

**THE 31ST ANNUAL
HIGH SCHOOL MOCK TRIAL COMPETITION
CASE MATERIALS**

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**IN THE CRIMINAL COURT FOR
MILL COUNTY, NEW JUSTICE**

**State of New Justice,
Prosecution**

v.

Case No. CR-07-449654

**Casey Nefflen,
Defendant**

**IN THE CRIMINAL COURT
FOR MILL COUNTY, NEW JUSTICE**

Holding a Criminal Term
Grand Jury Sworn in on April 15, 2007

**State of New Justice,
Prosecution**

**Criminal No.
GRAND JURY ORIGINAL**

**Count 1: First Degree Murder
(NJCC § 187.01)
Case No. CR-07-449654**

v.

**Casey Nefflen,
Defendant**

INDICTMENT

COUNT 1

(First Degree Murder)

THE GRAND JURY CHARGES:

1. At all time material to this indictment:

On April 21, 2007, in Mill County, New Justice, Casey Nefflen committed the offense of FIRST DEGREE MURDER in that Casey Nefflen repeatedly stabbed and killed Alex/Alexandra Day with the intent to kill or do great bodily harm to Alex/Alexandra Day or with the knowledge that there was a strong probability that the defendant's acts would cause death or great bodily harm to Alex/Alexandra Day in violation of New Justice Criminal Code §187.01.

A TRUE BILL

FOREPERSON

J. Peterson, ADA

Stipulations:

1. There is no "chain of custody" for evidentiary issue.
2. There is no entrapment issue in this case.
3. There is no jurisdictional issue in this case.
4. All exhibits are stipulated as authentic.
5. There is no Miranda issue.
6. There is no fourth amendment issue.
7. The defendant is charged only with first-degree murder, and not any lesser-included offense.
8. All witness statements are sworn affidavits and should be treated as such under proper rules of evidence.
9. The defendant's mental capacity is at issue. Cross-examination of any competent witness is permissible.
10. Stipulations may not be contradicted or challenged.
11. Dr. Dale Smith and Dr. Taylor Thompson are considered experts in their fields and may be qualified after demonstrating the qualifications contained in these materials.

APPLICABLE LAW

40.16(b)

Crim. 40.16(b)

Affirmative defense: Insanity (for offenses committed On or after July 1, 1995)

The defendant has raised the defense that he/she was insane at the time of the commission of the offense.

A person is not responsible for criminal conduct if, at the time of the commission of the acts constituting the offense, the person, as a result of a severe mental disease or defect, was unable to appreciate the wrongfulness of such person's acts. A mental disease or defect by itself is not a defense. The terms "mental disease or defect" do not include any abnormality manifested only by repeated criminal or otherwise anti-social behavior.

The defendant has the burden of proving the defense of insanity. For a verdict of not guilty by reason of insanity, the defendant must prove both of the following things by clear and convincing evidence:

(1) he/she had a severe mental disease or defect at the time that the acts constituting the crime were committed;

and

(2) that as a result of this severe mental disease or defect, he/she was not able to understand what he/she was doing, or to understand that what he/she was doing was wrong.

"Clear and convincing evidence" means evidence in which there is no serious or substantial doubt about the correctness of the conclusions drawn from the evidence. Lay witnesses have testified with respect to their observations of defendant's appearance, behavior, speech and actions. Such persons are permitted to testify as to their own observations and other facts known to them. In weighing the testimony of such lay witnesses, the trier of fact may consider: the circumstances of each witness, his/her opportunity to observe the defendant and to know the facts to which he/she has testified, his or her willingness and capacity to expound freely as to his/her observations and knowledge, the basis for his/her opinion and conclusions, and the nearness or remoteness of his/her observations of the defendant in point of time to the commission of the offense charged.

Whether the witness observed extraordinary or bizarre acts performed by the defendant may also be considered. In evaluating such testimony, the trier of fact should take into account the extent of the witness' observation of the defendant and

the nature and length of time of the witness' contact with the defendant bearing in mind that an untrained person may not be readily able to detect mental disease or defect. Also, the failure of a lay witness to observe abnormal acts by the defendant may be significant only if the witness had prolonged and intimate contact with the witness.

