

**SPECIAL COURT FOR SIERRA LEONE**

**In Trial Chamber I**

Before: Justice Bankole Thompson, Presiding  
Justice Benjamin Mutanga Itoe  
Justice Pierre Boutet

Registrar: Mr Lovemore Munlo, SC

Date: 27 June 2006

**THE PROSECUTOR**

**-against-**

**SAMUEL HINGA NORMAN, MOININA FOFANA, and ALLIEU KONDEWA**

SCSL-2004-14-T

PUBLIC

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**FOFANA APPLICATION FOR LEAVE  
TO CALL ADDITIONAL WITNESSES**

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**For the Office of the Prosecutor:**

Mr Christopher Staker  
Mr James C. Johnson  
Mr Joseph Kamara  
Ms Bianca Suci

**For Moinina Fofana:**

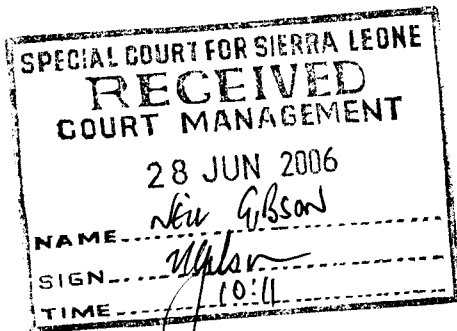
Mr Victor Koppe  
Mr Michiel Pestman  
Mr Arrow Bockarie  
Mr Andrew Ianuzzi

**For Samuel Hinga Norman:**

Dr Bu-Buakei Jabbi  
Mr Alusine Sani Sesay  
Ms Clare DaSilva  
Mr Kingsley Belle

**For Allieu Kondewa:**

Mr Charles Margai  
Mr Yada Williams  
Mr Ansu Lansana  
Mr Martin Michael



## INTRODUCTION

1. Counsel for the Second Accused, Mr Moinina Fofana, (the “Defence”) hereby submits its ‘Application for Leave to Call Additional Witnesses’ (the “Application”). For the reasons outlined below, the Defence seeks leave of Trial Chamber I (the “Chamber”) to call an additional seven factual witnesses and one additional expert witness. The Defence submits that there is good cause to grant the Application and that the addition of the proposed witnesses will serve the interests of justice.

## SUBMISSIONS

### **The Applicable Law**

2. The Rules of Procedure and Evidence (the “Rules”) provide: “After the commencement of the defence case, the defence may, if it considers it to be in the *interests of justice*, move the Trial Chamber for leave ... to vary its decision as to which witnesses are to be called”<sup>1</sup>. More specifically, with respect to the defence phase of the CDF proceedings, the Chamber has stated that “[s]hould the Defence seek to add any witnesses to [its] list after the 5th of December 2005, it may be permitted to do so only upon *good cause* being shown”<sup>2</sup>.
3. The Chamber has previously held that in evaluating “the circumstances that give rise to a showing of ‘good cause’ and the ‘interests of justice’, certain factors should be taken into consideration ... [such as,] the materiality of the testimony, the complexity of the case, prejudice to the Defence, including elements of surprise, on-going investigations, replacements and corroboration of evidence ...”<sup>3</sup>. In its analysis, the Chamber has placed

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<sup>1</sup> Rule 73ter(E) (emphasis added).

<sup>2</sup> *Prosecutor v. Norman et al.*, SCSL-2004-14-T-489, Trial Chamber I, ‘Consequential Order for Compliance with the Order Concerning the Preparation and Presentation of the Defence Case’, 28 November 2005 at 3 (emphasis added).

<sup>3</sup> *Prosecutor v. Norman et al.*, SCSL-2004-14-T-585, Trial Chamber I, ‘Decision on the First Accused’s Urgent Motion for Leave to File Additional Witness and Exhibit Lists’, 6 April 2006 at 4, (*quoting Prosecutor v. Norman et al.*, SCSL-2004-14-T-435, Trial Chamber I, ‘Decision on Prosecution Request for Leave to Call Additional Witnesses and for Orders for Protective Measures’, 23 June 2005, at 3).

particular emphasis on the relevance of the proposed evidence<sup>4</sup> as well as the danger of prejudice to the other parties<sup>5</sup>.

4. Recently, in granting leave to the First Accused to call four additional factual witnesses, the Chamber found that the inability to secure the attendance of the witnesses amounted to a showing of good cause<sup>6</sup>.

#### **Proposed Additional Factual Witnesses**

5. The Defence proposes to call an additional seven factual witnesses. A chart including their names, the nature of their proposed testimony<sup>7</sup>, and the specific reasons for their not having been listed previously is attached hereto as Appendix B.

#### *Good Cause*

6. A persistent problem facing the Defence has been the reluctance of certain potential witnesses to cooperate or to commit to testifying due to a perceived fear of harassment by the Office of the Prosecutor (the “Prosecution”) or the Sierra Leone Police. Regardless of the objective merit of such concerns, it is only now—after repeated Defence attempts to allay these subjective fears—that the Defence has been able to confirm the cooperation of these individuals and conduct interviews with them<sup>8</sup>. This has been the case for three of the proposed additions, and the Defence submits that such explanation amounts to a showing of good cause.

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<sup>4</sup> See, e.g., *Ibid.* (The evidence sought to be adduced by the proposed witnesses must be “relevant, material and not repetitive of the proposed evidence of the rest of the witnesses listed on the core list”).

<sup>5</sup> See, e.g., *Prosecutor v. Norman et al.*, SCSL-2004-14-T-213, Trial Chamber I, ‘Decision on Prosecution Request for Leave to Call Additional Expert Witness Dr William Haglund’, 1 October 2004, ¶ 17 (In granting leave to the Prosecution to call additional expert witnesses, the Chamber noted that delayed disclosure of the expert report was “not critical in determining whether or not to grant the application, provided the Defence is given or disposes, as it does in this case, of sufficient time to prepare for the cross-examination of the witness to be called”).)

<sup>6</sup> See n 3 *supra*.

<sup>7</sup> Should the Application be granted, the Defence will file more detailed summaries in compliance with the Chamber’s ‘Consequential Order to the Status Conference of 18 January 2006’. See *Prosecutor v. Norman et al.*, SCSL-2004-14-T-534, 18 January 2006.

<sup>8</sup> *N.B.* Applications for protective measures were not feasible in these cases as they would have nonetheless required disclosure of the individuals’ identities to the Witness and Victim Support Section. It has been the Defence’s observation that, despite attempts by the Outreach Section, many Sierra Leoneans do not always appreciate the distinctions between certain organs of Court.

7. Additionally, the Defence has experienced some difficulty in tracing two individuals living in remote sections of the Bonthe District. Travel to these riparian areas is at times arduous and requires covering certain sections of the route by boat and on foot. On more than one occasion, our investigators have been forced to return without reaching their destination, or once there, have discovered their targets to be out of the area. Accordingly, we have only recently succeeded in contacting and confirming these witnesses. Again, the Defence submits that this explanation amounts to a showing of good cause.
8. Further, on-going defence investigations have uncovered the identities of several heretofore unknown individuals of potentially great relevance and usefulness, one of whom—now sought to be added—is a resident of Liberia. Due to constraints of time, personnel, and limited travel options, the necessary investigative trips to Liberia and subsequent confirmations were only recently completed. Once again, the Defence submits that such explanation sufficiently satisfies the Chamber's standard of good cause.
9. Finally, a confirmed witness, Mr Eddie Samu, has recently died. Efforts to find a suitable replacement have been successfully completed, and it is submitted that this amounts to a showing of good cause.

*Interests of Justice*

10. As outlined in detail at Appendix B, each of the seven proposed additional factual witnesses is in possession of material information relevant to the charges against Mr Fofana contained in the Prosecution's Indictment. The proposed evidence is not overly duplicative of that of the existing witnesses and is directed at specific, discrete, and clearly identified portions of the Prosecution's case. Given the above-stated assurance to provide detailed summaries should the Application be granted<sup>9</sup> as well as the fact that the eighth trial session is not scheduled to commence until 13 September 2006, the Prosecution and the other accused persons will not suffer any demonstrable prejudice. Accordingly, the Defence submits it would be in the interests of justice to allow the proposed additions at this time.

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<sup>9</sup> See n 7 *supra*.

### **Proposed Additional Expert Witness**

11. The Defence proposes to call Daniel A. Yarmey, PhD, a professor of psychology at the University of Guelph in Ontario, Canada and a recognized expert in the field of forensic voice recognition<sup>10</sup>. His *curriculum vitae* is attached hereto as Appendix C.

#### *Good Cause*

12. On-going investigation and case preparation led to the decision, approximately two months ago, to explore the possibility of calling a forensic voice expert in support of Mr Fofana's case. The Defence has been in consultation with several individuals and has only recently finalised its relationship with Dr Yarmey, who was initially unsure of his availability to be present in Freetown during the next scheduled trial session. The Defence submits this explanation amounts to a showing of good cause.

