project (Michigan)
Violence Free Minnesota: the coalition to end relationship abuse (Minnesota)
Virginia Sexual & Domestic Violence Action Alliance (Virginia)
Washington State Coalition Against Domestic Violence (Washington)
Wisconsin Coalition Against Sexual Assault (Wisconsin)
Women & Justice Project (New York)

National Experts on Domestic Violence and Sexual Abuse (Organizations listed for identification purposes only)

Alexander Rea (Washington)
Alexandra Chambers, Ph.D. (Tennessee)
Amy Isenor, Former Prosecutor of Kandiyohi County, Minnesota (Minnesota)
Amy Milligan (Illinois)
Beckie Masaki, Gathering Strength Collective (California)
Caitlin Burke (Ohio)
Caleigh Horan-Spatz (Washington)
Caityn Benzo, Ohio Alliance to End Sexual Violence (Ohio)
Catherine Sherbourne (Washington)
Chel Miller (New York)
Chelsea Halstead (New York)
Chong Sun (Washington)
Damary Rodriguez (Pennsylvania)
Dinah D. Markland, Fulton Mason Crisis Service (Illinois)
Dr. Alesha Durfee (Arizona)
Eve Hamrick, 2nd Chance, Inc. (Alabama)

Gabriela Markolovic (New York)
Herbert Huls (New York)
Karimah Dillard (Georgia)
Katayoun Issari (Washington)
Kate Vander Tuig (California)
Kathryn Karpf (Illinois)
Kim Turner, Family Rescue, Inc. (Illinois)
Lucas O'Bryan (Washington)
Mai Sato
Mary Henin (Pennsylvania)
Max Micallef, GLSEN Lower Hudson Valley (New York)
Meera Raja (Illinois)
Melissa McGraw (Illinois)
Meredith Dye (Tennessee)
Merril Cousin (Washington)
Nanee Sajeev (Connecticut)
Nathalie Greenfield (Virginia)
Nicole Kass Colvin (Ohio)
Paris Chapman (Washington)
Randi Kepecs (New York)
Rose Murphy (Illinois)
Rus Ervin Funk (Kentucky)
Sarah Bieri, Oregon Justice Resource Center (Oregon)
Selena Faith, Georgia Coalition Against Domestic Violence (Georgia)
Shelby Lieber, Ohio Alliance to End Sexual Violence (Ohio)
Steven A. Drizin (Illinois)
Susie Kensil (Illinois)
Thomas R. Conner (Washington)
Wynne Pei (Washington)

EXHIBIT 15

Texas Governor Greg Abbott
Office of the Governor
P.O. Box 12428
Austin, Texas 78711-2428

Texas Board of Pardons and Paroles
Clemency Section
8610 Shoal Creek Boulevard
Austin, TX 78757

Dear Governor Abbott, Chairman Gutiérrez, and Members of the Texas Board of Pardons and Paroles,

We, the undersigned faith leaders who represent the rich diversity of faith traditions observed in this great state, stand united in asking you to grant clemency to Melissa Lucio. We are profoundly troubled that Melissa—who was convicted of causing the death of her daughter, Mariah—faces execution by the State of Texas on April 27, 2022.

As faith leaders, we believe our justice system should be directed towards the improvement of life, not its destruction. The inherent dignity in every human being compels us to promote a culture that values the life of every person. Our faith traditions also compel us to stand with those who have been silenced and to care for the most vulnerable people in our society—people like Melissa Lucio and her family.

There are numerous legal and practical reasons why the State of Texas should not carry out this unjust—and unjustified—execution. First and foremost, there is ample forensic and eyewitness evidence that Mariah’s death was an accident that resulted from a head injury she suffered in a fall—not a homicide.

The sudden death of a young child is a tragedy that rips apart families, and the raw emotions that surround such a heartbreaking loss often can lead to a rush to judgment. In the aftermath of Mariah’s death, law enforcement officers quickly blamed Melissa, even though she had no record of violence towards any of her twelve children.

Melissa herself was a victim of abuse, however, and her entire life was marked by poverty, addiction, and domestic violence. Yet the jury never heard how her history of trauma and abuse shaped her reactions immediately following her daughter’s death.

Any of the above-mentioned factors alone warrant clemency for Melissa Lucio. Ultimately, though, our appeal to you is based on a moral imperative to uphold the dignity of all human life and our belief in the extension of mercy.

In this case, you have an extraordinary opportunity to show compassion for a woman and a family that has already suffered greatly, first from the tragic death of Mariah and then by the

incarceration of Melissa. Through the clemency process, you alone can compensate for the rigidities of the judicial system, which has been unable to correct this injustice despite support from numerous federal judges.

Allowing Melissa's execution to proceed despite the overwhelming doubts that shroud her conviction would be an appalling travesty of justice that serves no purpose whatsoever. It is not in the best interest of our State, our justice system, or the safety of our people. In accordance with the shared values of our diverse religious and faith traditions and in the name of mercy, we respectfully urge you to commute her death sentence.

In faith,

Pastor Robert Baldwin
Associate Pastor, Baptist
Austin, Texas

Pastor Michael Copeland
First Baptist Church of China Spring
China Spring, Texas

P. Joseph Brake
Trinity Baptist Church
San Antonio, Texas

Rev. Robert Creech, PhD.
Professor of Pastoral Leadership, Truett
Seminary, Baylor University
San Antonio, Texas

Pastor Ricardo Brambila
Primera Iglesia Bautista Dallas
Dallas, Texas

Octavio Cruz
Calvary Baptist Church
McAllen, Texas

Pastor Wayne Brown
Campus Pastor - West Side Campus,
Ecclesia Houston
Houston, Texas

Rev. Dr. Russell Dalton
Brite Divinity School
Fort Worth, Texas

Rev. Dr. Burt Bureson
Chaplain, Baylor University
Waco, Texas

Mrs. Denisse Delgado-Ibarra
Calvary Baptist Church-McAllen
Edinburg, Texas

Pastor Joshua Carney
University Baptist Church
Waco, Texas

Pastor Aaron Glenn
University Baptist Church
Houston, Texas

Brianna Childs
Pastoral Resident, Wilshire Baptist Church
Dallas, Texas

Rev. Milo Grant
University Baptist Church
Austin, Texas

Rev. Erin Conaway
Seventh & James Baptist Church
Waco, Texas

Rev. Tiffani Harris
DaySpring Baptist Church
Waco, Texas

**Congregations listed for identification purposes only.*

Mallory Herridge
Calvary Baptist Church
Waco, Texas

Pastor Josh Hilburn
Gather Houston
Houston, Texas

Dr. Dennis Horton
First Baptist Church, Lorena
Lorena, Texas

Rev. Eric Howell
DaySpring Baptist Church
Waco, Texas

Minister Eder Ibarra
Director, Rio Grande Valley Baptist
Association
Edinburg, Texas

Rev. Charles Johnson
Bread Fellowship
Fort Worth, Texas

Pastor Weylin Lee
Pastor of Formation, Vox Veniae
Austin, Texas

Pastor Joe Lopez
Hispana Baptist Church
Lubbock, Texas

Rev. Dr. George Mason
Wilshire Baptist Church
Dallas, Texas

Rev. Jake Maxwell
Second Baptist Church
Lubbock, Texas

Rev. Rick McClatchy
Cooperative Baptist Fellowship of Texas
San Antonio, Texas

Pastor Jameson McGregor
Worship & Arts Pastor, University Baptist
Church
Waco, Texas