In determining the defendant's mental status at the time of the alleged crime, the trier of fact is entitled to look to evidence of his/her actions and words before, at, and immediately after the commission of the alleged crime.

New Justice Crim. Code § 101.01- Presumption of Innocence – Reasonable Doubt – Burden of Proof Generally

A defendant is presumed to be innocent of the charge(s) against him or her. This presumption remains throughout every stage of the trial and is not overcome unless from all the evidence in the case the jury is convinced beyond a reasonable doubt that the defendant is guilty of the offense charged.

The State has the burden of proving the guilt of the defendant beyond a reasonable doubt, and this burden remains on the State throughout the case. The defendant is not required to prove his or her innocence.

New Justice Crim. Code § 187.01 – First Degree Murder

- (a) First degree murder is:
 - (1) A premeditated and intentional killing of another; or
 - (2) A killing of another committed in the perpetration of or attempt to perpetrate any first degree murder, act of terrorism, arson, rape, robbery, burglary, theft, kidnapping, aggravated child abuse, aggravated child neglect or aircraft piracy; or
 - (3) A killing of another committed as the result of the unlawful throwing, placing or discharging of a destructive device or bomb.
- (b) No culpable mental state is required for conviction under subdivision (a)(2) or (a)(3) except the intent to commit the enumerated offenses or acts in such subdivisions.
- (c) As used in subdivision (a)(1) "premeditation" is an act done after the exercise of reflection and judgment. "Premeditation" means that the intent to kill must have been formed prior to the act itself. It is not necessary that the purpose to kill pre-exist in the mind of the accused for any definite period of time. The mental state of the accused at the time the accused allegedly decided to kill must be carefully considered in order to determine whether the accused was sufficiently free from excitement and passion as to be capable of premeditation.

State v. Tate, 405 N.J. Reporter 238 (N.J. 2001): "The State may prove a criminal offense by direct evidence, circumstantial evidence, or a combination of the two. *State v. Akers*, 402 N.J. Rep. 822, 833-35 (N.J. 1994) ("the cases have long recognized that the

necessary elements of first degree murder may be shown by circumstantial evidence”). Before a jury may convict a defendant of a criminal offense based upon circumstantial evidence alone, the facts and circumstances “must be so strong and cogent as to exclude every other reasonable hypothesis save the guilt of the defendant, and that beyond a reasonable doubt.” *State v. Jenkins*, 355 N.J. Rep. 487 (N.J. 1985). As in the case of direct evidence, the weight to be given circumstantial evidence and “the inferences to be drawn from such evidence, and the extent to which the circumstances are consistent with guilt and inconsistent with innocence, are questions primarily for the jury.” *State v. Jones*, 322 N.J. Rep. 111 (N.J. 1982).”

State v. Williams, 335 N.J. Crim. App. 888 (N.J. App. 1982): “As additional evidence of premeditation, the state suggests that the defendant’s calmness immediately following the shooting proves that the murder was premeditated. Calmness immediately after a killing may be evidence of a cool, dispassionate, premeditated murder. In this case, however, no evidence exists of the defendant’s demeanor immediately after the killing, except his own testimony that he was upset. Although the defendant waited an hour and a half to report the shooting and put his tractor and trailer in the barn before calling the police, there is no evidence concerning his emotional state during this time. Furthermore, the fact that he briefly went to the store and to see a friend without describing the incident does not prove premeditation. One who has recently killed another person recklessly, passionately, or even negligently may be extremely hesitant to reveal the details of the crime, and yet not be guilty of first-degree murder. Thus, while the defendant’s behavior manifests such indifference to the victim and fear of detection that the jury might discredit his story, Williams’ failure to report the shooting to the police fails to establish premeditation and deliberation in advance of the murder. Finally, the state claims that Williams’ concealment of the gun is proof of premeditation. Again, we disagree. The court in *Rosen v. State*, 145 N.J. Reporter 21, 23 (N.J. Crim. App. 1971), held that the concealment of evidence may itself be evidence of guilty. The concealment of evidence, however, may be associated with the commission of *any* crime and the accompanying fear of punishment. One who kills another in a passionate rage may dispose of the weapon when reason returns just as readily as the cool, dispassionate killer. The fact that evidence is subsequently hidden from the police reveals nothing about a criminal’s state of mind before the crime. Thus, while the concealment of evidence discredits defendant’s self-defense excuse, it does not provide evidence of premeditation. *Rosen* simply permits the concealment of evidence to be used as evidence of the commission of a crime generally; it does not provide the specific element of premeditation.”

