

## **Witness for the Defense**

**March 11, 1994**

### **(THE FOLLOWING CONFERENCE TOOK PLACE AT THE BENCH OUT OF THE HEARING OF THE JURY)**

**DAVIS:** At this time we would enter an objection to the defense -- the State's objection is that the defense provided us with a witness list of some one hundred and ten names, and then I think there was an additional supplementary list. Robert Hicks' name was listed with the address of Richmond, Virginia. They also -- and this is where I think the effort to deceive us existed -- they also listed an undetermined cult expert as a witness which indicated to us that if there was such a person, there was no name to him. Never did they indicate on the witness list that this person was a so-called expert. Never did they provide an address. Never until this morning were we made aware that this was, number one, an expert. Number two, provided any of his credentials as far as his background and training. Your Honor, with all those things considered, I think it was an intentional effort on the part of the defense to avoid giving us proper opportunity to check into his background, his training, his credentials and an effort to slip him up here real quick without us having any effort -- or be able to go to the effort like they did with out expert to determine exactly what his background, training, experience and education is. And in fact, given an hour to talk with him at noon, the defense spends 45 minutes with him and gives us the last fifteen minutes to talk with him to find out about his background. Frankly, without being able to check his books or writings or anything like that, there's not a lot we can do in discussions with him.

**PRICE:** Judge, as the Court is well aware, for the first two weeks of this trial the State was not contending that this was even a cult related crime. It wasn't until the fifth day of testimony that they -- and earlier in the week I had tried to go into that and the State objected and the Court stopped me from pursuing that line of questioning and waited until Tuesday when they at that point alleged that they were going to try to go with the motive of cult related crimes. We provided them with the name of the witness, with his address, and we were never asked any details about the witness and we think --

**DAVIS:** -- Your Honor, they were aware we had an expert in that area long before this. And when they provide us a name, the very essence of the rules is that you let the other side at least know who your experts are going to be and give them some reasonable opportunity to be able to contact them.

**THE COURT:** I agree you should have been given more time and notice. Everyone involved in the case has known the nature of the case and just supplying the name with no address or the purpose of his testimony probably doesn't meet the spirit of the rule, but I'm going to allow him to testify.

**(RETURN TO OPEN COURT)**

**ROBERT HICKS**

**having been first duly sworn to speak the truth, the whole truth and nothing but the truth, then testified as follows:**

**DIRECT EXAMINATION**

**BY MR. PRICE:**

**Q:** Will you please state your name?

**A:** Robert Hicks.

**Q:** Could you explain to the ladies and gentlemen of the jury a little bit about your background, training and experience and education?

**A:** I work as a law enforcement specialist with the Commonwealth of Virginia and in specific the Department of Criminal Justice Services which is the state agency which oversees training and hiring standards for law enforcement officers. I've been with that agency a little over eight years now. My primary work is to help local law enforcement administrators manage their departments better, both sheriffs and police departments. In particular I help them on a broad range of management problems, help them to develop good sound written policy. Before that I have had a variety of jobs both in and closely aligned with law enforcement. I've been a police officer with the Tucson, Arizona Police Department. Also an administrator with the Pima County, Arizona Sheriff's Department. I was also a U. S. Navy cryptological officer. I have done some private consulting as well. I got my education -- my advanced education -- almost all from the University of Arizona, bachelor's and master's degrees in anthropology, the latter of which was specifically directed -- master's degree -- specifically directed to law enforcement.

**Q:** As far as the master's degree at the University of Arizona, what type of program was that?

**A:** Technically, it was applied anthropology. It was using the methods and theory of anthropology to gain insight to law enforcement problems, specifically to help find ways to better police ethnic minority communities.

**Q:** Did you take actual classes and courses?

**A:** Yes.

**Q:** This was on the University of Arizona campus?

**A:** Yes.

**Q:** Have you published in certain fields of law enforcement?

**A:** Yes, I have.

**Q:** What are some of the areas you have published in?

**A:** Several articles concerning the connection between anthropology and law enforcement programs. Most recently dealing with the topic of so-called occult or satanic crime and involvement with law enforcement in that topic. I have written a book on that and several articles with a piece of another book as well.

**Q:** As far as the piece of -- in a different book, what book was this in?

**A:** I have a chapter in the book called, "The Satanism Scare" edited by three sociologists, Joel Best, Jim Richardson and David Romney. It is I think slated for the academic book market. It is part of a series of sociological studies.

**Q:** Were there some other articles that you published on the -- whether or not satanic crimes actually exist or do not exist?

**A:** Yes. There are probably a dozen, maybe more, short articles for various bulletins and newsletters, the titles of which I can't remember at the moment. There were two articles for a publication called, The Sceptical Inquirer. Another publication for the American Library Association Journal. I don't know whether you'd count these -- some public talks were transcribed and circulated, but technically they are not publications.

**Q:** Have you also published in the area of astronomy?

**A:** Yes, I have.

**Q:** You mentioned earlier that you have published a book under this topic. What is the name of your book?

**A:** The name of the book is In Pursuit of Satan, the Police and the Occult.

**Q:** As far as the area -- you testified earlier you formulated policies and procedures of police departments. Is one of the areas that you cover learning about different types of trends in law enforcement?

**A:** Yes. It is part of my responsibilities at the Department of Criminal Justice Services to keep abreast of professional trends in law enforcement.

**Q:** Was this book, In Pursuit of Satan, the Police and the Occult -- was that an outgrowth of that, keeping up with some of those trends?

**A:** Yes, sir, it was.

**Q:** How did that develop?

**A:** In 1986, '87, thereabouts, we began noticing rising numbers of professional seminars for and by law enforcement officers on this broad topic of satanic crime, occult crime, cult related crime. It went by several names. As part of my process to monitor and help interpret new professional trends, I began to attend some of the seminars, particularly those that were for law enforcement only, simply to gather what was going on, how significant a problem it was. As I began to attend the seminars, I began to form a suspicion that some of the information presented was not accurate enough for police practice. In fact some of it I thought was unconstitutional. Some of it I thought was downright illegal in other ways. So as I began to research this, I formed the idea of doing some writing to present some skeptical viewpoints about this and so I therefore wrote the articles, and that eventually led to the book which is a study of law enforcement response to this phenomenon.

**Q:** The phenomenon is in response to existence or non-existence of occult type crimes?

**A:** Yes. Specifically, the fear that had developed and was communicated through law enforcement seminars that a belief in satanism was on the increase, however that was defined. And that a belief in satanism or certain occult subjects was indicative of criminal behavior as well and that people found to be practicing these other religious behaviors might also be engaged in crime. That was the central ideology of these occult seminars and as a result of that belief, various checklists were circulated, presented as lists of indicators of what one might look for to uncover this kind of crime. My book challenged the premise that there is any rising criminal problem with this. It also challenges the idea that law enforcement requires any particular resources or new investigative strategies to get at this.

**PRICE:** Your Honor, at this time I'd like to submit Mr. Hicks as an expert in the field of police policies and procedures particularly as dealing with the trend of whether or not cult related crimes actually occur.

**DAVIS:** Your Honor, may I take him on voir dire?

**THE COURT:** Yes.

#### **VOIR DIRE EXAMINATION**

**BY MR. DAVIS:**

**Q:** As I understand it, you are -- you indicated you're in law enforcement but you're not a law enforcement officer?

**A:** At the present time, no. That's correct.

**Q:** And you last were a law enforcement officer in '80?

**A:** I ceased being a sworn law enforcement officer in 1980. That's correct.

**Q:** As far as working in day-to-day activities that most police officers do, you ended that in 1980, correct?

**A:** For the most part. While I was in the Navy, I also had duties as a legal officer and occasionally conducted criminal investigations.