Rev. Katelyn McWilliams
First Baptist Church Lufkin
Lufkin, Texas

Pastor Michael Mills
Agape Baptist Church
Fort Worth, Texas

Rev. David Morgan
Seventh & James Baptist Church
Harker Heights, Texas

Dr. Richard Moseman
First Baptist Church, Woodway
Waco, Texas

Carolyn Moseman
Highland Baptist Church
Waco, Texas

Natalie Ortiz-Lovince
Associate Minister to Children, DaySpring
Baptist Church
Waco, Texas

Pastor Lynn Parks
Eastwood Baptist Church
Gatesville, Texas

Rev. Aurelia Pratt
Peace of Christ Church
Round Rock, Texas

Rev. Ryon Price
Broadway Baptist Church
Fort Worth, Texas

**Congregations listed for identification purposes only.*

Brittany Ramirez
Minister to Youth and Children, Lake Shore
Baptist Church
Waco, Texas

Pastor Paul Randall
Associate Pastor, Ecclesia Houston
Houston, Texas

Dr. Ryan Richardson
University Baptist Church
Abilene, Texas

Pastor Jesse Rincones
Alliance Church
Lubbock, Texas

Pastor Demetrio Salazar
Primera Iglesia Bautista de Belton
Belton, Texas

Dr. Ed Seay
Magnolia's First Baptist Church
Magnolia, Texas

Dean Jon Singletary
Calvary Baptist
Waco, Texas

Rev. Nataly Sorenson
Iglesia Bautista Getsemani
Edinburg, Texas

Pastor Scotty Swingler
Sugar Land Baptist Church
Sugar Land, Texas

Rev. Garrett Vickrey
Woodland Baptist Church
San Antonio, Texas

Pastor Kenneth Wade
New Transfiguration Community Church
Prairie View, Texas

Rev. Natalie Webb
University Baptist Church
Austin, Texas

Rev. Dr. Steve Wells
South Main Baptist Church
Houston, Texas

Pastor Toph Whisnant
Community Pastor, University Baptist
Church
Waco, Texas

Pastor Mike Yager
Community Pastor, Ecclesia Houston
Houston, Texas

Rev. Terry Cortes Vega
Plum Blossom Sangha
Austin, Texas

Rev. Karen Fry
Center for Spiritual Living Dallas
Dallas, Texas

Venerable Tashi Nyima
Universal Compassion Buddhist
Congregation
Dallas, Texas

Sister Francisca Aleman
Blessed Sacrement
San Antonio, Texas

Sister Sharon Altendorf
Union of Sisters of the Presentation of the
Blessed Virgin Mary, US Province
San Antonio, Texas

Reverend Father Felix Archibong
St. Ann Catholic Church
Sonora, Texas

**Congregations listed for identification purposes only.*

Sister Miriam Bannon
Sisters of Charity of the Incarnate Word
San Antonio, Texas

Sister Mary Bright
Sisters of Charity of the Incarnate Word
San Antonio, Texas

Sister Dympna Clarke
Sisters of the Holy Sprit and Mary
Immaculate
San Benito, Texas

Sister Elizabeth Close
Sisters of the Incarnate Word and Blessed
Sacrament
Corpus Christi, Texas

Deacon Dwight Coles
St. Theresa Catholic Church
Houston, Texas

Sister Heloise Cruzat
Dominican Sisters of Houston
Houston, Texas

Sister Mary T. Cullen
Brigidine Sisters
San Antonio, Texas

Sister Genevieve Cunningham
Sisters of the Holy Sprit and Mary
Immaculate
San Antonio, Texas

Sister Mary Hope Doudard
Sister of the Sacred Heart of Jesus
San Antonio, Texas

Sister Dolores Espinoza
Society of St. Teresa of Jesus
Uvalde, Texas

Sister Joretta Eveler
Sisters of Charity of the Incarnate Word
San Antonio, Texas

Rev. Michael Ezeoke
Catholic Priest
San Antonio, Texas

Rev. Joseph F. Geleney Jr.
Saint Mary Church of the Assumption
Waco, Texas

Sister Catherine Harold
Sisters of Charity of the Incarnate Word
San Antonio, Texas

Sister Deenan Hubbard
Sisters of Charity of the Incarnate Word
Houston, Texas

Sister Betty Keegan
Franciscan Missionaries of Mary
El Paso, Texas

Sister Martha Ann Kirk
Sisters of Charity of the Incarnate Word
San Antonio, Texas

Sister Geraldine Klein
Sisters of the Holy Sprit and Mary
Immaculate
San Antonio, Texas

Rev. Kevin Lenius
St. Stephen's Catholic Church
Midland, Texas

Rev. Phillip Ley
OFM Conv
San Antonio, Texas

Deacon Ralph Lira
St. Peter's Catholic Church (Lindsay)
Valley View, Texas

**Congregations listed for identification purposes only.*

Sister Mary Mahowald
Diocese of El Paso
El Paso, Texas

Sister Gabriela Martinez
Sisters of St. Mary of Namur
Fort Worth, Texas

Deacon Michael Mocek
Holy Family Catholic Church
Fort Worth, Texas

Sister Elizabeth Murtagh
Sisters for Christian Community
Texas City, Texas

Chaplain Bill Neel
St. Matthew Catholic Church
San Antonio, Texas

Sister Barbara Netek
Sisters of the Incarnate Word and Blessed
Sacrament
Corpus Christi, Texas

Rev. Bruce Nieli
Catholic Priest
Austin, Texas

Sister Mary O'Brien
Sisters of Charity of the Incarnate Word
Houston, Texas

Sister Martha O'Gara
Sisters of the Incarnate Word and Blessed
Sacrament
Corpus Christi, Texas

Sister Gemma Pepera
Sisters of the Holy Family of Nazareth
Grand Prairie, Texas

Sister Norma Pimentel
Missionaries of Jesus
San Juan, Texas

Seminarian Julian Plascencia
San Bernardino
San Antonio, Texas

Alison Pope
Associate Director of Evangelization and
Catechesis
San Angelo, Texas

Sister Kathleen Reynolds
Sisters of Charity of the Incarnate Word
San Antonio, Texas

Regional Superior Patricia Ridgley
Sisters of St. Mary of Namur
Fort Worth, Texas

Sister Elizabeth Riebschlaeger
Sisters of Charity of the Incarnate Word of
San Antonio
Victoria, Texas

Sister Marylou Rodriguez
Sisters of Charity of the Incarnate Word of
San Antonio
Alamo Heights, Texas

Sister Ceil Roeger
Promoter of Justice, Peace, and Integrity of
Creation, Dominican Sisters of Houston
Houston, Texas

Sister Charles Serafino
Sisters of St. Mary of Namur
Fort Worth, Texas

Sister Louise Smith
Sisters of St. Mary of Namur
Fort Worth, Texas

**Congregations listed for identification purposes only.*

Sister Cynthia Stacy
Sisters of Charity of the Incarnate Word
San Antonio, Texas

Sister Anna Stanley
Sisters of Charity of the Incarnate Word
San Antonio, Texas

Sister Teresa Stanley
Sisters of Charity of the Incarnate Word
San Antonio, Texas

Sister Marian Sturm
Sisters of the Incarnate Word and Blessed
Sacrament
Victoria, Texas

Deacon Barry Sweeden
Immaculate Conception Catholic Church
(Denton)
Ponder, Texas

Fr. Joseph Uecker
Retired Catholic Priest
Odessa, Texas

Deacon Jose Villagrana
Holy Trinity Catholic Parish
Big Spring, Texas

Sister Virginia Vissing
Sisters of St. Mary of Namur
Wichita Falls, Texas

Bishop Michael Rinehart
Gulf Coast Synod, Evangelical Lutheran
Church in America
Houston, Texas

Rev. Dr. Edward Kern
Trinity Lutheran Church
San Antonio, Texas

Rev. Dr. Paul Ziese
Christ Lutheran Church
San Antonio, Texas

The Rev. Tracey Carroll
St. Michael and All Angels Episcopal Church
Longview, Texas