STATEMENT OF KRIS LaRUE

1. My name is Kris LaRue and I live in Grosse Point, New Justice. I am an Assistant
2. District Attorney for Mill County, New Justice. I have been an Assistant District
3. Attorney for the last five years. I am thirty-two years old and I am not married. I
4. grew up in Grosse Point. A childhood friend of mine was Casey Nefflen. S/He
5. and I played on T-ball, baseball, football and basketball teams together through
6. high school. We went to college together and then law school.

7. Although we were best friends, there was always an air of competition between the
8. two of us. I have often heard people describe Casey as an individual who things
9. come to very easily. I, on the other hand, am the type who has to work, study and
10. prepare extra hours just to feel comfortable in my own skin.

11. Casey and I handled several cases together in the past few years. Although I
12. always wanted to sit as lead counsel, the boss never saw fit to place me in that
13. position. I was always second fiddle to Casey. The Bigilini case was no exception.
14. Sam Bigilini was one of the biggest and nastiest members of the Bigilini crime
15. family. We had been after the Bigilini crime family for decades. All of the efforts
16. of the people who had been at the office before me came to fruition when we were
17. able to catch Bigilini through his accountant. It seems that was one loose end that
18. was never “tied up.”

19. Throughout the preparation for and the trial of State of New Justice v. Samuel L.
20. Bigilini case, I did most of the heavy lifting and preparation. Although Casey was
21. lead counsel, it seemed that the only thing s/he was interested in doing was
22. grabbing the headlines and the limelight. S/He would show up at court in the
23. morning seemingly having only merely glanced at or only read through the
24. summaries for that day’s witnesses. I have to admit that s/he was very good. S/He
25. has a natural ability and charisma that makes you love him/her or hate him/her
26. depending on which side of the “v” you are on in the case. Although s/he had
27. stated to me at the very beginning of this case that s/he believed that this was “our
28. ticket to bigger and better things,” I never believed in my heart that s/he would
29. take me with him/her.

29. It was strange that throughout the preparation for this case and the trial itself, s/he
30. didn’t quite seem to be her/himself. Casey was normally a very squared away and
31. scheduled individual. S/He was very organized and was a slave to his/her to do
32. list and scheduling. However, during this time period, there would be occasions
33. where I would walk into his/her office and s/he would be sitting in one of the
34. guest chairs in the fetal position with his/her knees drawn up to his/her chest and
35. his/her face in his hands. I would ask him/her what the problem was and s/he
36. would quickly snap out of it and return to his/her old self. Another odd event
37. occurred was one day during the cross-examination of one of the defendant’s
38. witnesses. Casey began to quote scripture from the Bible to this witness instead of
39. questioning him. This drew an obvious objection from the defense counsel, Alex

40. Day, and the Judge's ruling on the objection seemed to have snapped Casey out of
41. his/her "weird state."

41. Before Casey stood to make the closing argument to the jury in the Bigilini case,
42. s/he leaned over to me and whispered, "This is our ticket to bigger and brighter
43. things. This is lock, bet the farm, bet the house, its Miller time." Casey had also
44. made comments to me that s/he felt like the case had gone as if it were a
45. screenplay and s/he had written the whole thing. I was not as optimistic as there
46. had been several occasions where our witnesses had gone missing and the
47. evidence did not come into the record as we had hoped. Going into closing
48. arguments, I thought we had about a 50/50 shot of winning.

