

**Excerpts from the Interrogation of Clayton Allison On
January 23, 2009**

**Documenting the use of
Evidence Ploys, Psychological Coercion
and
Tracking the Impact of the Interrogation Procedures on Mr. Allison**

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Part I

**The Use of the Evidence Ploy Tactic -- Revealing to a Suspect
Actual, Believed, Mistaken or Invented Evidence for the Purpose of
Leading the Suspect to Perceive his Situation as Hopeless**

KEY:

Evidence ploys - **Blue**

Development of a Psychologically Coercive Offer – **Red**

Development of an Interrogator Proposed Scenario – **Dark Red**

Allison's Reactions to the Tactics Used During the Interrogation
– From Denial, to Expressing an Understanding of
the Interrogators' Messages to Guessing and Creating the
Feeding/Frustration Scenario for the Baby's Death - **Green**

Summary of Evidence Ploy Related Excerpts

An independent medical expert consultant has determined that the cause of the baby's death was shaken baby syndrome (pps. 59 – 61).

A second independent medical expert consultant has determined that the cause of the baby's death was shaken baby syndrome (pps. 63-64).

The detectives' analysis of Allison's demeanor is further evidence that Allison knows that he shook the baby (p. 64).

The physical evidence, the photos and the autopsy leave no question as to how the baby died (p. 67).

The investigators have 97% of the picture. They only need to know what drove Allison to do it (p.68).

Three teams of independent medical expert consultants have all determined that the cause of the baby's death was shaken baby syndrome (pps. 72 – 73).

Three different groups of nationally recognized experts all reached the conclusion that the manner of death was homicide. Allison then expresses his agreement that based on the medical evidence the fall did not kill the baby (73).

Evidence Ploy Excerpts

Transcript Page 59

CA: **She was - she was doing good. Uh, the last, you know, good memory I have of that day was her bouncing to the intro to the CSI theme music and that's pretty much the, where it went downhill from there. I - I've had a lot of people at a lot of different places tell me, um, that, you know, it wasn't my fault. But no matter how I look at it, I still feel that it was. Uh, it, no matter what people tell me or whether it pre-existing condition or whether she would have died anyway, or whether, you know, I could have saved her life, I should have closed the gate. That's what it comes down to in my mind. If I had closed the gate, it never would have happened, maybe we would have caught whatever was wrong, I don't know. But that's - that's what I come down too. I - I have family members, everyone telling me, it's, it's not my fault. But 1- I, you can't tell me it wasn't. I mean if I had closed the gate, it wouldn't have happened.**

RM: Here - here's the thing. Okay, and I'm listening to what you said, and I've listen to, uh, what SHERRY FERNO'S interviews represent and I've listened to what your wife has presented and - and, uh, I'm gonna tell ya that what happened in your home that day, uh, according to you is not simply unfortunately and we've tried everyway we can to 'see it through your eyes, because more than anything we wanna see it through your eyes and we wanna believe that exactly what you say happened, happened. The problem we have is that, uh, we finally received all our - our medical examiner's reports. The autopsy reports. Uh, we've even gone to an independent consultant and, uh, to review everything we have. And, uh, independently they come to the same conclusion and their conclusion is the same as our conclusion based on our training, based on our experience, we see a tremendous number of these. This is what we do, we work child cases. Purely child cases. And, uh, they rule this manner of death as a homicide. Not in anyway shape or form, accidental. And, uh, so I said, well, okay, show me that. And, um, they're stating that the blunt force head and neck trauma that

JOCELYNN received, uh, did not come from impact. It came' from, we see something and you've heard it no doubt, shaken baby syndrome and that's ...

CA: Can't be possible.

RM: Well, I'm just telling you what they're telling me and, uh, so hear me out. Um, she had C1 and C2 spinal, uh, problems. Basically...

LN: Disconnection.

RM: ... disconnection. Yep. And displacement. She had, uh, a tremendous amount of hemorrhaging on her brain. Uh, she had, uh...

LN: The retinal hemorrhaging.

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RM: Um hmm. On her, uh, left optic nerve, the cord that holds her eye and - and sends it's reading to the brain, she had sheath hemorrhage. That's a tearing of the sheath. And these are classic things that we see in every single shaken baby case that we investigate. Uh, basically what we have in the case of your daughter is, um, that little brain was moving around Violently inside the skull. But the skull doesn't have the external injuries consistent with the fall capable of providing that sort of damage. And, uh, and bleeding and hemorrhage to both the optic nerves and the brain itself. And what we have is, uh, something similar to a child in a car seat who's been in a collision, but never struck the interior of the car. It's a, uh, a repeated violent shaking of the brain within the - the, uh, cranial cavity. Now we said, okay, so she had potentially, according to other, uh, issues, medically speaking, that she had in the past, was that, uh, 'you guys thought she might have had, uh, the hydro, it's, uh, I'm not sure how to say it. The hydrocepha'... It's not alitis, but it's - it's, what is it? Hydrocephalus. That's what it is.

LN: Hydrocephalus.

RM: Uh, that wasn't present. Her skull thickness, uh, was uh completely normal. She didn't have a thin skull. Uh, brain size was adequate for the skull, everything was appropriate. Your daughter was completely healthy. One other thing that was discovered that was very, very troubling to us was, uh, the simple fact that there was new trauma from that day and there was old trauma from similar injuries on previous occasions. And the way the tell that, and we've seen this quiet a few times on different cases that we've worked, is, uh, varying stages of bruising to the brain and varying stages of, uh, of congealed blood matter, uh, around the brain, between the matter and Dura matter, which are the sacks that surround the brain that are inside the skull. Um, that's the residual, uh, rights of Dura hemorrhage they call it. Really it was old blood that was in there, coupled with injuries suffered on this particular day. And you know I've struggled to understand how this can happen. She did have a few tiny bruises on her. Uh, 'upper forehead and side of her skull. Uh, they weren't consistent with, uh, sufficient damage to, uh, to - to 'cause what was happening inside of her brain. Uh, and inside of her skull.
Uh...

LN: Just listen, just listen.