#### *Interests of Justice*

13. Dr Yarmey will provide the Chamber with information useful to its analysis and evaluation of the testimony of witness TF2-057, who claimed to have recognized the voice of Mr Fofana in connection with the alleged deaths of two individuals in Bo<sup>11</sup>. The proposed evidence is relevant to the assessment of this specific and material portion of the Prosecution's case. Dr Yarmey will not draw expert conclusions as to the alleged criminal liability of Mr Fofana. Rather, his opinions will be limited to a factual, scientific assessment of the disputed evidence of TF2-057.

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<sup>10</sup> Dr Yarmey is the University Professor Emeritus of Psychology at the University of Guelph, in Ontario, Canada. He has been a professor of psychology since completing his doctoral studies in 1965. A member of several professional associations and editorial boards including The International Journal of Speech, Language, and the Law, Dr Yarmey is a periodic reviewer for at least thirty academic journals. His research interests include eyewitness and earwitness testimony, applied memory, and psychology of the law. He is a consultant for the Law Reform Commission of Canada (on pre-trial eyewitness identification) and the US Department of Justice (on cognitive processes). He has published several books, chapters, and articles on eye- and earwitness identification and testimony including: three chapters and some fourteen scholarly articles on earwitness identification. Dr Yarmey has presented papers at approximately one hundred academic conferences and given expert testimony in fifty-four criminal trials and four pre-trial identification suppression hearings.

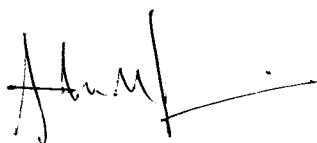
<sup>11</sup> See *Prosecutor v. Norman et al.*, SCSL-2004-14-T, Trial Transcript of 29 November 2004 at 117-123 and Trial Transcript of 30 November 2004 at 1-12.

14. For the reasons noted above, neither the Prosecution nor the other accused persons are likely to be prejudiced by the addition of Dr Yarmey's proposed evidence. His expert report is ready for disclosure to the interested parties<sup>12</sup>, and sufficient time remains to adequately prepare for cross-examination. Should the parties seek to pursue this course, the Defence anticipates that Dr Yarmey's proposed *viva voce* testimony would amount to, at most, a few hours. As the Defence has dropped Dr Raymond Murphy from its list of core witnesses, no additional net expenditure of time will be incurred. Accordingly, the Defence submits it would be in the interests of justice to allow the proposed addition.

### CONCLUSION

15. For the foregoing reasons, the Defence respectfully requests the Chamber to grant the Application without delay.

COUNSEL FOR MOININA FOFANA



Victor Koppe



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<sup>12</sup> In granting leave to the Prosecution to call additional expert witnesses, the Chamber endorsed a liberal approach to the admission of expert testimony, noting that there is no particular deadline prescribed for the disclosure of an expert report. See *Prosecutor v. Norman et al.*, SCSL-2004-14-T-435, Trial Chamber I, 'Decision on Prosecution Request for Leave to Call Additional Witnesses and for Orders for Protective Measures', 23 June 2005, at 5.

**APPENDIX A**  
**Defence List of Authorities**

**Constitutive Documents of the Special Court**

1. Rules of Procedure and Evidence: Rule 73ter(E)

**Jurisprudence of the Special Court**

2. *Prosecutor v. Norman et al.*, SCSL-2004-14-T-585, Trial Chamber I, ‘Decision on the First Accused’s Urgent Motion for Leave to File Additional Witness and Exhibit Lists’, 6 April 2006
3. *See Prosecutor v. Norman et al.*, SCSL-2004-14-T-534, Trial Chamber I, ‘Consequential Order to the Status Conference of 18 January 2006’, 18 January 2006
4. *Prosecutor v. Norman et al.*, SCSL-2004-14-T-489, Trial Chamber I, ‘Consequential Order for Compliance with the Order Concerning the Preparation and Presentation of the Defence Case’, 28 November 2005
5. *Prosecutor v. Norman et al.*, SCSL-2004-14-T-435, Trial Chamber I, ‘Decision on Prosecution Request for Leave to Call Additional Witnesses and for Orders for Protective Measures’, 23 June 2005
6. *Prosecutor v. Norman et al.*, SCSL-2004-14-T-213, Trial Chamber I, ‘Decision on Prosecution Request for Leave to Call Additional Expert Witness Dr William Haglund’, 1 October 2004

**APPENDIX B**  
**Proposed Additional Factual Witnesses**

NAME	NATURE OF PROPOSED TESTIMONY	REASON FOR DELAY
Billoh CONTEH	Mr Conteh will provide evidence specifically aimed at discrediting the testimony of prosecution witness TF2-014 given on 10 March 2005 with respect to incidents alleged to have taken place at Dodo Village. The proposed evidence is relevant to Mr Fofana's alleged liability under Article 6(1) of the Statute, more specifically Counts 1 and 2 of the Indictment. It also goes to the credit of a prosecution witness.	Mr Conteh resides in a remote area of the Bonthe District. After several failed attempts to reach him, our investigators were finally successful in doing so.
Steven Lahai FASSAY	Mr Fassay will provide evidence specifically aimed at discrediting the testimony of prosecution witness TF2-223 given on 28 September 2004 with respect to incidents alleged to have taken place at SS Camp. The proposed evidence is relevant to Mr Fofana's alleged liability under Article 6(1) of the Statute, more specifically Counts 1, 2, 6, and 7.	Mr Fassay was initially reluctant to testify and has only recently agreed to do so.
Morris NGOBEH	Mr Ngobeh will provide evidence specifically aimed at discrediting the testimony of prosecution witness TF2-017 given on 22 November 2004 with respect to incidents alleged to have taken place at Bo. The proposed evidence is relevant to Mr Fofana's alleged liability under Article 6(1) of the Statute, more specifically Count 5 of the Indictment. It also goes to the credit of a prosecution witness.	Mr Ngobeh was only recently contacted in order to replace Mr Eddie Samu who is now deceased and, accordingly, was removed from the core witness list.



<p>Momoh PEMBA</p>	<p>Mr Pemba will provide evidence specifically aimed at discrediting the testimony of prosecution witness TF2-014 given on 10 March 2005 with respect to incidents alleged to have taken place at Dodo Village. The proposed evidence is relevant to Mr Fofana's alleged liability under Article 6(1) of the Statute, more specifically Counts 1 and 2 of the Indictment. It also goes to the credit of a prosecution witness.</p>	<p>Mr Pemba resides in a remote area of the Bonthe District. After several failed attempts to reach him, our investigators were finally successful in doing so.</p>
<p>Hon. Sheku Tejan SANKOH</p>	<p>Hon. Sankoh will provide evidence with regard to Mr Fofana's role as Director of War as well as his own interactions with Mr Fofana at Base Zero during the junta period and in the Moyamba District in 1998. The proposed evidence is relevant to Mr Fofana's alleged liability under Article 6(3) of the Statute.</p>	<p>Hon. Sankoh was initially reluctant to testify and has only recently agreed to do so.</p>
<p>Ibrahim TUCKER</p>	<p>Mr Tucker will provide evidence with regard to Kamajor and ECOMOG activities at Monrovia and Bo Waterside, Liberia and Gendema, Sierra Leone during the junta period; the role of Eddie Massallay within the CDF organization; CDF and ECOMOG involvement in attacks on Kenema in February 1998; and the role of ULIMO fighters in the conflict. The proposed evidence is relevant to Mr Fofana's alleged liability under Article 6(3) of the Statute.</p>	<p>Mr Tucker was only recently discovered and confirmed as part of ongoing investigations.</p>
<p>Baimba ZOROKONG</p>	<p>Mr Zorokong will provide evidence with regard to Mr Fofana's role as Director of War as well as his own interactions with Mr Fofana at Base Zero during the junta period. The proposed evidence is relevant to Mr Fofana's alleged liability under Article 6(3) of the Statute.</p>	<p>Mr Zorokong was initially reluctant to testify and has only recently agreed to do so.</p>

**APPENDIX C**

***Curriculum Vitae* of A. Daniel Yarmey, PhD**

**CURRICULUM VITAE****Alexander Daniel Yarmey****MAILING ADDRESS:**

Department of Psychology  
 University of Guelph  
 Guelph, Ontario, Canada, N1G 2W1  
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**ACADEMIC HISTORY:**

B.A. 1962 Honours Psychology, University of Western Ontario  
 M.A. 1963 University of Western Ontario  
 Ph.D. 1965 University of Western Ontario

**AWARDS:**

- FCPA 1978, Fellow of the Canadian Psychological Association
- Social Sciences and Humanities Research Council of Canada, 1983-84, Leave Fellowship
- Forster Fellowship, University of Guelph, 1986
- Government of Canada Certificate of Merit, 1988

**PROFESSIONAL EMPLOYMENT HISTORY:**

1961 Summer Research Assistant in Programmed Instruction for Dr. Ralph Dent, Ontario Agricultural College, Guelph, ON

1962 Summer Psychological Intern, Ontario Hospital, 999 Queen Street West, Toronto, ON

1963 Summer Research Associate, Canadian Peace Research Institute, London, ON

1965-84 Consultant in Psychology, Staff Training School, Correctional Center, Guelph, ON