**Q:** Now -- excuse me. I'm having a look over your resume. We learned about you this morning at 9:30. Since that time you have been primarily in administration. Is that correct?

**A:** Yes, that's right.

**Q:** Now you work for the State of Virginia?

**A:** That's correct.

**Q:** Your job for the State of Virginia is to drive around and -- or find out ideas about -- give ideas to law enforcement agencies?

**A:** I -- I -- you're close but not quite on the mark.

**Q:** What do you do? What is your job?

**A:** The section of the Department of Criminal Justice Services I work in is charged with delivering assistance to the localities. To give you specific examples, the two most prevalent pieces of work I perform -- one is to assist law enforcement agencies to develop good, sound written policy and to train and supervise their people accordingly. I will spend a lot of time on site with an agency helping them from scratch to overhaul or develop good, sound written policy which requires a fairly intimate day-to-day look at the agency. The second piece that occupies the remainder of my time is to perform management studies on request by the same agencies, and those studies almost always are complete top to bottom assessments of how an agency conducts its business, which means I and other members of the law enforcement section staff would go out to the agency, we would spend a great deal of time with everyone from the field practitioner on up to the chief or sheriff. Basically turn the department upside down, inside out, see how it works, and give them an assessment of their strengths and weaknesses.

**Q:** You are located in the state capitol?

**A:** That's where my office is.

**Q:** You don't just look into the criminal investigative division of these agencies. You look at it you said from top to bottom -- bookkeeping, how they pay overtime, all the various policies of the police department?

**A:** Yes, sir, including criminal investigation.

**Q:** But that is a fraction of the overall picture of what operated in a law enforcement agency, correct?

**A:** That's right.

**Q:** Your job is basically to come from the state capitol out to these surrounding areas and give them ideas and look over the whole way the business is run, correct?

**A:** Yes, sir.

**Q:** Are you on the payroll for the State of Virginia today?

**A:** I'm using my leave time but technically I'm on the payroll.

**Q:** As an expert here, has it been discussed a fee that you would be paid for your testimony?

**A:** Yes, sir. My travel expenses here and back were covered and I asked for a fee to cover my time away from work.

**Q:** What is that fee?

**A:** Five hundred dollars.

**Q:** Is that based on an hourly rate?

**A:** It was in part based on an hourly rate. It was in part a spur of the moment figure that I thought was a reasonable compensation for my time, particularly since I do consulting work on policies and procedures, and it is the same rate I charge for that.

**Q:** What items have you reviewed in order to come in here today to present your testimony?

**A:** I have reviewed a few transcripts, one interview with Vicki Hutcheson --

**Q:** Do you have those items with you?

**A:** I'm afraid I have them in my briefcase. May I get them?

**Q:** Yes, if you would please.

**PRICE:** (HANDING)

**THE WITNESS:** Thank you.

**BY MR. DAVIS:**

**Q:** You said first you had an interview with Vicki Hutcheson? That's one of the documents you reviewed?

**A:** A transcript of a statement from Vicki Hutcheson is one document.

**Q:** You don't know whether she's a witness in this trial or what role she played in this particular investigation, correct?

**A:** On the way over here I believe I asked if she was one of the people testifying. I believe the answer was no.

**Q:** What else did you look at?

**A:** A document called, The Four Faces of Satan by Dale Griffis. Newspaper articles about Dale Griffis' testimony.

**Q:** You looked at newspaper articles?

**A:** Facsimile copies of newspaper articles that appeared I guess two or three days ago in this area. Once is an information memorandum about an interview with Vicki Hutcheson by Don Bray, Marion Police Department.

**Q:** That was somebody with the Marion Police Department?

**A:** It is typed, "Don Bray, Marion Police Department."

**Q:** Did you have information that the Marion Police Department was one of the primary investigating agencies in this case?

**A:** Outside this document, if I did, it didn't register.

**Q:** You didn't know whether they were involved in the investigation of this particular crime or not?

**A:** No, sir.

**Q:** What else did you have?

**A:** I also have an interview from December, 1993, Detective Bill Durham from West Memphis with Jerry Driver about Damien Echols, about his behavior in 1992.

**Q:** So that was a document generated not in the course of this investigation but from 1992?

**A:** If I understand correctly, this is a discovery document from the criminal trial just ended.

**PRICE:** This was provided in discovery. It was Mr. Driver talking about things that took place prior to the murders.

**BY MR. DAVIS:**

**Q:** Oh, so that's an interview between Officer Durham and Probation Officer Jerry Driver?

**A:** Yes, sir.

**Q:** What else did you have?

**A:** A document entitled, "Investigative Report, Triple Homicide Byers, Moore, Branch" and it is not signed. Yes, it is. Detective Ridge.

**Q:** And that's an investigative report. Does it have a date on it?

**A:** May 28, 1993. It is a summary of the interview with Vicki Hutcheson.

**Q:** That relates back to the narrative statement that you also reviewed?

**A:** Yes, sir.

**Q:** What else did you have?

**A:** A statement -- well, it is a list provided by Dale Griffis to officers in this case, mostly question and some points of observation about the crime scene.

**Q:** Did that document appear to be in response to some information that was sent to him by the police department?

**A:** It did.

**Q:** And do you also have the information sent by the police department?

**A:** I thought that was one of the responses. Here it is. "Responses to Questions of Doctor Griffis dated 1-27-94."

**Q:** That would have been less than two months ago that that information would have been supplied to Doctor Griffis, correct?

**A:** Yes, sir.

**Q:** Any other documents that your opinion would be based on?

**A:** Just one other document. A book called, Satanic Cult Awareness. Gaylon Hurst and Robert Marsh are listed as presenters. It's apparently a seminar handout.

**Q:** That document -- that is not attributed to Doctor Griffis, is it?

**A:** I happen to know a lot of the information in its is from Doctor Griffis. His name is cited inside so he contributed some of this material.

**Q:** That's not his book, is it?

**A:** That's not his book.

**Q:** Do you have any idea how that played -- if it even played a role in this investigation?

**A:** I do not know exactly how it might have been used.

**Q:** Have you got any other basis for any opinions or testimony here today other than those items that you have referred to?

**A:** When I arrived at the courtroom, I have spoken to defense counsel. I spoke to defense counsel I think twice on the telephone and one of his investigators twice, I think.

**Q:** Had you rendered any opinions to defense counsel prior to coming here today?

**A:** I believe I -- yes, I certainly exercised an opinion about the satanic cult seminar material and the Dale Griffis material.

**Q:** Did you formulate any new opinions after talking with defense counsel prior to coming on the witness stand?

**A:** No, sir.

**Q:** When was it that you first formulated an opinion and advised defense counsel as to that opinion?

**A:** Perhaps a month ago when I received this information in the mail and had a chance to read it and commented to the investigators assisting the defense counsel my opinions of the seminar material.

**Q:** Was that a Mr. Lax that contacted you?

**A:** Ron Lax.

**Q:** The private investigator?

**A:** Yes, sir.

**Q:** How many other cases have you testified in behalf of defendants in criminal cases?

**A:** None.

**Q:** You indicated most of you work was with defense counsel?

**A:** Civil cases.

**Q:** How many times have you testified in behalf of the defense in civil cases?

**A:** Perhaps eight or nine times.

**THE COURT:** What kind of civil cases?

**THE WITNESS:** Cases in which matters of police policy came up where a matter was alleged that deficiency in policy might have led to constitutional law violations, federal civil rights cases.

