

**THE SOCIAL HISTORY INVESTIGATION:
Tools & Strategies for Obtaining a Life Sentence**

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A. Introduction

There are virtually no limits on the type of mitigating factors which can be presented by the defense and considered by the jury in determining whether a defendant will face the ultimate penalty. These factors include “any aspect of the defendant’s character or record, and any of the circumstances of the offense,” *Lockett v. Ohio*, 438 U.S. 586 (1978), as well as any “compassionate or mitigating factors stemming from the diverse frailties of humankind.” *Woodson v. North Carolina*, 428 U.S. 280, 304 (1976). In other words, the evidence is relevant if it creates sympathy, evokes sympathy or compassion, or provides any basis whatsoever for a sentence less than death. In order to maximize a defendant’s chances of making it through the penalty phase alive, the defense team, with the assistance of the mitigation specialist, must conduct an extraordinarily thorough and aggressive investigation into the defendant’s background and social history.¹ The social history investigation must be multi-generational,² and all-encompassing. Armed with curiosity, persistence, and an eye for detail, the investigator must follow every lead in the search for potential mitigating evidence.

During the guilt phase, the prosecution has undoubtedly portrayed your client as evil, depraved, and calculating. In all likelihood, that point was driven home by an unnecessarily large number of crime scene and autopsy photographs. You can be assured that the prosecution will make every effort to keep the jury focused on those images. However, the attack on your client will not stop there. The prosecution will hang the most prejudicial and pejorative label that they can get away with on your client. They will describe your client as a fiend, predator, animal, cockroach, thug, or gang banger. The mitigation specialist, who is part investigator, and part storyteller, must shift the focus, and must strive to create new pictures and new images that humanize the defendant. The mitigation specialist must present the client’s life story in a manner that engages the jury, and helps it to understand how the client’s entire constellation of problems contributed to his involvement in this crime. Anecdotal information and poignant vignettes will be instrumental in helping the jury understand the misery and despair that characterized the client’s life. Only this kind of detail can prevent the prosecution from minimizing or sanitizing the pain of the client’s background.

B. Structuring the Social History Investigation

¹While the social history investigation is primarily directed towards penalty phase proceedings, early involvement of a mitigation specialist may also result in the discovery of evidence relevant to a determination of competency, a potential insanity defense, the suppression of the client’s confession, or to plea negotiations.

²Certain mental illnesses, medical or physical conditions, alcoholism, poverty, and even values, can be transmitted from one generation to the next.

1. The Client

The social history investigation starts with the client. However, when it comes to our new client, we're not just conducting an interview - we're establishing a relationship. As with any relationship, trust is developed gradually, and must be earned. The defense team, and especially the mitigation investigator, must be prepared to spend a significant amount of time getting to know the client. Given that our clients typically suffer from multiple disabilities, that is no small task. There is bound to be some tension between the client's desire to talk about the facts of his case, and your desire to investigate his life, family, and background. Some of this tension can be eased by educating the client about capital procedures, and the unique role of the mitigation specialist. During the initial client conference, the mitigation specialist must help the client clearly understand what kind of information will be helpful, and why that information is critical to a successful outcome. The client should be advised of approximately how long it will take to complete the penalty phase investigation, hire experts, and prepare for trial. The client must also be assured that the social history investigation is standard part of every capital case, and that early preparation for the penalty phase is not a sign that the defense team anticipates a finding of guilt.

During the initial client conference, I generally obtain non-threatening information such as the identity of family members, physicians, employers, and schools. I also explain the necessity of record collection, and the need for authorizations, and have the client execute those releases. Although counsel has undoubtedly warned the client about the dangers of talking to other inmates about his case, it has been my experience that you can't give that advice too often. You must also emphasize to the client that his conduct in jail can be used as mitigation during the penalty phase. He needs to clearly understand that evidence of his positive adjustment to incarceration, and evidence that he will not be a danger to guards or other inmates, can turn the tide in his favor as the jury deliberates on his fate.

Throughout the case, the investigator needs to monitor the client's adjustment to incarceration, as well as their physical and mental health. The mitigation specialist should pay particular attention to the client's behavior and appearance. Can the client give relevant answers to the questions asked, or do they go off on a tangent? Can they sit still during the conversation? Do they show any signs of confusion, or disorientation? What do you notice about their speech? Is it logical? Pressured? Does the client talk about any bizarre phobias or delusions? Do they seem to have a good memory, or are there gaps in their memory?

The relationship that is forged with the client will be important in two ways. First, it is only through a solid, trusting relationship that the client will feel safe in sharing the most hurtful and shameful details of their life. Oftentimes, the client will bend over backwards to protect the people who caused him the greatest amount of harm. This is not easy information to disclose or to deal with, and more often than not, obtaining it requires us to disclose some piece of ourselves. The way that we address and deal with this information will give the client some insight into how we will approach his family, and whether we can be trusted to present this evidence in a sensitive, and non-judgmental manner. The relationship you build with your client

may also be instrumental during plea negotiations. Most of our clients have a long and illustrious history of making bad decisions. Capital defendants, in particular, seem to have an uncanny ability to shoot themselves in the foot when it comes to considering an offer of life. While a good relationship with your client may not always be enough to convince him that a life sentence is in his best interest, the lack of a decent relationship will surely put the kibosh on the defense team's plan for a deal.

2. The Client's Family

Initial contact with the client's family members should focus on answering the family's questions, and educating them regarding the procedures that are followed in a capital case. The investigator must then work on building a relationship with the family. This is not a situation where we breeze in, conduct an interview, and then disappear until trial. We need to be a presence in their life. Eventually, we will be asking these folks to share extremely personal, sensitive, and oftentimes embarrassing information. If the family knows and understands the reasons why we are poking around in their lives, and asking intrusive questions, they are more likely to help. We must assure these witnesses that their information is necessary to a successful outcome of the case, and get them vested in helping to save the client's life. In the event a plea is offered, the family may be instrumental in helping to convince the client that a life sentence is in his best interest.

Family members will definitely require more than one interview, so take it slow. Let the story unfold naturally. Later in the investigation, you will want to obtain records regarding the client's immediate family. However, this can be a touchy and intrusive request which should be saved for subsequent interviews when family is more trusting.

3. Record Collection

One of the most critical aspects of the social history investigation is the collection of every record in existence about the client. It is imperative that the search for records start early in the case because record collection generally requires more effort than anticipated. Record collection entails more than just sending out a stack of form letters, and waiting to see what comes back. It is an active process which often requires follow-up letters and phone calls. Occasionally, personal visits to the service providers will also be required. If you are notified that no records exist, don't just settle for that answer. At the very least you should call the provider, ask to speak with a supervisor, and inquire about the provider's policy regarding the destruction of records. You will also want to determine whether records are stored off-site, in another facility.

