

**Benny Warr v Rochester New York Police Department. Testimony for Plaintiff at Federal Trial. Rochester, New York, January 23 - 24, 2019.** Issues: Plaintiff, an elderly African American—an amputee largely confined to a wheelchair—was arrested and charged with disorderly conduct. During the course of the arrest, the plaintiff’s wheelchair was slammed onto its side after which defendants beat plaintiff with elbow strikes to the head and knee kicks to the body. After two days of testimony, the jury found that the defendant police officer had in fact resorted to the use of excessive force.

**Mississippi v DR. ARNOLD SMITH. Retained in 2012. Daubert Hearing June 9<sup>th</sup> 2017, Civil Trial Settled January 3<sup>rd</sup> 2019, Criminal Trial still pending 2019.** Retained by defendant attorney William Bell, Issues: Defense against capital homicide charges based upon significantly substandard handling of informant used in an undercover capacity, as well as significantly substandard police-involved shooting investigation. Dr. Smith, also the target of a civil complaint arising out of the plaintiffs (Lee Abraham) claims that he was subject to significant psychological damage caused by him being forced to witness a police shootout in his office, during which the victim, a man allegedly hired by Dr. Smith to kill Mr. Abraham, was himself murdered by police presence of Mr. Abraham. I filed lengthy expert witness reports (and underwent a 7 ½ hour Daubert hearing on June 9, 2017), in which I identified elements of probable cause strongly indicative of the victim having been the target of a premeditated homicide orchestrated by Mr. Abraham who was aided and abetted by individuals in the State Attorney General’s Office; elements of probable cause sufficient for my recommendation that the entire matter be transferred to the appropriate independent federal agency for criminal investigation. The civil trial was settled on January 3, 2019 with an undisclosed settlement agreement. Criminal trial is still pending.

**Anthony Hill Civil Case, Deposition recorded in Kingston, NY October 18, 2018.** Deposed concerning the Anthony Hill shooting with a focus on substandard training as relates to the police interaction with the mentally ill. **First retained in 2015 by Dekalb County, Georgia. Civil Grand Jury:** Aided DA's investigators in follow-up investigation, then testified before the DeKalb County Grand Jury as an expert for the District Attorneys Office in its recommendation that this matter be sent to a criminal grand jury. Case: In the police-involved shooting of veteran Anthony Hill, by Officer Robert Olsen. Grand Jury recommended that officer Olsen case be forwarded to criminal grand jury for a criminal indictment. **Testified in 2016, Criminal Grand Jury:** I testified before the DeKalb County Criminal Grand Jury as an expert for the prosecution in the police-involved shooting of Anthony Hill, by Officer Robert Olsen. Retained by the Dekalb County District Attorneys Office. Olsen indicted for homicide and false statements. **Matter still pending 2019.**

**US v Damon X. Hedgecock, IS1 / E-6 U.S. Navy, Testimony before Hawaii Judicial Circuit Navy-Marines Corps Trial Judiciary, General Court Martial, Telephonic Testimony April 18, 2018.** Issues: Homicide investigation, dependent upon interrogation of informants. Expertise in police investigative procedures including but not limited to interrogations and interviews, accepted by judge Advocate Gen, via telephonic testimony.

**The Estate of Charles Burns v Concord California Police Department et al. Deposition recorded in Kingston, NY January 12, 2018.** Issues: I represented the family of 22-year-old Mr. Burns, who was shot and killed by two officers firing a total of 16 or more rounds at the young man as he allegedly fled from police while reaching for cell phone, that defendant officers claim, they mistook for a gun. After Mr. Burns had been mortally

wounded, defendants then caused him to be attacked by an attack trained K9 dog; the dog was permitted by defendants to viciously maul the dying young man. Testified at seven-hour deposition. Case settled within the month.

**Joshua Skinner v Vermont State Police, (Tower et al.), Deposition recorded in Kingston NY November 15, 2017. Matter still pending 2019.**

Issues: Retained by attorney Brian Mariscovetere, White River Junction VT. Case involved Iraq Veteran allegedly being taken into custody for his own protection under Vermont law providing for forced detention due to drugs and/or alcohol intoxication and/or other situation wherein the subject, while not having committed any crime, can be detained and brought to a detox center. Plaintiff was passenger who attempted to film the arrest. Plaintiff arrested and beaten by defendant police. Filed Expert Witness report on behalf of plaintiff alleging false arrest, excessive force, unlawful use of deadly force and other related violations of law by defendants. Matter still pending 2019.