49. Needless to say, we lost. Again, after the jury read the verdict and the jurors were
50. polled, Casey sat in his/her chair for many minutes with this weird smile on
51. his/her face, almost a vacant stare and smirk before I was able to physically shake
52. him/her and get him/her out of the mood and get him/her to focus on my face. I
53. asked him/her if s/he wanted to go get a drink at The Alibi and s/he nodded
54. his/her head. The Alibi is not too far from the courthouse so we walked together.
55. Casey never said a word to me the whole way there.

56. Once we reached The Alibi, I ordered us a couple of beers and two shots. Casey
57. and I made quick work of this first round. We kept drinking and finally had a big
58. steak. Casey was slowly but surely coming out of his/her funk and even made a
59. joke about our meal that it might be our "last meal" and that we might be "dead
60. wo/men walking." We left The Alibi around 4:00 p.m. My house is not far from
61. there so I decided to go ahead and walk home rather than going back to the garage
62. to get my car. Casey lives out in the suburbs and so s/he went ahead and drove
63. home. I thought that this was a bad idea but I was in no condition to take his/her
64. keys away from him/her. It's a wonder s/he even made it home without hurting
65. her/himself or anyone else given the condition s/he was in when we left the bar.
66. Once I got home, I was so tired and emotionally exhausted that I immediately
67. went to bed.

68. The next morning I woke up and there was a message on my answering machine.
69. I pressed the button to play the message. It was Casey's voice only it didn't sound
70. exactly like him/her. It had this very high lilt to it. It almost sounded as if s/he was
71. being possessed like in those horror movies. S/He was singing that old song,
72. "They're coming to take me away, ha ha, they're coming to take me away." S/He
73. also quoted his/her favorite commercial from the 80's with the little old lady who
74. asked, "Where's the beef?" Then the line was silent for a few seconds. The next
75. thing I heard on the message was a banging on a door. Then I heard a wo/man's
76. voice and shouting. After that the line went dead. I have since learned that Alex
77. Day was killed that day and that Casey Nefflen has been charged with the first
78. degree murder of Alex Day.

79. I know Alex Day to be a fairly unscrupulous lawyer who has represented every

80. type of slime in the tri-state area. S/He is a hired gun who often repeatedly is paid
81. cash from his/her clients delivered to his/her office in large brown paper bags. A
82. friend of mine at the bank told me that the number of bank accounts that Alex
83. Day had opened rivaled the number of accounts in some small community banks.
84. My friend at the bank also told me that he thought that this was an effort to avoid
85. the necessity of having to issue a 1099 form, which is required for deposits of
86. case of \$10,000.00 or more. I thought it was also ironic that Alex Day was the
87. defense counsel representing Sam Bigilini in the trial that we had lost on the very
88. day of his/her death.

STATEMENT OF BOBBY/IE DAY

1. My name is Bobby/ie Day. I am 34 years old and a full-time parent. After ten
2. years of a wonderful marriage the love of my life, Alex Day, was taken from me
3. when Casey Nefflen brutally stabbed and killed him/her in our kitchen.

4. Adam and I had been friends with Casey and his/her brother/sister for the past two
5. years. In fact, we invited them over to our house on numerous occasions. My
6. spouse Alex respected Casey Nefflen. In fact, he/she would often tell Casey that
7. s/he needed to “come over to the dark side” because that’s the way to make the
8. big money.

9. While my spouse had never been in trouble with the law and didn’t even have a
10. speeding ticket, when s/he was 19 years old, s/he was arrested for molesting a
11. cousin of his/hers at a family reunion. S/he never really talked about it, other than
12. to say that the cousin was 14 years old and was upset that Alex wouldn’t “go out
13. with him/her.” Alex told me that after everything was cleared up, the DA dropped
14. all charges.

15. On April 21, 2007, my spouse won a trial that s/he had been working on for years,
16. the Bigilini trial. The verdict was returned early that afternoon, and, instead of
17. going out to drink with the rest of his/her legal team, Alex came home to spend
18. some time with our daughter, Dorris. Alex had been at the office really late for
19. nearly the entire winter and up until the day the trial was over and really missed
20. Dorris.