**BY MR. Davis:**

**Q:** Were any of those cases -- did they have anything to do with the influence of religious beliefs on the commission of crimes?

**A:** No, sir.

**Q:** Have you ever testified in the courtroom regarding the impact of religious beliefs and motivation for crime?

**A:** No, sir.

**Q:** Have you ever qualified as an expert to speak in those areas or testify in those areas?

**A:** Specifically on religious ideology --

**Q:** And its relationship to criminal activity?

**A:** No, sir.

**Q:** Did I understand you to say that you authored a book on astronomy?

**A:** I have written a few papers on astronomy.

**Q:** Your primary degrees are in anthropology, is that correct?

**A:** Yes, sir.

**Q:** What is the difference between anthropology and archaeology?

**A:** Anthropology is really the broader term, easily defined as a study of man. Archaeology is a component of that, obviously everybody knows, related to the study of culture in the past.

**Q:** So it is -- you have a degree in the study of man, is that right?

**A:** Two degrees.

**Q:** It is your understanding that your testimony is to be in what regard?

**A:** I have assumed that I was here to comment on the satanic cult training material for the police and its possible use in this investigation.

**Q:** And you don't know how it was used in the investigation, do you?

**A:** No, sir, I don't specifically know that.

**Q:** And would it be fair to say then that any opinions you would have would strictly be speculation?

**A:** About the use of those documents?

**Q:** Yes, sir.

**A:** Yes, sir, that would be true.

**Q:** That is what you said you were here to testify about?

**A:** Yes, sir.

**DAVIS:** Your Honor, at this time, we object to his testimony in that it would be based on speculation alone in the area he is here to testify in. He said that under oath.

**PRICE:** Judge, he's here to testify about his opinion. Of course, experts testify about opinions all the time. He's also here to testify in response to the opinion that Dale Griffis gave that this crime had trappings of a satanic crime. Certainly based on his educational background, training and experience he's certainly qualified if not more qualified than Dale Griffis was to give that opinion so I think he should be submitted as an expert.

**DAVIS:** Your Honor, the only way I can know what he intends to give an opinion on since we didn't know about -- we didn't have his telephone number or address or that he was an expert until 9:30 this morning -- was to ask him and he told me what he was here to give his opinion on and he stated under oath that that would require him to speculate in order to give an opinion regarding those matters. I think he's quite honest with us. He said he didn't know how those interacted with the investigation. If his testimony -- whether he's an expert or a non-expert witness -- if his testimony is speculation, then it is not admissible.

**PRICE:** Judge, the Court's aware that when Doctor Griffis testified earlier this week, he testified that before he came to court he had no opinion on whether or not this was a cult related crime and then he only formulated his opinion once he showed up on the stand and testified.

**THE COURT:** I don't have any problem with him making his opinion based upon facts and information given to him here today. I don't have a problem about that. I do have a problem based upon a couple of his responses to questions just asked. An opinion is an opinion. And an inference is an inference. But for it to have any benefit for the jury, it needs to aid and assist the jury in an area for which they would not have any particular knowledge. So if you want to take him a little further and see where it leads, I'll let you do that. I mean, clearly, he possesses the qualifications to testify in the field of anthropology, and I don't have a whole lot of problem with

him testifying if his testimony will relate to his knowledge of the works of Griffis and his differences with his opinions.

**PRICE:** That's part of his testimony, your Honor.

**THE COURT:** I think that's apparent from your cross examination the other day. Take it a little further.

**FOGLEMAN:** Your Honor, one thing before we get started. May we approach?

**(THE FOLLOWING CONFERENCE TOOK PLACE AT THE BENCH OUT OF THE HEARING OF THE JURY)**

**FOGLEMAN:** Your Honor, when we were in the back room earlier, we had objected to them going into policies and procedures or absence or the way the police did and we want it on the record --

**THE COURT:** He indicated he wasn't going to do that.

**PRICE:** I was asking him about that as a basis of his qualifications, your Honor.

**DAVIDSON:** We do want to say that it's our -- it is our purpose to go into policies and procedures of the West Memphis Police Department and this man as being an expert in that area and that your Honor ruled that we could not get into those areas over our objection.

**THE COURT:** That's right. It's my ruling that it doesn't matter what policies, if any, they had. It's what they did under the particular situation and facts of the case that are relevant.

**(RETURN TO OPEN COURT)**

**CONTINUED DIRECT EXAMINATION**

**BY MR. PRICE:**

**Q:** I'd like to ask you some more questions about the premise that is contained in your book, The Pursuit of Satan and if you could explain to the ladies and gentlemen of the jury--

**DAVIS:** Your Honor, is this additional voir dire?

**THE COURT:** That's what I'm taking it to be, yes.

**PRICE:** The Court just ruled -- testified -- stated that my client could go into some of the differences in the opinions of Dale Griffis and in order to develop his expertise. I think I'm entitled to go into his book which the book certainly goes to his qualifications and matters contained in his book and how that relates to Dale Griffis so that we can qualify him to make his opinion.

**THE COURT:** Go ahead.

**BY MR. PRICE:**

**Q:** I'd like to ask you come more details about a premise contained in your book and the area of cult cops and things you have done research on.

**A:** Yes, sir.

**Q:** If you could explain to the ladies and gentlemen of the jury how you began doing research in this area and some of the specifics and what type of empirical data you have been able to find in doing this research?

**A:** The beginning of the research was attending the actual seminars given to police audiences by police practitioners. The people giving these seminars are police officers who are giving them because they claim to have enough investigative expertise to know more than everybody else in the room. And that's how a lot of police training actually operates. These are courses that are offered for in-service credit in Virginia so officers can retain their certification. This would be one among many other topics. In listening to these seminars a number of claims were made and among them that this satanic problem in the country involved four levels of activity all of which impinge on criminality in some way, such as at one end the seminars posted dabblers as teenagers, young adults listen to a lot of heavy metal music, sport emblems, symbols from that or from quote/unquote occult literature. At the other end of the spectrum, officers are saying you have satanists that are underground in society. Visibly they're responsible people like everyone in this courtroom but by night they practice satanic rituals, which involve murder, kidnapping, mutilation, what have you. I was particularly interested to chase down the criminal aspects of this because my primary interest is what is in this for law enforcement, what should be a matter of law enforcement policy, what should be a matter of law enforcement training. The more seminars I attended, the more investigators I talked to, I began finding that the most alarming claims made did not come from field experience but they came from secondhand information. So I set about to try to track down this information, the claims made, to the course if I could. The outcome of that was not only the book but many conversations both with investigators, academics, even legislators, since this came to the interest of our state general assembly. It came to talking to people who even proclaimed to be involved with satanic worship, quite a few people. The upshot of the research was that the most alarming claims appeared to have no validity in fact. We have no evidence at all to support the idea that there's this underground cult that kills upwards of fifty thousand people a year, which is a figure by the way that Dale Griffis has claimed in his own teaching which I have heard directly. He and other cult cops, as they are popularly called both in and out of the profession, have maintained that as well as maintaining on the other end of the scale listening to certain kinds of music, dressing in certain ways, wearing certain kinds of jewelry, is one step closer to being enslaved by a satanic cult which is going to make you commit crime, very violent crime.