(Page 61)

RM: There's, uh, some soft tissue dam' damage and hemorrhaging, more bleeding around the, uh, C1 vertebra and these are the C1 and C2 dislocations. These are, you know, the, what we call the, uh, the, uh, the hangman's fracture. It's usually what we see on people that have, uh, been hung, um, in this case the other things that causes it on small children of course and especially in JOCELYNN'S case, she didn't have the - the muscle development yet, which of course you folks were working on, and, uh, it's sort of like a bowling ball on a pencil, you know, and it, a violent shaking will bring about that C1, C2 dislocation. These are all classic symptoms. They're not all always present, but in this case we have all the indicators present. And the, uh, associated damage. Um, we've got, uh, just an awful lot of problems

with this and, um, I-I have to tell you that after - after hearing the presentation by the medical experts, and, uh, what we had already sort of suspected based on what we observed ourselves and knowing what we know about shaken baby cases, this, uh, I - I have to be honest with ya, I'm just gonna come out and say it - it's - it's...

CA: Doesn't sound good.

Page 63 - 64

CA: I loved being a father.

RM: And I - I - I completely concur. I think you did love being a father. I also think you found the frustrations of being a father. Uh, I mean at least I'd like to believe that. That you found the frustrations of being a father, at times, a little overwhelming. And, uh, I certainly did as a young father and, uh, I don't think there's a young father out there that hasn't. And, uh, like I said, I - I don't think you - you set out, but these there's just, these don't leave any question as to what happened. Uh, and - and getting a second conclusion drawn by a, an independent consultant, a medical consultant, an expert in the field, these folks are all state recognized experts and some of them are national recognized, nationally recognized experts in - in child trauma and in shaken baby syndrome. They see these types of cases, uh, as frequently as we do. And, uh, there's just not any doubt, there's no question. This isn't a I'm not asking ya whether ya, you shook your baby or not. I - I know conclusively that that's what happened. There's no question about that. I'm not asking whether you did that or not. Or, do you understand that?

CA: (Inaudible reply)

(Page 64)

RM: Yeah. I - I'm not asking you whether you did that or not because, uh, our findings based on the evidence and based on the observations of the condition of your daughter's brain, the condition of her spine, the condition of her optic nerves, leave no doubt. These are classic, classic symptoms. Uh, and in fact, uh, when you couple that with something else that we saw, which is the old damage that was, uh, not sufficiently healed, it was still present and the coagulated blood was still present on the brain, indicates that this is a - a step process and that's what

we also see frequently. And, uh, so, and there's some other aspects that are rather peripheral to it such as the - the process of reporting it. Uh, these are classic symptoms as well. Uh, people a', you know, we - we like to think that we're very unique, right. We always think, hey, I'm a unique person and one of the things that this - this business teaches us and LU and I have both been to an awful lot of specialized training, I've been doing this 20 years and, uh, one of the things that we train in is body language. And, uh, you know, back when we were primitive and, uh, and hunting and being hunted, uh, much like these, you like to watch nature programs?

CA: (Inaudible reply)

RM: Sometimes? Yeah. I mean you watch when lions are feeding on the Serengeti, but when they're hungry, the game animals around them, the prey animals know it. Based on their body language. The lions aren't communicating it in any way except by the way they're standing and moving. And acting and behaving. And, uh, yet when they've fed and they're tired and they're full and they're sleepy, those animals will graze within striking distance and they're not worried. Well long ago, when we were more attuned to observing one another's body language and the body language of animal. We read that very well. Now in this - in this day and age, we're primarily concerned with verbalization. Well better than 80% of our communication is non verbal. If you're attuned to reading it. Part of the reason I sat here quietly and observed you and LU did the talking is because I was observing the nonverbal cues and LU was observing what you were, obviously the auditory cues, the things you were saying and I listened to you as well. And, um, it's the same thing when I present this to you and - and the nonverbal cues are, uh, something that, uh, we're not capable of - of hiding. We simply can't. We can say things, but they're not supported by our nonverbal cues. They're not supported by our body language in short. And that's what I was saying, you know, we like to think we're all very unique and in reality we're probably about 98% alike and about 2% unique in our - in our psychological development and who we are and that's why I can say, you know, struggling to understand the why is important...

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RM: ...who for - for lack of, I mean you're not a, uh, you know, we've - we've looked at you guys every way, up and down and sideways and, uh, you're not bad people. You're just not. You're not - you're not what we usually deal with. **And, uh, that's why we consulted another expert, an outside consultant, because you guys are not the kind of people we usually deal with. You're good people. And, uh, like I said, you're - you're both bright, you're educated and, uh, it - it's just, you know, the truth is in here, there's no question about that. I mean there just isn't.** I - I wish I could question it. We sat there today at a at a round table briefing with - with seven investigators and we tried to poke holes in this thing. We said, what are we missing? This doesn't fit your profile. You're not JOHNNY CRACK HEAD that we deal with that shakes his kid to death. But then we also see an awful lot of folks who are really good people who just simply crack sometimes. And - and it's a momentary thing. And children are rather fragile. I don't think for a minute and I want you to - to understand I am not saying CLAYTON that I think for even one minute that you set out to harm your daughter. I don't think you did. I don't think you set out to harm your daughter. I don't think you wanted to kill your daughter, I don't think you wanted to harm her. But I - I...

LN: It happened.

RM: It happened. It - it happened. Now what I'm asking you is to help me understand how and help me more importantly to understand why. Because like I said, why something happens is every bit as important as what has happened. And what has happened is - is spelled out very clearly. **There's no question.**

LN: **The photos of the injuries say everything.**

RM: Yeah.

LN: **The autopsy said everything**

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RM: ... And that's why we said giving you an opportunity to come in tonight. **We're just gonna be honest with ya and lay this out on the table and say here it is, this is what we've discovered. This is the picture it tells us. This is what the puzzle looks like after we put all the pieces together. It's 97% complete. We can tell what the whole picture is. We just don't know and only you hold the - the due in your head as to what drove you to this that day?**

Page 72 – 73

LN: You said it yourself, there's day where you don't even know if there's gonna be a mud pie waiting for you when you get down to that crib. Where you gotta do sheets...

RM: That's just it. We were trying to figure out what was wrong.

LN: So, what was it that - that day you just miscalculated. You just, you made the mistake, what was it? What was it?

CA: **(Indiscernible) Understand that I'm scared now.**

LN: You were scared then. This is your opportunity to talk about what it was that scared ya after that.