Letters to service providers should include a request for **certified** records, an authorization signed by the client, and an Affidavit of Business Records Custodian, to be completed and returned with the certified records. This affidavit should be tailored to fulfill the evidentiary requirements of your jurisdiction for the admission of records kept during the regular course of business activity. If you anticipate that the records will be used at trial, then

certification will be required anyway. It is far more efficient to have this task completed well in advance of trial, than to spend time in the days before trial running around getting records certified. An example of an Affidavit of Business Records Custodian is included in the Appendix.

For your own sanity, you will need to keep an accurate list of the records you have requested. This list should identify the name, address, and phone number of the records provider, the date the original request was made, whether the request was answered, and if the records were returned with the proper certification. An example of an exhibit list is included in the Appendix.

At a minimum, the defense team will want to obtain the following records:

1. **Educational Records:** A request for records should be sent to each school that the client attended, from Headstart to college. You should also obtain a copy of the client's GED and other certificates earned while incarcerated. The request for educational records should be broad enough to include transcripts, IQ tests, standard achievement tests and raw test scores, health records, teacher notes, and disciplinary actions.

These records should be reviewed with an eye toward seeing both the forest and the trees. We certainly want to understand the big picture - what these records tell us about our clients, their intellect, their effort, their behaviors, their health, and any changes in performance or grades. But school records are also invaluable in identifying additional neutral witnesses, such as teachers, counselors, nurses, and principals. It is imperative that the mitigation specialist visit each school attended by the client for the purpose of interviewing the client's teachers, and to obtain information regarding the whereabouts of teachers who have since retired or moved to a different school. It is also a good idea to obtain yearbooks, which can then be reviewed with the client to identify other teachers, friends, or coaches who knew the client.

2. **Medical and Dental Records:** A request for records must be made to every physician and hospital identified by the client and his family. However, because our clients are often poor historians, requests should be sent to all hospitals in the area where the client lived. The request should seek the entire medical file, including admission and discharge summaries, emergency room records, doctor and nurses notes, billing, x-rays, CT scans, MRIs and the like.

Once you have established a good working relationship with the client's family, you will want to ask each family member to sign authorizations, and obtain their medical records as well. Family medical records are especially important if there

are genetic predispositions to medical conditions, or if there is a family history of mental health problems.

3. **Employment Records:** Identify each place that the client ever worked and obtain their complete personnel file. It is also a good idea to request the client's social security earnings statement. Procedures for obtaining those records can be found at <http://www.ssa.gov/mystatement>. You should also obtain tax records from the IRS, as well as the client's credit history.

4. **Birth and Death Certificates for the client and all family members:** Birth and Death Certificates can be obtained from the Vital Statistics Office in each state. Each state's specific requirements, including the cost of the records can be found at www.vitalrec.com.

Death certificates often provide information such as the education level of the decedent, the names of the parents of the decedent, and a cause of death, which may in turn provide unbiased, and valuable insight into the family's background and history. Birth certificates are typically more limited in their scope, but will contain the county of birth, and identification of the parents.

5. **Marriage Certificates for the client, and his parents:** Marriage certificates not only provide the name and address of the parties, but also identify witnesses to the marriage. Typically, these witnesses will be close friends or family members who may have insight into the client's family. The dates of marriages (and divorces) are important in constructing time lines.

6. **Divorce records for the client, and his parents:** In addition to the petition and divorce decree, divorce files may contain custody orders, paternity proceedings, child support orders, wage garnishments, and restraining orders. Prior to the advent of no-fault divorce, parties were required to allege the grounds for dissolution. Therefore, older divorce files may include descriptions of infidelity, abuse, neglect, and failure to support, all of which may give us a glimpse inside the family.

7. **Juvenile records:** Obtain court records, as well as records from all juvenile placement facilities where the client was held.

8. **Social Service Agencies:** The mitigation specialist should request welfare, AFDC, food stamp, WIC, and job training records, as well as any records and reports from the Children, Youth, and Families Department regarding home intervention, placement in foster homes, and termination of parental rights.

9. **Prior court cases (civil and criminal, state and federal):** Obtain complete court files, and files from prior counsel. If there is a co-defendant involved, obtain their arrest and criminal records, as well as court files. Many courts now have at least

some information online. However, the online information is generally limited to recent years, and to case summaries. You will still need to write or visit the various courts and obtain copies of the entire file.

10. **Probation and Parole:** Probation and parole records should be obtained for every prior offense, including the client's participation in work-release programs, and their residency in halfway houses.
11. **Birth records:** Typically these records will be under the client's name, but a search should also be requested under the mother's name. Obtain both hospital records and physician records.
12. **Military records:** Military records for all branches of the service can be requested from: National Military Personnel Record Center, 9700 Page Blvd., St. Louis, Missouri 63132, Attention: (specific branch). A copy of the authorization preferred by the NMPRC can also be obtained from The American War Library, 16907 Brighton Ave., Gardena, CA 90247-5420. Additional information can be found at <http://members.aol.com/forvets/ntomr/htm>.

Be sure to request privileged and confidential records, as well as mental health, medical, disciplinary proceedings, work performance and evaluations, promotions, and discharge records. You may also want to check for records with the local Veteran's Administration.

Once you obtain the client's military records, you should be able to identify military personnel, including officers, who may have had contact with the client. Oftentimes, these records contain lists of other military personnel from the client's unit who were promoted at the same time, or who received some type of military honor or award. These lists provide not only names, but also social security numbers, which can then be effectively used to find these witnesses. Have the client review these lists to identify friends, commanders, or co-workers, but don't be constrained by the client's memory.

13. **Mental Health records for client, and all immediate and extended family members:** Obtain all counseling, psychiatric and institutional records, including test data, and score sheets. Mental health records may also be found in educational, military, court and incarceration records.
14. **Freedom of Information Act records:** If you believe that government agencies (like the FAA, the State Department, the Customs Service, the U.S. Information agency, or others) possess information about your client, a request can be made pursuant to the Freedom of Information Act. Guidelines and procedures for making your request can be found at www.citizen.org/litigation/foic/schbook.htm.