21. Around 2 o’clock that afternoon, Alex came home with a case of Dom Perignon
22. that Sam Bigilini had purchased for him/her. The two of us had a toast to his/her
23. victory, and while Alex played with Dorris and her friend Kerry Nefflen, we had a
24. few more glasses of champagne. After his/her second or third glass of champagne,
25. Alex became pretty tired and went to the bedroom to take a “cat nap.” S/he asked
26. me to wake him/her up in 15 minutes. However, before Alex could sleep the full
27. 15 minutes, both of the girls ran into our bedroom and started to jump up and down
28. on our bed. I ran in after them, but, of course, it was too late, Alex was no longer
29. asleep. Dorris then snuck under the covers and gave Alex a kiss on the cheek to
30. get him/her out of bed. Alex then got out of bed. Kerry then followed Dorris
31. under the covers and asked us to play “hide and go seek” with them. As Dorris
32. and Kerry would hide under the covers, we would try to “find them.”

33. After a few minutes of playing “hide and go seek,” Kerry asked Alex if s/he could
34. have a chocolate cookie. S/he told him/her that we didn’t have any chocolate
35. cookies at the house, but that s/he could have an oatmeal cookie if s/he would
36. like. Kerry then said that s/he “hated” oatmeal cookies and became very upset.
37. S/he had thrown such tantrums before when I told him/her I didn’t have certain
38. foods s/he wanted. Crying, Kerry ran at Alex and began to lash out at him/her
39. with his/her fists. Anticipating this behavior, as we had seen it many times before

40. when Kerry didn't get exactly what s/he wanted when s/he wanted it, s/he put out
41. his/her hands in front of him/her. Kerry ran headfirst into Alex's hands but s/he
42. slipped through and ran into his/her legs. S/he grabbed him/her by the arms and
43. pulled him/her away from his/her body and made him/her lie down on the floor to
44. sort out his/her tantrum. When s/he wouldn't settle down, we decided that it was
45. time for Kerry to leave. S/he was told that s/he had to go home and then s/he ran
46. out the front door of our house screaming and crying saying "I'll get you for this."
47. I went outside and watched him/her go down the street to make sure no cars were
48. coming and that s/he made it inside his/her house safely.

49. Later that afternoon, while Dorris was sleeping and I was watching television,
50. Casey Nefflen started banging on the front door of our house. When I answered
51. the door, Casey yelled at me, "I want to talk to the molester." I asked him/her
52. what s/he was talking about. With a wild look in his/her eyes, Casey then said
53. "Where is Alex?" I told Casey that Alex was in the kitchen preparing dinner. I
54. followed Casey as s/he ran into the kitchen, but before I could even say or do
55. anything, Casey grabbed a chef's knife from the counter and stabbed Alex in the
56. chest. Alex immediately fell to the floor and Casey kept on stabbing him/her,
57. screaming, "I won't let you do this again." I tried to pull Casey off of Alex, but
58. s/he was too strong. By the time s/he stopped, s/he had stabbed Alex at least six or
59. seven times. I called 911, but it was too late. Within a minute or two, Alex passed
60. away. But before Alex died, s/he said to me, "I never did anything wrong. Why
61. me? I love you."

62. When the police arrived Casey was still sitting on my kitchen floor sobbing
63. uncontrollably and mumbling. S/he kept saying things like "I had to do it, s/he
64. sank my battleship" and "not again, not after that last time aboard the mother ship"
65. and repeating Kerry's name over and over again. S/he refused to take a
66. breathalyzer test but s/he smelled very strongly of alcohol and was slurring his/her
67. words. Detective Krupke put arrested Casey and took him/her away in the police
68. car. That's when a whole bunch of police officers started taking over my kitchen
69. with all their evidence gathering and everything. I couldn't believe what was
70. happening. I took Dorris up to her room and just sat there on her bed holding her
71. until the police were finally done and they took Alex's body away.

STATEMENT OF DR. DALE SMITH

1. I examined Casey Nefflen and have determined that s/he is competent to stand
2. trial and in my professional opinion, s/he appreciates the character of his/her
3. actions and did so on the date of the incident. I found him/her to be cooperative
4. and friendly if only on a superficial level. I reviewed the police report and
5. narrative statement prepared by Detective Krupke as part of my analysis.