RM: You know you child presented at eight months with a - a broken femur. And, uh, without these reports, I said lets give 'em the benefit of the doubt on that. We're wait for the reports. We wouldn't come talk to you like this until we had all of our information. All the ducks had to be a row. **Once we have completed every single thing, then it painted a solid picture. And I said these people have no history. They have no history. They're not bad people. Lets get another opinion. Lets get a consultant. Another medical expert. We have two already, lets get a third.**

CA: You know I felt really bad that day.

RM: **I wish it was two to one. I wish it was two to one. It's not. It's**

three. Three independently come to the same conclusion. Now, it isn't a question of whether or not this happened, it happened. We have dead child. We have the mechanism of injury. It's blunt force head and neck trauma. All three experts, and these are not individuals, these are teams. Three teams came to the same exact conclusion. Homicide, shaken baby syndrome. This baby died as a result of head and neck trauma. Most likely 'caused by internal blunt force. The brain slapping against the inside of the skull. And tearing. Tearing the optic nerve sheathes both eyes. Ripping her eye cords loose. Not completely, but tearing them loose from the brain. 'Causing bleeding on the eye - eye cord sheathes. Extensive hemorrhaging, which is bleeding on the brain. Extensive brain swelling. Evidence of old brain swelling. And evidence of old brain bleeds. Uh, with similar tearing and, uh, in this case, in this particular day, we also have such intense shaking that we've got C1 & C2 disruption and displacement and dislocation. Uh, 'causing injury to her - her spinal cord. The brain stem. Which is what swelled and Ultimately, uh, she simply her - her autonomic nervous system ceased to function and she went into cardiac arrest.

Uh, this was a - a, uh, terrible way for a child to go out. And, um, I sat here in this room today and I thought to myself, well this is basically a - an honest young man and, uh, he's a good kid. He's - he's probably not going to sit here and - and, uh, I don't - I don't wanna drag out pictures and show you what I'm trying to describe because, uh, I know you loved your daughter. At least I suspect so. Did you love your daughter?

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RM: The difference is, CLAYTON, and this is important. The difference is whether we go forward and we can say, hey, but you know what, he's never been in trouble, he's a decent guy, he said it happened because he just did X, Y, or Z and lost it, you had a momentary lapse of judgment. You got impulsive, whatever it is, I don't wanna put words in your mouth. But whatever it is, we seek to understand why. That's what I meant about the why is every bit as important as what has happened. That coupled with your history, who you are and who you've been in life. You're educated. All those things paint a much bright future and a much brighter picture for you than somebody who's been -a crack dealer and finally got around to the business of killing his kid. That's the difference. That's not who

you are. I don't wanna paint that picture and I'm not trying to. But I - I can't figure out anyway to tell ya except that, I gotta tell ya, us sitting here today and doing this, this is a formality for us. By the time we contacted you...

CA: I understand (whispers).

RM: ... it had, had had these different groups of - of medical, uh, experts, review this independently and got their reports and went oh, oh. Three for three. Same finding, strong conclusions. Not manner of death unknown. Manner of death suspicious. We get a lot of those. This manner of death, manner of death, homicide.

CA: I understand.

RM: Manner of death, homicide. Manner of death, homicide. That's - that's damning. These people testify all over the country.

CA: I know, I can tell you a 100% for a fact I have not shaken her, the stairs did happen, if it didn't 'cause, which we obviously three for three said it then fine. Um, I'm sure there are other stuff. But would it be better for me, I -I'm -I'm scared.

Part II

**Development and Implementation of Psychological Coercion –
Linking Confession to Receiving Help from the Interrogators and
Obtaining Lenient Treatment. Linking Refusal to Confess to
Receiving Relatively More Severe Punishment**

**Including Suggesting a Scenario for the Crime That is Designed to
Seem to Justify Leniency if the Suspect Confesses
by Adopting the Scenario**

Key:

Development and Presentation of a Psychologically Coercive Offer – Red

Development of a Scenario Designed to Seemingly Justify Leniency – Dark Red

**Allison's Reactions to the Tactics Used During the Interrogation
– From Denial, to Expressing an Understanding of
the Interrogators' Messages to Guessing and Creating the
Feeding/Frustration Scenario for the Baby's Death - Green**

Summary of
Suggestions and Promises of Help and Leniency
or Severe Punishment

Suggestions followed by promises that Mr. Allison will be better off as the criminal proceedings continue if he were to confess now and adopt the interrogator's frustration scenario for the alleged crime. Supposedly the medical evidence offered by 3 nationally known medical experts disproves Allison's position that the cause of the baby's injury was the fall down the stairs (see Evidence Ploy Citations)

Those who will decide his future need to be informed of what happened through his confession so they can decide what help he needs to make sure this will never happen again. The alternatives in Allison's future are either being classified as someone who "simply needed parenting classes" if he was frustrated and acted impulsively versus someone who killed his child because he "couldn't stand being a father and obviously deserves punishment different from parenting classes – (Page 62)

Confessing to killing the baby and explaining his motivation will effect the decisions of those who will judge him – (Page 63)

Only by confessing to killing the baby will Allison allow those judging him to make a "reasonable determination" about what best suits his needs. If he refuses to confess he risks that these people are going to guess at his motivation and are "probably" going to reach the conclusion that Allison intended to kill his child – i.e. "wanted to hurt his kid" – (pps 68 – 69).

Confessing will help the investigators help Allison – (Page 69)

There are only two kinds of people, the truthful and the deceptive. Whether or not the things you decide to say later will be believed is determined by whether or not you confess now -- (pages 67 and 73).

The interrogators will help Allison if he confesses now. If he confesses they can "say" he is a decent guy who had a momentary lapse of judgment or was impulsive. His confession that he "got impulsive, whatever it is" combined with his being educated result in a "bright future" for him, much brighter than some crack dealer who finally got around to killing his baby. The interrogator is giving him an opportunity to confess so the interrogator does not have to portray Allison as he would a "crack dealer" who finally "got around to the

business of killing his kid” – (Page 73).

Allison asks for advice regarding whether or not to talk to a lawyer before confessing. The interrogator first tells him that that is Allison’s decision. Once the disclaimer has been stated the interrogator continues on to advise Allison that he will be better off if he confesses now since at his trial it will impact the thinking of those who have to decide whether to believe his story of what happened or conclude that the baby’s death was due to “something ugly” – (page 74 – 75).