15. **Jail and prison records:** Obtain all jail and prison records for each prior arrest and incarceration, and for the current incarceration. Be sure to include a specific request for medical and mental health records. You will also want to obtain jail and prison records for any family members.
16. **Incident reports:** Contact the police department and sheriff's office for all jurisdictions where the family lived, and request all police response calls and incident reports involving the client and his family. These reports typically provide the name, date of birth, and social security numbers of parties or witnesses. In some jurisdictions, these documents are considered public records, while other jurisdictions require court orders or authorizations from the subject of the report, in order to release the information.
17. **FBI records:** Obtain all previous investigations and records, including prior rap sheets.
18. **Media:** Obtain all media coverage (print, audio, and video) regarding the current offense, as well as media coverage of prior offenses. Often within hours of a capital crime, TV stations and newspapers are out interviewing relatives, friends, and neighbors of the suspect, and we will want to identify those persons and include them in our social history investigation.
19. **Miscellaneous records:** Yearbooks, artwork, family photographs, the family's address book, awards, certificates, report cards, diplomas, and the like will need to be gathered from friends and family.

4. **Other Lay Witnesses**

After speaking with the client and his family, the social history investigation should be expanded to include interviews with teachers, principals, coaches, counselors, employers, co-workers, former spouses or significant others, health care providers, including physicians and mental health workers, friends, neighbors, former babysitters, military buddies and commanding officers, attorneys, victims, witnesses, police officers in prior offenses, social workers, and religious leaders.

Locating witnesses continues to be one of the most time-consuming and frustrating hurdles faced by any mitigation specialist. Many of our witnesses live on the fringes of society, and they may not own a telephone, an automobile, or have a credit history. The internet provides any number of searchable databases, including white pages, yellow pages, reverse directories, military locators, maps, alumni directories, and neighbor searches. However, my experience has been that the information is often outdated, and that you spend a significant amount of time in relation to the few hits you will get. If you (or someone you know) have moved in the last year or so, you may want to conduct a test search using that name, to see just how current the

database is. Having said that, I have had some luck with the following databases:

- A. Flip.com provides a variety of name, address, and phone searches, and seems to be fairly up-to-date. You can directly reach their phone number database at: <http://members.aa.net/~flip/search/phone.html>.
- B. Flip.com also has a helpful database for finding prisoners, and prison contact information, and has links to each state's correctional department home page. See <Http://members.aa.net/~flip/search/prison.html>. Some state databases even include pictures of the inmates.
- C. InfoUSA.com: This site contains telephone numbers and reverse directories.
 - A. Residential and business phone numbers, maps, zip codes, and reverse directories can be found at: <Http://www.555-1212.com>
 - B. Yellow pages, white pages, and international directories can be found at www.yellow.com.

There are also any number of fee for service databases. CDB Infotek (now Choice Point) provides a fairly comprehensive public records search, and is probably one of the more reputable and reliable providers. The service is pricey, but probably worth it if you only have a few witnesses to locate. CDB Infotek charges a monthly fee of \$25.00, plus a per search charge ranging from \$7 to \$168, with the majority of the searches in the \$17-50 range. Merlindata.com also provides a decent public records search. They also permit a free one day limited access search. If, like most investigators, you have a continuing, if not daily need, to locate witnesses, Lexis and Westlaw both offer excellent public records databases, on a flat rate, or per search basis. It is possible that the attorneys you are working with may have access to Westlaw or Lexis, so check out that possibility before signing on to one of these services. Westlaw charges \$200/month for their public record and people-finding databases, and requires a 1-year contract.

Because capital cases are so enormous, it will be helpful to maintain a witness list. This list should identify the name of every potential witness, even if all you have to go on is a first name. It should also include the address and phone number of the witness, and note their relationship to the client, and whether you anticipate calling them as a witness. An example of a witness list is included in the Appendix.

Pay special attention to out-of-state witnesses. Out-of-state witnesses need to be identified, located, and interviewed well in advance of trial. The procedures for obtaining out-of-state witnesses, while not complex, do require time. Therefore, it is imperative that the mitigation specialist advise the attorney of the necessity of obtaining these witnesses so that the attorney may begin the legal procedures involved. No matter who the witnesses are, and how much they promise to show up voluntarily, we must ensure that we get these folks under subpoena.

5. Conducting the Interview

Mitigation investigation is an art that must be approached with a sense of curiosity and tenacity. The mitigation specialist must possess excellent interviewing skills. This includes the ability to ask open-ended questions, listen to the answers given, and ask follow-up questions until the witness's knowledge is exhausted. Given the twisted backgrounds from which our clients come, the mitigation specialist must be able to ask truly unpleasant questions in a sensitive manner. And, they must have a personality that is both gentle and supportive, if the witness is to ever feel safe in disclosing family secrets.

Witness interviews should be conducted in person. This face-to-face contact enables the investigator to draw conclusions regarding the individual's credibility, and how they may be perceived by the jury. When contacting lay witnesses, dress respectfully, but leave the 3-piece suits and the laptops behind. I recommend against tape recording these interviews. The presence of a tape recorder may make the witness uncomfortable, and these recordings may also be discoverable.

I also recommend against taking any kind of written questionnaire, or reading from a list of questions. By all means, the investigator should prepare for each interview, and know the general lines of inquiry. However, it is not unusual for witnesses to come to the meeting with their own agenda. In fact, they sometimes have information they cannot wait to tell you. The investigator should be prepared to listen, and then follow-up on what the witness has to offer. Every witness interview should also include questions that focus on the most damaging information the witness knows or has heard about the client.

The mitigation investigator must also know when to shut up. When talking with strangers, silences can be awkward and uncomfortable, and there is a temptation to fill up the silence by "helping" the witness find the words they are looking for. Resist that temptation. Sometimes, the witness just needs to collect their thoughts, and our interference may not only distract them, but it may taint the character of the information they were about to disclose.

It is not enough for the investigator to come away from the interview with mere conclusory statements. The mitigation specialist must never settle for descriptions like "normal" or "weird" or "abused" or "poor." Words like "abuse" can cover a whole lot of territory. So can "weird." And we all bring our own backgrounds and perceptions to the definitions of "normal," and "poor," whether we recognize it or not. Therefore, the investigator must be diligent in probing the witness' memories for the details of what they observed that led them to their conclusions.

Areas of Inquiry

No list of questions, however thorough, will cover everything we're looking for. For every question written in this outline, there are probably 10 more follow-up questions that need to be asked to get the most accurate and detailed picture of the defining events in our client's life. For example, if we learn from the client's mother that she became pregnant with the client when she was 16 years old, we can't just stop there. We should follow-up by asking:

- What was your reaction when you learned you were pregnant?
- Who were you living with at that time?
- What were your parent's reactions to your pregnancy?
- Who was your main source of emotional support during your pregnancy?
- What were your fears about becoming a parent?
- Tell me about a time when you felt really stressed during your pregnancy?
- How did you deal with that stress?
- Did you feel ready to become a parent? Why or why not?
- What was your plan for supporting yourself and your child?
- What effect did the pregnancy have on your high school education?
- Were there any complications with the pregnancy or birth? How long was the labor?
- Did you smoke cigarettes, drink alcohol, or take drugs (prescription or recreational) during your pregnancy? How far along were you before you realized you were pregnant?
- Were you abused or injured during pregnancy? How?
- Did you get the proper nutrition during your pregnancy? Did you receive pre-natal counseling, or care? Who was your doctor?