1965-67 Assistant Professor, Department of Psychology, Wilfrid Laurier University, Waterloo, ON

1967-70 Assistant Professor, Department of Psychology, University of Guelph, Guelph, ON

1970-80 Associate Professor, Department of Psychology, University of Guelph, Guelph, ON

1975-76 Visiting Associate Professor, Department of Psychology, University of Tennessee, Knoxville, TN

1980-04 Professor, Department of Psychology, University of Guelph, Guelph, ON

2004 University Professor Emeritus of Psychology, University of Guelph, Guelph, ON

**LISTINGS:**

1. American Men of Science: The social and behavioral sciences, 11th Edition, 1968 (Revision: American Men and Women of Science, 12th Edition).
2. Dictionary of International Biography--8th Edition, 1970.
3. Who's Who Among Authors and Journalists, 1972.
4. Who's Who in the Midwest, 1975.
5. Who's Who in the East, 1976.
6. Contemporary Authors, 1981.
7. Men of Achievement, 1982.
8. Who's Who in the World - Eighth Edition, 1986.
9. Who's Who in Sexology, 1986.
10. The International Directory of Distinguished Leadership, Second Edition, Winter 1987/1988.
11. Personalities of the Americas, 1987.
12. 2000 Outstanding People of the 20<sup>th</sup> Century, 1998
13. Dictionary of International Biography 27<sup>th</sup> Ed. 1999

**PROFESSIONAL ACTIVITIES:**

Member:

Canadian Psychological Association  
 American Psychology - Law Society  
 Society for Applied Research in Memory and Cognition  
 Canadian Association of University Teachers

Editorial Board:

Journal of Mental Imagery (1977-1981)  
 International Review of Mental Imagery  
 Applied Cognitive Psychology (1987-2005)  
 Canadian Journal of Police & Security Services  
 The International Journal of Speech, Language, and the Law

Periodic Reviewer for:

American Journal of Psychology  
 Canadian Journal of Experimental Psychology  
 Canadian Psychology  
 Canadian Journal on Aging  
 Canadian Journal of Behavioral Science  
 Journal of Applied Psychology  
 Journal of Experimental Child Psychology  
 Journal of Experimental Psychology: Human Learning and Memory  
 Journal of Research in Personality  
 Journal of Educational Psychology

Harper and Row Publishers  
 McGraw-Hill Publishers  
 Psychological Reports  
 Perceptual and Motor Skills  
 Personality and Social Psychology Bulletin  
 Prentice-Hall Canada  
 The Journals of Gerontology: Psychological Sciences  
 Law and Human Behaviour  
 International Journal of Clinical and Experimental Hypnosis  
 Criminal Justice and Behaviour  
 Developmental Psychology  
 Journal of Applied Social Psychology  
 Psychology and Aging  
 Human Learning: Journal of Practical Research and Applications  
 Journal of Personality and Social Psychology: Attitudes and Social Cognition  
 Journal of Experimental Psychology: Applied  
 Memory and Cognition  
 Evolution and Human Behavior  
 Legal and Criminological Psychology  
 Applied Psycholinguistics

Granting Agencies Reviewer:

Natural Sciences and Engineering Research Council (NSERC)  
 National Science Foundation (U.S.) (NSF)  
 Social Sciences Humanities Research Council (SSHRC)  
 Gerontology Research Council of Ontario  
 Health Services Utilization and Research Commission, Saskatchewan

Consultant:

Law Reform Commission of Canada - Pretrial Eyewitness Identification  
 Procedures - Study Paper, Neil Brooks (1983)  
 U.S. Department of Justice - Cognitive Processes

**GRANTS:**

1.	National Research Council of Canada 1968-1971, "Imagery and backward associates"	\$ 6,800
2.	National Research Council of Canada 1971-1973, "Verbal and nonverbal processes in memory"	\$12,000
3.	National Research Council of Canada 1973-1976, "Memory for complex stimuli: verbal and imagery processes"	\$12,000
4.	Department of External Affairs Travel Grant 1975	\$ 600
5.	National Research Council of Canada 1976-1979	\$ 9,550
6.	Social Sciences and Humanities Research Council of Canada	\$35,760

	1981-1982, "Accuracy and credibility of the elderly as eyewitnesses"	
7.	Social Sciences and Humanities Research Council of Canada Canada Travel Grant 1981, (Oxford, England)	\$ 700
8.	Social Sciences and Humanities Research Council of Canada Travel Grant 1982 (Swansea, Wales)	\$ 800
9.	Social Sciences and Humanities Research Council of Canada 1983-1984, "Aging, person identification and eyewitness memory"	\$22,116
10.	Social Sciences and Humanities Research Council of Canada 1984-1985, "Eyewitness memory and witness reports"	\$19,371
11.	Social Sciences and Humanities Research Council of Canada Travel Grant for International Conference 1985, (Greece)	\$ 1,599
12.	Social Sciences and Humanities Research Council of Canada 1986-1988, "Missing children and children's eyewitness memory"	\$37,767
13.	University of Guelph, Senate Committee on Educational Development, Grant 1986, "Child Abduction Videotape"	\$ 993
14.	University of Guelph, Research Excellence Fund, 1986	\$ 2,650
15.	Social Sciences and Humanities Research Council of Canada 1988-1990, "Voice identification"	\$55,105
16.	Social Sciences and Humanities Research Council of Canada 1990-1993, "Descriptions and accuracy of voice identification evidence"	\$115,660
17.	Social Sciences and Humanities Research Board, University of Guelph 1993-1994, Field and Laboratory studies of eyewitness and earwitness testimony	\$ 3,000
18.	Social Sciences and Humanities Research Council of Canada 1994-1997, "Eyewitness and earwitness testimony: Accuracy and credibility"	\$75,000
19.	Social Sciences and Humanities Research Council of Canada 1997-2000, "Speaker identification and eyewitness testimony"	\$80,000
20.	Social Sciences and Humanities Research Board, University of Guelph 2000-2001, "Eyewitness and earwitness testimony: Accuracy and credibility"	\$ 2,000
21.	Social Sciences and Humanities Research Council of Canada 2001-2003, "Eyewitness and earwitness testimony"	\$94,000

### **TEACHING EXPERIENCE:**

Undergraduate:      Introductory Psychology, History and Systems,  
                                  Social, Child, Learning Theory, Memory, Experimental,  
                                  Psychology of Law, Sport Psychology

Graduate:              Memory

**RESEARCH INTERESTS:**

Eyewitness and Earwitness Testimony, Psychology of Law, Applied Memory,  
Applied Social Psychology

**PUBLICATIONS:**Books and Chapters

Yarmey, A.D. (1975). Human Behaviour--Staff training manual, Ontario Department of Corrections, Guelph, Ontario.

Yarmey, A.D. (1979). The psychology of eyewitness testimony. New York: Free Press.

Yarmey, A.D. (1982). Eyewitness identification and stereotypes of criminals. In A. Trankell (Ed.), Reconstructing the past: The role of psychologists in criminal trials (pp. 205-225). Deventer, The Netherlands: Kluwer.

Yarmey, A.D. (1983). Schemas and images in self-recognition. In J.C. Yuille (Ed.), Imagery, memory and cognition: Essays in honour of Allan Paivio (pp. 171-181). Hillsdale, N.J.: Erlbaum.

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Yarmey, A.D. (1983). Eyewitness identification: Psychological Aspects. In S.H. Kadish (Ed.), Encyclopedia of Crime and Justice (pp. 749-755). New York: Free Press.

Yarmey, A.D. (1984). Age as a factor in eyewitness memory. In G.L. Wells and E.F. Loftus (Eds.), Eyewitness testimony: Psychological perspectives (pp. 142-154). New York: Cambridge University Press.

Yarmey, A.D. (1984). Bizarreness effects in mental imagery. In A.A. Sheikh (Ed.), International Review of Mental Imagery, Vol.1, (pp.57-76). New York: Human Sciences Press.

Yarmey, A.D., Jones, H.P.T. and Rashid, S. (1984). Eyewitness memory of elderly and young adults. In D.J. Muller, D.E. Blackman and A.J. Chapman (Eds.), Psychology and law (pp. 215-228). Chichester, U.K.: Wiley.

Yarmey, A.D. (1986). Evaluating the police: Attitudes competency and credibility. In J.C. Yuille (Ed.), Police selection and training: The role of psychology (pp. 365-373). Dordrecht, The Netherlands: Martinus Nijoff.