Continuing on the issue of talking to a lawyer before confessing, the interrogator tells Allison that 25 of the 27 people who killed their children in the cases he has worked “were good people. Only 2 were “flat ass evil.” Despite the fact that the interrogator thinks Allison is not that sort of person, unless Allison confesses now the interrogator will not know for sure (and by implication neither will the people in court) – (page 76).

Allison then tells the interrogator that he thinks he knows what did it and starts to feedback a frustration while feeding the baby story in which he slaps the baby on the cheek when she refuses to eat but never slaps her hard enough to leave a bruise (p.76)

Scenario Creation

The frustrations involved in being a parent almost drove the interrogator to shake his son. Good people can lose it due to frustration and do something entirely out of character for them. He just made a mistake and lost it momentarily. The frustrations of being a father overwhelmed him (p 61 -- 63).

Allison was driven to violently shake the baby at least twice (p. 68).

The interrogator does not think that Allison started out to kill his baby. Allison was simply overwhelmed by circumstances (p. 75).

Psychological Coercion and Scenario Excerpts

Page 61 - 63

RM: Well it's not that it doesn't sound good, it's that, um, this is not an accident falling down the stairs and they made that very clear as well. Because we presented that to them as many was as we could and said, look, is there anyway with carpeted stairs like this etcetera because, uh, obviously, you know, we wanna give everybody the absolute benefit of the doubt and, um, and that goes for you and - and your wife as well. And, uh, I - I gotta tell ya, CLAYTON, that - that there's not much that, uh, I can do to poke holes in this. That's the problem. And, um, I - I sat here and listened to you talk about the care you've given your daughter and I think you're a very loving father. I think you've done an outstanding job and the learning curve was steep, it was for me too. It - it is for all of us new fathers. It's pretty scary when you bring 'em home. Um, and she obviously got some excellent care from you. I - I don't know what happened to cause this to happen. Um, **I know there was a time or two I absolutely, probably more than a time or two, I absolutely could have shaken my - my, uh, my son, either one of 'em, because, uh, they just drove me bat shit a time or two. And, uh, those are tough - tough things, uh, and I've - I've had this conversation with many parents who are good people, who were raised by good people, and who are still good people and have tremendous value, they just lost it momentarily and they did something completely out of character for them. That doesn't mean that they're violent towards children or they're dangerous towards the population or anything. They're just good people who, uh...**

LN: **Made a mistake.**

(Page 62)

RM: **...who made mistakes. They didn't put the - they didn't put their kid in the crib and - and walk away. And I always say no child ever died from screaming themselves to death. You know, it just doesn't happen. They, uh, they don't. And there's no, there's unfortunately, there's - there's no refuting but, like I said, there's a reason this took so many months.** We want it to be absolutely sure. We even went so far as to get an independent consultant in addition to the doctors at the hospital, the medical examiner and the coroner's report and and, uh, there - there's just no refuting what - what we have found. There's - there's no question our - in our findings **and I think really what remains to be**

determined here today is, like I said, I - I don't think you're a - as monster, I don't think you're, I'm not here to judge ya and I don't think you're a bad man or a bad father. I think you had a - a bad day. I think you had a moment here. And maybe a couple of them.

The indicators are that she had, like I said, brain trauma from some previous instances of, uh, shaking and, uh, it was older than the injuries sustained on this date. And, um, I know those things happen. Um, most of these cases have precisely the same findings. And, uh, what they show is a pattern of - of gradually increasing trauma to the child. Uh, and not a lot of incidents, uh, usually just one two or three. And, uh, they're pretty fragile actually. Uh, they're incredibly tough, they can handle a fall off the couch. They can handle a fall down the stairs. They can handle a fall off their rocking horse. They can handle those things. Kids are, uh, for the most part they're capable of handling a fall from our chest height, no problem. And surviving it just fine. Um, but that's not what we're looking at here. There's no question, none whatsoever. I got a chance to look at the stairs in your house. I've looked at the photos. I've looked at the autopsy photos. I've looked at the, uh, the damage to her brain and it's - it's not modest. It's - it's extensive. And, um, it's, uh, extensive blunt force head and neck trauma. And it didn't come from an exterior source like smacking her head against the wall. It came from shaking. It's - it's damage inflicted upon itself by, uh, virtue of the skull. The brain shaking usually in the skull, tearing loose at the base and, uh, and that C1 C2 spine deformation. And, uh, and dislocation. She actually dislocated her neck. And, um, like I said, I know these things happen. I don't, uh, I don't think for a minute that

you ever set out to harm your daughter. I, uh, **I'm not sure what happened. Uh, in your mind that day. And I'd like to understand that because that makes a big difference in determining who you are and setting the record straight. People are gonna look at this, uh, people are going to judge it. People are going to look at it, people are going to make determinations on - on, uh, where to go with it. On whether or not, uh, you're somebody that simply needed parenting classes or whether you're somebody that, uh, that, uh, did this because you couldn't stand being a father. I-I don't know. And that's what I'm seeking to understand in here with you today.**

That's what this is about. It's an opportunity for you to - to help me and LU understand, uh, how an otherwise awesome dad could snap. And I - I don't think there's, uh, a simple, uh, a simple answer to it. I'm sure it's a little more complicated than that and sometimes being frustrated with, uh, circumstances beyond our control like I - I don't know if JOCELYNN was a - a - a timely baby or if, most, I know my first child was not timely. It was an oops. I think 99% of them are. Very few people get to a point in life where they plan to have their child. The lucky few that do, you know, most of us end up, uh, with our relationships and our sex and things we end up, uh,

(page 63)

pregnant in our marriages and that's kind of where it starts and it's fine and things work out. I know that you've been wanting to finish your - your education and get a stronger career path than GUARDIAN and you're an intelligent young man, you're educated, you're

articulate, you're very bright, so is your wife. And, uh, I think you have an awful lot of future ahead of you and a very bright future, but we've got this impediment to that. **And discussing why this happened and what motivated this to happen is very, very important I think from the standpoint of people who look at this later determining what they need to do with you. You know, uh, why people do things is every bit as important as what happened.** And an awful lot of these situations that we deal with, uh, some, uh, are ugly. Some are, you know, I was drunk and I was stoned and I was cracked out and I couldn't take it and, uh, I just freaked out. You don't strike me that way. You're not into drugs, you're not into, uh, in - into alcohol abuse. You guys are - are, strike me a clean living, uh, pretty - pretty darn nice young couple. You strike me as a very nice young man. And you don't strike me as somebody that set out to hurt his daughter.