The Rev. Mary Glover
St. Mark's Episcopal Church
Abilene, Texas

The Rev. Jason Ingalls
Holy Spirit Episcopal Church
Waco, Texas

The Rev. Rebecca Tankersley
Episcopal Church of the Transfiguration
Dallas, Texas

Rector Aaron Zimmerman
St. Alban's Episcopal Church
Waco, Texas

Rabbi Samuel Stahl
Emeritus, Temple Beth-El, San Antonio
San Antonio, Texas

Rev. Lee Ann Bryce
First Congregational United Church of Christ
Fort Worth, Texas

Rev. Charley Garrison
Central Texas Metropolitan Community
Church
Waco, Texas

Rev. Kamilah Hall Sharp
The Gathering, A Womanist Church
Dallas, Texas

**Congregations listed for identification purposes only.*

Rev. John Will
Retired, First Congregational Church, Fort
Worth
Burleson, Texas

Bishop Michael McKee
North Texas Conference, The United
Methodist Church
Dallas, Texas

Rev. Holly Bandel
First United Methodist Church, Dallas
Dallas, Texas

Rev. Dr. Tim Bruster
First United Methodist Church
Fort Worth, Texas

Rev. Dr. Thomas Hudspeth
Walnut Hill Church, a Ministry of Lovers
Lane United Methodist Church
Dallas, Texas

Rev. Todd Jones
First United Methodist Church, Harlingen
Harlingen, Texas

Rev. Andy Lewis
Clergy Assistant to the Bishop, North Texas
Conference, The United Methodist Church
Plano, Texas

Rev. Preston Morgan
Clear Lake United Methodist Church
Houston, Texas

Rev. Ruby Nelson
Retired United Methodist clergy
Beaumont, Texas

Rev. Ramsey Patton
Associate Pastor, Highland Park United
Methodist Church
Dallas, Texas

Pastor Quinn Peters
Sweeny First United Methodist Church
Sweeny, Texas

Rev. Jennifer Veres-Schrecengost
Memorial Drive United Methodist Church
Houston, Texas

Bishop Joe Wilson
Retired, First United Methodist
Georgetown, Texas

**Congregations listed for identification purposes only.*

EXHIBIT 16

Texas Governor Greg Abbott
Office of the Governor
PO Box 12428
Austin, TX 78711-2428

Texas Board of Pardons and Paroles
Clemency Section
8610 Shoal Creek Boulevard
Austin, TX 78757

Dear Governor Abbot and Honorable Members of the Texas Board of Pardons and Paroles,

As individuals and organizations advocating on behalf of Latinx people in Texas and across America, we ask that you grant clemency to Melissa Lucio so that she can pursue efforts to prove her claims of innocence.

There is a wealth of evidence indicating that Melissa is innocent and that her child's death was a tragic accident. Despite this, she faces an April 27 execution date.

Melissa is a survivor of sexual, physical, and emotional abuse that began when she was just six years old and continued into her adulthood. Authorities were repeatedly told of the violence against her, but the systems that were meant to help her all failed.

This is the reality for so many in our communities. According to the National Center for Victims of Crime, Hispanics are almost 50% more likely to become the victims of serious violence than their non-Hispanic white counterparts. Yet only 8.4% of Hispanic survivors receive assistance from victim service agencies, a lower percentage than any other race/ethnicity.*

Melissa's trauma went unaddressed, and that made her all the more vulnerable when confronted with her daughter's death and the ensuing investigation. Interrogating officers preyed on her emotional fragility and coerced her into a false "confession." The trial court then refused to let Melissa's attorneys present expert evidence about her history that would have explained this "confession" to the jury.

Melissa was – and is – a loving mother, and the tragedy of her daughter Mariah's death has been compounded by Melissa's other children losing their mother to prison.

We urge you to exercise your clemency authority to ensure that Texas does not execute an innocent woman.

Sincerely,

LULAC District VIII
Agape Grace LLC

National Hispanic Caucus of State Legislators (NHCSL)
Roberto Alonzo, Former Texas State Representative
National LULAC
Texas LULAC
LULAC District Vi
LULAC District XVIII
Johnny Mata LULAC Council #19
Esperanza United (formerly known as Casa De Esperanza)
Hispanic Women's Network of Texas
Aguas Migrantes Artist Collective
Texas Advocates for Justice
Texas Harm Reduction Alliance
Magdalene Ministry
Longhorn Alliance For Refugees and Asylees
Nonviolent Austin
Free Battered Texas Women
Texas After Violence Community Advisor
Texas Women's Justice Coalition
Texas Center for Justice and Equity
Statewide Leadership Council
Big Country Reentry Coalition
Sister Warriors Freedom Coalition
Young Women's Freedom Center
Hispanic Federation
Trans Pride Initiative
LatinoJustice PRLDEF
Mano Amiga
Youth Rise Texas
Grassroots Leadership
Legal Service at Daya Inc.
Immigrant Legal Resource Center
Texas After Violence Project
Texas Fair Defense Project

EXHIBIT 17

Texas Governor Greg Abbott
Office of the Governor
P.O. Box 12428
Austin, Texas 78711-2428

Texas Board of Pardons and Paroles
Clemency Section
8610 Shoal Creek Boulevard
Austin, TX 78757

Dear Governor Abbott and Honorable Members of the Texas Board of Pardons and Paroles,

Each of us was wrongfully convicted of a crime in a Texas state court. Unlike Melissa Lucio, we were not sentenced to death, and therefore never faced execution. If we had, we might not have lived long enough to prove our innocence and be exonerated.

The State of Texas plans to execute Melissa on April 27, 2022 despite evidence that her daughter's death was a tragic accident, not a crime. We urge you to exercise your clemency power to ensure that an innocent woman is not executed.

As a survivor of decades of sexual violence and domestic abuse, beginning with sexual assaults by a family member when she was just six years old, Melissa was particularly vulnerable to falsely confess when she was subjected to hours of aggressive interrogation.

The National Registry of Exonerations confirms that survivors of violence, like Melissa, are especially susceptible to falsely confess in the face of aggressive interrogation tactics. Women who, like Melissa, are wrongly accused of killing a child are also at an elevated risk of being pressured into a false confession. More than a quarter of the 67 women who have been exonerated after a murder conviction had falsely confessed.

In Melissa's case, an expert was available to explain to her jury why she was vulnerable to falsely confess, but the trial court barred the testimony. Numerous federal judges have concluded that this was a constitutional error that deprived Melissa of a fair trial, particularly because there was no eyewitness or forensic evidence that supported Texas's theory of capital murder. But Melissa is still facing execution because the federal courts also found that current federal law blocks them from overturning her conviction and death sentence.

This is precisely the type of circumstance that warrants executive clemency. As proud Texans, we hope you will grant Melissa Lucio clemency to ensure that our great State does not commit an irreparable injustice. We would be more than willing to speak with you about our own experiences of being wrongfully convicted and fighting to prove our innocence, just like Melissa.