The following list is intended only as a starting point. The questions here are directed towards the client, but can be tailored to work with family members, friends, or significant others.

Birth, Growth and Development

One area in which we can all stand some improvement is obtaining a detailed history of the client's first 33 months of life (gestation through age two). In *Ghosts from the Nursery: Tracing the Roots of Violence*, Robin Karr-Morse and Meredith Wiley discuss the critical importance of this time period:

Infancy, a time to which our nation is blindsided, is a crucial developmental stage when an individual forms the core of conscience, develops the ability to trust and to relate to others, and lays down the foundation for lifelong learning and thinking.³

³Karr-Morse R., Wiley M., *Ghosts from the Nursery: Tracing the Roots of Violence*, Atlantic Monthly Press, New York (1997), p. 12.

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The last three decades have provided us with research that brings to light a range of more subtle toxins profoundly influencing our children's earliest development: chronic stress or neglect, which affects the development of the fetal or early infant brain; early child abuse and neglect, which undermine focused learning; chronic parental depression; neglect or lack of the stimulation necessary for normal brain development; early loss of primary relationships or breaks in caregiving. These are the precursors of the growing epidemic of violence now coming to light in childhood and adolescence. . . . Infancy and toddlerhood are times of enormous complexity when potentials for favorable adult outcomes can be maximized, diminished or lost. Through interplay of the developing brain with the environment during the nine months of gestation and the first two years after birth, the core of an individual's ability to think, feel, and relate to others is formed. Violent behavior often begins to take root during those thirty-three months as the result of chronic stress, such as domestic or child abuse, or through neglect, including the prenatal ingestion of toxins. Even where violent behavior does not occur as a direct result of these stressors, maltreatment of a baby may lead to the permanent loss or impairment of key protective factors - such as intelligence, trust, and empathy - that enable many children to survive and even overcome difficult family circumstances and later traumas.⁴

According to Karr-Morse, "when it comes to our babies, we reap what we sow:"⁵

The strength and the vulnerability of the human brain lie in its ability to shape itself to enable a particular human being to survive its environment. Our experiences, especially our earliest experiences, become biologically rooted in our brain structure and chemistry from the time of our gestation and most profoundly in the first months of life. This knowledge, corroborated by converging lines of research from diverse fields, is nothing short of a revolution in our thinking about brain development, about behavior, and about babies. When we begin to understand that what is happening to us emotionally, socially and intellectually in

⁴*Id.* at 14-15.

⁵*Id.* at 183.

our environments is actually being reflected in our physical organism through the brain, we begin to look at many things differently: disease, therapy, education, television, and - most fundamentally - the experiences we allow our children to absorb from the beginning.⁶

* * *

With this in mind, we must be diligent in asking questions that explore our client's early life and experiences. For example, we need to inquire about the type of bonding, if any, that was occurring in our client's early life. We should get a feel for what type of social interactions and social support the client was receiving. We also need to inquire about any conditions which the parents were experiencing which may have prevented bonding from taking place. Parents, family members, and other caretakers should be asked the following questions:

- Was the client the result of a planned pregnancy?
- How much time was the client kept in his crib? Where was the crib located?
- Was the baby held? Hugged? How often? By who?
- Who fed the baby? Was the baby fed while being held? (Believe it or not, some mothers actually devise self-feeding systems, so they don't have to actually hold their child).
- Was the child sang to, or read to? Were they exposed to music?
- What kind of games, if any, were played with the child? Word games? Number games?
- Who was the primary caretaker?
- Were both parents involved in child rearing? Were both parents emotionally available to the client?
- Who were alternate care-givers? Babysitters?
- Did the client attend pre-school? Headstart?
- Was the mother depressed? Did she have any kind of mental health issues?
- What was the father's role in the client's early life? Was he present, absent, in jail?
- Did the client meet developmental milestones at appropriate ages?
- Describe the client's personality and temperament as infant, toddler, and child.
- Is there any history of bedwetting? Encopresis?
- Explore themes of physical, financial, or emotional abandonment.

The Client's Family

⁶ *Id.* at 277.

As early in the investigation as possible, you should identify all immediate and extended family members, including parents, siblings, grandparents, great grandparents, aunts, uncles, cousins, in-laws, and any family members who have passed away, and the cause of their death. When identifying family members, be sure to get as many addresses and phone numbers as possible. Once I establish a good working relationship with the family, I ask my client's parents and siblings to get out their address book, and review it with me. I also try to obtain all prior addresses where the client's family lived. If family members cannot recall this information, medical and school records can help fill the gaps. You will also want to ask the following questions:

- How many times have your parents been married? To who? Why did those marriages end? Who are your parent's current and former significant others? How often do they change partners? How do you feel about these people?
- How did you feel about your parent's separation or divorce? Did you talk to anyone about it? Who?
- How was affection shown in your family? How was anger expressed in your family?
- How did your parents get along? How did they resolve disagreements? Was there any history of violence between the parents? Were you a witness to that violence?
- How did you feel about what you saw? Did you ever try and protect the parent who was being abused?
- How did you get along with your parents and siblings?
- What's the most important thing your parents taught you?
- What do your folks do for a living? How far did they go in school?
- Tell me about a typical birthday or holiday. Where did your family spend holidays like Christmas and Thanksgiving?
- Did your family attend church? What is your religious preference? What church or synagogue did you attend? Identify church leaders, and congregation members who might recall the client.

An essential part of any social history investigation is a neighborhood canvas of all the neighborhoods where the client lived. While that task may sound daunting at first, the payoff can be outstanding. After knocking on a few doors, the investigator will most likely be directed

to those folks who have lived in the neighborhood the longest, and who might recall the client and his family. Don't be deterred because the family has been gone from a particular neighborhood for 5, 10 or even 20 years. I once visited a neighborhood where my client had lived 25 years earlier. Residents of that neighborhood recalled seeing my client eating out of garbage cans whenever his parents were away at their favorite nudist camp. You may also want to make the following inquiries:

- Tell me about the neighborhoods where your family lived. Were those areas urban, rural, or industrial? Did your family live near landfills or dumps, or other hazards? Were those neighborhoods notorious for their poverty, or high crime, or both? Were there job and economic opportunities in their neighborhoods? Anecdotal information about the racial and economic conditions of the neighborhood, and the level of community violence, should be supported with objective data.
- Describe each home you lived in. This description should include the size, the number of persons living in the home, and the sleeping arrangements. Did the family have sufficient furniture? How about privacy?
- Get a description of conditions within the client's home, including whether the family had sufficient food, electricity, and heat. Describe a time when there wasn't enough food. How often did that happen? Were your folks able to afford clothes and shoes? Did your home have indoor plumbing? Did your family own a telephone? Automobile? Did the family receive adequate health and dental care?
- Identify former neighbors or friends who may have information about the client and his family.