CA: **I loved being a father.**

RM: And I - I - I completely concur. I think you did love being a father. **I also think you found the frustrations of being a father. Uh, I mean at least I'd like to believe that. That you found the frustrations of being a father, at times, a little overwhelming. And, uh, I certainly did as a young father and, uh, I don't think there's a young father out there that hasn't.** And, uh, like I said, I - I don't think you - you set out, but these there's just, these don't leave any question as to what happened. Uh, and - and getting a second conclusion drawn by a, an independent consultant, a medical consultant, an expert in the field, these folks are all state recognized experts and some of them are national recognized, nationally recognized experts in - in child trauma and in shaken baby syndrome. They see these types of cases, uh, as frequently as we do. And, uh, there's just not any doubt, there's no question. This isn't a I'm not asking ya whether ya, you shook your baby or not. I - I know conclusively that that's what happened. There's no question about that. I'm not asking whether you did that or not. Or, do you understand that?

CA: (Inaudible reply)

Page 67

RM: What really remains to be seen I think is - is, uh, a couple things. One, whether you're the caliber of young man that I had this picture of in my head and I think you are. And that is whether you are a truthful person. There's only two kinds of people. There's people that tell the truth and people that are deceptive. Most of us call 'em liars. And, your wife is adamant that neither one of you are anything but truthful.

Page 68

CA: I never had any trouble with police.

RM: And I don't. ...

CA: I've always respected your guys' job. No, I mean personally.

RM: And I believe ya. I believe ya. You know I...

LN: Um hmm.

RM: ... and I don't think this has anything to do with anything like that. And we respect you because, uh, I think YOLi're a good young man. And I think you struggled very hard to be a good father. And I'm not sure what happened that day and I know that there's a lot of fear and a feeling of a need to self protect and - and the fear of the unknown and - and what's gonna happen to me and all those things, you know. I can't answer those questions because I'm, that's - that's beyond me. Those are not things I get to choose and decide. I know one thing that the only way the people who can choose and decide that can make a reasonable determination about what best suits your needs so that you don't ever do this again. If and when you have children in the future, that you don't ever do this again. 'Cause they have to - to determine as well how best to meet your needs so that you don't ever do this again. And they can't do that without understanding why. And that's why we said giving you an opportunity to come in tonight. We're just gonna be honest with ya and lay this out on the table and say here it is, this is what we've discovered. This is the picture it tells us. This is what the puzzle looks like after we put all the pieces together. It's 97% complete. We can tell what the whole picture is. We just don't know and only you hold the - the

due in your head as to what drove you to this that day? And - and - and on at least one other occasion. Because there was old trauma as well. And, uh, and the stair thing is handy, but it doesn't fit. It's not consistent with the extent of the damage. And - and I know. I see you shaking your head no that it doesn't. You understand that. You are

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bright You understand that these are the facts and, uh, they're not supported by the initial story. That's the problem. And like I said, they will dovetail when we hear the truth. There's just no question that that will happen, but, uh, that's - that's your choice, that's entirely up to you what you choose to do. But if you leave people guessing what motivated a - a bright young man to do this, uh, yeah, I guess you do so at your own peril. It's better, usually, to, uh, to paint the picture of how this could have happened and - and what you were feeling that day and how it got to that point and, um, the reason it's usually better, I think, to do that is because it doesn't leave others to hazard to guess. Because they're gonna probably hazard one that's much worse than reality. They're probably gonna draw a conclusion that this guy wanted to hurt his kid.

CA: I see what you're saying

RM: And I, you know, I -I would like to believe that's not the case because I came in here hoping that wasn't the case. And I wanna leave here knowing that isn't the case. But I - I can't know that until you - you talk to me and - and - and help - help us help you. You know. Uh, and - and I'm just gonna tell ya, we haven't blown any smoke at ya here today.

CA: No, you've been very straightforward.

RM: And, uh, I -I'm just going out on a limb and I'm gonna assume that you - that you did. And that that's true. Uh, no one speaks for her now. This speaks for her. And we speak for this. And people are gonna listen to this and it's gonna get presented and they're gonna determine whether or not the things you decide to say later can be believed or not. And one of the ways that you determine that you're believable is by being a truthful person setting precedent. The outcome after this presentation is the same, this is simply a formality. I don't need you to tell me what happened. We're gonna go forward no matter what.

CA: I understand. Um...

RM: The difference is, CLAYTON, and this is important. The difference is whether we go forward and we can say, hey, but you know what, he's never been in trouble, he's a decent guy, he said it happened because he just did X, Y, or Z and lost it, you had a momentary lapse of judgment. You got impulsive, whatever it is, I don't wanna put words in your mouth. But whatever it is, we seek to understand why. That's what I meant about the why is every bit as important as what has happened. That coupled with your history, who you are and who you've been in life. You're educated. All those things paint a much bright future and a much brighter picture for you than somebody who's been -a crack dealer and finally got around to the business of killing his kid. That's the difference. That's not who you are. I don't wanna paint that picture and I'm not trying to. But I - I can't figure out anyway to tell ya except that, I gotta tell ya, us sitting here today and doing this, this is a formality for us. By the time we contacted you...

RM: Okay.

CA: I know, I can tell you a 100% for a fact I have not shaken her, the stairs did happen, if it didn't 'cause, which we obviously three for three said it then fine. Um, I'm sure there are other stuff. But would it be better for me, I -I'm -I'm scared. Okay. Is - is - is it okay to talk to you guys about it or. ..

RM: That's why we're here.

CA: it - it...

LN: That's why we're here.

CA: No, no, no. I - I - I guess what I'm saying is legally wise, is it better to talk to a lawyer about it first or is it better to talk to you guys about it first?

RM: That's a decision for you to make son. I can't tell you that. I can't give you legal advice. I'm not, I don't have a law degree and I don't pro' profess to and - and it's entirely up to you. If you want to talk to a lawyer, you're certainly entitled to, that's why we read your rights initially. If you want to, uh, set the record straight here today, that's entirely up to you as well.

CA: What's - what's the - the benefit of talking to a lawyer if... 1- I mean what's the benefit of setting the record straight today.