6. Notably, Casey Nefflen had no history of mental health treatment prior to the
7. murder. It is improbable that a condition of insanity had taken control of his/her
8. actions on the evening of the murder.

9. Extremely stressful situations trigger an amnesia-like response, where someone
10. does not remember exactly what occurred or what actions they took. After an
72. extensive examination, I ruled out the possibility of Casey Nefflen having a
73. borderline personality disorder or a psychotic disorder.

13. I diagnosed Casey Nefflen with an intermittent explosive disorder, which is the
74. occurrence of discrete episodes or failure to resist aggressive impulses that result
75. in serious assaultive acts and destruction of property. The degree of
76. aggressiveness expressed during an episode is grossly out of proportion to any
77. provocation or psychosocial stressor. These aggressive episodes are not due to the
78. direct physiological effects of a substance, such as alcohol, drugs, or prescription
79. medication or a general medical condition, such as head trauma.

20. Signs of generalized impulsivity or aggressiveness may be present between
80. episodes. Individuals with narcissistic, obsessive, paranoid or schizoid traits may
81. be especially prone to having explosive outburst of anger when under stress. The
82. disorder may result in difficulties with interpersonal relationships.

23. This was not the first time Casey Nefflen had an explosive attack. There had been
24. rumors at the DA's office of fist fights with other attorneys. Once even with
25. his/her co-counsel, Kris LaRue. His file indicates Casey Nefflen had gotten into a
26. fistfight with one of the confidential informants who did not get enough "scoop"
27. to help his/her case.

28. Casey Nefflen described his/her aggression as an attack in which the explosive
29. behavior was preceded by a sense of tension, as if he were about to explode,
30. followed immediately by a sense of relief. Sometimes s/he forgot what happened,
31. other times s/he remembered bits and pieces of what occurred and his actions.
32. Casey Nefflen claims not to remember anything that happened that night between
33. him/her and Alex Day. I find this highly irregular and feel s/he may be
34. exaggerating a bit.

35. Interestingly, Casey Nefflen does not feel remorseful, upset, regretful, or
36. embarrassed by this aggressive behavior. This may be because s/he claims not to

37. remember anything except realizing that s/he was covered in blood, possibly Alex
38. Day's blood.

39. Diagnostic criteria for Intermittent Explosive Disorder

40. A. Several discrete episodes of failure to resist aggressive impulses that result in
41. serious acts of assault or destruction of property.

42. B. The degree of aggressiveness expressed during the episodes is grossly out of
43. proportion to any precipitating psychosocial stressors.

44. C. The aggressive episodes are not better accounted for by another mental
45. disorder, e.g. borderline personality disorder, psychotic disorder, manic episode,
46. conduct disorder, and are not due to the direct physiological effects of a
47. substance, e.g. drug abuse, medication, alcohol, or a general medical condition.

48. Casey Nefflen registered a blood alcohol content of 0.18%, which is almost the
49. level for medical intoxication, which is 0.21%

STATEMENT OF DR. TAYLOR THOMPSON

1. My name is Dr. Taylor Thompson, and I am 49 years old. I live in Knoxville,
2. New Justice, where I am the Felix Unger Professor of Psychiatry at Knoxville
3. University where I serve as Dean of Admissions to the Psychiatry Program. I
4. received my undergraduate degree in psychology from Ivy Land College, and I
6. received both my PhD and M.D. degrees from Jones and Weatherby University.
7. As a psychiatrist, I specialize in temporary mental disorders, and I am well-known
8. for my expertise in clinical diagnosis. I am board certified in psychiatry. I have
9. also spent the last fifteen years as a legal consultant, during which time I have
10. testified as an expert more than 50 times in various court proceedings. I am
11. usually called upon in “temporary insanity” cases, although I have also been
12. asked to determine whether someone is competent to stand trial. I consult both for
13. defense attorneys and for the state, as necessary.