Sincerely,

Dennis Allen

Wrongfully incarcerated for 15+ years; exonerated in 2019
Dallas, Texas

Cornelius Dupree

Wrongfully incarcerated for 30 years; exonerated in 2010
Tomball, Texas

James Giles

Wrongfully incarcerated for 10 years + 14.5 years on parole; exonerated in 2007
Dallas, Texas

Lydell Grant

Wrongfully incarcerated for 9 years; exonerated in 2021
Houston, Texas

Kristie Mayhugh

Wrongfully incarcerated for 14 years; exonerated in 2016
San Antonio, Texas

Richard Miles

Wrongfully incarcerated for 15 years; exonerated in 2012
Dallas, Texas

Brandon Moon

Wrongfully incarcerated for 17.75 years; exonerated in 2004
Salt Lake City, Utah

Michael Morton

Wrongfully incarcerated for 24 years and 7 months; exonerated in 2011
Hideaway, Texas

John Earl Nolley

Wrongfully incarcerated for 19 years; exonerated in 2018
Fort Worth, Texas

Hannah Overton

Wrongfully incarcerated for 7 years; exonerated in 2015
Corpus Christi, Texas

Johnny Pinchback

Wrongfully incarcerated for 27 years; exonerated in 2011
Dallas, Texas

Elizabeth Ramirez

Wrongfully incarcerated for 17 years; exonerated in 2016
San Antonio Texas

Cassandra Rivera Hurtado

Wrongfully incarcerated for 14 years; exonerated in 2016
San Antonio, Texas

Christopher Scott

Wrongfully incarcerated for 13 years; exonerated in 2009
Dallas, Texas

Victor Thomas

Wrongfully incarcerated for 16 years; exonerated in 2001
Ellis, Texas

Anna Vasquez

Wrongfully incarcerated for nearly 13 years; exonerated in 2016
Adkins, Texas

Daniel Villegas

Wrongfully incarcerated for 19.5 years; exonerated in 2018
El Paso, Texas

James Waller

Wrongfully incarcerated for 24 years; exonerated in 2007
Dallas, Texas

EXHIBIT 18

WITNESS TO INNOCENCE

Texas Governor Greg Abbott
Office of the Governor
PO Box 12428
Austin, TX 78711-2428

March 10, 2022

Texas Board of Pardons and Paroles
Clemency Section
8610 Shoal Creek Boulevard
Austin, TX 78757

Dear Governor Abbot and Honorable Members of the Texas Board of Pardons and Paroles:

We were innocent of murders and sentenced to death, only to be exonerated when we were able to prove our innocence. Now Melissa Lucio is facing an execution date and we are concerned about the very real risk that an innocent mother will be killed.

You have the power to prevent an unimaginable injustice. We write to urge you to grant clemency.

There is strong evidence that the death of Melissa's daughter, Mariah, was a tragic accident. According to an eyewitness, one of Mariah's brothers, Mariah fell down a steep flight of stairs. Mariah had a mild disability that made her unstable when walking. She had fallen on other occasions.

Hours after Mariah's death, Melissa -- pregnant with twins and numb with shock from the loss of her daughter -- was hauled into an overnight interrogation. After a lifetime of sexual abuse, beginning at six years old, and domestic violence, Melissa was especially vulnerable to the aggressive and intimidating interrogation tactics of the police and armed male authority figures. She repeatedly told the police she did not kill her daughter.

But after more than five hours, Melissa was physically and emotionally exhausted. In response to the Ranger's repeated demands, Melissa finally agreed to say, "I guess I did it." Other than this false "confession," no forensic or eyewitness evidence connected Melissa to Mariah's death. She had no record of violence. In fact, thousands of pages of protective service records and recorded interviews with her children show that Melissa was not abusive.

Coerced false confessions are a leading cause of wrongful conviction and even more common among women wrongly convicted of killing a child, like Melissa. Of the 67 women listed in the

Witness to Innocence | Empowering the Exonerated to End the Death Penalty
1501 Cherry Street | Philadelphia, Pennsylvania 19102
www.witnesstoinnocence.org | info@witnesstoinnocence.org

National Registry of Exonerations who were exonerated after a murder conviction, more than one quarter (17/67) involved a false confession.

A majority of federal appeals court judges have agreed the exclusion of expert testimony at Melissa's trial, which would have provided an explanation for her acquiescence during the coercive interrogation, denied her a fair trial, but decided that federal law limited their ability to provide justice for Melissa. When the courts are unable to enforce constitutional protections, it is the duty of the Executive to exercise the power of clemency and prevent an irreversible mistake.

We are available to speak with you or your staff about our expertise and experiences, which apply directly to Melissa Lucio's case. Thank you for considering our perspective.

Sincerely,

Clemente Aguirre, Exonerated in 2018 after 12 years on death row in Florida

Kwame Ajamu, Board Chair, Witness to Innocence

Exonerated in 2014, 39 years after being wrongfully convicted and sentenced to death in Ohio, and after 28 years wrongfully incarcerated

Kirk Bloodsworth, Executive Director, Witness to Innocence

Exonerated in 1985 after 2 years on death row, and a total of 9 years wrongfully incarcerated, in Maryland

Alfred Dewayne Brown, Exonerated in 2015 after 10 years on death row in Texas

Albert Burrell, Exonerated in 2001 after 13 years on death row in Louisiana

Glenn Edward Chapman, Exonerated in 2008 after 15 years on death row in North Carolina

Perry Cobb, Exonerated in 1987 after 9 years on death row in Illinois

Shareef Cousin, Exonerated in 1999 after 3 years on death row in Louisiana

Gary Drinkard, Exonerated in 2001 after 6 years on death row in Alabama

Charles Giddens, Exonerated in 1981 after 3 years on death row in Oklahoma

Shujaa Graham, Peer Organizer, Witness to Innocence,

Exonerated in 1981 after 3 years on death row, and a total of 5 years wrongfully incarcerated, in California

Anthony Graves, Exonerated in 2010 after 12 years on death row, and a total of 16 years wrongfully incarcerated, in Texas

Paul House, Exonerated in 2009 after 22 years on death row, and a total of 23 years wrongfully incarcerated, in Tennessee

Ricky Jackson, Exonerated in 2014, after 3 years on death row and 39 years wrongfully incarcerated, in Ohio

Derrick Jamison, Peer Specialist, Witness to Innocence
Exonerated in 2005 after 20 years on death row in Ohio

Ron Keine, Board Member, Witness to Innocence
Exonerated in 1976 after 2 years on death row in New Mexico

Ray Krone, Co-Founder, Witness to Innocence
Exonerated in 2002 after 3 years on death row, and a total of 10 years wrongfully incarcerated, in Arizona

Herman Lindsey, Board Member, Witness to Innocence
Exonerated in 2009 after 3 years on death row in Florida

Joaquin Martinez, Exonerated in 2001 after 4 years on death row in Florida

Ryan Matthews, Exonerated in 2004 after 5 years on death row in Louisiana

Juan Melendez, Exonerated in 2002 after 18 years on death row in Florida

Debra Milke, Administrative Assistant, Witness to Innocence
Exonerated in 2015 after 22 years on death row, and a total of 25 years wrongfully incarcerated, in Arizona

Randal Padgett, Older Adult Peer Specialist, Witness to Innocence
Exonerated in 1997 after 3 years on death row, and a total of 5 years wrongfully incarcerated, in Alabama

Alfred Rivera, Exonerated in 1999 after 2 years on death row in Nebraska

Sabrina Butler Smith, Exonerated in 1995 after 2 years 9 months on death row, and a total of 6 years 6 months wrongfully incarcerated, in Mississippi

Ron Wright, Exonerated in 2017 after 3 years on death row in Florida

EXHIBIT 19

DECLARATION OF ROBERT ANDREW ALVAREZ

1. My name is Robert Andrew Alvarez. My address is 620 Meadow Burst. Converse, Texas 78109. I am over the age of 18 and I am competent to make this declaration.

2. I am Melissa Lucio's son. At the time of my mother's arrest I was 7 years old. During my childhood I can attest that my mother was never violent with me or my siblings. There were many of us, and we would often horseplay with one another. My little sister Mariah was often caught in the middle, trying to play with us. As a result she had bruises and would often get hurt. I was constantly with my mother and never witnessed her being abusive or violent with my sister Mariah or anyone of us.