**Estate of Darrell W. Kempf v Trans America Insurance Company.**

**Deposition via Skype in High Falls, NY September 8, 2017.** Issues: Case involved a \$2 million dollar life insurance claim against Trans America. Darrell Kempf vanished 7 years ago, after his car was reported in a one-car accident, capsized in a California body of water. Crime Scene revealed evidence indicative of the accident having been staged. Testimony based upon my extensive experience hunting fugitives, along with first-hand experience and training involved specifically with hunting individuals seeking to escape prosecution in South America. After deposition, a favorable out-of-court settlement was reached.

**Marcia Przybysz, vs. City of Toledo, Toledo Police Department et al., Deposition in High Falls, NY April 16, 2017.** Issues: Testimony in favor of police. Thomas Prsybysz, was arrested by Toledo PD undercover officers for narcotic violations. As a result, he volunteered to be an undercover informant. After a successful buy-bust set up by Thomas, he was murdered. The suit alleges that the Toledo PD failed to act appropriately to protect the decedent from retribution. I filed a report in support of the Toledo Police indicating that as per my review, through the lens of my five decades of training and experience, and in consideration of the totality of evidence presented, the defendants have adhered to all professional and national standards and had acted in a reasonable manner. Judge subsequently dismisses all charges against defendant police officer and Monell charges against Toledo PD; cited my testimony in ruling.

**James P. Crocker v Deputy Sheriff Steven Eric Beatty et al. Deposition recorded in Kingston, NY March 8, 2017.** Issues: Sheriffs Deputy seized iPhone from Plaintiff, claiming that the seizure was “evidence” in that it contained photos of an auto accident that might contain “photographic evidence” pertinent to the fatal accident. When Plaintiff questioned officer and did not follow deputies’ orders to drive to a location and wait, plaintiff was arrested. Filed report in favor of plaintiff indicating that the arrest was false and the seizure was illegal, Internal Affairs investigation and reporting what conducted it in violation of search for truth standards, resulting in probable cause of false official reporting. Out-of-court settlement reached for an undisclosed amount.

**Cody Greene v Norwalk Connecticut Police Department. Deposition recorded in Kingston, NY March 21, 2017.** Issues: Plainclothes officers beat Plaintiff brutally during an arrest. Substandard undercover operation

resulting in undercover officers appearing like thugs instead of law enforcement; failure to appropriately identify themselves as police officers; Defendant officer resorted to the use of grossly excessive force, when little or no force was reasonably necessary. Report included significant elements of probable cause indicative of violation of search for truth standards in that investigative and interrogation leads that would have yielded incriminating evidence toward police were explicitly avoided. Report filed and deposition testimony in favor of plaintiff. Trial pending.

**Alvin Kennedy and Elizer Feliciano vs Municipality of Anchorage, Alaska. Retrial 2017. Testified in the High Profile Trial of 2014.** Issues: Retained by municipality of Anchorage as expert in defense of multiple charges including the unlawful disbandment of an undercover narcotic enforcement unit; that the two undercover officers were unlawfully searched due to racial discrimination and that the department itself was racist. I filed an Expert Witness report indicating that the plaintiff officers had in fact conducted themselves in a manner significantly contrary to National Standards of Undercover Tactics and Informant Handling practices to a degree that justified the Anchorage Department to shut down and disband the unit. I testified at high-profile trial in 2014, in support of defendants. Jury returned a verdict against all plaintiff charges except the charge of racism in which there was a hung jury. A retrial scheduled during 2017 solely on the racism charges during which I was not called to testify.

**Joseph Barone v FBI / USA. Deposition at the Southern District US Attorneys Office NY, September 16, 2016.** Issues: Mr. Barone, an 18 year protected FBI criminal informant and high level Mafia associate was engaged in a murder for hire plot. He agreed to be an informant for the FBI, however, refused to wear a wire as doing so would be a virtual death

sentence. He was then arrested and charged with a homicide conspiracy. As a result of the charges and the handling of same by the FBI, Barone was publicized as an FBI informant in the news. After having been found not guilty of the charges, he filed a suit in federal court claiming that the revelation of his identity as an informant would have him living under a death threat for the rest of his life. My expert testimony focused on the impossibility of a FBI informant (high level Mafia associate) maintaining his cover for 18 years without committing numerous and violent felonies on an almost daily basis and of the FBI necessarily being aware of and avoiding knowledge of same.