14. I am widely published in my field, and my textbook on transient behavioral
15. distortion is used in over 20 medical schools around the country. In peer review
16. journals, I have been consistently ranked as a researcher with the utmost in ethical
17. and professional standards. It is true that a recent publication of mine was,
18. unfortunately, retracted, but I insist that I am not a plagiarist. I had relied upon a
19. graduate student for research assistance, and, rather than properly oversee the
20. experiments designed for the project, my assistant chose to copy the results of a
21. similar experiment that had been conducted at another school in Europe. I was
22. mortified when the truth was uncovered. I am not sure I shall ever be able to fully
23. regain my reputation. Indeed, this is why I have decided to leave my profession.
24. After my testimony in this matter, I will become a full-time correspondent for
25. Court TV. I will also be publishing my first book not intended for the medical
26. profession. It is called “Crazy Like a Fox: A How-To Manual for Defense
27. Lawyers Seeking to Win a Temporary Insanity Case.”

28. We don't actually use the term “insanity” in the psychiatric profession. For one
29. thing, it seems cruel and insensitive. But more importantly, insanity is too vague
30. to really be helpful. Most people who, in common parlance, would be referred to
31. as “insane” have varying degrees of mental illness. Most have some form of
32. Schizophrenia or severe Bi-Polar Disorder. In situations in which these mentally
33. ill persons are accused of crimes, my task is to identify the underlying mental
34. disorder and examine how it could have resulted in the commission of the crime.

35. Temporary insanity is something almost completely different. It is, as the name
36. suggests, a condition that has no permanence. It typically is triggered by a specific
37. set of stress-inducing events and lasts only as long as necessary for the body to rid
38. itself of the stress. I think of it as a circuit breaker system. Sometimes, when the
39. brain is asked to process too much at once, it overloads to the point that nothing
40. works. Then, a second event flips the switch; the system resets and the body
41. functions normally again. Those who are temporarily insane and who need to rid
42. their body of stresses often work out the adrenaline in their systems through some

43. physical act, usually one marked with violence. Interestingly, it is often the
44. violent act itself that functions to “flip the switch” and reset the body’s system.
45. So, someone who has committed an act of violence during a moment of
46. “temporary insanity” will almost instantly recover and immediately feel deep
47. remorse for the act.

48. Certainly someone who has been temporarily insane will remember the events
49. that transpired during the insanity; amnesia is not a component of temporary
50. insanity, although situations of extreme stress have been known to trigger amnesia
51. as well. Because their logic system was impaired at the time, they will be unable
52. to explain why they acted the way they did, and they probably will not remember
53. in precise detail what happened because the brain’s ability to process and store
54. information was temporarily limited. Still, patients who suffer from this
55. occurrence will have some recollection of the events.

56. I have long had an interest in the acts of the temporarily insane, and one of the
57. biggest challenges in the field has been the inability to determine with any precise
58. measure whether someone has actually had an experience of temporary insanity.
59. For obvious reasons, temporary insanity can only be examined retrospectively. It
60. would be unethical to confine subjects to a lab, perform experiments on them, and
61. attempt to force them into temporary insanity so that we could measure them
62. afterwards. Two colleagues and I therefore set about to develop a test that would
63. determine whether someone had actually experienced temporary insanity. It is
64. called the Criteria for Recognition Affect and Z-Protein Yield. The test has now
65. been adopted in a few medical schools, where my staff and I set up programs to
66. teach the test’s administration.

67. The test has three components. First, the subject undergoes laboratory testing in
68. which sweat samples, blood samples, and tissue samples are analyzed for excess
69. levels of a protein that is excreted during moments of extreme physiological
70. stress. The Z-Protein, as it is called, has a long half-life in the body, so once the
71. levels become elevated, they will remain elevated for years. We sample for the
72. protein and use the amount of protein yielded to determine whether they might
73. have experienced a bout of temporary insanity and how long ago it might have
74. been. Second, the subject undergoes a series of standard psychological
75. evaluations focused primarily on personality diagnostics. The purpose of these is
76. to identify persons who experience extreme stress easily or who process stress in
77. peculiar ways. The third aspect of the test is a personal interview. Either I, or an
78. assistant that I have personally trained will question the subject in carefully
79. controlled laboratory conditions to determine if a particularly stress-filled time in
80. his or her life might have resulted in temporary insanity.