Trauma

We now know that trauma affects the brain both structurally and functionally, and that it has immediate and long term effects on our client's physical and psychological well-being. In *Ghosts from the Nursery*, Robin Karr-Morse writes:

When the brain is first forming, both the quantity and quality of the tissue and chemistry can be changed by sensitization to trauma. The same experiences can change the brain of an older child also, but in the beginning, in infancy and toddlerhood, while it is at its most malleable, the brain actually organizes itself around these conditions.⁷

⁷*Id.* at 159.

Given the emerging research about the effect of trauma on the brain, and child development, we need to obtain a detailed abuse history, including descriptions of the trauma and the harm inflicted on our clients. Be sure to identify the type of weapons or instruments used (ie: belts, electrical cords, fly swatters, boards, etc). The abuse history should also include the frequency, intensity, and duration of the abuse.

- Obtain detailed information regarding the disciplinary techniques used by the parents. Who handled the discipline? What kind of behaviors warranted discipline? Were those methods appropriate to the transgression committed; or did minor wrongs receive disproportionately harsh punishments? Were you treated differently from the other siblings, and if so, how?
- Were there ever times when all the children were punished until someone confessed to wrongdoing? Tell me about that. Were you ever forced to confess to something you didn't do? How often did that happen?
- What happened in the few minutes prior to the abuse?
- What did your mother/father look like while they were hitting you? This is one of my favorite questions, and you will be surprised at how much information this question will yield. People will unconsciously imitate what they witnessed (Dad's eyes bugging out, clenched fists, the hateful look on his face, his posture, swearing, etc.)
- What did you look like while it was happening?
- What were your feelings when it was happening? What are your feelings about it now?
- Did you ever run away from home because of the abuse? How many times? Why? For how long? Where did you stay? How did you survive? Did you eventually return home? Under what circumstances?
- Who else witnessed these events?
- Was there anyone in the home who protected you?
- Who do you trust the most in your family?
- What happened after the abuse/trauma? Where did everyone go?
- Tell me about another time when you were hurt.
- Did you witness abuse perpetrated on other family members? How often? Against whom was the abuse directed? How did you react to that?
- Were there ever formal allegations of abuse or neglect?
- Were you ever made to be the family scapegoat?

- Were you ever forced to participate in verbal or physical abuse against other family members?
- Did your parents ever destroy something you cherished (like a pet, or an award, or some material possession?)
- Did your parents ever threaten to kill you? Did they ever say they wish you weren't born? What other hurtful things did they tell you?
- Did your folks show kindness to you? Could you trust that it was real?
- Were you ever a victim of sexual abuse? Can you tell me about it? How old were you when you were first abused? How long did it go on? Was force used? Did you try to tell someone? Who? What was their reaction? Did they protect you? Did you try to protect other siblings from abuse? Did you ever witness sexual behavior between your parents or other adults? Can you tell me about it?
- Does anyone in your family have a temper? Tell me about their temper. How often did you see it? What did it look like? How did you act if you knew your dad/mom was getting angry? What kind of things made them angry?
- Do you have a temper? Has there ever been a time when you felt your temper was out-of-control? What happened? How did you feel about it afterward?

While we all know to look for instances where the client was beat, burnt, kicked, thrown, locked up, tied up, or dunked, with every new case I am reminded again that my imagination is not so twisted that I can conceive the variety of cruel, and literally unthinkable ways that our clients have been traumatized. That a parent would put their child in the oven, or urinate on them, or duct tape the refrigerator and cupboards shut so they could not eat, is simply beyond most of our experiences. In order to make sure that we have identified the total spectrum of cruelties inflicted on our clients we need to follow-up by asking the following questions:

- Tell me about the worst beating you ever got. Tell me about another time. Repeat this question until their memory is exhausted.
- What is the most humiliating or degrading thing that ever happened to you?
- Tell me about the grossest thing that ever happened to you.
- Tell me about the most unusual thing that ever happened to you.
- Tell me about the scariest thing that ever happened to you at home.
- Tell me about a time when you were thankful it wasn't you receiving the punishment?
- Tell me about a time that you cried. What kinds of events or situations make you cry? When was the last time you cried? What is the emotion you feel

most?

Schools and Employment

- As you were growing up, what was your normal morning routine? Who woke you up? Did you eat breakfast? Who made breakfast? How did you get to school? Who did you sit next to on the bus? (or, who did you walk to school with?). Did you generally make it to school on time?
- How old were you when you started school? What was the highest grade you completed? Did you obtain a GED?
- Were you ever placed in Special Education classes, and if so, why? Were you ever held back a grade?
- What did you like most/least about school? What did you want to be when you grew up? What was your best/worst subject? Did anyone help you with your homework? Who?
- Tell me about a time when you got into trouble at school. Tell me about another time. How did your parents react? Were you ever suspended or expelled?
- Did you participate in any extracurricular activities or sports? Who were the faculty advisors or coaches?
- Tell me about a time you were embarrassed at school? How did the other kids treat you?
- Who was your best friend in grade school? In junior high? In high school? What kinds of things did you do together? Tell me about some of your other friends. Who did you eat lunch with?
- Identify all jobs, employers, co-workers, and supervisors. What was your favorite job? Why? What were your job duties? What was your least-favorite job? Why? Why did you leave each job? Were you ever fired from a job? Why?
- Obtain information about periods of unemployment.
- Were you ever exposed to harmful chemicals or toxins through their employment (like pesticides, cleaning fluids, paints).

Prior Offenses and Current Incarceration

- Do you have a juvenile record? For what? How did your parents react? How was the case resolved? Review each offense in detail with the client.
- Were drugs and alcohol involved in any prior offense? What kind? What kind of quantities are we talking about?
- Review prior incarceration records. Identify counselors and case managers, and ask the client about his relationships with those persons.
- Have you ever been on probation or parole? Were you able to successfully complete it? How did you get along with your probation or parole officer?
- Have you received any disciplinary write-ups during the current incarceration? How do you spend your days? Are you participating in religious, educational, or work activities? Are you attending AA or other substance abuse programs within the jail?
- Do you have money on your books? Who are you in contact with? Who accepts your collect phone calls? How do you spend your time?
- Has anyone in your immediate or extended family ever been arrested? For what? When? What was the disposition of that case?
- Prior to the current offense, have you ever harmed anyone? Who? Under what circumstances?