- Yarmey, A.D. (1990). Understanding police and police work: Psychosocial issues. New York: New York University Press.
- Yarmey, A.D. (1994). Earwitness evidence: Memory for a perpetrator's voice. In D.F. Ross, J.D. Read & P. Toglia (Eds.), Adult Eyewitness testimony: Current trends and developments (pp. 101-124). Cambridge: Cambridge University Press.
- Yarmey, A.D. (1995). Earwitness and evidence obtained by other senses. In R. Bull and D. Carson (Eds.), Handbook of psychology in legal contexts (pp.261-273). Chichester: Wiley.
- Yarmey, A.D. (1996). The elderly witness. In S.L. Sporer, R.S. Malpass, & G. Koehnken (Eds.), Psychological issues in eyewitness identification (pp.259-278). Hillsdale, N.J.: Lawrence Erlbaum Associates.
- Yarmey, A.D. (1998). Person identification in showups and lineups. In C.P. Thompson, D.J. Herrmann, J.D. Read, D. Bruce, D.G. Payne, & M.P. Toglia (Eds.), Eyewitness Memory: Theoretical and Applied Perspectives (pp.131-154). Mahwah, N.J.: Lawrence Erlbaum Associates.
- Yarmey, A.D. (2000). The older eyewitness. In M. B. Rothman & B.D. Dunlop, & P. Entzel (Eds.), Elders, crime and the criminal justice system: Myth, perceptions, and reality in the 21 st Century (pp. 127-148). New York: Springer.
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- Yarmey, A.D. (in press). The psychology of speaker identification and earwitness memory. In R.C.L. Lindsay, D.F. Ross, J.D. Read, & M. Toglia (Eds.), Handbook of Eyewitness Psychology Vol. 2. Mahwah, N.J.: Lawrence Erlbaum and Associates.
- Yarmey, A.D. (in press). Eyewitness testimony, speaker identification, and deception in witness behavior. In A. C. Fonseca (Ed.), Forensic Psychology, Coimbra: Nova Almedina. (Book to be published in Portuguese).

### Articles

- Yarmey, A.D. (1964). Overt and covert responding in programmed learning. Ontario Journal of Educational Research, 2, 27-33.
- Paivio, A. and Yarmey, A.D. (1965). Abstractness of the common element in mediated learning. Psychonomic Science, 2, 231-232.



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- Yarmey, .D. (1966). Two-digit numbers in paired-associates learning. Psychonomic Science, 5, 139-140.
- Paivio, A. and Yarmey, A.D. (1966). Pictures versus words as stimuli and responses in paired-associate learning. Psychonomic Science, 5, 235-236.
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- Yarmey, A.D. (1966). Word arousal and verbal mediation. Psychonomic Science, 6, 451-452.
- Yarmey, A.D. (1967). Word abstractness, awareness, and type of design in verbal mediation. Psychology, 4, 24-32.
- Yarmey, . A.D. (1967). Concreteness, imagery, and temporal factors in paired-associate learning. Psychonomic Science, 8, 417-418.
- Yarmey, A.D. and Csapo, K.G. (1968). Imaginal and verbal mediation instructions and stimulus attributes in paired-associate learning. Psychological Record, 18, 191-199.
- Yarmey, A.D., O'Neill, B.J. and de Ryk, D. (1968). Stimulus and response concreteness, imagery and temporal factors in paired-associate learning. Psychonomic Science, 13, 321-322.
- Yarmey, A.D. and O'Neill, B.J. (1969). S-R and R-S paired-associate learning as a function of concreteness, imagery, specificity, and association value. Journal of Psychology, 71, 95-109.
- Yarmey, A.D. (1969). The person-image and social mediated learning. Psychological Record, 19, 123-127.
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Reviews

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- Yarmey, A.D. (1982). A review of American Social Attitudes Data Sourcebook 1974-1978 by Philip E. Converse, Jean D. Dotson, Wendy J. Hoag, and William McGee III. Cambridge, Mass.: Harvard University Press, In Social Indicators Research, 10, 453-454.
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- Yarmey, A.D. (1984). A review of Deterring the Drinking Driver: Legal Policy and Social Control, by H. Laurence Ross, Lexington, Mass.: Lexington Books, no date. In Social Indicators Research, 55, 89-90.
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- Yarmey, A.D. (1991). A review of Credibility Assessment, by J.C. Yuille (Ed.), Boston: Kluwer. In Aggressive Behaviour, 191-192.
- Yarmey, A.D. (1995). Report on Lindsay, R.C.L., Martin, R., & Webber, L. (1994). Default values in eyewitness descriptions: A problem for the match-to-description lineup foil selection strategy, Law and Human Behavior, 18, 527-544. In Expert Evidence, 3, 169.
- Yarmey, A.D. (1995). Report on Steblay, N.M., & Bothwell, R.K. (1994). Evidence for hypnotically refreshed testimony: The view from the laboratory. Law and Human Behavior, 18, 536-651. In Expert Evidence, 3, 167-168.
- Yarmey, A.D. (1998). Report on Christianson, S-A., Karlsson, I., & Persson, L.G.W. (1998). Police personnel as eyewitnesses to a violent crime. Legal and Criminological Psychology, 3, 59-72. In Expert Evidence, 6, 237-239.

Conference Papers

- Yarmey, A.D. (1963, June). Overt and covert responding in programmed learning. Canadian Psychological Association, Quebec City, Quebec.
- Yarmey, A.D. (1966, June). Effects of word arousal on verbal mediation. Canadian Psychological Association, Montreal, Quebec.
- Yarmey, A.D. and Csapo, K.G. (1967, June). The effect of verbal and imaginal set

- instructions on learning of concrete and abstract noun paired-associate lists. Canadian Psychological Association, Ottawa, Ontario.
- Yarmey, A.D. (1968, June). Concreteness and imagery in forward and backward association. Canadian Psychological Association, Calgary, Alberta.
- Yarmey A.D. (1969, November). The effects of mnemonic instructions on paired-associate recognition memory of faces or names. Psychonomic Society, St. Louis, Missouri.
- Yarmey, A.D. and Barker, W.J. (1970, November). Repetition versus imagery instructions in the short- and long-term retention of picture and word paired-associates. Psychonomic Society, San Antonio, Texas.
- Yarmey, A.D. (1971, June). Effect of pictures and word labels as retrieval cues in paired-associate learning. Canadian Psychological Association, St. John's, Newfoundland.
- Yarmey, A.D. and Sayer, L.A. (1971, November). Subject produced pictures vs. word labels in paired-associate learning. Psychonomic Society, St. Louis, Missouri.
- Yarmey, A.D. and Bowen, N.V. (1972, June). The role of imagery in incidental learning of educable retarded and normal children. Canadian Psychological Association, Montreal, Quebec.
- Yarmey, A.D. (1973, November). Associative learning of pictures and words. Psychonomic Society, St. Louis, Missouri.
- Paskaruk, S. and Yarmey, A.D. (1974, June). Recognition memory for faces. Canadian Psychological Association, Windsor, Ontario.
- Yarmey, A.D. (1974, November). Imaging faces, foods and events. Psychonomic Society, Boston, Mass.
- Yarmey, A.D. (1975, May). Social-emotional factors in recall and recognition of human faces. Midwestern Psychological Association, Chicago, Illinois. Presented as part of a symposium on "Faces: How do we perceive and remember them?"
- Yarmey, A.D. (1975, June). Effectiveness of picture and word retrieval cues in recognition memory. Canadian Psychological Association, Quebec City, Quebec.
- Yarmey, A.D. (1976, May). The perception and memory of witnesses. Colloquium, Department of Psychology, University of Tennessee, Knoxville, Tenn.
- Yarmey, A.D. and Bull, M.P. (1976, November). Cued recall for recent and remote events. Psychonomic Society, St. Louis, Missouri.
- Yarmey, A.D. (1977, September). The effects of attractiveness, feature saliency, and liking on memory for faces. International Conference on Love and Attraction, Swansea, Wales.
- Yarmey, A.D. and Beihl, H. (1977, November). The influence of attitudes and recall of impressions on memory for faces. Psychonomic Society, Washington, D.C.