**Q:** In doing the research on your book did you actually study the methods and materials and writings of Dale Griffis?

**A:** Yes, I did.

**Q:** Explain to the jury -- what -- in doing that study -- what are some of the things you found out?

**A:** Well, with Dale Griffis I started not only with his public talks both in front of the public and also for law enforcement only. I also obtained from him information about his doctorate dissertation--

**DAVIS:** Your Honor, may we approach the bench?

**(THE FOLLOWING CONFERENCE WAS HELD AT THE BENCH OUT OF THE HEARING OF THE JURY)**

**DAVIS:** Your Honor, it would be appropriate -- this is an objection that I thought should be made out of the jury's hearing. For him to go into the writings and background and credentials, his knowledge of these writings of whatever of Dale Griffis, to attack his credibility -- this is extrinsic evidence to attack the credibility of another witness -- if Val wants to ask him specific questions as far as Doctor Griffis' opinion here and then say I disagree with that or whatever but --

**THE COURT:** Give his reasons.

**DAVIS:** -- but for him to go into all his writings and speeches and say I've listened to that, this is what he said, I don't agree with that. That's not right. That's extrinsic evidence to attack the credibility of the witness.

**PRICE:** Judge, it is my opinion that his book is a learned treatise in his area and I'm entitled to use a learned treatise on direct examination. And part of the learned treatise -- this man has read Griffis' dissertation, he has read other books that Griffis has published, and he's analyzed those. He's studied them. He's compared them with the empirical data that does not exist.

**DAVIS:** I don't have a problem with him asking questions specifically about what Doctor Griffis testified at trial because that's in evidence and he can ask him that and if he has a different opinion, he can certainly testify to it. But if he's going in and ask him , have you read ten thousand books and what do you think of those books, that's not in evidence. It's not relevant.

**THE COURT:** I think he needs to confine his testimony to Doctor Griffis' testimony in court and if he has a contrary opinion to what he's testified to in court, then fine. But to go into all of his writings and all of his beliefs, I kind of agree it's a waste of time.

**PRICE:** Is the Court now making the ruling that he's an expert --

**THE COURT:** I'll let him testify as an expert in anti-cult -- what was the word -- nontraditional --

**DAVIDSON:** That's his term.

**THE COURT:** Well, he is the antithesis of that. I'm going to let him testify in that regard.

**(RETURN TO OPEN COURT)**

**PRICE:** Are you going to announce that he's an expert, your Honor?

**THE COURT:** Well, I never announce that anyone is an expert. What I usually say is you can proceed.

**MR. PRICE:** All right. Thank you, your Honor.

**CONTINUED DIRECT EXAMINATION**

**BY MR. PRICE**

**Q:** In the opinion that Dale Griffis gave in this courtroom was that this particular crime had the trappings of a satanic crime and that as it goes to whether or not that was a particular motivation in this crime. I'd like to ask you now some of the factors, for lack of a better term, there are some lists of certain factors that Doctor Griffis used to base his opinion on and first I'd like to ask you, are you familiar with certain types of lists which some cult cops use to analyze whether or not a crime fits into a quote satanic crime?

**A:** Yes, I am.

**Q:** If you could explain to the jury a little bit about those lists?

**A:** These are checklists that are circulated at the training sessions. they are offered up for the officers to take away, stash away, until they think they see any of these elements. Then they are to pull out the lists and try to compile a picture. The elements on these lists are flags, things to look for to alert the officer that he might be dealing with either a satanic group or some other identified group -- satanist, occult groups -- they go by different labels. These characteristics include a wide variety of phenomena ranging from, look to see if a crime occurred on a specific date that may correspond with a pagan holiday to there may be alphabet signs and symbols which the officer is encouraged to look for. Those are some of the salient features of the lists. The lists could have all sorts of other information as well. The actual lists would number into the thousands of characteristics.

**Q:** In this case there's been testimony that the satanic cult awareness pamphlet was one that was used by the investigators in this particular case.

**FOGLEMAN:** Your Honor, I object to that. I don't remember any such testimony.

**PRICE:** Judge, I asked Officer Ridge about this particular book. I do remember him testifying about that

**FOGLEMEN:** That is was used in the investigation?

**PRICE:** Yes, sir. It was also provided by the West Memphis Police Department in discovery.

**THE COURT:** Gentlemen, if I answer yes or no, then I'm commenting on the evidence. Frankly I can't tell you right now whether or not there was any testimony or not.

**FOGLEMEN:** You Honor, I object to the form of the question because that is a matter not in evidence. It is our position that that was not testified to.

**PRICE:** Can I ask if the State wants to stipulate that the West Memphis Police Department used this particular booklet during their investigation?

**FOGLEMEN:** Your Honor, as far as the investigation, no. We will not stipulate to that.

**PRICE:** Will the State stipulate that the West Memphis Police Department did not use this booklet?

**FOGLEMEN:** We will stipulate that they did not -- in the investigation of --

**PRICE:** -- That's right. In the investigation of this murder.

**FOGLEMEN:** Are you referring up until the time they were arrested?

**PRICE:** I'm referring to May 5th, 1993.

**FOGLEMEN:** It depends on how you define the period. As far as the investigation leading up to the arrest, we will not stipulate that that was used.

**THE COURT:** Did they have the book sometime after the arrest?

**FOGLEMEN:** I'm not sure when it was received. I can find out.

**THE COURT:** That's what we'll have to do if you're not willing to stipulate. You're going to have to call witnesses.

**PRICE:** Can I ask him a hypothetical, Judge?

**THE COURT:** Hypotheticals are supposed to be in evidence so --

**PRICE:** -- So is the Court saying hypothetically I can or cannot ask this witness? May we approach the bench?

**(THE FOLLOWING CONFERENCE WAS HELD AT THE BENCH OUT OF THE HEARING OF THE JURY)**

**THE COURT:** I don't remember -- I remember Ridge saying contacted or -- the way I remember his testimony is that the probation officer gave him Griffis' name and that's how he got in touch with Mr. Griffis.

**FOGLEMEN:** I was the one that contacted Griffis.

**THE COURT:** Where did you get that book?

**FOGLEMEN:** I got it from Doctor Paul King.

**PRICE:** My question is why did the State send us this in discovery if they didn't use it?

**FOGLEMEN:** Because a whole bunch of crap was sent to us and I sent all the crap I got.

**PRICE:** I submit they used some of this crap in formulating an opinion --

**FOGLEMEN:** -- Your Honor, I'll go ask and see if we can stipulate --

**THE COURT:** -- I don't remember the officer saying he used that manual. You think he did?

**PRICE:** I though he did, you Honor. Particularly on page 32 the list that he stated, some of those are straight off --

**THE COURT:** He might have in the in-camera hearing. I don't remember him doing it in evidence.

**DAVIS:** Judge, I think -- and I can't swear to it -- I think this stuff was mailed to my office directly from some guy up in Michigan who sent his card along with it and I just put it back in the mail and sent it over there. I think it was sometime well after the arrest, after this got a lot of publicity and some guy -- it may be that guy right there.

**PRICE:** I though Hurst and Marshall from Little Rock did this.

**DAVIS:** I thought that is where it came from, but I don't think Ridge testified that relied on it. The only testimony I remember was when it was shown to Griffis and Griffis said, the picture on the front is mine.

**THE COURT:** I don't think it makes that much difference. All this guy is here to do anyway is say he doesn't believe anything Griffis says or does.

**PRICE:** Right.

**DAVID:** Why don't you hold up on that until John gets back?

**PRICE:** I'll do that.

**(RETURN TO OPEN COURT)**

**BY MR. PRICE:**

**Q:** There's been specific testimony from Dale Griffis in which he formulated his opinion that this crime had trappings of Occultism. There were three initial factors he discussed, one being the dates, the second being there was a full moon, and the third being the removal of blood. Particularly going with the first figure about the dates, there's testimony that on May 1st was Beltane and April 30th was -- Walpersnaucht?