**Elliot Stoney Bowles v Captain Mark Mayon, City of Cartersville, GA et al. Deposition on March 11, 2016.** Issues: I provided expert testimony on behalf of the family of victim of a police-involved shooting, 66 year old Jeanne Murray, during a No-knock search warrant execution based on two sales of user quantity marijuana and improperly controlled and corroborated informant. Among my findings were indications that investigative and interrogation procedures and tactics that would have elicited incriminating evidence for police what avoided, resulting in false Official reporting by material omission, and that the amount of PC of cover-up, falsification of testimony etc., merited criminal investigation by federal authorities.

**MORSE v Commonwealth of Mass. Retained 2015, Provided 6 hour Deposition Testimony on January 26, 2015.** Issues: Deposition testimony based on opinions that defendant police engaged in substandard and deceptive investigative and interrogation procedures and police reporting related thereto, and as to utilized excessive force in executing a forceful and warrantless entry into the home of plaintiff.

**Dekalb County v Dove, filed Report and Testified before Grand Jury.**

**Retained in 2015, matter still pending 2019.** Retained by Dekalb County Georgia as consultant and testifying expert witness in police-involved shooting (Almy: deceased). Issues: Filed report in support of indictment. Testify before Grand Jury in Dekalb County. Also testified as to police department management attempts to avoid investigative and/or interrogation tactics that would have yielded evidence that would have incriminated police. Grand Jury recommends consideration of indictment. Matter is still pending 2019.

**Holcomb v WINKLER and City of Princeton West Virginia Police**

**Department. Retained 2015, Deposition recorded in Kingston, NY July**

**21, 2015.** Retained by Attorney David Slicer and Dominick Pellegrin. Issues: In defense of the Princeton WVA Police Department against accusations of failure to take preventative actions in case of an Officer accused of using his power and authority to coerce plaintiff into a homosexual relationship. I submitted strong, point by point report in support of the police. Deposition at Valley Reporting Kingston, New York. As result of report, Plaintiff action was rejected by court and the case was removed from the docket.

**GA v Luther Lewis. Retained 2012, Testified for Prosecution on August**

**5, 2015 before the Fulton County Grand Jury.** Issue: retained by Fulton County (Atlanta, District Attorneys Office) to review the police involved shooting homicide of Ariston Waiters by Officer Luther Lewis. Testified before Fulton County Grand Jury recommending indictment for homicide, also testified as to probable cause of cover-up. In 2015, a second Grand Jury refused to indict officer.

**Michael Rew v Cory Dietz and County of Niagara Sherrif's Department.**

**Retained 2015.** Testified at trial State Supreme Court, Niagara County, Niagara Falls, New York. October 26, 2015. Retained by Attorney Max Humann, Buffalo, NY.

**Japan v Lindsay McNicol. Testified in Tokyo on July 4, 2013.** Testified as expert in “Blind Mule” defense of woman charged with the smuggling of \$10 million in Ecstasy Pills into Japan in false bottom suitcase. Testified as police procedural expert with a focus on Japanese police avoidance of all investigative and interrogation tactics that would have yielded exculpatory information.

**WRITTEN PUBLICATIONS (PAST 10 YEARS) :**

- "That Nightmare Moment" (police use of deadly force), published by the *Los Angeles Times*.
- "Blind Mules—Fact or Fiction"—unwitting and/or duped participation in crime, published in *Law Enforcement Executive Forum* a publication of the Illinois Law Enforcement Training and Standards Board, the University of Western Illinois.
- "The Weakest Link"— Identification of Management Failures in Covert (Undercover) Operations, published in *Law Enforcement Executive Forum* a publication of the Illinois Law Enforcement Training and Standards Board, the University of Western Illinois.
- "The American Hustle"— A critique on the use of undercover tactics to "create" crime as opposed to a deterrence published in *Law Enforcement Executive Forum* a publication of the Illinois Law Enforcement Training and Standards Board, the University of Western Illinois.
- Undercover Tactics and Informant Handling" police instructional manual first published for DEA, then the State of New York and finally the State Department for police instruction in Brazil. In 2015, the manual was republished via Academia.edu and as of 2106 was listed among the top 05% - 01% of downloads globally by police agencies and researchers.