- Yarmey, A.D. (1978, August). Recognition memory for male and female faces. Paper presented as part of a symposium entitled "Memory for faces: Pattern recognition and eyewitness identification", at the meetings of the American Psychological Association, Toronto. Cited in ERIC (Resources in education), August 1979 (Ed 167919).
- Yarmey, A.D. and Saslove, J. (1979, June). Earwitness identification in eyewitness testimony. Canadian Psychological Association, Quebec City, Quebec.
- Yarmey, A.D. (1980, May). The elderly and eyewitness identification. Colloquium, Department of Psychology, McMaster University, Hamilton, Ontario.
- Yarmey, A.D. (1980, June). The elderly as eyewitnesses. Conference on "The Psychology of Eyewitness Testimony". University of Alberta, Alberta.
- Yarmey, A.D. (1980, September). The psychology of eyewitness testimony: Problems of the elderly witness. Colloquium, Department of Psychology, University of Guelph, Ontario.
- Yarmey, A.D. (1980, October). The psychology of eyewitness testimony, Seminar, Department of Psychology, Scarborough College, University of Toronto, Toronto, Ontario.
- Yarmey, A.D. and Johnson, J. (1980, November). Evidence for the self as an imagery prototype. Psychonomic Society, St. Louis, Missouri.
- Yarmey, A.D. and Jones, H.P.T. (1981, April). Is eyewitness identification a matter of common sense? Social Science Research Council Law and Psychology Conference, Trinity College, Oxford, England.
- Yarmey, A.D. (1981, April). General knowledge about eyewitness identification. British Psychological Society, University of Surrey.
- Yarmey, A.D. (1981, June). Self-reference imagery and memory for faces. Imagery, cognition, and memory: A conference honoring the work of Allan Paivio, University of Western Ontario, London, Ontario.
- Yarmey, A.D. (1981, September). Eyewitness identification and stereotypes of criminals. The Stockholm Symposium in Witness Psychology, Stockholm, Sweden.
- Yarmey, A.D. (1982, January). Eyewitness testimony. Seminar and colloquium presentations. University of Calgary, Calgary, Alberta.
- Yarmey, A.D. (1982, March). Eyewitness testimony. Colloquium. Brock University, St. Catharines, Ontario.
- Yarmey, A.D. (1982, May). Eyewitness testimony. Seminar. University of Toronto, Toronto, Ontario.
- Yarmey, A.D. (1982, June). Eyewitness testimony of young and elderly adults following a

violent assault. Presented as part of the symposium "The role of psychology in eyewitness testimony" Canadian Psychological Association, Montreal, Quebec. (Moderator: A.D. Yarmey).

Yarmey, A.D., Jones, H.P.T. and Rashid, S. (1982, July). Eyewitness memory of elderly and young adults to a simulated assault and rape. International Conference on Psychology and Law. Swansea, U.K. (Co-convenor and co-chairman with Graham Davies).

Yarmey, A.D. (1982, November). Can I remember things? Paper presented at the symposium, "Its fun to learn in our world today". Lifelong Learning Institute, The Bernard Betel Center for Creative Living, Toronto, Ontario.

Yarmey, A.D. (1983, January). The psychology of eyewitness testimony. Wellington County Law Association, Guelph, Ontario.

Yarmey, A.D. (1983, March). Eyewitness testimony. Colloquium. Nipissing University College, North Bay, Ontario.

Yarmey, A.D. (1983, March). Colloquium. University of Lethbridge, Alberta.

Yarmey, A.D. (1983, March). Psychological perspectives of the elderly on eyewitness memory. Conference on Eyewitness Testimony, University of Calgary, Alberta.

Yarmey, A.D. (1983, April). Eyewitness testimony. Symposium on "Perception, illusion, persuasion and prevarication". Medico-Legal Society of Toronto, Osgoode Hall, Toronto, Ontario.

Yarmey, A.D. and Rashid, S. (1983, June). Perceptions of the public and legal professionals toward police officers. Canadian Psychological Association, Winnipeg, Manitoba.

Yarmey, A.D. (1983, June). Ethical responsibilities governing the statements experimental psychologists make in expert testimony. Invited paper to the Johns Hopkins University Conference on the Ethics of Expert Testimony by Experimental Psychologists.

Yarmey, A.D. (1983, November). Witnesses' attribution of responsibility toward rape victims and rapists. Psychonomic Society, San Diego, CA.

Yarmey, A.D. (1984, November). Practical psycho-legal aspects of memory. Paper presented as part of the symposium on "Aging and Cognitive Processes: Contemporary Approaches", Canadian Association on Gerontology, Vancouver.

Yarmey, A.D. (1985, May). Eyewitness testimony and the interaction of citizens, police and the courts. NATO Advanced Study Institute on The Role of Psychology in the Selection and Training of Police, Skiathos, Greece.

Yarmey, A.D. (1985, June). Rape: Perceptions of the victim and the assailant. Invited paper to the 7th Annual Guelph Conference on Sexuality, "Love, sex and intimacy". Guelph, Ontario.

Gardner, P.K. and Yarmey, A.D. (1985, June). Perceptions of lawyers, psychiatrists, and

- psychologists about expert testimony in the courtroom. Canadian Psychological Association, Halifax.
- Yarmey, A.D. (1985, October). Evaluations of police performance. Colloquium. Sheridan College, Oakville, Ontario.
- Yarmey, A.D. (1986, January). Psychology and courtroom testimony. Seminar. Correctional Centre, Guelph, Ontario.
- Yarmey, A.D. (1986, February). Eyewitness testimony: Strengths, weaknesses and aberrations. Invited address to the Advocates' Society, Winter Convention, Toronto, Ontario.
- Yarmey, A.D. (1986, March). Eyewitness accounts. Invited address to the Community Forum. University of Guelph Research Lecture Series.
- Yarmey, A.D. (1986, March). The older adult and the law. Invited address to the Gerontology Research Centre, University of Guelph.
- Yarmey, A.D. (1986, June). Recognition memory and the "real me" schema in photographs of younger and older men and women. Canadian Psychological Association, Toronto, Ontario.
- Yarmey, A.D. (1986, October). Ethics and values of expert witnesses. Forensic Psychology Interest Group, University of Toronto.
- Yarmey, A.D. (1987, June). Eyewitness testimony. Canadian Bar Association. Nova Scotia, Halifax, Nova Scotia.
- Yarmey, A.D. (1987, June). Questioning witnesses. Canadian Insurance Claims Managers Association/Canadian Independent Adjustors Association Joint Seminar. Wolfville, Nova Scotia.
- Yarmey, A.D. (1987, June). Eyewitness testimony. Public Defenders Office, Santa Cruz, California.
- Yarmey, A.D. (1987, August). Effects of streetproofing on children's and adults' memory as bystander witnesses to a child abduction. Second International Conference on Practical Aspects of Memory, Swansea, Wales, U.K.
- Yarmey, A.D. (1988, February). Psychology and the law: Eyewitness memories. The Humanities Association, Guelph, Ontario.
- Yarmey, A.D. (1989, June). Social psychology and law. Canadian Psychological Association, Halifax, (Abstract: Canadian Psychology, 1989, 30, 208.
- Yarmey, A.D. (1990, February). The elderly and eyewitness testimony, Colloquium, Department of Psychology, Queen's University, Kingston, Ontario.
- Yarmey, A.D. & Matthys, E. (1990, March). Effects of observation time, exposure frequencies, and delay of test on voice identification of a mock abductor. American Psychology-Law Society Biannual Meeting, Williamsburg, Virginia.

- Yarmey, A.D. (1991, January). Voice and visual identification. Colloquium, Department of Psychology, Carleton University, Ottawa, Ontario .
- Yarmey, A.D. (1991, March). Eyewitness testimony and interview techniques. Ontario Police College, Aylmer, Ontario.
- Yarmey, A.D. (1991, June). The effects of group discussion on earwitness recall. Canadian Psychological Association, Calgary.
- Yarmey, A.D. (1992, March). Accuracy of eyewitness and earwitness showup identifications in a field setting. American Psychology-Law Society. Biannual meeting, San Diego, CA.
- Yarmey, A.D. (1992, March). The psychology of earwitness and eyewitness memory for perpetrators. Colloquium, Department of Psychology, St. Francis Xavier University, Antigonish, Nova Scotia.
- Yarmey, A.D. (1992, November). Enhance your presentation: The use of demonstrative evidence. Invited address to The Continuing Legal Education Society of Nova Scotia. Advocacy '92, Halifax, Nova Scotia.
- Yarmey, A.D. (1993, May). Applied memory and interviewing witnesses. Ontario Police College, Aylmer, Ontario.
- Yarmey, A.D. (1993, November). Panel presentation: Human memory and recall: Lessons for criminal law. Criminal Lawyers' Association Annual Convention. Toronto, Ontario.
- Yarmey, A.D. (1995, June). Panel presentation: Identifying suspects. The Ryerson Justice Studies Forum. Toronto, Ontario.
- Yarmey, A.D. (1995, June). Panel presentation: Witness interviews. The Ryerson Justice Studies Forum, Toronto, Ontario.
- Yarmey, A.D. (1995, July). Recall and person identification in showups and lineups. Moderator for session on "Eyewitness memory: Variables underlying person identification". Society for Applied Research in Memory and Cognition, Vancouver, B.C.
- Yarmey, A.D. (1996, March). Earwitness testimony. Colloquium, Department of Psychology. Brock University, St. Catherines, Ontario.
- Yarmey, A.D. (1996, April). Sleuthing. Invited address. Learning Unlimited (Oxford). Woodstock, Ontario.
- Yarmey, A.D. (1996, July). Earwitness identification of familiar voices. International Conference on Memory. Abano Terme, Italy.