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RM: Well you can sit, when I say set the record straight is to paint a picture of yourself as an honest person. Uh, as someone who's believable. Because later on in court when you're asked to answer for these things and you're asked to tell your story, they have to make a determination whether or not you're a truthful person. And in other words can we believe what he said happened, happened. Or was it something ugly.

CA: Right.

RM: You know. If, like I said, I- I don't think you, uh, set out to harm your daughter. I don't think you woke up that day and said, when my wife goes to work, I'm gonna eat some breakfast, I'm gonna go up and sit on the john and when I come down I'm gonna shake my daughter and knock her head against the wall. I don't think that's what happened at all. I don't think it's something like that. I think this is something where you just simply couldn't take it. I- I don't know. I wasn't there. This is the most common theme that we come across is people simply are overwhelmed by, uh, circumstances. They're - they're not able to handle it. You know you just said you had a little bit of, uh, of cabin fever going this winter. We all get that. This is a tough place to live. There's a lot of darkness, it's cold, we're trapped indoors, we love the outdoors, most of us, that's why we choose to live in ALASKA. And damn it if we can't only get out in it in comfort about three months out of the year. The rest of the time you gotta bundle up and when you have a child, you can't do it anyway. Now you're totally stuck in the house and it's hard to burn off energy. It's hard to - to do the things that we would naturally be inclined to do. And, uh, we lose some of those freedoms and it, you know, you need a diaper bag and four other shoulder bags to go with ya if you wanna go anywhere. And - and, uh, I know it's tough when you're a young man and you wanna go to school, finish your degree, you wanna - you wanna get on with your life and get a job and do those things and - and, uh, you know, you're stuck with your child as well and there's some frustration there. I know you love her and appreciate her. JOCELYNN was a beautiful little person. And, uh, you know, I don't think for a minute, like I said, that - that you set out to - to do anything that was, uh, intentional to harm your daughter. I don't believe you woke up that morning with this concept that you were gonna do that. I-I just -I would seek to understand why. That's all I'm here for. This is a formality. We are here to give you an opportunity to explain how it happened and to, uh, in your own words, otherwise there's only

gonna be one story in that court and that's gonna be ours. And, uh, we put things together like pieces of a puzzle. And these experts are gonna come in and talk about how these injuries happened and, uh, you're gonna sit there and shake your head, and say, no, that's not what happened, but when you were given an opportunity to explain what happened, even know you're scared and - and it isn't pretty. I know it's not pretty. I know that this didn't happen in a manner that you're proud of. I know that. I'm not judging you for that. I already know how this stuff happens. I've heard 27 different ways to kill a child with type of injury. Uh, you know, it, none of them are pretty.

CA: - I'm sorry (whispers).

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RM: And - and I'll tell ya what CLAYTON, probably 25 of those 27 are just pretty decent people who never ever set out to have a child to harm. They're good people, they love their kids. And, uh, two - two of them were flat ass evil. They didn't give a damn and it was their girlfriend's kid and they loved to do what they did. They're mean. I don't think you're that kind of person. But that's not without an explanation, I don't really know for sure who you are. That's why we're here today. But it's up to you, man.

CA: I - I - I think I know what it is. I - I honestly didn't think I caused it. I was whole heartedly belief that it was hydrocephalus with the stairs. I didn't think anything I was doing had done that. Uh, I-I never shaked her. Urn, I-I did have one thing. Uh, the, I- I told ya. She was - she was loosing weight. Um, I - I had a lot of trouble when she was in her highchair. When I was - when I was feeding her. Um, I'd get very frustrated 'cause she would pick up her food and throw it on the floor and she wouldn't eat. Or. ..

Allison's Progression from Absolute Denial to Offering A Frustration Scenario

Key:

Development of a Psychologically Coercive Offer – Red

Development of an Interrogator Proposed Scenario – Dark Red

**Allison's Reactions to the Tactics Used During the Interrogation
– From Denial, to Expressing an Understanding of
the Interrogators' Messages to Guessing and Creating the
Feeding/Frustration Scenario for the Baby's Death - Green**

Progression of Allison's Position Excerpts

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RM ... The autopsy reports. Uh, we've even gone to an independent consultant and, uh, to review everything we have. And, uh, independently they come to the same conclusion and their conclusion is the same as our conclusion based on our training, based on our experience, we see a tremendous number of these. This is what we do, we work child cases. Purely child cases.

And, uh, they rule this manner of death as a homicide. Not in anyway shape or form, accidental. And, uh, so I said, well, okay, show me that. And, um, they're stating that the blunt force head and neck trauma that JOCELYNN received, uh, did not come from impact. It came' from, we see something and you've heard it no doubt, shaken baby syndrome and that's ...

CA: Can't be possible.

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RM... You understand that these are the facts and, uh, they're not supported by the initial story. That's the problem. And like I said, they will dovetail when we hear the truth. There's just no question that that will happen, but, uh, that's - that's your choice, that's entirely up to you what you choose to do. But if you leave people guessing what motivated a - a bright young man to do this, uh, yeah, I guess you do so at your own peril. It's better, usually, to, uh, to paint the picture of how this could have happened and - and what you were feeling that day and how it got to that point and, um, the reason it's usually better, I think, to do that is because it doesn't leave others to hazard to guess. Because they're gonna probably hazard one that's much worse than reality. They're probably gonna draw a conclusion that this guy wanted to hurt his kid.

CA: I see what you're saying.

RM: And I, you know, I -I would like to believe that's not the case because I came in here hoping that wasn't the case. And I wanna leave here knowing that isn't the case. But I - I can't know that until you - you talk to me and - and - and help - help us help you. You know. Uh, and - and I'm just gonna tell ya, we haven't blown any smoke at ya here today.

CA: No, you've been very straightforward.

Pages 69-71

CA: I honestly didn't think I was at fault here. She did fall down the stairs that day. I wouldn't lie about stupid B.S. story about that Who comes up with fall down the stairs? I did happen. I just was surprised ...

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LN: What happened before?

CA: I was surprised that, you know, that she all of a sudden stopped crying and moving. I mean I don't understand that. I thought there was some pre-existing thing. I, you know, I - I'm not dumb. I'm very careful never to shake her. You know what I mean. I wouldn't touch her that way.

LN: But it happened.

CA: You know what I mean. To where I-I'm trying to think, you know, what could have caused it. I - I ..

LN: You never wanted to, but it happened.

CA: No, I can honestly say...

LN: It happened.