**A:** Walpersnaucht, yes.

**Q:** Are you familiar with those particular dates as part of the factor that cult cops use in making a determination in similar cases?

**A:** Yes. Those dates frequently show up on these checklists we've been talking about as indicators of a possible cult in the neighborhood, to look for activity that occurs in those times.

**Q:** Is there any specific empirical data on whether or not a particular crime that's been committed has been a cult related crime based on these particular dates?

**A:** No, sir. There is no empirical data to my knowledge. I can only think of one study which only examines the common assumption that lots of crime happens at the full moon. That study shows it doesn't necessarily.

**Q:** Are you familiar -- I believe Doctor Griffis testified that there were -- according to his calendar -- there were thirteen or so satanic dates of which he focuses in on to determine whether a crime occurs on those dates or not. Are you familiar with a kind of calendar list such as that?

**A:** Yes, I am. There's such a list in this document.

**Q:** As far as -- is there anything else, any other particular, as far as the basis of that, it takes place on a particular date and if that date happens to fall on -- actually I think his testimony was if it fell within a week of a particular date, then that was a factor to be considered. Is there any other basis or -- in that being the particular date that a satanic type crime falls on?

**A:** I'm not sure how good an answer this is to your question. I can only say since we're talking about what is in the data and what empiricism shows, my agency, ah, sits on the, ah, reported crimes for Virginia. Ah, there's a new system out called Instant Based Reporting of Crime Around the Country which gives us a lot of information we didn't have before. I can tell you that for Virginia and at least a few inquiries I've made about this nationally, we see no influence of these dates on the prevalence or absence of violent crime one way or the other.

**Q:** Another factor that Doctor Griffis discussed was the manner in which the victims were tied. I believe his testimony was, "in a display fashion." Earlier today did you have a chance to look at some of the crime scene photographs which showed the manner in which the three victims were tied?

**A:** Yes, sir.

**Q:** Is there any empirical data as far as the manner in which the victim is tied if that specifically ties into whether it is a satanic or occult type crime?

**A:** There's no, I suppose the best way to phrase it, simply finding a body bound in that fashion in and of itself is no clue to a religious ideology that I know of.

**Q:** In the field of law enforcement are there other explanations as to why a body could be tied in that manner besides a cult related killing?

**A:** Oh, yes, sir.

**Q:** What are some of those?

**A:** We certainly -- I think law enforcement agencies everywhere have found adults bound in strange fashions and found dead. Some of those are termed autoerotic deaths, that is, you bring on some strangulation to help simulate nearness of death to get some sort of sexual satisfaction. Some people unfortunately die while doing that. Since this case involves children, obviously I would not offer that up as an explanation. I have investigated when I was a police officer sex crimes that involved tying of victims and killing them.

**Q:** Another factor used by Doctor Griffis in making his opinion was the type of injury, particularly the removal of the testicles and the manner in which the penis was carved upon, the skin being removed and the head being removed but the shaft still being there. Are you aware of any particular studies or data in which that type of injury has resulted -- well, let me put that right -- a cult related type crime has resulted specifically in that type of injury?

**A:** Would you mind asking that question again?

**Q:** There was testimony about the type of injury that the boys had, particularly one individual, Chris Byers, was castrated, I believe the Doctor Griffis used the word, crytos, and also the fact that the head of the penis was removed and the skin around the shaft was removed. Are you aware of any empirical data or any studies indicating that an occult crime is the cause of that particular type of injury?

**A:** I have never seen any empirical data to support the idea that a body was mutilated in that manner incident to a religious ritual, is the best way I can answer that.

**Q:** In addition he also testified about the torture that -- in this particular case based upon the beatings that the victims received. Is there anything in and of that in which there's any kind of empirical data or studies that you're aware of that the particular manner in which the children were beaten was as the result of an occult crime?

**A:** I only know of one example where heads were beaten incident to a religious ritual. Those rituals occurred three thousand years ago. Since then, at least in our culture, I'm not aware of any.

**Q:** Doctor Griffis testified about a Rhode Island case that he testified he was involved in but he didn't remember the date or the name of the place in Rhode Island in which a pentagram -- it was actually found at the crime scene -- and I think the body was tortured and later burned. Are you aware of that particular case?

**A:** The description you just gave doesn't apply to anything from Rhode Island in my mind. I have heard of an incident in California almost ten years ago. That's the only thing I can think of that is somewhat similar.

**Q:** In addition another factor that he used to base his opinion was the presence of water. Is there anything unique about the presence of water -- and of course in this case you had a chance to -- we reviewed the crime scene photographs with you. You saw the area where the bodies were found. Is there anything about the presence of water that determines whether or not a crime can fit into a cult crime category?

**A:** I would say no, but I have a small problem with part of your question when you say "cult crime."

**Q:** Okay.

**A:** Part of the reason I wrote my book is because of the loose terminology. As far as I'm concerned, a crime is a crime and to put the word cult in front of it simply adds a big cloud of smoke and the term loses precision.

**Q:** Another factor he testified to was the absence of blood -- and I think -- going back to the factor about the presence of water. Is there anything that you're aware of, any empirical data or studies about the presence of water, if that is a factor that is used in an opinion whether or not a crime has the trappings of occultism?

**A:** Well, I will answer the question, but again trappings of occultism to me is a meaningless phrase.

**Q:** All right.

**A:** I'm not aware of a body of water playing a significant role in any religiously motivated serious crime.

**Q:** The factor of water -- in doing some of your studies particularly in the book -- have you studied different types of satanist beliefs and Wiccan beliefs and other religious type beliefs of that nature?

**A:** Yes.

**Q:** In your book you discuss the different -- one area you covered before actually going into the cult phenomenon itself. Have you found in your studies that in some of those religions that water is a factor?

**A:** Since you mentioned the Wiccan beliefs, I would say water probably figures significantly.

**Q:** Are there -- strike that. One moment, your Honor. Did -- going back to that last question, in the Wiccan religion what would water represent?

**A:** I'm probably not the person to be a spokesman for that religious viewpoint. All I can offer you is since this is a religion that claims an origin that precedes Christianity and involves goddesses, spirits that infuse living things, obviously water is a living thing to them and is a powerful symbol but a very favorable, benign one at least.

**Q:** Let me show you State's Exhibit Number 28. Have you had a chance to look at that photograph?

**A:** Yes.

**Q:** There was some testimony -- it might be better to put this in a hypothetical -- if there was testimony from the law enforcement officers that appeared on the scene that that portion on the side of the bank there appeared to be cleaned up and even looked like it had scuff marks, that there was no leaves -- I believe the testimony of Officer Ridge and Officer Allen that that was a clean area. In addition based on one of the factors that Dale Griffis referred to was that that was a cleaned up area. Are you aware of any specific empirical data that a clean crime scene has any kind of indications of an occult type crime?

**A:** Well, it is claimed by Griffis and it's claimed at the seminars that when the underground satanic cult conduct their rituals and murders, they dispose of the bodies and they clean up all traces of the ritual. I mean that is claimed. We certainly have no examples of any of these things. But the claim also goes so far as to say the fact that they clean it up so well is evidence of their success. So if you find a crime scene with nothing there, that could also mean satanists certainly used the spot. That's the claim.

**Q:** Are there other opinions in law enforcement that a crime scene that looks the way that one does -- described by the other officers as a cleaned up crime scene -- is there any other explanation in law enforcement areas of what that could mean besides it is a satanic crime?

**A:** Are you asking me -- all right, if I assume that the crime scene was in fact cleaned up, could it be something other than satanic?