- Yarmey, A.D. (1997, January). The researcher as an expert witness: Ethical dilemmas and research findings. Department of Family Studies, University of Guelph.
- Yarmey, A.D. (1997, July). Retrospective duration estimations in field settings. Society for Applied Research in Memory and Cognition, Toronto, Ontario.
- Memon, A., & Yarmey, A.D. (1998, March). Improving earwitness identification: Can the cognitive interview help? American Psychology-Law Society. Biannual meeting, Redondo Beach, CA.
- Yarmey, A.D. (1998, April). Dynamics, factors, and experts in eyewitness identification. Advanced Criminal Defense Practice Conference. Criminal Defense Attorneys of Michigan. Novi, Michigan.
- Yarmey, A.D., Martin, P., & Harding, J. (1998, August). The effect of rumor on eyewitness memory. International Congress of Applied Psychology, San Francisco, CA.
- Yarmey, A. D. (1999, May). Expert testimony: Does eyewitness memory research have probative value for the courts? Paper presented as part of the symposium "Psychological testimony in Canadian courts: Have we more to offer than just common sense? Canadian Psychological Association, Halifax, NS.
- Yarmey, A. D., Jacob, J., & Porter, A. (1999, July). Effects of a culprit's demeanor on witness recall and duration estimation. Psychology and Law: International Conference, Dublin, Ireland.
- Yarmey, M., Yarmey, A. D., Yarmey, A. L., & Parliament, L. (2000, March). Common sense beliefs and the identification of familiar voices (poster), American Psychology - Law Society Biennial Conference, New Orleans, LA.
- Yarmey, A. D. (2000, March). Understanding elderly witnesses: How far have we come? Discussant: Symposium, Understanding the elderly: Current research perspectives. American Psychology-Law Society Biennial Conference, New Orleans, LA.
- Yarmey, A. D. (2000, May). Eyewitness testimony. Hamilton Criminal Lawyers Association Annual Seminar, Hamilton, ON.
- Yarmey, A. D. (2001, March). Eyewitness memory and police lineups. Invited address. Learning Unlimited (Oxford). Woodstock, Ontario.
- Yarmey, A. D. (2002, July). Eyewitness and earwitness testimony. Invited address. Division 10: Psychology and Law, XXV International Congress of Applied Psychology. Singapore.
- Yarmey, A. D. (2003, March). Eyewitness and earwitness identification. Invited address. Southeastern Psychological Association, (Southeastern Workers in Memory). New Orleans, Louisiana.
- Yarmey, A. D. (2003, July). Eyewitness testimony and deception: A field experiment.

International Conference on Psychology and Law, Edinburgh, Scotland.

- Procter, E. E. & Yarmey, A. D. (2003, July). The effects of distributed learning on the identification of normal-tone and whispered voices. Society for Applied Research in Memory and Cognition. Aberdeen, Scotland.
- Barga, S., Bohannon, J. N., Bluck, S., Laney, C., Yarmey, D., & Salafia, W. R. (2004, May). The effects of time zone and distance on flashbulb memory. American Psychological Society. Chicago, Illinois.
- Yarmey, A. D. (2004, July). Eyewitness testimony. Invited address. National Police Force of the Philippines, Manilla.
- Yarmey, A. D. (2004, July). Eyewitness testimony. Invited address. Department of Psychology. University of the Philippines, Manilla.
- Yarmey, A. D. (2004, August). Earwitness identification of sounds from familiar and unfamiliar speakers. International Congress of Psychology. Beijing, China.
- Yuval, L., & Yarmey, A. D. (2005, June). Uncovering the behavioural correlates of the deceptive eyewitness. Canadian Psychological Association. Montreal, Quebec.
- Yarmey, A. D. (2005, June). Deception in eyewitness reports. Canadian Psychological Association. Montreal, Quebec.
- Yarmey, A. D. (2006, February). Earwitness evidence. Invited address. Applied Social Psychology Area. University of Guelph, Guelph, ON
- Yarmey, A. D. (2006, April). Variables affecting eyewitness accuracy. Invited address. Osgoode Professional Development Forum, CLE, Eyewitness Identification and Testimony. Osgoode Hall Law School, York University, Toronto, ON

### **EXPERT WITNESS:**

#### Trials

1. R. v. La Berge. April 15, 1982. Lethbridge, Alberta. Judge W.G.N. Egbert, Queen's Bench. For Crown Attorney Brian Newton. Charges: Robbery, Kidnapping. Issues: voice and visual identification, voice lineup procedures, confidence, stress.
2. R. v. Skinner. Aug. 6, 1985. Toronto, Ontario. Judge S.M. Harris, Provincial Court. For Defense Lawyer James Lockyer. Charge: Trafficking. Issues: police as eyewitnesses, suggestibility in identification procedures, unconscious transference.
3. R. v. Grant. Oct. 7, 1985. Toronto, Ontario. Judge Davidson, District Court. For Defense Lawyer James Lockyer. Charge: Trafficking. Issues: police as eyewitnesses, cross-racial identification, unconscious transference.
4. R. v. Lyons. Sept. 25, 1986. North Bay, Ontario. Judge Michel, Provincial Court. For

Defense Lawyer Owen Smith. Charge: Dangerous Driving. Issues: perception of distance, children as eyewitnesses.

5. R. v. Stanek. Oct. 27, 1986. Brampton, Ontario. Judge E.F. West, District Court. For Defense Lawyer James Lockyer. Charge: Possession of Drugs. Issues: eyewitness perception and memory over time, confidence.

6. R. v. Bello. May 12, 1987. Newmarket, Ontario. Judge R.E. Zelinski, District Court. For Defense Lawyer James Lockyer. Charge: Robbery. Issues: temporal factors in perception and memory, stress, suggestibility of identification procedures.

7. People v. Walters. June 22, 1987. San Jose, CA. Judge W. Kelsay, Santa Cruz Superior Court. For Defense Attorney Tom Wallraff. Charges: Sexual Assault, Kidnapping, Robbery. Issues: voice identification, voice lineup procedures.

8. People v. Cruz. Jan. 29, 1988. San Jose, CA. Judge Mark Thomas, Santa Cruz Superior Court. For Defense Attorney Stephen La Berge. Charge: Sexual Assault. Issues: eyewitness perception and memory in violent situations, confidence.

9. R. v. Dinel & Spruyt. May 31, 1988. London, Ontario. Judge R.J. Flynn, District Court. For Defense Lawyer Wally Libis. Charge: Armed Robbery. Issues: weapon focus, stress.

10. People v. Gomes. June 6, 1988. Santa Cruz, CA. Judge C.C. Cottle, Superior Court. For Defense Attorney Wendy Kim. Charge: Robbery. Issues: facial identification in poor observation conditions, profile viewing of the perpetrator.

11. People v. Tolofone. June 9, 1988. Santa Cruz, CA. Judge J. Marlo, Superior Court. For Defense Attorney Lisa Martin. Charge: Sexual Assault. Issues: cross-racial identification.

12. Albert Large v. Board of Commissioners of Police of the Town of Stratford et al. June 13, 1990. Stratford, Ontario, Ontario Board of Inquiry. For Counsel Kim Twohig. Issues: Mandatory retirement for police officers, stress, cognitive processing of senior citizens.

13. R. v. Kelly. July 19, 1990. Toronto, Ontario. Judge Draper, Provincial (Youth) Court. For Defense Lawyer James Lockyer. Charge: Trafficking. Issues: unconscious transference, police officers as eyewitnesses, suggestibility in photo lineup procedures.

14. R. v. Williams. September 11, 1990. Toronto, Ontario. Judge O'Connell, Ontario Court of Justice (General Division). For Defense Lawyer Anthony Robbins. Charge: Robbery. Issues: cross-racial identification, unconscious transference.

15. People v. Dasenbrock. December 4, 1990. Orange County, Santa Ana, CA. Judge Robert Fitzgerald, Superior Court. For Defense Attorney James Odriozola. Charge: Sexual Assault, robbery. Issues: face and voice identification, stress, observation conditions.

16. People v. Eleazar Gonzales. March 12, 1991. Orange County, Santa Ana, CA. Judge Ronald Owen, Superior Court. For Defense Attorney Donald Rubright. Charge: Murder. Issues: stress, post-event interference, lineup procedures.

19. R. v. Baker. June 4, 1991. Woodstock, Ontario. Justice McGarry, Ontario Court of Justice (General Division). For Defense Lawyer Michael MacDonald. Charge: Armed Robbery. Issues: cross-racial identification, weapon focus.

20. R. v. Morin, July 29, 1991. London, Ontario. Justice Jim Donnelly, Ontario Court of Justice (General Division). For Defense Lawyer Jack Pinkofsky. Charge: Murder. Issues: voice identification.

21. R. v. Walton. October 21, 1991. Haileybury, Ontario. Ontario Provincial Court Division. For Defense Lawyer Owen Smith. Charge: Failure to Stop for School Bus. Issue: eyewitness identification.

22. R. v. Halley, January 16, 1992. Kitchener, Ontario. Justice Yeats, Ontario Court of Justice (General Division). For Defense Lawyer Stephen Woodworth. Charge: Assault with a Weapon. Issues: cross-racial identification, unconscious transference, weapon focus, photo lineup identification.

23. R. v. Green, March, 18, 1992, Hamilton, Ontario. Justice Cavarzan, Ontario Court of Justice (General Division). For Defense Lawyer Harold Cox. Charge: Armed Robbery. Issues: cross-racial identification, stress, photo lineup identification.