3. I am aware that my sister Mariah fell down the stairs a few days before she passed away. I saw her fall down, her foot went through one of the stairs and she fell down a few steps. To this day I am convinced that that incident along with the horseplay is what caused my sister's Mariah's death. I am convinced that, that is the reason she had bruises in her body.

4. During all those years I was never interrogated and never approached by any of my mother's lawyers, including her appellate lawyer. I feel that if I had I could have helped her case in any way possible. Even though I was young I remembered very clearly the events that occurred in my house. I could have testified that my mother was a loving, caring woman and that she was never abusive. I could also have testified that my older siblings disciplined us and would often look after us. Therefore, she was not always with her. And incidents could have happened when she wasn't around.

5. I believe that my mother was wrongly accused and shouldn't be on death row

6. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief and that this declaration was executed on June 10th 2018 in Converse, Texas

ROBERT ANDREW ALVAREZ

A handwritten signature in black ink, appearing to read "Robert Alvarez", written over the printed name.

EXHIBIT 20

Declaration of Bobby Alvarez

My name is Bobby Alvarez, I reside at 8011 Peale San Antonio Texas 78239. I am over 18 years of age and competent to give this declaration.

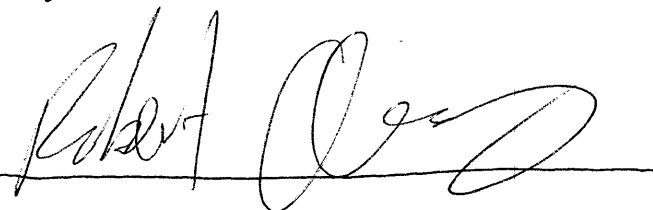
I am Melissa's son and i was 8 when she was sentenced to death. I believe she is innocent and I don't believe that she is capable of doing what she was accused of. Over the years our relationship has gotten better and better and she helped me through a lot of very difficult moments. I confide in her and I value the relationship that we have today very much. And she is the same person that I knew when I was growing up as a kid. I was always very attached to her and I can say that I am even more attached to her today. If she was executed I would loose someone who is so important to me, I wouldn't be able to function anymore. I have already been through enough trauma in my life with the death of my sister Mariah and being separated from my family and loosing her would be another drama that I think i could not overcome. With her being gone already 15 years, I haven't had the chance to be raised by her and you taken her away from me would take away my last hopes of getting to know her more. She is my mom. Please don't let that happen. I beg you not to execute her. If you execute her you will put more suffering not only on me but on the rest of the family who believe she is innocent and love her very much.

Writing to her over the years, a couple of times a month, she is always talking about her faith and what she has done over the years to become a better person with the grace of God. She has become a very religious person, she belongs to the Roman Catholic faith, and even when I had problems she would always refer to God and tell me to pray. I feel being religious helped her to overcome loneliness, depression from being kept away from her kids and family. She has given her fate to god and I want her last moments to be peaceful praying out loud in harmony with a priest or a bishop and find refuge in there. I hope he will hold her hand and give her the last sacraments.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

This declaration was executed on February 26th 2022 in San Antonio, Texas.

Bobby Alvarez

x 

02/27/22

EXHIBIT 21



Diocese of Austin

6225 Highway 290 East · Austin, TX 78723
(512) 949-2415 · Fax (512) 949-2521
www.austindiocese.org

Office of the Bishop

Statement in Support of Melissa Lucio

Melissa Lucio is scheduled to be executed by the state of Texas on April 27, 2022. Despite thousands of pages of protective service records and recorded interviews with her children showing that Melissa was not abusive, she was convicted and sentenced to death for causing the death of her two-year old daughter, Mariah. Lacking any solid physical evidence or eyewitnesses, prosecutors used Melissa's coerced confession, taken after a five-hour late night and aggressive interrogation, as the evidence for this decision. Doubt has been cast on the mitigating circumstances, the accidental nature of the injuries and the method in which evidence was portrayed.

Melissa's spiritual advisor, Deacon Ronnie Lastovica of the Diocese of Austin, is accompanying Melissa on her journey. He has seen how her heart is centered on Christ and how she has been helping bring others to the Lord.

"We are created in God's image and as such we must commit to protecting every human being and caring for their soul. People of goodwill understand that an act of violence cannot be overcome with another act of violence. The execution of Melissa Lucio would be a tragedy. Members of her own family, especially her children, are pleading for Melissa's life to be spared. Our faith teaches us that our response must be rooted in justice and mercy. Together let us pray to bring an end to the death penalty so that we may develop a greater love and respect for the sacred dignity of human life."

Most Reverend Joe S. Vásquez
Bishop of Austin

February 23, 2022

EXHIBIT 22



Office of the Bishop

Diocese of Brownsville

1910 University Boulevard • P.O. Box 2279
Brownsville, Texas 78520
Tel. (956) 542-2501 • Fax (956) 542-6751

Statement in Support of Melissa Lucio

Fifteen years ago the Rio Grande Valley was shocked to hear of the death in Brownsville of Mariah, a two-year-old child. Today, Melissa Lucio, the mother of the child, and now a grandmother, is on death row, awaiting execution for the death of her child. There are many circumstances that cast doubt on Melissa Lucio's conviction for first-degree murder. Information on this case and on mitigating circumstances surrounding it is readily available for those who want to know more about it.

I want to say a word to the People of the Valley about the pending execution. Death is not the answer to death. One tragedy is not somehow made better by killing someone else. Justice is not suddenly restored because another person dies. Executing Melissa will not bring peace to her surviving children, it will only bring more pain and suffering. I urge the State of Texas to commute Melissa's death sentence. Let us not give up on her life. I ask everyone to work and pray to end the death penalty in Texas and in this country.

Most Rev. Daniel E. Flores, S.T.D.
Bishop of Brownsville

February 22, 2022

EXHIBIT 23

Dearest Pope Francis,

Your Holiness. It is such an honor to have the privilege to write to you. On my own power, I do not believe that I would have the words to speak, but I have asked The Holy Spirit to guide me, and allow my heart to pour out to you, through my words.

My name is Melissa Lucio, and I was convicted of Capital Murder, for the death of my daughter, Mariah. In 2008, I became the first Latina woman sentenced to death in the State of Texas. I am now scheduled to be killed on April 27, 2022.

Despite acknowledging evidence of my Innocence Pope Francis, the courts have thus far refused to spare me.

Your Holiness, for many years, I've sat here feeling nothing but emptiness, and loss. So very hopeless, and alone. I've made many mistakes in my life, and have carried such a great deal of guilt for the choices I've made. A part of me felt like I didn't deserve to live.

My children are everything to me, but I also knew that my mistakes and wrong choices, had caused all of my children a great deal of pain & hurt. I felt the weight of that guilt bearing down on me, to the point where I felt no hope at all.

It is there, that the Lord our God found me. My heart & spirit broken in so many pieces.

I have always known and believed in God Your Holiness, but at that point, I did not feel nor did I believe I was worthy of his love. I cried out to him.

I begged for forgiveness, and for his mercy. For direction, and for strength. I knew that there was no way I could do this on my own. That was how I had made such a terrible mess of my life....doing things on my own.

It was around this time, that the Lord sent someone into my life, that would begin to show me the power of forgiveness and mercy. The power of God's grace for all of his children.

Someone who would lead to the knowledge, of who my Savior truly is, and how much he loves me.

Deacon Ronnie, has not only shown me the true love of Christ, but he has nurtured my sorrows, and shown me the way to my salvation.

Even now in the darkest of times, he stands with me, and guides me Your Holiness.

Pope Francis, I am pleading for your help. Not just for myself, but for my children and my family. The hurt that they are enduring at this point, is beyond anything that I can express with words. They are faced with losing a daughter, a sister, and a mother as well.