**Q:** Yes, sir, that's what I'm asking at this point.

**A:** I'd say it could be any number of possibilities.

**Q:** What are some of those possibilities for the jury?

**A:** Well, first of all --

**DAVIS:** Your Honor, are we delving off here into an expert in criminal investigation? Because if he's giving an opinion as to criminal investigation, my understanding was he was a police officer on the beat for six years and the last time he did that was in 1980, and he has been an administrator since then so I don't know that he's trained or qualified as a criminal investigator.

**PRICE:** Judge, it's a premise of the West Memphis Police Department that this is a cleaned up crime scene and, therefore, is a satanic type crime. I'm certainly entitled to ask this officer based on his experience and knowledge if the -- if indeed it is in fact a cleaned up crime, what other probabilities could that be.

**THE COURT:** All right. Go ahead.

**BY MR. PRICE:**

**Q:** You may proceed.

**A:** To answer your question, do I assume that this is the crime scene and do I assume it has been cleaned up before casting about an opinion of other things it could be.

**Q:** I first want you to assume that it has been cleaned up, and then I'll ask you a further part of that.

**A:** If I assume that this is the crime scene and the criminals have cleaned it up, I would say that's like most crime scenes I investigated as a police officer where somebody tried to hide the evidence or hide evidence that they had been there and done the deed.

**Q:** By looking at that same picture for the hypothetical, if you assume that the bodies were found in the water but nothing was cleaned up, could that also mean something else?

**A:** I think I said there are any number of possibilities. If the crime scene had not been cleaned up and bodies were in the water, there still might not be any more evidence than I see in this picture. Am I answering according to the way you're asking me --

**Q:** -- All right --

**A:** -- I'm not sure if I'm in the same area.

**Q:** All right. Going on to another topic, is there any empirical data as to if injuries to the victim occur on the left side of the face as opposed to the right side -- is there any empirical data as to what -- if a religious crime occurred or did not occur?

**A:** I'm aware of no empirical data to tie injuries on one side of the face or the other to any religious ritual.

**Q:** I'd like to show you some items here that my client owned at one time. I'd like to show you State's Exhibit 123. In looking at that document right there, there has been some testimony that that was something my client Damien Echols had and had written that item at least two years prior to the murders which would have been two years prior to May 1993. In looking at that document right there, can you make any -- is there anything of particular religious significance by looking at that document?

**A:** None in particular that I see.

**Q:** What does that appear to you to be?

**A:** It appears to me to be a notebook, some random thoughts, quotations. I have seen other similar notebooks.

**Q:** In addition in the back there's probably some lyrics to a heavy metal Metallica song. In your study of this phenomenon -- is heavy metal and rock groups -- is that something that the cult cops look at in determining -- when they make their opinion that some type of a particular crime could be a satanic or cult crime?

**A:** Yes. In fact cult cops, as we have gotten into the habit of using that term, have recommended at seminars to other officers that they find ways to go into rooms in homes where the teenagers live, find out what music they listen to, see what books they're reading, see if they are keeping notebooks like this.

**Q:** I'd like to show you some other documents, State's Exhibit 112. Are you familiar with that particular picture?

**A:** I have seen this before. I can't be certain of the source.

**Q:** Also there's testimony -- this particular picture and I don't even know the name -- 111 -- the testimony was that it came from a skating magazine.

**A:** (NODS HEAD)

**Q:** I'd like to show you what is introduced as State's Exhibit 110.

**A:** (EXAMINING)

**Q:** I'd like to show you State's Exhibit 113 and 114 which were posters in my client's room and Exhibit 116 which looks like an animal skull.

**A:** (EXAMINING) All right.

**Q:** In your studies are you aware of any particular empirical data or studies that the possession of that type of material leads to some type of criminal activity or satanic crime?

**A:** This, of course, is much debated and there are many people who will attest that these will lead to darker thought and darker actions. There's no empirical evidence to suggest that the music does not cause the kind of harm that is imputed to it, that is that it will lead people to commit crimes.

**Q:** The item on top -- the book that appears to have spells or potions or something of that nature. Is there anything in particular about -- if the testimony was that those writings were written a year prior to the murders, is there any significant studies you're aware of that anyone that writes or has a book that contains that type of material a year prior to a murder, that that is any type of motivation for a particular crime?

**A:** I'm aware of no empirical study whatsoever that links in any way, either as a causative factor or any other way, this sort of writing with the commission of crime.

**Q:** In the studies that you have one are you aware of the writings of Ken Lanning with the FBI?

**A:** Yes, I am.

**Q:** Has he also studied this area that we've been discussing today?

**A:** Yes, he has.

**Q:** Are you aware of particular writings he has done and what his opinion on the subject is?

**A:** Yes, I am.

**Q:** What is that opinion?

**DAVIS:** Your Honor, this is just rash hearsay.

**THE COURT:** Sustained.

**PRICE:** I think if the works of Mr. Lanning could be considered a scholarly treatise, I think I'm entitled to ask this witness about the writings of Kenneth Lanning of the FBI.

**DAVIS:** Your Honor, we would object unless he has the treatise here and we can look at the whole document.

**THE COURT:** I don't see how it relates to anything involved in this case. I sustain the objection.

**PRICE:** If we could approach, your Honor.

**THE COURT:** All right.

**(THE FOLLOWING CONFERENCE WAS HELD AT THE BENCH OUT OF THE HEARING OF THE JURY)**

**THE COURT:** Is there any particular theory that this man espouses that --

**PRICE:** Yes. It is the Behavioral Sciences Unit of the FBI of which the West Memphis Police Department was contacting on the tenth of which the facts --

**THE COURT:** -- Now, wait a minute. The West Memphis Police Department contacted this man? Is that what you're saying?

**PRICE:** Yes, sir. The same Behavioral Sciences Unit form which they got the materials which they used to ask the questions.

**FOGLEMAN:** What does that have to do with anything because they contacted a unit of the FBI? How many people work in the unit, Val -- about three hundred?

**PRICE:** I don't know how many people work in Ken Lanning's unit.

**DAVIS:** For him --

**THE COURT:** -- I don't even know who he is.

**PRICE:** Ken Lanning is the FBI scholar on this area as well and his opinions also there are no satanic killings.

**DAVIS:** He can't get a --

**THE COURT:** -- I will allow him to give his own opinion as to whether or not cults exist. And that is basically what he's here for. As far as him stating his own opinion, that's fine. But somebody else's opinion, no.

**PRICE:** He cannot refer to that?

**THE COURT:** He can refer to a treatise and say that --

**DAVIS:** -- If there is one, he's got to have it here to refer to.

**THE COURT:** He can refer to somebody in the field that is a recognized expert, but I'm not going to let him parrot out what that person's opinion is.

**PRICE:** Doctor Griffis testified about the works of Crowley. I'm entitled to ask him about the writings of Ken Lanning, your Honor.

**FOGLEMEN:** That was because -- in -- the words of Damien paraphrased Crowley.

**THE COURT:** How deep are you going to go in to this?

**FOGLEMEN:** Your Honor, we object. It is improper for them to ask one witness to say what somebody else's opinion are unless there's some independent relevancy.

**DAVIS:** We don't get to cross examine them, number one. And number two, there's not even a treatise to see if there is contradictory language in there.