CA No, I know what you're saying here. I'm saying it happened a different way. I honest to god have never held my daughter this way and done this. I have never done that. Ever. Ever, ever.

LN: Then - then what happened?

CA: That's not the way that happened.

LN: Well. ..

CA: **That's what I'm trying to think.**

RM: You know you said you have trouble remembering things sometimes and, uh...

CA: It's not sometimes. I've got a really bad memory, but only for things as times goes by. You - you know the - the farther stuff. I can't. ..

LN: Um hmm.

CA: ...even remember half the time I spent in grade school or middle or high school for that matter. I couldn't tell you who my best friend's name was. I knew I had one, I just can't remember it. The stuff fades unless I have something that it's like, you know, they - they all of a sudden come off the street and like, oh, you're so and so. And I just have a really bad memory with stuff back then. As far as this, I mean, I definitely would remember shaking my daughter. I know I didn't do that. Now, if there's something else that I might have done that 'caused that, then maybe. But I'd have to think about, you know, what did I do. 'Cause I-I mean you - you ...

RM: ... help me to under'...

CA: ...those sitcom TV shows with like the SPANISH, you know...

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RM: Help me to understand that.

CA: **.. .person that does it. Oh, that's what I'm trying to remember. I'm trying to think of something I could have done that did that.**

RM: I - I can tell you right now that, urn, 99% of the people we sit in this room with start out with denials. And, uh, very few of them just come in and sit down and tell us hey, I'm here, I might as well tell you what happened. And, uh, it's not uncommon to - to hear this. And like I said, when the truth comes out, when you tell me what happened, it will dovetail with this nicely. The pieces will fit. And what you're telling me....

CA: **I - I - I - I can tell you...**

RM: The - the stairs, she may have fallen down the stairs but. ..

CA: **No, no, no. I don't know if it caused what happened. I don't.**

RM: Okay.

CA: **I'm - I'm telling you...**

RM: 'Cause it...

CA: ... truths here. I am.

RM: Okay.

CA: I - I don't know...

RM: Alright. I can tell ..

CA: ...what, if that caused it.

RM: ... I can tell you ...

CA: I don't know.

RM: ... that falling down those stairs ...

CA: And you - you know. Okay. So it wasn't the stairs. Okay. It happened...

RM: Yeah.

CA: ... so...

RM: Yeah.

CA: ...we blame the blame off that then though. Okay. So it's stairs aside that. ..

LN: We have a child that's not the average child, she's a challenging child.

RM: Um hmm.

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Okay.

CA: ... I – I need to know something.

RM: Um hmm.

CA: 'Cause I- I always hear this ...

RM: The only thing that matters today is whether. ...

CA: Is it. ...

RM: ...you wanna be honest with us or not.

CA: And - and no I'm not...

RM: Because I'm not blowing smoke at ya.

CA: **...I-I do. 'Cause I, I'll-I'll tell ya right now. I learned this years ago with my mom, I suck at lying. I do the, it just doesn't work for me. What I do is I omit. I will not say something rather than lying. Okay. Everything I've told you is the truth.**

RM: Okay.

CA: I know, I can tell you a 100% for a fact I have not shaken her, the stairs did happen, if it didn't 'cause, which we obviously three for three said it then fine. Urn, I'm sure there are other stuff. But would it be better for me, I -I'm -I'm scared. Okay. Is - is - is it okay to talk to you guys about it or. ...

RM: That's why we're here.

CN: ... it - it...

LN: That's why we're here.

CA: **No, no, no. I - I - I guess what I'm saying is legally wise, is it better to talk to a lawyer about it first or is it better to talk to you guys about it first?**

RM: That's a decision for you to make son. I can't tell you that. I can't give you legal advice.

I'm not, I don't have a law degree and I don't pro' profess to and - and it's entirely up to you. If you want to talk to a lawyer, you're certainly entitled to, that's why we read your rights initially. If you want to, uh, set the record straight here today, that's entirely up to you as well.

CA: **What's - what's the - the benefit of talking to a lawyer if... I- I mean what's the benefit of setting the record here straight today?**

(page 75)

RM: Well you can sit, when I say set the record straight is to paint a picture of yourself as an honest person. Uh, as someone who's believable. Because later on in court when you're asked to answer for these things and you're asked to tell your story, they have to make a determination whether or not you're a truthful person. And in other words can we believe what he said happened, happened. Or was it something ugly.

CA: **Right.**

RM: You know. If, like I said, 1- I don't think you, uh, set out to harm your daughter. I don't think you woke up that day and said, when my wife goes to work, I'm gonna eat some breakfast, I'm gonna go up and sit on the john and when I come down I'm gonna shake my daughter and knock her head against the wall. I don't think that's what happened at all. I don't think it's something like that. I think this is something where you just simply couldn't take it. 1- I don't know. I wasn't there. This is the most common theme that we come across is people simply are overwhelmed by, uh, circumstances. They're - they're not able to handle it. You know you just said you had a little bit of, uh, of cabin fever going this winter. We all get that. This is a tough place to live. There's a lot of darkness, it's cold,. we're trapped indoors, we love the outdoors, most of us, that's why we choose to live in ALASKA. And damn it if we can't only get out in it in comfort about three months out of the year. The rest of the time you gotta bundle up and when you have a child, you can't do it anyway. Now you're totally stuck in the house and it's hard to burn off energy. It's hard to - to do the things that we would naturally be inclined to do. And, uh, we loose some of those freedoms and it, you know, you need a diaper bag and four other shoulder bags to go with ya if you wanna go anywhere. And - and, uh, I know it's tough when you're a young man and you wanna go to school, finish your degree, you wanna - you wanna get on with your life and get a job and do those things and - and, uh, you know, you're stuck with your child as well and there's some frustration there. I know you love her and appreciate her. JOCELYNN was a beautiful little person. And, uh, you know, I don't think for a minute, like I said, that - that you set out to - to do anything that was, uh, intentional to harm your daughter. I don't believe you woke up that morning with this concept that you were gonna do that. I-I just -I would seek to understand why. That's all I'm here for. This is a formality. We are here to give you an opportunity to explain how it happened and to, uh, in your own words, otherwise there's only gonna be one story in that court and that's gonna be ours. And, uh, we put things together like pieces of a puzzle. And these experts are gonna come in and talk about how these injuries happened and, uh, you're gonna sit there

and shake your head, and say, no, that's not what happened, but when you were given an opportunity to explain what happened, even know you're scared and - and it isn't pretty. I know it's not pretty. I know that this didn't happen in a manner that you're proud of. I know that. I'm not judging you for that. I already know how this stuff happens. I've heard 27 different ways to kill a child with type of injury. Uh, you know, it, none of them are pretty.