Physical and Mental Health

Because certain medical conditions can have psychological manifestations, we need to obtain our client's complete medical history. That history must also include detailed descriptions of any and all head injuries, or other injuries for which our client received treatment.

Many of our clients suffer from hearing and communication disorders. These can include mild to profound hearing loss, as well as any type of speech, language, or articulation disorder, such as stuttering or lisp. The ability to effectively communicate is essential to education, employment, social interaction, and virtually every other aspect of our lives. An impairment which affects the client's ability to communicate with the world around him can have devastating consequences such as stigmatization, isolation, peer ridicule, and limited opportunities. Therefore, we need to be diligent in our search for untreated ear infections, lisp, stuttering, difficulty with articulation, and the client's inability to express himself in an understandable manner. In addition, we should also ask:

- Who was the family doctor?
- Do you suffer from headaches or migraines? What medications do you take for your headaches? How long have you suffered from headaches? Have you ever experienced blackouts or seizures? When do they occur? Have you ever passed out? Why?
- Have you had any surgeries? What kind? Do you have any scars? From what?
- Were you ever diagnosed with ADHD? What kind of behaviors brought that problem to your parent's attention? (Get examples of impulsive behavior, and inability to concentrate and focus). How did your parents deal with these behaviors? Did you take any medication? Was the medicine given/taken regularly? Who was in charge of seeing that you took the medication?
- Have you ever received counseling, or been treated for any mental health problems? Court-ordered? Inpatient? Outpatient? During periods of incarceration? Have you ever received medication for psychiatric problems? Are you taking any medications now?
- How do you deal with day-to-day problems? How do you handle stress?
- Have you ever experienced hallucinations? Have you ever felt you were being followed, or watched, or that people are out to get you? Do you generally trust other people? Why or why not.
- Have you ever been depressed? Why? When did it start? How long did it last? Have you ever contemplated or attempted suicide? Get details.
- Do you have unpleasant or troubling thoughts? Can you give me an example? Do these thoughts keep coming back? What happens when you have these thoughts?
- Do you ever have the feeling that you have to do something over and over again (like wash their hands, or count something).
- Has anyone in your family ever been diagnosed or treated, or need treatment for mental illness? Is there any family history of uncontrolled rages, anger, blackouts, or unusual or bizarre behavior?
- How old were you when you had your first sexual experience? Who was the other participant? How old were they?. Have you ever gone through times when your interest in sex was greater/lesser than normal? Can you tell me about

those times? Have you ever had any STDs? How did you deal with the issue of birth control or HIV? Have you ever had an HIV test?

Drug and Alcohol Abuse

It is also important to obtain a detailed substance abuse history. Investigation should begin with the first time drugs, alcohol or nicotine were used by the client. This history should chronicle the client's progression from nicotine to alcohol to marijuana, to other substances, and should include the client's use of both legal (ie: caffeine pills and inhalants) and illegal drugs. A time line may help correlate the client's substance abuse history with events occurring in the client's life.

- For each substance, identify the amounts used, and the circumstances of use. Who were you with? Why did you use drugs/alcohol? How did it make you feel? Why did you want to change the way you feel? What did you like about it? What didn't you like about it? How much did you use? How did you feel afterward? Did you ever experience blackouts? How often? How did you protect against overdoses? Did you ever overdose? Do you consider yourself to be addicted? Do you have drug or alcohol-related arrests? Did you ever experience any hallucinations while using drugs?
- Did you ever inject drugs? How often? Have you ever huffed? What? How often? What were the effects? (Information about inhalants can be found at: www.inhalants.org/about.html.)
- Tell me about what you looked like during periods of heavy drug use. Did your appearance ever change? How?
- Have you ever tried to quit drinking or using drugs? Why? When? Have you ever gone on a binge? Tell me about that. Did you ever receive any kind of substance abuse treatment, or feel that such treatment was warranted? What's the longest period of time you have gone without ingesting drugs or alcohol?
- Did you hide your substance abuse? From who? How did you hide it? For how long?
- Were you under the influence of any drug or alcohol at the time of the offense? If so, get the exact details, including quantities.
- Where did you get the money to support your drug or alcohol addiction?
- Identify each person in client's immediate or extended family who have any kind of substance abuse problem, and get as detailed a history as possible.

Identify any family members who have been arrested for DUI, or other alcohol or drug related offenses.

Military Service

- What branch of the military did you serve in? What was your date of enlistment? How long did you serve? Where did you serve? What was your serial number? What is the highest rank you achieved? What kind of discharge did you receive?
- Why did you enlist? What were your goals when you enlisted? Did you receive regular promotions?
- What kind of job did you hold in the service? Tell me about your training. What were your duties? Did you serve in combat? What are your feelings about your military service? What did you like best about the military? What did you like least about the military?
- Are you still in contact with any friends from the service? Who?

Friends and other significant relationships

- Identify all prior wives, girlfriends, partners, or significant others, and identify any children of the client. Get approximate dates of involvement. What does your wife (or partner) do for a living? How long did you date before marrying? How long did these relationships last? Why did these relationships end? What is your current relationship with these persons?
- List any periods of separation, as well as any legal actions related to these relationships (divorces, restraining orders, etc.).
- Do you have children? How many? Who took care of the children? Did you provide child support? Tell me about your relationship with your kids? What kinds of things do you do together?
- Name as many of your friends as you can think of, past and present. How did you meet them? How often did you see each other? What kind of things did you do together? Did these friends visit your home? When is the last time you saw them?
- Tell me about your most positive qualities. Could friends and family trust you? Why or why not?

Gang involvement

- What gang did you belong to? What is the gang's geographical territory? How long has that gang existed? How many members does the gang have? How is that particular gang identified? Do you have any gang-related tatoos? Are there any family members who were in a gang?
- Why did you join the gang? When? Were you "jumped in?" Tell me about that. What do you like about being in a gang? What don't you like about being in a gang?
- Tell me about the loyalty that exists in the gang. Are you loyal to them? Are they loyal to you? How do members help and support each other?
- Have you ever been shot at? Stabbed? Have you had friends who have died as a result of gang violence? How did you deal with that death? Tell me about the police presence in your neighborhood? Have the police ever taken you to a rival gang's neighborhood, and put you out? Could you safely leave your hood?