**THE COURT:** I'm going to sustain the objection.

**PRICE:** All right.

**(RETURN TO OPEN COURT)**

**BY MR. PRICE:**

**Q:** I'd like to go back a little bit to the area -- the list that we talked about before and ask you a couple of other specific areas which Doctor Griffis used to base his opinion with. One of the questions Doctor Griffis used to base his opinion on is -- actually -- the material we had sent you contained -- I guess it was a two-page questionnaire of Doctor Griffis and then the answers. He sent that to Bryn Ridge of the West Memphis Police Department and then Officer Ridge responded to that and sent the answers back to Griffis which he used to base his opinion on.

**THE COURT:** Would this be a good place for a recess?

**PRICE:** That's fine, your Honor.

**THE COURT:** Let's take a ten minute recess. With the usual admonition not to discuss the case, you may stand in recess for ten minutes.

**(RECESS)**

**(THE FOLLOWING CONFERENCE TOOK PLACE AT THE BENCH OUT OF THE HEARING OF THE JURY)**

**FOGLEMEN:** Your Honor, I have just informed defense counsel for all parties that last night when I was going through some police files, I ran across the envelope with Damien Echols' property in it, and it contained like a dollar bill, an earring and a necklace he was wearing. Upon examining the necklace, I saw a couple of spots of red material. It was taken to the Crime Lab this morning, and the Crime Lab called back, and it is definitely blood. At this point we don't know if they can test further. I'm putting it on the record at this point so if after we get the

results, if and when we attempt to put on any evidence of that, I want it to be clear that we've made it known to them today, March 11th, it was probably about 2:45.

**THE COURT:** It has been in the file all this time and all of you had access to it?

**FOGLEMAN:** Well, it's been in the file. I don't know if anybody -- I didn't look at it until last night.

**PRICE:** I don't think anybody has looked at it. At one time we looked at his personal effects looking for the search warrant receipt. One other thing. John wanted to check with Officer Ridge, the manual I asked about earlier, "Satanic Cult Awareness." John talked to Ridge and he indicated that that was not one of the ones he used.

**(RETURN TO OPEN COURT)**

**BY MR. PRICE:**

**Q:** A couple of questions to end on. One, when Dale Griffis testified in his opinion that this particular crime which occurred in West Memphis on May 5th, 1993, had the trappings of occultism. Do you have an opinion as to whether or not that is the case and if you could explain that to the ladies and gentlemen of the jury?

**A:** In my opinion to apply that phrase, "has the trappings of the occult," is absolutely meaningless in considering any kind of violent crime. An issue I have had with these police training seminars has been that usually in a very nebulous way those who are disposed to thinking along these cult lines will say, such and such a crime was linked to the occult or had trappings of the occult or was related to the occult. I've found that it's a meaningless statement because for investigative purposes it means nothing. It has no bearing on anything. The term "occult" has no fixed meaning anyway. In most people's minds it usually refers to certain kinds of practice, certain symbols and signs, that we don't observe and practice, but other people do, people who do nasty things, is usually the way that connotes in the popular mind. To say the word "trappings again is simply to imbue the whole crime with the tint of something evil. For some police officers that almost gets into a Christian moral fight. Some officers who teach Griffis' point of view teach that you have to be spiritually armed when you investigate these offenses which in my view gets outside of what law enforcement is here to do. So I object to that kind of statement and in the teaching that I have done on the subject, I emphasize keep that kind of language out of the investigation.

**Q:** Earlier when you told the jury that you had testified in the past for the defense in cases, what type of cases were those?

**A:** In all of those cases I was asked to testify on a matter of standard police practice or policy. This work I mentioned with helping agencies develop good, sound written policies. I have created a manual on law enforcement polices and procedures which is widely used not only in

Virginia but elsewhere as a basis or at least an aid in developing good written policy. Occasionally law enforcement agencies are sued -- well, they are sued for all sorts of reasons but in these particular cases a question arose in court on a matter of policy, whether an officer, say, made a wrongful arrest, wrongful imprisonment or maybe even wrongfully killed somebody. That is the allegation pursuant to acting according to a written or unwritten department policy, and it's usually the defense that's quick to ask my help to come in to testify about what law enforcement policy is, how it should be created, how it should be used as a standard for training, discipline and so forth.

**Q:** So you testify for police departments in those instances?

**A:** In those instances I was asked to testify against the police departments because the allegation was the police departments either had no written policy or had a policy which may have been so out of date that it was illegal or even unconstitutional.

### **CROSS EXAMINATION**

#### **BY MR. DAVIS:**

**Q:** I have got a few questions for you. Did I understand you to say you were testifying against the law enforcement agencies?

**A:** Technically I was there to speak against the law enforcement agencies. I should say I was subpoenaed through the defense to testify.

**Q:** If I understood your testimony, it is that your opinion is that a crime is a crime and whether religious beliefs were involved or influenced that crime is really of no significance, is that correct?

**A:** I'm not saying it is of no significance. I'm saying that police have tired and true methods of criminal investigation, and they ought to adhere to them. If they through the course of the investigation find that somebody committed a crime incident to a religious ritual, obviously they shouldn't ignore it, and it could play a part in the investigation.

**Q:** So your concern is that the belief system or looking at it from strictly an occult or satanic point of view might narrow the focus of the police officer's investigation too much?

**A:** As those terms have been bandied about in cult seminars we discussed earlier, I think it is given undue focus to generalized fears rather than specific investigative elements.

**Q:** But if those elements were elements of a certain religious belief that became apparent through an investigation, then as I understood you, it would be the officer's duty to investigate that aspect of the crime?

**A:** Yes, it would.

**Q:** Okay. Now, you mentioned to me while we talked back there a case involving Richard Ramirez, the guy they call the "Night Stalker."

**A:** Yes.

**Q:** Tell me about the details of the case, your familiarity with it.

**A:** I referred to that because Richard Ramirez is fairly well known. He had stalked, sexually assaulted and murdered quite a few women and was tried and has been in prison for that.

**Q:** There was some -- I know you don't agree with the words "trappings of satanic activity," but he had some insignia or some identification with certain satanic symbols, right?

**A:** Yes. He would enter the courtroom with a pentagram drawn on his hand, and he would show it to the jury and say, "Hail Satan," when he walked in the courtroom.

**Q:** And it is your opinion that that case would not have the trappings of satanic murder in the cases in which he was involved, correct?

**A:** Not precisely. As far as I'm concerned, the man was investigated on suspicion of abducting and sexually assaulting and murdering women, and he was tried and convicted of those. And the investigation was in my mind a fairly textbook investigation on how we do those things. The fact that books were found, pictures, other bits and pieces that either came from the very public Church of Satan, in my opinion this made no difference to the investigation. You have a fairly wide encompassing investigation but what made that case was not looking at satanism, it as looking at other kinds of evidence.

**Q:** But in that case there was a wide range of literature, there were outward signs of his belief in that belief system, correct?

**A:** As I understand from the investigators who testified, they did not tag him a satanist as such, but Ramirez told them he professed to certain beliefs which did involve Satan and satanic power.

**Q:** Would it be fairly accurate to say that you considered the belief system of that individual or in your opinion that played a relatively insignificant role in that investigation?

**A:** In that case I believe it was insignificant.

**Q:** So, therefore, you would not call that a crime with trappings of satanic or the occult?

**A:** I just call it a crime.

**Q:** So basically you consider -- you would prefer to consider that a non-factor, correct, as a religious belief of the person, the suspect or defendant?

**A:** As I understand the case, the professed beliefs of the person were not significant in the commission of those crimes.

**Q:** You would agree that motive -- determining what is the motive of the crime is at least something a law enforcement officer should look into?

**A:** Yes, sir.

**Q:** When you have a very unusual crime, one that falls outside the ordinary everyday type of criminal activity, you would oftentimes look for motive that might be unusual, correct?