I believe in God's justice Your Holiness, but I do not see how taking my life will fulfill any justice. It will only cause more pain, and suffering to those who are left.

This will not bring my daughter Mariah back. I would have given my life for hers in an instant, if it worked that way.

Mariah continues to live forever in my heart, and the hearts of my children, and family as well. She is with me ALWAYS!

Although the road has not always been easy, I have found strength in the Lord, to reach out and begin ministering to my own children, and to others. I want them to know that, God's love endures all things, and that he calls us to share his love always. I have made true amends where possible, and have seen the Lord work miracles in the hearts of others.

My oldest son John, has been completely transformed by the love of Christ. He went from living a gang life, to preaching the word of God to anyone he encounters,

I brought (14)precious souls into this world. Each a gift from God.
I pray for them constantly, and lift them up to the Lord. Many of them are still hurting because of the choices that I made, but I will never lose hope, that one day our relationship will be restored through the power of the lord.

I want to Thank-You with all of my heart Your Holiness. For taking the time to read my words. I pray that you will hear the pleas of my heart and of my families as well. I know that only God can touch and change the hearts of men, but I plead for your help in this, and I ask that you keep me, and my family in your holy prayers.

Even in the midst of this, there is a peace that only comes from knowing I am forgiven, and loved by my Lord and Savior.
And that he knows the truth. That alone gives me peace beyond all understanding.

Most sincerely Yours,

Melissa Lucio

EXHIBIT 24

My name is Alejandro Saldivar, my date of birth is 10/2/1973, and my address is 1025 Wildrose, ^{In Apt 2046} Brownville Texas 78520 USA.

I declare under penalty of perjury that the foregoing is true and correct.

I was a juror on the case of Melissa Lucio.

I don't think Gilman did a good job defending Melissa.

It's insane that he works for the prosecution now.

I believe the whole jury would have been impacted if

they saw what the kids had to say about seeing

Mariah fall. I would have wanted to hear more about how

the kids interacted with each other and could have caused those injuries.

The physical injuries were what were most persuasive and

If I saw more evidence on brain injuries (DIC)

and how that causes bruising, or evidence on the bite

marks being abrasions it ~~could have~~ ~~could have~~ could have

changed mine and the jury's opinion.

I also would have wanted to hear about how ~~the~~

Melissa's past may have effected her reaction and

demeanor during the interrogation.

I would have wanted to hear about false confession

statistics and battered women.

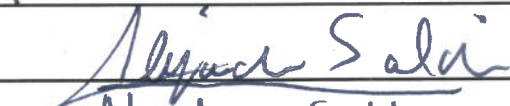
I thought the trial was very one-sided against Melissa.

Another jury should be able to hear this evidence that I was not able to hear.

I think if I heard the evidence I may have decided differently.

It didn't seem appropriate that the prosecution high fived us and gave us certificates after we sentenced her to death.

Executed in Cameron County, state of Texas, on the sixth day of March, 2022.


Alejandro Saldivar

Addendum to the declaration

The jury did not think ~~our~~ Melissa was a future danger and we did not consider that when sentencing her to death.

I remember there was one juror who did not want to give death because it was against their religion. One of the other jurors ~~was~~ or maybe multiple said to keep religion out of it because we are already this far.

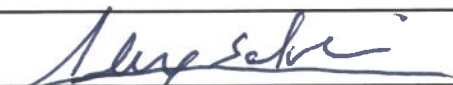

Alejandro Saldivar

EXHIBIT 25

DECLARATION OF DANIELLA HOPE LUCIO

1. My name is Daniella Hope Lucio . My address is 116 Villa Del Sur - Los Fresnos – Texas - 78566. I am over the age of 18 and I am competent to make this declaration.

2. I am Melissa Lucio's first born daughter and I was 20 years old when my little sister Mariah passed away. I was always very close to my mother and I was the one who would always help her with all my siblings. I was like a second mother to them. Even though I didn't live with my mother at the time of Mariah's death, I was always around to help her take care of the kids. Therefore I would have been a very valuable witness to what was happening in the house. And I feel I should have been called to testify at my mother's trial. I did meet Peter Gilman and Adolfo Cordova, my mother's lawyers at her trial, and told them I wanted to testify for my mother's defense but they ignored my request and never got back to me. To this day I never understood why. I feel this would have made a tremendous difference and would have changed my mother's sentencing. I know that my brother John and my sister Melissa also wanted to testify but weren't allowed to by my mother's lawyers. After my sister's death my little siblings told me they saw my little sister falling down the stairs but were never interrogated by my mother's lawyers or asked to testify at her trial as well.

3. A week prior to Mariah's death, I was visiting my mother and my siblings at their apartment. My mother had left to do some laundry and I was alone with some of my brothers and sisters. I was in charge of watching over them. I was sitting on the floor with my babies Clarissa and Ricky right across the room I could see my sisters Alexandra and Selina doing their homework. Mariah was sitting in the middle of them. I witnessed Alexandra violently hitting Mariah's head against the wood floor. I can remember the noise it made to this day. Mariah started to yell and cry and I confronted Alexandra about it. I asked Alexandra why she did this as Mariah was just a baby and couldn't defend herself. She didn't say anything. It wasn't the first time that I had witnessed Alexandra's abuse towards Mariah. In fact she hated Mariah and Mariah was terrified of Alexandra. All of my siblings knew about this. My brother John had already confronted Alexandra about the abuse and had told her to stop. When my mother came back from doing laundry that day, I told her what happened. I told her Alexandra had been violent with Mariah. My mother got mad at Alexandra and they had an argument about it. I told this story to Peter Gilman and Alfredo Cordova, my mother's lawyers at her trial

but they disregarded it and kept me from testifying at my mother's trial. I also remember telling this to the investigator at the Police department the day my mother was arrested and giving him my testimony.

4. On the day of Mariah's death I came to visit my mother and help her with the laundry. My mother and my brothers and sisters had just moved from one apartment to the other and there was a lot of cleaning to do. When I arrived I was told by my mother that she was worried about Mariah because she wasn't feeling well. She told me that she had fallen down the stairs and that after that she started sleeping more and not eating. I offered to take care of the kids while she would take her to the hospital. A few minutes later, I heard Robert, my mother's common law husband, screaming my mom's name and we discovered that Mariah was unconscious. My mother started screaming and crying and Robert started to perform CPR. I panicked and was the one who made the 911 call. The paramedics, the EMS and police came over to the apartment but Mariah was dead. After that I was taken by the Harlingen Police department in their car with a few of my little siblings to the Police department.

When I got there, I was interrogated by the police and told the investigator what happened that day. I told him that I was told by my mother that Mariah had fallen down the stairs. I told him that my mother had never been abusive to any of us and that I never saw her abuse Mariah. I told the investigator that it was my sister Alexandra, who was fifteen at the time, who would abuse Mariah. I had witnessed her personally abuse Mariah and was very angry by the way she was with Mariah. She hated her and all my siblings knew about the abuse.

5. During all those years I was never interrogated and never approached by any private investigators or by Margaret Schmucker, my mother's appellate lawyer. I feel that if I had I could have helped her case a great deal in her appeal and would have been able to bring new evidence that was never brought during her trial.

6. I know from the bottom of my heart that my mother is innocent. She was never abusive to any of us and she all loved us very much. She was too lenient in fact and would let us go away with a lot of stuff. I believe she took the blame for my sister Alexandra because she didn't want her to get in trouble. Alexandra was abusive towards Mariah and I believe that's what caused her death. I can also say my brothers were playing rough around her, wrestle together and that she would often get hit as a result. I also know, as well as all my brothers and sisters, that Mariah fell down the stairs two days before she passed away.

7. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief and that this declaration was executed on June 13th 2018 in Los Fresnos, Texas

DANIELLA HOPE LUCIO

A handwritten signature in black ink, appearing to read "Daniella Lucio". The signature is written in a cursive style with a prominent flourish at the end.

EXHIBIT 26

DECLARATION OF DIANE SAMMIE CERDA

1. My name is Diane Sammie Cerda. My address is P.O Box 1056, Lyford, Texas, 78569

2. I am Melissa Lucio's younger sister. I can honestly say my sister is not a violent person. Never did I witness or know or hear of her being abusive to any of her children. She was one who would just yell over and over for them to sit or behave but not one to spank them. She loved each one of them equally. Now her daughter Alex was always said to be the aggressive one of the siblings. Melissa's other daughter Selina, mentioned to my mom Hope Trevino and sister Sonya Valencia that she witnessed Alex bang Mariah's head on the floor and punch her on several occasions. I wanted to mention that Alex's abuse towards Mariah was a known fact in the family.

3. I also wanted to mention how before and during my sister's trial we were never asked to testify on her behalf, we were never interviewed. I was ready, willing and available to testify at Melissa's trial. But no lawyer or mitigation specialist ever talked to me or any of my siblings except my sister Sonya Valencia. The only person who was allowed to testify at Melissa's trial was my sister Sonya Valencia. None of my sister Melissa Lucio's children were allowed to testify. I feel my sister Melissa Lucio never stood a chance, she wasn't given a fair trial. I know if we would have at least been able to speak on her behalf she wouldn't be on death row. I feel that if they would have let her children speak that would have been even better because she was a good mother and they still say that till this day. I always prayed that one day someone would take the time to hear and read about my sister's case. I truly feel with all my heart that she is innocent.

4. Once my sister Melissa Lucio was sentenced to death, her appellate lawyer, Margaret Schmucker, never contacted me or any of my brother's and sister's. I know for a fact she never contacted any of my nieces and nephews. I feel that the investigation wasn't done properly and that if she had spoken to my family or to my nieces and nephews it would have helped my sister in her appeal.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief and that this declaration was executed on May 10th 2018 in Lyford, Texas.

Diane Sammie Cerda

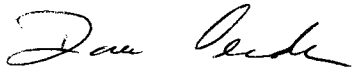
A handwritten signature in cursive script, appearing to read "Diane Cerda".

EXHIBIT 27

DECLARATION OF JOHN VINCENT LUCIO

1. My name is John Vincent Lucio. My TDCJ number is #02136345 and I'm currently incarcerated at the Garza East Unit in Beeville Texas. I am over the age of 18 and I am competent to make this declaration.

2. I am Melissa Lucio's oldest son. At the time of my sister Mariah's death I was 17 years old. I had just recently moved out of the home to live with my girlfriend Michelle who is my wife today. Even though, I had moved out I was constantly there. As my mother's oldest boy I made sure everything was ok for her and my siblings. I have always been very close to my mother. She was more than a mother to me, she was my best friend. She was the sweetest and would let us do whatever we wanted. She never disciplined us, she never spank us. Actually, I think she was too nice. She had very little authority, and I think that's probably why some of my siblings including myself got in trouble later in our lives. I can testify that she adored every single one of her children including Mariah and that she would have done everything for her children. Even though she had a drug problem, she always made sure we had a roof over our heads and that we were well fed. We were always clean, we always had nice clothes. There just wasn't a mean bone in her body and the fact that she was arrested and convicted of abusing my sister Mariah to death is unfathomable. It is just impossible. She was never abusive to Mariah or to any of us.

3. I know for fact that it was my sister Alex who was abusive to my little sister Mariah. When I would come to the house to see Mariah, she would be terrified of Alex. And my other brothers and sisters would tell me how she would constantly hit her and sometimes take her alone in her room, hit her and make her cry. I confronted my sister Alex a few times about it, I told her she had to stop. She wouldn't reply. The only thing she would say is that she didn't like Mariah and that she didn't consider her to be her sister. I can say with certitude that my sister Alex hated Mariah. Because I knew Mariah was terrified of her and I had witnessed some bruises caused by Alex on Mariah's body. I would often go to my mother's house just to be with Mariah and take care of her.

4. A few days before Mariah died; I had gotten into a fight with my stepfather Robert Alvarez, because he was being abusive to my mother. Therefore, I wasn't welcome in the house and would come over when he was gone. On Friday February 16th, my girlfriend Michelle dropped me off at my parent's house. I knew my brothers and sisters were alone in the house and I wanted to go see Mariah. My parents were in the process of moving and it was the first day the family was living in the new

apartment. When I walked in, my siblings were watching TV and it was very quiet. I was told that Mariah was sleeping in the bedroom and that she wasn't feeling well. I was told that Mariah had fallen from the stairs the day prior, on Thursday ~~June~~^{FEBRUARY} 15th at the old apartment where they lived. That apartment had a huge set of stairs so I was concerned. I was told that ever since that fall, Mariah wasn't feeling well and was sleeping all the time. I went into the bedroom to check on her. Usually when she saw me she would always smile and be happy. But that day she couldn't wake up. I thought something was very wrong. I left the apartment in a hurry because my stepfather was coming back into the house. To this day I regret not taking her to the hospital. It is my biggest regret. The next day when I received a phone call that my sister had died, my world collapsed.

5. I contacted Peter Gilman and Adolfo Cordova, my mother's lawyers. It told them that I wanted to testify for my mother's defense and that I had a lot of things to say. But they refused to have me testify at her trial. I feel that I could have made a difference at my mother's trial had I testified then. I could have said that I was aware that my sister Mariah had had an accident, and fell down the stairs, two days before her death. Everybody in my family knew that. I could also have testified that my sister Alex was abusive to my little sister Mariah and that she was responsible for the bruises on her body.

6. Through the years I never had any contact with Margaret Schmucker, my mother's appellate lawyer. She never reached out to me. No private investigator made contact with me on her behalf. I feel if I had had the chance to talk to Margaret Schmucker, my testimony would have made a huge difference in my mother's appeals.

4. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief and that this declaration was executed on July 10th, 2018, in Beeville, Texas

JOHN VINCENT LUCIO

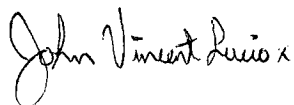


EXHIBIT 28

DECLARATION OF JOHN VINCENT LUCIO

County of Cameron

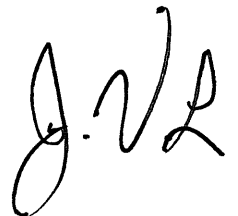
State of Texas

I, John Vincent Lucio, state and declare as follows:

1. My name is John Vincent Lucio. I reside at 716 North O Street Apartment 6, Harlingen, Texas, 78550. I am 32 years old and am competent to make this declaration.
2. My mother is Melissa Elizabeth Lucio. I am the oldest son of fourteen brothers and sisters.
3. I was 4 years old when my mother met, Robert Alvarez. I lived with them until I was 16 years old.
4. Our childhood was difficult because my family was very poor. There were many times the electricity was cut off or we didn't have running water. We would smell and go to school dirty. When we didn't have electricity, we would have small ice chests with ice and some food.
5. My family didn't have enough food to eat, so we would eat at Loaves and Fishes for dinner most nights. We did that for about 6-7 years. We also went to End of the Road Ministries for food and clothes.
6. I knew my mother was under a lot of stress because Robert would get locked up for 6 months at a time for not paying child support. My mother had trouble making ends meet. We would move from place to place when she couldn't afford the rent.
7. Me and my siblings were rowdy kids. My parents didn't discipline us and we'd take advantage of that. I would take off with my friends and come home the next day. My sisters would sneak out and hang out with their boyfriends.
8. I was about 7 years old, when I first witnessed Robert's violence against my mother. The verbal abuse happened at least every day. The physical abuse was at least a couple times a month. I saw him shove and argue with my mother. He'd call her a "bitch" and "whore" and they would cuss each other out. As a result, my relationship with Robert was not good.
9. I saw Robert pull my mother's hair, spit on her, and punch her. I remember Robert pulling her hair and dragging her on the floor. If she was outside, he'd drag her inside the house.