6. Objective Data

While the testimony of lay witnesses, and their impressions of the client and his family are important, objective data can also be compelling, and should be included as part of the social history investigation. Sources for objective data include:

- H. [Http://www.libraryspot.com/statistics.htm](http://www.libraryspot.com/statistics.htm). This website has links to census data, labor force data, health information, research and reference materials, statistical resources, maps and directions, people finders, and public records, including offender information.
- I. The Department of Labor for your state can provide information such as the percentage of persons living below the poverty level for each county, by race and by sex.
- J. Crime statistics from local police departments can give insight into the character of the neighborhoods in which your client lived. Police officers (if you're sure they won't turn on you), can also provide information about the neighborhoods in which they work.
- K. Local government agencies, including city and county governments.
- L. Boys Clubs, Girls Clubs, and community recreation centers, often apply for grant money, and compile data about neighborhoods and the families which live there

(ie: prevalence of drugs, job opportunities, mostly single-parent families, etc).

7. **Research**

In order to avoid missing critical clues which might lead to the discovery of mitigating evidence, the mitigation specialist must be well versed in a broad range of topics, including substance abuse, ADHD, organic brain disorders, child maltreatment, learning disabilities, mental retardation, and the symptoms associated with various mental disorders contained in the DSM-IV (text revised). The mitigation specialist must strive to stay on top of new research. As new information is gathered and analyzed, the mitigation specialist must make suggestions regarding the direction the investigation should take.

- H. Local colleges may have departments which study gangs, poverty, race and cultural issues, the “war on drugs,” and other social issues.
- I. One of my most often used research sites is www.Elibrary.com. This site offers a collection of articles from newspapers, magazines, books, TV, radio, and professional journals, on a vast array of topics. It is definitely worth more than the monthly fee of \$10.
- J. Information from the U.S. National Library of Medicine can be found at <http://www.nlm.nih.gov/>.
- C. Emotional trauma, PTSD, trauma response, and trauma resolution are the focus of trauma-pages.com. This site also contains an extensive list of reference books and articles.

8. **Communicating What you have learned to the Attorney**

In a perfect world, counsel will always have time to meet penalty phase witnesses and establish a good rapport with them prior to trial. Unfortunately, this is not a perfect world. Therefore, the mitigation specialist becomes the attorney’s eyes and ears. After conducting a client or witness interview, the mitigation specialist will need to prepare a detailed report for the attorney’s use. It is not enough to just hand the attorney your handwritten notes, or a summary of quotes. The report should fully explain what information the witness can bring to the case, and how their testimony advances the penalty phase theory. It should also highlight what, if any, dangers are posed by their testimony.

The report should also describe what kind of witness the individual will make. Is the witness articulate? Or do they ramble? Is the witness sophisticated? What do they look like? Did you believe them? Do you think a jury will believe them? Were they hostile? Or helpful? An example of a report is included with these materials.

8. Experts

The mitigation specialist plays an integral part in the selection of the mental health expert who will be brought on board to assist the jury in understanding those factors which have affected the client. The defense team may also want to consider hiring a non-testifying consultant to review records, provide suggestions regarding additional paths of inquiry, assist in trial strategy, or even review the work of the testifying expert.

The point at which an expert should be brought on board is a matter of considerable debate, with legitimate arguments on both sides of the issue. If the case is in federal court, or a state in which there is a significant time period for the prosecution to decide whether or not to seek the death penalty, bringing an expert in early may be critical to discovering evidence that will convince the government not to seek the death penalty. As a practical matter, if your case involves cultural issues, you will need to get your cultural expert on board early to educate yourself regarding these issues, and to determine the most effective way to approach interviews.

As a general rule, I believe it is important that a substantial amount of the social history investigation be completed prior to selecting an expert. The more information known by the defense team, the more equipped that team will be to assess the type of expert needed. Do you need a psychologist, or a neuropsych? Will it be helpful to locate a witness with expertise in a specific condition, such as mental retardation, schizophrenia or bipolar disorder? Capital cases may also require cultural experts, gang experts, pharmacologists, or specialists in addiction. The team must try to strike a balance between having enough information to clarify the type of expert required, with the need to allow sufficient time for a proper assessment of the client.

Potential expert witnesses should be interviewed regarding their qualifications, as well as their areas of interest and expertise. The investigator will need to obtain the expert's CV, get copies of their prior testimony, review their publications, and inquire about the procedures they will follow in evaluating the client. The mitigation specialist may also want to consult with other defense teams who have used that expert in the past. Ideally, the expert selected will be a practitioner or teacher, a skilled diagnostician, and a persuasive and compelling witness. The mitigation specialist will also need to investigate the expert's background for any vulnerabilities. It is important to verify that the expert graduated from the universities listed on their resume, and confirm that their license is current, and that they are in good standing in their profession and have no ethics complaints in their past.

A similar investigation should be completed on the State's expert witness. You should have your expert review their CV, as well as any report they make, along with their supporting data. It is also important to verify that any tests administered by the State's expert were valid and reliable. And finally, the mitigation specialist should try to get a sense of whether the state's expert is a practitioner, or whether they make their living by being an expert witness.

After selecting an expert, they should be provided with any records that will be relevant to their evaluation, including any documents related to the client's education, medical, mental health, or criminal history. The expert must also be provided with a well-supported social

history report. Be leery of any expert who does not see the need to conduct pre-trial interviews of the client's family, and key mitigation witnesses. As the case develops, the mitigation specialist should suggest witnesses to be interviewed by the expert.

8. The Social History Report

At its most basic level, the social history is a detailed chronicle of the defendant's life. The social history examines the client's birth, development, and family history and relationships, as well as the client's educational, medical, mental health, and employment history. However, the main purpose of the social history is to make sense of the often complicated facts of the client's life, and explain the conditions, vulnerabilities, and disabilities which the client experienced, and which led them to the point of facing a capital murder charge. The client's life story, told through records and anecdotal information provided by friends and family, should be presented in a compelling way that articulates and advances the penalty phase theories.

The social history report should include a discussion of all facts which relate to any statutory or non-statutory mitigating factors. The list of non-statutory mitigators is virtually endless: abandonment, mental illness, mental retardation, learning disabilities, alcoholism, substance abuse, organic brain disorder, physical illness, child maltreatment (physical, psychological, and sexual abuse, torture, terrorization), neglect, malnutrition, being a witness to intrafamily violence, military service, grief or loss issues, poverty, racism, medical and communication disorders, battered spouse syndrome, suicidal behaviors, self-mutilation, impulse control disorders such as ADHD, the failure of institutions or social service agencies, and the client's adjustment to incarceration. However, these labels are just the broad strokes. The social history must provide the details about these conditions and how they affected the client.