**A:** Yes, sir.

**Q:** In other words normal crimes don't have normal motives.

**A:** What do you mean by normal crimes?

**Q:** I mean -- excuse me. Abnormal crimes, unusual crimes, bizarre crimes such as this, sometimes have bizarre motives?

**A:** I have to grant that's the case sometimes.

**Q:** If evidence uncovered by law enforcement officers indicated that possible motives related to a set of religious beliefs, then that would be their duty to investigate that, wouldn't it?

**A:** Yes, sir.

**Q:** In your research and teachings in this area have you looked into some of the authors on some of the occult or satanic writings?

**A:** Yes, I have.

**Q:** Are you familiar with Anton LaVey?

**A:** Yes, I am.

**Q:** Who is that?

**A:** Anton LaVey founded -- I suppose he's best known for founding the Church of Satan in San Francisco, some twenty-odd years ago, in 1966.

**Q:** Are you familiar with a guy, Alister Crowley?

**A:** Yes, I am.

**Q:** Can you tell us about Mr. Crowley?

**A:** Depends on the source I suppose. He was English, lived at the turn of the century.

**PRICE:** Judge, we object to the question. I tried to ask the officer earlier about writings of Kenneth Lanning and your Honor sustained the State's objection and said that is not relevant. I certainly make the same objection this time, your Honor.

**THE COURT:** Well, I sustained the objection --

**PRICE:** -- If I can make my objection please, your Honor. Mr. Davis is attempting to question the officer about a learned treatise. If he's got a treatise of LaVey or Crowley, we'd like to see it first. If he doesn't, your Honor has previously ruled in response to my question that it is not permissible and I'd like the same ruling.

**THE COURT:** You misinterpreted my ruling. I'm not going to prohibit you from asking him if he's familiar with his works. You wanted him to recite an opinion of the other fellow --

**PRICE:** -- Kenneth Lanning of the FBI.

**THE COURT:** -- as his own opinion. That's a little bit different. If he's got an opinion, let him give his own opinion. But he certainly can cite, if he's familiar with, the works of another person in the field. That's not what you wanted to do as I understood it. Maybe I misunderstood what you were wanting to do.

**PRICE:** Note my objection.

**FOGLEMAN:** We would also say for the record that this Alister Crowley has some independent relevance that the other fellow did not.

**THE COURT:** But on the other hand, I want to make my ruling clear. You certainly can ask about anybody in the field or his familiarity with it, but I don't want him to state that writer's opinion for his own. If he has an opinion, he can state it. You were attempting to elicit the other writer's opinion from this witness. Is my ruling clear to you now?

**PRICE:** Yes, sir.

**BY MR. DAVIS:**

**Q:** Are you familiar with Alister Crowley's philosophies?

**A:** I haven't read all his writings. I have read some of his writings.

**Q:** Would it be fair to say that some of his philosophies center around human sacrifice as a method of worship or a method of his religious beliefs?

**A:** I have some mixed feelings about that. If you would like me to explain them --

**Q:** -- Well, is that part of the belief system that Alister Crowley professes -- is part of it involving human sacrifice?

**A:** To my knowledge, Crowley did not specifically sanction or otherwise condone human sacrifice.

**Q:** Are you familiar -- I realize this is a copy -- but it is Magic in Theory and Practice?

**A:** Yes, sir, I have read part of this before.

**Q:** That's a work by Crowley?

**A:** Yes.

**Q:** Have you read all of it?

**A:** No. The last time I opened Crowley was probably four and a half years ago so I can't recall. I have read a good number of the texts you have.

**Q:** Would you agree that portions of this writing refer to the power of blood as the source of life?

**A:** Yes.

**Q:** And certain of it refers to bloody sacrifices?

**A:** I'm familiar with that.

**Q:** Part of it refers to that the greatest sacrifice is a male child of innocence?

**A:** I'm aware of that.

**Q:** And high intelligence is the most satisfactory and suitable victim? That was contained in this writings, correct?

**A:** I understand that.

**Q:** And high intelligence is the most satisfactory and suitable victim? That was contained in this writings, correct?

**A:** I understand that.

**Q:** And a person that looked in or followed ideas as that, that could be a motivating factor in causing them to commit crime, correct?

**A:** If somebody had read some of the statements, particularly focusing on those and not the broader context, and there is a broader context there, certainly someone could read that as condoning human sacrifice.

**Q:** That could contribute to their activity or actions in the commission of a crime, correct?

**A:** It certainly is possible.

**Q:** And you have not gone over the investigation in this case in a piece-by-piece fashion, have you?

**A:** No, sir, I have not.

**Q:** In fact the very limited documents that you referred to when I was asking you on voir dire are the only documents you're familiar with, correct?

**A:** Except for having seen the photos just before I came in the court.

**Q:** That was about fifteen or twenty minutes when you were back there?

**A:** Yes, sir.

**Q:** And then you looked at the books while you were up here on the stand?

**A:** Yes, sir.

**Q:** You don't know what statements have been taken from witnesses in this case other than those you saw?

**A:** That's correct.

**Q:** You don't know what the police did in regard to their investigation?

**A:** That's correct.

**Q:** You don't know who they interviewed, how many people they interviewed or what was said in those interviews?

**A:** That's correct.

**Q:** So is it my understanding that you're not up here giving an opinion as to the motivation for this crime? You aren't pretending to do that, are you?

**A:** That's correct. I'm not pretending to guess at the motivation for the crime.

**Q:** Basically, what you have told us is that you disagree with those who give opinions that crimes are motivated based on religious belief systems, correct?

**A:** I think the issue has to be handled very carefully with precise language. I'm certainly not maintaining that such crimes cannot and never happened.

**Q:** You don't know if it could or did happen in this circumstance, do you?

**A:** That's right. I have no opinion on that at all.

## **REDIRECT EXAMINATION**

**BY MR. PRICE:**

**Q:** Are you familiar with the writings of Kenneth Lanning of the FBI?

**A:** Yes, I am.

**Q:** Specifically does Kenneth Lanning in his writings --

**DAVIS:** Judge, I'm going to object just like I did earlier -- if he's familiar with the writings of Alister Crowley, that wasn't done to get the opinions of Mr. Crowley. I could care less what Mr. Crowley thinks, what his belief system is. What I asked -- what Mr. Price is trying to do is get the opinion of another person in for the truth of the matter contained in that opinion and that's not appropriate to -- if he's doing it like he was a minute ago.

**THE COURT:** I'm going to let him ask about his familiarity with his writings, his notions, his concepts, statements that might have been made in a book, but I'm not going to allow him to substitute that writer's opinion for his own. If that's what your objection is, that will be sustained. I assume you have your own opinion.

**THE WITNESS:** Yes.

**PRICE:** Judge, I think I'm entitled to ask him about a quote from Kenneth Lanning and ask if he agrees or disagrees with that quote.

**THE COURT:** Go ahead.

**BY MR. PRICE:**

**Q:** I'd like to ask you about the quote from Kenneth Lanning which is the very last quotation mentioned in your book. If you would read that and then I'll ask you what your -- if you agree or disagree with that.

**A:** The sentence in quotations is, "Bizarre crime and evil can occur without organized satanic activity. The law enforcement perspective requires that we distinguish between what we know and what we are not sure of."

**Q:** Do you agree or disagree with that opinion of Kenneth Lanning of the FBI?

**A:** I agree.

## **REXCROSS EXAMINATION**

**BY MR. DAVIS:**

**Q:** Bizarre and evil activity can occur with it or without it, right?

**A:** Yes, sir.

**(WITNESS EXCUSED)**