CA: I'm sorry (whispers).

(page 76)

RM: And - and I'll tell ya what CLAYTON, probably 25 of those 27 are just pretty decent people who never ever set out to have a child to harm. They're good people, they love their kids. And, uh, two - two of them were flat ass evil. They didn't give a damn and it was their girlfriend's kid and they loved to do what they did. They're mean. I don't think you're that kind of person. But that's not without an explanation, I don't really know for sure who you are. That's why we're here today. But it's up to you, man.

CA: **I - I - I think I know what it is. I - I honestly didn't think I caused it. I was whole heartedly belief that it was hydrocephalus with the stairs. I didn't think anything I was doing had done that. Uh, I-I never shaken her.** Um, I-I did have one thing. Uh, the, 1- I told ya. She was - she was loosing weight. Um, I - I had a lot of trouble when she was in her highchair. When I was - when I was feeding her. Um, I'd get very frustrated 'cause she would pick up her food and throw it on the floor and she wouldn't eat. Or. ..

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RM: ... I have a lot of respect for you for that.

CA: **I - I - I didn't wanna lie to you guys about it. I just was honestly scared. I didn't know if I should talk to a lawyer about it first. I mean just. ..**

RM: I understand.

CA: **... how bad did I screw up. I mean I don't know. But then I was like, ah, I should just tell you. I mean I was dumb.**

RM: Alright. I'll be back in a minute.

JN: Alright. Hmm.

CA: **I had no indication until that paper that that was what I'd did.**

LN: Well to be quiet honest we didn't - we didn't know either until we received these reports. Based on our training and experience, we just knew that it was obvious based on all the fact present, you're the only person with the baby, you're the primary caregiver during the day. These are the injuries that was sustained that something happened. That you did something to baby. But because of your history, because of the type of person that we believe you are, we, that's why we're speaking right now and that's why we gave you the opportunity to speak with us. We needed to hear your side of the story. 'Cause that - that was what wasn't, knew you did it, just why. And we understand why. And - and - andand it makes sense in terms of how you explain it to us.

CA: **How, I needed to know that I did it. 'Cause I was thinking it was the fall and complication of the hydrocephalus thing and all the other medical stuff that she had going on with her head. I didn't, I had no idea.**

LN: No, that was...

CA: **And if - if you took all that out of it, then the only think I could come down to was the – the highchair thing.**

LN: Um.

CA: **'Cause I mean I was never stupid enough to shake her. Uh, but thinking about it, I mean now looking at that. ..**

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LN: Um hmm.

.CA .. uh, what I did to her in the highchair was probably even worse. 'Cause I mean it had hard sides. And, you know, I wasn't gentle at times. But again and this is a stupid way of looking at it, uh, **I -I had no indication I was harming her that much. I mean I didn't know. I - I mean I - I thought, yeah, it stung, but then I'd get her to eat and then it was good to go and we'd get on with our day and I'd forget about it. You know what I mean. It, I didn't know I was doing that to her.**

Page 1

CA: The detectives took me over to the police station to talk to me about, uh, what was going on. Basically all their reports have come back from the three separate independent investigation on JOCELYNN'S death. And all three of them conclusively say that it was homicide. All three. Independent results. All three say it was homicide. And, uh, the cause of death is, uh, baby shaking syndrome. And, uh...

HA: So to the second degree then?

CJ: Shhh. HELEN let him talk.

CA: (Indiscernible) let me finish. Urn, I talked with the detectives, I - I told 'em, you know, what - what happened that day. You know how I found JOCELYNN on the - on the floor. Uh, I did not lie about the stairs. She really did fall down the stairs. And that really is, you know, what I think and precipitated the noticed, you know, we heard her breathing that something was wrong. I had no indication that anything was wrong before that.

HA: (Indiscernible) that.

CA: But what the detectives is homicide until the cause of death that (Indiscernible) the stairs.

So that was honestly what I was thinking. Urn, taking the stairs out of it the, the only other thing that I am, I can connect to it as far as the amount of damage they talked about to her, is, uh, I'm very forthright with the detectives, urn, I did think of one other thing that could have caused the amount damage, but I didn't think of it at the time (sighs) when I - I - I'm

(Page 2)

first, I never shook her. I - I never shook JOCELYNN or I was never dumb enough to do that. But w' after she got out of the cast and she was losing weight, and I was trying to, you know, get her to gain weight and whatnot (Indiscernible)highchair feed her. And she'd get into a habit of, uh, picking up the food and throwing it on the floor. At first I - I didn't pay attention to it much. But, uh, after awhile it started to get me frustrated because, you know, I was trying to get weight on her and I was trying to get her to eat, she wouldn't eat and she wouldn't eat all day and then CJ would come home and she'd ask me why hasn't the baby ate. And I'd tell her, you know, I tried, but she wasn't eating. And it got me frustrated enough that after awhile, I started smacking her. And I didn't tell anybody this 'cause you know I - I do feel bad about it, but I didn't think anything of it. **I-I never**

smacked her hard enough to leave bruises, marks, blood, anything like that. I nevernever clinched my fist, but I did use an open hand. I always did it when she was in the chair and I would do it back and back and back and back. Back and forth and forward and

forward and I'd make her cry a little bit and then she would eat. And
I only did it when I just got so frustrated I couldn't help it anymore
and then yeah I would smack her and she'd eat

and - and then we'd go on our day and - and do our stuff. I didn't know what I was doing to her. But I - I think that might be the reason why she died. And - and it wasn't baby shaken syndrome as in like I was picking her up and shaking her, it was when that I didn't know my own strength and, uh, I - I smacked her around so much that I think that's where they got the neck damage and the - the head bruising and stuff. It was me hitting her on her head and smacking into the highchair. And I-I think that's why she died and it probably is my fault. That's where I - I probably call. ..

JV: I never saw any bruises on her head up to, or - or bruises on her up to...

CA: 1- I didn't. ..

JV: ...three days before.

CA: **... I didn't never cause bruises. I was careful.**