The social history is far more than just a collection of good facts about the defendant. It must also be brutally honest about the negative aspects of his life as well. This is particularly important where the social history will be relied on by the mental health expert in reaching their conclusions regarding the client's life and disabilities, and how they relate to this crime. There is no quicker way for an expert's credibility to be destroyed, than to be cross-examined about information relevant and critical to their diagnosis, but not disclosed by the social historian.

In addition to the social history, the mitigation specialist may want to prepare a genogram, or family tree. This kind of demonstrative evidence is fairly easy to make, and will assist the jury in understanding where the client fits in the larger perspective of his family. More importantly, the genogram can be an effective way to trace conditions such as mental illness, alcoholism, brain impairments, substance abuse, and physical conditions and illnesses, throughout several generations. This evidence can be identified and completely filled in prior to trial; or the information can be filled in as each witness testifies.

Finally, the mitigation specialist should prepare a timeline of significant events in the client's life. Even if the timeline is not used as an exhibit at trial, it generally pays off for the defense team, as well as the mental health expert. A timeline organizes the information we have collected from a different perspective and enables the defense team and the mental health expert to see relationships between events and patterns of behavior.

Suggested Reading

Dorris, Michael, *The Broken Chord* (1990).

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Lezin, K., *Finding Life on Death Row: Profiles of Six Inmates*, Boston: Northeastern University Press (1999).

Marshall, Joseph & Wheeler, Lonnie, *Street Soldier: One Man's Struggle to Save a Generation - One Life at a Time*. New York: Delta Books (1996).

McFeely, W., *Proximity to Death*, New York: W.W. Norton & Company (2000).

Niehoff, Debra, *The Biology of Violence: How Understanding the Brain, Behavior, and Environment Can Break the Vicious Circle of Aggression*, The Free Press, New York, 1999.

Otnow Lewis, Dorothy, *Guilty by Reason of Insanity*, Random House (1998).

Papalos, Demetri & Janice, *The Bipolar Child: The Definitive and Reassuring Guide to Childhood's Most Understood Disorder*, New York: Broadway Books (1999).

Parent, Marc, *Turning Stones: My Days and Nights with Children at Risk*, New York: Harcourt and Brace & Company (1996).

Parenti, Christian, *Lockdown America: Police and Prisons in the Age of Crisis*, London: Verso (1999).

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Shneidman, Edwin, *The Suicidal Mind*, Oxford University Press (1996).

Styron, William, *Darkness Visible: A memoir of Madness*, Random House (1990).

Torrey, Fuller, *Surviving Schizophrenia: A Manual for Families, Consumer and Providers*, Third Ed., New York: Harper (1995).

Williams, Mark, *Cry of Pain, Understanding Suicide and Self-Harm*, Penguin Books (1997).

APPENDIX

AUTHORIZATION FOR RELEASE OF INFORMATION

TO:

I hereby authorize you to release to attorneys, Dave Smith and John Brown, or their agent, Janet S. Dowling, any and all records pertaining to me, including, but not limited to:

Any and all records and information from government agencies, schools, law enforcement (including but not limited to arrest and incident reports), FBI, employers (past or present), unemployment, worker's compensation, correctional, social security and earnings information, tax documents, military, probation and parole, vital records, and any and all medical records, including diagnosis, treatment and prognosis of me, inpatient or outpatient records, drug and alcohol rehabilitation programs, psychological, psychiatric, or other mental health records, discharge summary, medical history, consultation reports, surgery and pathology reports, lab reports or x-ray records.

This document also authorizes any treating doctors, experts, or other personnel to discuss their otherwise confidential information with the above-mentioned legal representatives. I hereby revoke any such previous authorizations given for release of such information, and I request that no information of such nature be given to any person other than Janet S. Dowling, or attorneys John Brown or Dave Smith. I hereby request that this Authorization, or a photocopy, or a facsimile thereof, be honored beyond 60 days from this date if I have not revoked it in writing.

I further direct that the requested information be sent directly to: Janet S. Dowling, 7200 Sunlight Peak, Rio Rancho, New Mexico, 87124.

Dated: _____

Name

Date of Birth

Social Security No.

WITNESS LIST

Name, address	Phone	Relationship	IV'd?	Wit?
John Avery 123 W. 10 th St. Phoenix, AZ	602-555-4567	Neighbor. Heard client's parents fighting.	yes	yes
Stan Brown 555 10 th St. Albq., NM 87123	505-633-4411	friend from Navy.		
Kate Billings		dated this gal in high school		
Evelyn Dowdell PO Box 468 Glendale, AZ		elementary school teacher. May have info about ADHD.		
Connie Everett 13499 S.R. 33 Phoenix	480-555-0987	Aunt. Used to babysit client. Good evidence on neglect	yes	yes
Fran Fights 7 Delmar, #23 Kalispell, MT	406-555-0909	friend from Ivy Tech.		
Greg Holcomb Yuma, AZ	520-555-7688	played basketball with client; currently in jail.		
Jimmy Jax 120 River Road North Pinon, AZ	520-773-9145	victim in prior assault. Thinks client should fry.	yes	no
Delbert Long 95 West Hwy 35 Kingman		client taught him how to read while they were in jail together		
Sam Morgan	402-933-6767	uncle. Alcoholic.	Yes	maybe
Trina Morgan	402-933-6767	Aunt. Used to babysit for client.	Yes	Yes
Anna Short Paradise View Apt. #2 Phoenix	602-344-8111	worked at Subway with client in 1995.		

EXHIBIT LIST

Record Provider Comment Date Req. Date Rec'd. Cert?

Schools				
Washington Elementary 127 4 th St., NW Albq., NM 87104		5-23-00	6-10-00	yes
Twin Peaks Middle School 566 Mountain View Albq., NM	No records here anymore. Should be with client's high school records	5-23-00		
Manzano H.S. 877 Hwy 44 Littleton, NM		5-23-00	6-1-00	yes
Medical Records				
Dr. Phillip Roth 234 Apothecary Way Albq., NM 87106		5-24-00	6-5-00	yes
General Hospital Phoenix	Records destroyed per hospital policy. No records stored off site.	5-24-00		
Veteran's Hospital 887 Coast Rd. San Francisco	they are searching for records. May take 2-4 weeks.	5-24-00		
Mental Health Records				
Behavior Health Clinic 500 W. Van Buren Yuma, AZ		5-23-00	6-15-00	yes
Charter Hospital Dallas, Texas		5-24-00		