24. Commonwealth of Massachusetts v. Ebert. April 9, 1992. Salem, Mass. Judge Botsford, Superior Court. For Defense Attorney Debra S. Krupp. Charge: Armed Robbery. Issues: stress and weapon focus, time estimations, unconscious transference.

25. People v. Dauterive, September, 15, 1992. Santa Cruz, CA. Judge T. Black, Superior Court. For Defense Attorney Bill Minkner. Charge: Armed Robbery. Issues: cross-racial identification, lineup procedures, stress, time estimations.

26. R. v. Nguyen, Thanh Van, November 12, 1992. Guelph, Ontario. Justice B. Smith, Ontario Court of Justice (General Division), For Crown Attorney Owen Haw. Charge: Armed Robbery. Issues: attention and preparation, stress, photo lineup identification.

27. R. v. Nguyen, Phuoc, January 5, 1993. Kitchener, Ontario, Justice J. Scott, Ontario Court of Justice (General Division), For Defense Lawyer Harold Cox. Charge: Armed Robbery. Issues: stress and weapon focus, cross-racial identification, photo lineup identification.

28. R. v. Rovenia, February 16, 1993. Newmarket, Ontario. Judge Carney, Ontario Provincial (Youth) Court. For Defense Lawyer Alan D. Gold. Charge: Dangerous Driving. Issues: long-term memory, post-event misinformation effect.

29. R. v. Smith, Larry, March 3, 1993. Windsor, Ontario, Justice W.A. Maloney, Ontario Court of Justice (General Division), For Defense Lawyer Fletcher Dawson. Charge: Murder. Issues: event and witness factors in the acquisition stage of memory, post-event misinformation effect.

30. Constable Tim Diebel, Discipline Hearing - Ontario Provincial Police, July 1, 1993, Cambridge, Ontario, For Defense Lawyer Frank Carere. Charge: Perjury. Issues: stereotypes and eyewitness memory.



31. People v. Lyons, September 28, 1993. Santa Cruz, CA. Judge Atack, Superior Court. For Defense Attorney Ben Rice. Charges: Sexual Assault, Robbery. Issues: lineup identification procedures, showup identification.
32. R. v. Lambier, John, January 21, 1994. Hamilton, Ontario, Justice Gordon Thomson, Ontario Court of Justice (General Division), For Defense Lawyer David Smye. Charge: Indecent Assault. Issues: repression and recovered memory.
33. People v. Williams, April 18, 1994. Santa Cruz, CA, Judge T. Kelly, Superior Court. For Defense Attorney Bill Minkner. Charges: Armed Robbery. Issues: stress and violence, cross-racial identification, multiple perpetrators.
34. R. v. Chanathaboury, Phet, July 13, 1994. Guelph, Ontario, Judge Ord, Ontario Court of Justice (Provincial Division), For Defence Lawyer Harold Cox. Charge: Fraud. Issues: cross-racial identification, attention and memory, stress.
35. People v. Colvin, Kelley, January 11, 1995, Grand Rapids, Michigan, Judge G.S. Buth, Circuit Court. For Defense Attorney Timothy Idsinga. Charges: Murder. Issues: stress and violence, influence of marijuana on eyewitness memory.
36. R. v. Sananikone, April 18, 1995. Kitchener, Ontario, Justice C.S. Glithero, Ontario Court of Justice (General Division), For Defence Lawyer Harold Cox. Charge: Assault with a weapon. Issues: cross-racial identification, photo lineup procedures, stress and the influence of alcohol on memory.
37. People v. Visnicker, May 18, 1995. Santa Cruz, CA, Judge K. Akao, Superior Court. For Defense Attorney Ed Chun. Charges: Armed Robbery. Issues: stress and cross-racial identification, showup identification.
38. People v. Colvin, Kenneth, May 22, 1995. Grand Rapids, Michigan, Judge Benson, Circuit Court. For Defense Attorney Michael Liquigli. Charges: Murder. Issues: stress and violence, influence of marijuana on eyewitness memory.
39. Reich v. IBP inc., July 11, 1995. Kansas City, Kansas, Judge Earl O'Connor. For Defense Attorney Michael Delaney. Issues: wage and hour litigation - duration estimations.
40. People v. Gates, August 18, 1995. Chula Vista, CA, Judge Raymond G. Edwards, Superior Court. For Defense Attorney Marsha Duggan. Charges: Armed Robbery. Issues: stress, photo and live lineup identification procedures.
41. People v. Johnson, February 1, 1996. Santa Cruz, CA, Judge K. Akao, Superior Court. For Defense Attorney Lori Quick. Charges: Robbery. Issues: stress, suggestibility, and lineup identification procedures.
42. State of New Hampshire v. Prevost, November 7, 1996, Keene, N.H. Justice Arthur Brennan, Superior Court. For Defense Attorney Chris McLaughlin. Charges: Armed robbery. Issues: stress, suggestibility, lineup procedures, post-event misinformation effects.

43. R.v. Svenson, October 30, 1997, Swift Current, SK.(via video telephone conference call from Guelph, ON). Justice G. B. Shaner, Provincial Court. For Defence Lawyer Merv Nidesh. Charges: Indecent Acts. Issues: children as eyewitnesses, lineup instructions, lineup fairness.
44. Commonwealth of Massachusetts v. Dowling, November 20, 1997, Newbury Port, Mass. Superior Court, Judge Rouse. For Defense Attorney James B. Krasnoo. Charge: Murder. Issues: stress, confidence, familiarity and conscious inference. (Although qualified to give expert testimony following a *voire dire*, the defendant, against the advice of his counsel, did not want my expert testimony given in front of jury. Consequently, I did not testify in front of the jury.)
45. R. v. Coates, March 18, 1998. Toronto, Ontario, Justice Keenan, Ontario Court of Justice (General Division), For Defence Lawyer John Norris. Charge: Indecent Assault. Issues: repression and recovered memory, children's memory.
46. People v. Lauderdale, April 14, 1998. Grand Rapids, Michigan, Judge Kolenda, Circuit Court, Kent County. For Defense Attorney Mark A. Trusock. Charges: Murder: Issues: stress and violence, identification procedures.
47. People v. Mundy, June 1, 1998. Orange County, Santa Ana, CA. Judge D.J. Didier, Superior Court. For Defense Attorney Marlin Stapleton. Charge: Murder. Issues: Observation conditions, length of retention, confidence, photo lineup and live lineup.
48. Commonwealth of Massachusetts v. Badgett, July, 7, 1998. Boston, Mass. Superior Court, Judge Doerfer. For Defense Attorneys Bruce Bono and Joshua Dohan. Charge: Murder. Issues: stress, poor observations conditions, and eyewitness descriptions.
49. People v. Lauderdale, (re-trial), September 15, 1998. Grand Rapids, Michigan, Judge Kolenda, Circuit Court, Kent County. For Defense Attorney Mark A. Trusock. Charges: Murder: Issues: stress and violence, identification procedures.
50. United States v. Acosta, October 5, 1998. Tampa, Florida, Magistrate Judge A. Pizzo, US Federal District Court, Middle District of Florida, Evidentiary Hearing. For Defense Attorney Neil Schuster. Charges: Trafficking: Issues: voice identification procedures, showup identification.
51. Commonwealth of Massachusetts v. Anzalone, March 2, 1999. Salem, MA Superior Court, Judge McEvoy. For Defense Attorney Chris Burke. Charge: Armed Robbery. Issues: stress, identification procedures.
52. United States v. Capozzi, February 3, 2000. Boston, MA US Federal District Court, Judge Patti Bsaris. For Defense Attorney Peter Krupp. Charges: Armed Robbery. Issues: stress, voice identification.
53. Commonwealth of Massachusetts v. Daniels, August 18, 2000, Springfield, MA Superior Court, Judge Mary-Lou Rupp. For Defense Attorney Terry Nagle. Charges: Murder. Issues: stress, weapon focus, post-event information effects.

54. Commonwealth of Massachusetts v. Lopez, March 4, 2002, Springfield, MA Superior Court, Judge Tina Page. For Defense Attorneys A. J. O'Donald and Joseph Franco. Charge: Attempted\_murder. Issues: stress, lineup identification procedures.

#### Pre-trial Identification Suppression Hearings

1. Commonwealth of Massachusetts v. Elliott. Feb. 18, 1988. Worcester, Mass., Judge R.V. Mulkern, Superior Court. For Defense Attorney Peter L. Ettenberg, Charge: Sexual Assault. Issues: voice identification, voice lineup procedures, confidence, stress.

2. Commonwealth of Massachusetts v. Van Loo. Jan. 15, 1991. Worcester, Mass. Superior Court . For Defense Attorney Peter L. Ettenberg. Charge: Sexual Assault. Issues: children as eyewitnesses.

3. Commonwealth of Massachusetts v. Elliott, January 12, 1993. Worcester, MA. Judge E. Butler, Superior Court. Pre-trial identification suppression hearing. For Defense Attorney Peter Ettenberg. Charge: Sexual Assault. Issues: voice lineup procedures, confidence, stress.