10. I saw Robert choke my mom with his hands around her throat. I remember seeing my mom with bruises on her arms.
11. I felt so helpless when I was young. I would watch Robert hit my mother and I would have to deal with it. I had seen it so much as a kid and it hurt me so much that I couldn't do anything to stop it.
12. I was about 14 years old the first time I got in the middle of a fight to protect my mother. My sisters, Daniella and Melissa were also there. I saw Robert grab my mother by her arms and shoved her. Robert hit her and slapped her. My mother looked scared. Robert was shouting at her and called her a bitch. I stepped in and hit him for the first time. Robert came after me, but he was too slow and unable to get to me.
13. There was another time when I was 15 years old when Robert attacked my mother. My mother, Robert and siblings were walking in an alley on their way to Loaves and Fishes. Robert started beating my mother, and my mother told my sisters to come get me. I ran over there and saw Robert punching my mother in the face and head. This happened out in the open in the alley. All my siblings were scared and were yelling and crying. I was so mad I grabbed a 2x4 piece of wood and hit Robert in the head. He started bleeding. He tried to come at me, but he couldn't catch me. Then we all went home, and we were yelling at each other. So, I left and he left.
14. The last time I remember fighting Robert was after my siblings had been returned to my mother and they were living at the Madison Avenue apartments. I was about 17 years old, and I was living with my common-law wife, Michelle, and we were about 15 minutes away from the apartments. By this point, Robert didn't want me around. I got a call from my sister, Selina, that Robert was laying his hands on my mother. I went over there and caught them in the middle of a fight. Me and Robert started fighting. Selina got in the middle, and I had to push her away. She was defending Robert even though she was the one who called me about his abuse.
15. There was a dance hall across the apartment and as a result, there was law enforcement presence on account of frequent fights. They heard the commotion and came over. The police said that I would be arrested if I didn't leave, so I did. That night, I did not see Mariah at the apartment. This was the apartment with the steep stairs from which they were moving.

A handwritten signature in black ink, appearing to be 'J. V. L.', located in the bottom right corner of the page.

16. Around the time Mariah died, my mother worked as a home provider and was away from the home during the day. She cared for elderly and disabled persons, and I would drive her to these jobs. She worked long hours. Robert was also working. He was a cook and was also gone from the apartment. My sisters Selina and Alex were babysitters for Mariah during the day when my mother and Robert were working.

17. I never saw my mother hit Mariah nor any of my siblings..

I have read and reviewed this 3-page declaration.

I declare under penalty of perjury under the laws of the United States and the State of Texas that the foregoing is true and correct to the best of my knowledge and that this declaration was executed on 3/18 2022, in Cameron County, in the State of Texas.



JOHN VINCENT LUCIO

EXHIBIT 29

Dear Texas Board of Pardons and Paroles and Governor Abbott,

My name is John Vincent Lucio. I am Melissa Lucio's oldest son. I was also Mariah's oldest brother. The last 15 years since Mariah's death have been very difficult on me and my siblings. Not only have I struggled, trying to deal with the pain and suffering from losing my sister after just two short years, but I've also had to deal with my mother being on death row. Thinking about the feelings of pain and loss I know I will feel if the State of Texas goes ahead with my mother's execution scares me. I write to ask you to put a stop to this execution.

Mariah was my sweet little sister. I loved her as I love all my brothers and sisters. Mariah's death was very hard on me. It has taken me a long time to grieve her death. As Mariah's brother, I want to say that having my mother taken from me and my siblings by the State of Texas will not give me any "closure," or sense of "justice" for my sister. What is happening with my mother is tearing open old wounds and executing her will make those wounds unhealable. The stress that my brothers and sisters and I are feeling right now is eating away at us mentally and physically.

I got out of prison myself a year and a half ago. I have been working hard to get my life on track. I started barber school and have become an avid runner. Since I was told that the State is planning to kill my mom next month, much of my progress has fallen away. I feel like my life is now moving backwards. I've had to stop my schoolwork and running, and I can't work. The thought of losing my mom by lethal injection and the impact that is going to have on me and my siblings weighs heavily on me. The State of Texas won't just be executing my mother, it will also be taking life out of me and my brothers and sisters. My life will never be the same. I feel if it happens, there will be no getting up after the fall.

Most of the progress I have made in life and as a person is because of my mom. If the State of Texas takes her from me and my siblings, we will not have her guidance, love and support. And for what purpose? I value every minute I spend with my mother. My mother has a beautiful smile. I like to hear my mother's words of encouragement. Seeing her happy when I visit with her really makes my day and motivates me to be the best person I can be. Nothing can bring back my little sister. And nothing can fill the hole inside all of us that her death caused. But you all can stop this. You can stop my mother's execution. You can stop the State of Texas from ripping another hole in what we have left inside of us. I respectfully beg you to please spare my mother's life and do not let the State take her from us.



John Vincent Lucio

EXHIBIT 30

DECLARATION OF JOHN VINCENT LUCIO

1. My name is John Vincent Lucio. I reside at 716 North O Street, Apartment 6, Harlingen, Texas 78550. I am 33 years old and am competent to make this declaration.

2. I am the oldest son of Melissa Lucio. I lived with my mother up to when I was 16 years old. I lost contact with my mother for awhile when I was having troubles myself. But I regained contact with her in 2008 after she was arrested.

3. Before my mother was sent to prison she was not particularly religious. Neither was I back then. But since Melissa was sent to prison, that has changed and she is now a devout Roman Catholic. She has talked to me about her beliefs as a Catholic, and although I am not a Catholic, we share many of the same beliefs.

4. Melissa became religious in about 2010. I remember that one day in 2010 she told me in a letter that someone was calling her name, that God was speaking to her, telling her "Melissa, come out and eat." When I showed that to friends, they said she's cracking up, the stress of prison is driving her crazy. But later she explained that she now understood the message, God was not telling her to eat food, but to eat the bread of life, receive the word of God. That made a huge impression on me.

5. Melissa has told me that she prays aloud with other inmates in the Mountain View Unit death row. They pray together in a group for about an hour, reading Bible passages aloud and discussing them.

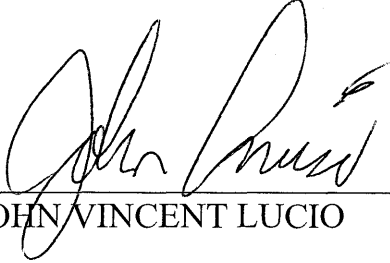
6. I visit Melissa about once a week now. Every visit we set aside some time at the beginning to pray aloud. The first 30 minutes of our visits are devoted to this. She brings sermons to read aloud to me and we discuss them. In the visiting room, there are Bibles on both sides of the wall, and we both get one to help us.

7. On our last visit, Melissa read from the Book of Daniel, and we discussed how great it was that we have a God and that God will take care of us.

8. When Melissa writes me, there is almost always a religious reference in the letter. I know her beliefs are genuine, strong, and long-lasting. They are a

source of great strength to her.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief and that this declaration was executed on 2-22-22, 2022 in Harlingen, Texas.

A handwritten signature in black ink, appearing to read "John Vincent Lucio", written over a horizontal line. The signature is cursive and includes a small mark above the "o" in "Lucio".

JOHN VINCENT LUCIO