4. People v. Timnell Montgomery, May 12, 2000, Bay City, MI, Judge Caprathe, Circuit Court, Bay County. For Defense Attorney Kenneth Malkin. Charge: Assault and robbery. Lineup identification procedures.

#### Consultation assistance to police and/or the court

1. R. v. Dawson Davidson. Nov. 21, 1986. Toronto, Ontario. Sgt. Margo Pulford & P.C. Bob Qualtrough, Crown Attorney Peter D. Griffiths. Charge: Sexual Assault. Issues: voice identification. No trial: Plea bargain.

2. R. v. John Baylis. Dec. 9, 1987. Toronto, Ontario. Charges: Robbery and Assault. Issues: On the request of defense lawyer James Lockyer, and with the permission of the trial judge, I conducted a photo lineup with witness Mrs. Gayle Disera. I was not called to trial: Plea bargain.

3. September 2, 1990. Toronto, Ontario. Charge: Attempted Murder. On the request of defense lawyer James Lockyer, I attended and observed a photo-lineup conducted by Sgt. Urban, assisted by P.C. Cvik. I was asked by Mr. Lockyer to offer my assistance to the officers in any way possible, and Sgt. Urban asked for my suggestions. The case did not come to trial. (The victim-witness did not pick the accused but, instead, selected a distracter and stated he was sure.)

#### Not Qualified as an Expert Witness in the Following Trials

1. R. v. Bell. November 1979. Toronto, Ontario. Superior Court, Justice Patrick Galligan. For Defense Lawyer Michael McLachlan. Charges: Sexual Assault, Kidnaping. Issues: stress, multiple perpetrators, observation conditions, drugs and alcohol (victim), lineup procedures, unconscious transference.

2. R. v. Peart. June 25, 1986. Toronto, Ontario. Judge G. Moore, District Court. For Defense Lawyer David M. Porter. Charge: Assault. Issues: cross-racial identification, weapon focus.
3. Robazza v. Fillion. May 14, 1987. Haileybury, Ontario. Superior Court. For Defense Lawyer Owen Smith. Issues: Eyewitness memory for a traffic accident.
4. Commonwealth of Massachusetts v. Elliott. February 1988. Worcester Mass., Superior Court. Judge R.V. Mulkern. For Defense Attorney Peter L. Ettenberg. Charge: Sexual Assault. Issues: voice lineup identification procedures, confidence, stress and violence.
5. R. v. McCrystal. January 16, 1989. Kitchener, Ontario. District Court. Justice R.E. Salhany. For Defense Lawyer Harold Cox (voir dire). Charge: Fraud. Issues: time perception and retrospective recall of time durations.
6. R. v. Turner. September 12, 1990. Toronto, Ontario. Ontario Court of Justice (General Division). Justice Gilbert. For Defense Lawyer Read Rusonik. Charge: Trafficking. Issues: cross-racial identification, fairness of a photo-lineup, and police officers as eyewitnesses.
7. Commonwealth of Massachusetts v. Van Loo. January 1991. Worcester, Mass. Superior Court. For Defense Attorney Peter L. Ettenberg. Charge: Sexual Assault. Issues: children as eyewitnesses.
8. R. v. Kevin Ross. January 30, 1991. London, Ontario. Ontario Court of Justice (General Division). Justice McCart. For Defense Lawyer Michael E. Thompson. Charge: Robbery. Issues: unconscious transference between photo lineup and live lineup, stress, observation conditions, time duration.
9. R. v. Eakin. September 18, 1991. Toronto, Ontario. Ontario Court of Justice (General Division). Justice Karen Weiler. For Defense Lawyer Peter Hatch. Charge: Sexual Assault. Issues: effects of delay on face recognition, suggestibility, lineup procedures, stress, confidence, opportunity to observe.
10. R. v. Russell. April 27, 1993. Hamilton, Ontario. Ontario Court of Justice (General Division). Justice E. Fedak. For Defense Lawyer Barry Kierans. Charges: Indecent Assault, Gross Indecency. Issues: repression and recovered memories of child sexual abuse. (The Court of Appeal for Ontario stated that the defense was not given the opportunity of challenging the evidence of the expert witness for the Crown with its own expert evidence and was therefore not allowed to make full answer and defense. The Court quashed the conviction and ordered a new trial.)
11. Commonwealth of Massachusetts v. Buggs, June 8, 1993. Boston, MA Judge Sandra Hamlin. For Defense Attorney Beth Eisenberg. Charge: Armed Robbery. Issues: showup identification, cross-racial identification, weapon focus.
12. Commonwealth of Massachusetts v. Santoli. February 16, 1994. Dedham, MA. Superior Court. Judge Graham. For Defense Attorney Larry Tipton. Charge: Rape. Issues: showup identification, weapon focus, stress.
13. R. v. Dhillon, May 12, 18, 19, 1994. Brampton, Ontario, Justice Bellegham, Ontario

Court of Justice (General Division), For Defence Lawyers Robert Rotenberg and Bruce Daley. Charge: Murder. Issues: stress and violence, showup identification

14. R. v. Nguyen, Vy Cao. October 26, 1994. Toronto, Ontario. Ontario Court of Justice (General Division). Justice Ewaschuk. For Defense Lawyer Peter Danson. Charges: Trafficking. Issues: cross-racial identification, photo lineup identification procedures.

15. R. v. Vincent. January 18, 1995. Toronto, Ontario. Ontario Court of Justice (General Division). Justice Hamilton. For Defense Lawyer Peter Connelly. Charges: Armed Robbery. Issues: stress, weapon focus.

16. R. v. McIntosh. January 26, 1995. Toronto, Ontario. Ontario Court of Justice (General Division). Justice Wein. For Defense Lawyer Timothy Lipson. Charges: Attempted murder, robbery. Issues: cross-racial identification, stress, photo lineup procedures.

17. R. v. Dhillon. March 13, 1995. Brampton, Ontario. Ontario Court of Justice (General Division). Justice Bellengham. For Defense Lawyers Robert Rotenberg and Bruce Daley. Charge: Murder. Issues: violence and stress, observation conditions, showup identification.

18. R. v. Trochym. April 4, 1995. Toronto, ON. Ontario court of Justice (General Division). Justice David McCombs. For Defense Lawyer Ann Tierney. Charge: Murder. Issues: hypnotically-assisted memory retrieval.

19. Commonwealth of Massachusetts v. Johnson. September 23, 1996. Boston, MA. Superior Court. Judge Banks. For Defense Attorney Stephen Hrones and Michael Goldsmith. Charges: Murder. Issues: stress, weapon focus, duration estimations, confidence, post-event misinformation.

20. R. v. Varney. June 17, 1997. Thunder Bay, Ontario. Ontario Court of Justice (General Division) Justice Kozak. For Defense Lawyer Christopher Watkins. Charge: Indecent Assault, Buggery. Issues: child sex abuse and adult memory.

21. People v Litfield. August 7, 1997. Saginaw, MI. District Court. Judge Borchard. For Defense Attorney Barbara Klimaszewski. Charge: Murder. Issues: photo lineup

22. Commonwealth of Massachusetts v. Pagano. January 28, 1998. Cambridge, MA Superior Court. Judge Sperlozk. For Defense Attorney Mark Shea. Charge: Armed Robbery. Issues: voice identification, conscious inference.

23. Commonwealth of Massachusetts v. Harris. December 7, 1998. Boston, MA Superior Court. Judge Ralph Gants. For Defense Attorney Ring Kelleher. Charge: Assault with a weapon, attempted murder. Issues: familiarity, stress, duration of observation.

24. Commonwealth of Massachusetts v. Bly. May 26, 1999. Boston, MA Superior Court. Judge James McDaniels. For Defense Attorney Larry Tipton. Charge: Murder. Issues: cross-racial identification, post-event information effects, showup identification, length of retention period, observation conditions.

25. R v. Natashi. January 11, 2000. Toronto, ON Superior Court. Justice Arthur Gans. For

Defense Lawyer Gregory Leslie. Charge. Drugs. Issues: taped voice identification, showup identification.

26. R. v. Filion. May 30, 2002. Pembroke, ON Superior Court. Justice E. Millette. For Defense Lawyers Matthew Webber and Lorne Goldstein. Charge Sexual Assault. Issues: Reliability of very long-term memory.

27. R. v. Annalingam. November 12, 2002, Cornwall, ON Youth Court. Justice Gilles Renaud. For Defense Lawyer Ian Paul. Charge Sexual assault. Issues: Cross-racial identification, retention interval, lineup procedures.

28. R. v. Myrie, March 11, 2003. Brampton, ON Superior Court. Justice Mackenzie. For Defense Lawyer John Norris. Charge Attempted Murder. Issues: Cross-racial identification, lineup procedures, weapon focus.

29. People v. Buchanan, April 15, 2006, Grand Rapids, MI, District Court. Justice Leiber. For Defense Attorney Tim Idsigna. Charge Robbery. Issues: Cross-racial identification, lineup procedures.