81. I was asked to examine Casey Nefflen and I have prepared a report based on my
82. findings. I reviewed the police report and narrative statement addendum prepared
83. by Detective Krupke as part of my evaluation. Based upon the three factors stated
84. above, it is my expert opinion that

85. Casey Nefflen was temporarily insane at the time of the incident with Alex Day.
86. Therefore, Casey Nefflen could not appreciate the wrongful nature of his/her
87. actions. I am compensated for my services at a privately negotiated rate.

STATEMENT OF PAT NEFFLEN

1. My name is Pat Nefflen. I am 26 years old. In 2005, I graduated from
2. Bowling Blue State University with a double major in child psychology
3. and education and was accepted by Harvard Medical School. My senior
4. year thesis, which was published by the BBSU Journal of Psychology, was
5. entitled "Language, Listening and Learning: What Toddlers Really
6. Mean." It focused on grasping the true meaning behind "toddler speak"
7. through the use of a number of indicators, including speech pattern,
8. context, and age, among others. During my senior year at BBSU, my
9. brother/sister, Casey Nefflen's husband/wife died. Instead of getting my
10. M.D. and being in school for seven years, not to mention all the loans I
11. would have had to take out, I decided that I would rather help my
12. brother/sister, Casey out raising his/her child. So I moved in with
13. Casey in August of 2005, to help him/her raise his/her first and only child,
14. Kerry, who had been born in March of 2004. Kerry was one when I moved
15. in with them. Kerry is the center of our universe.

16. Kerry is a very smart child. S/he has been tested as having an IQ of 160. I
17. think s/he has the verbal skills of a five year old. One of her best friends is
18. Dorris Day, the daughter of Alex and Bobbie Day. The Days live down
19. the street from us. We have had dinner at their home once or twice.

20. On April 21, 2007, at around 2:30 p.m., Kerry came home from playing
21. with Dorris at the home of Alex and Bobbie Day. S/he told me that s/he
22. and Dorris had gotten into bed with Alex Day and that Alex was "holding
23. her too close." S/he then said that Alex Day "touched him/her" and that "it
24. made him/her feel weird." Though s/he already told me, I questioned
25. him/her as to where this happened. Beginning to cry, s/he responded, "In
26. the bed, in the bed." Remembering what I had learned in some of my child
27. psychology classes that dealt with traumatic experiences, I knew that the
28. best thing to do was to comfort him/her and not get visibly upset in front
29. of him/her. Since s/he was already half an hour late for his/her usual 2:00
30. nap, I simply rocked him/her until s/he stopped crying, stating over and
31. over that "It will be ok."

32. Kerry finally went to sleep around 3:00 and I tried to call Casey on the cell
33. phone, but only got voice mail. Around 4:20 that afternoon, Casey finally
34. came home. S/he was in a really foul mood as s/he had just lost the biggest
35. case of his/her life against Alex Day. Realizing what had happened to
36. his/her child and seeing Casey caused me to break down in tears knowing
37. that our family would never be the same. I told Casey what Kerry had told
38. me. S/he became furious. A look came over his/her eyes that I had never
39. seen before as s/he told me s/he was going over to the Day house to "get
40. things straight." Before I could say anything, s/he ran out the side door.

41. The Bigilini trial had really taken a toll on Casey. S/he was only sleeping
42. 2-4 hours per night for the last six months. Sometimes I could hear
43. him/her talking in his/her sleep about the trial. I really couldn't make
44. heads or tails of it, but it sounded very aggressive and violent. S/he even
45. stopped coming home for dinner during the last month of the trial. I started
46. noticing some strange behavior by Casey in late March and April. S/he
47. began a ritual every time s/he would come home. S/he would touch the
48. door again and again. S/he would then lock and relock the deadbolt
49. exactly six times before going and touching his/her keys again. One night
50. I asked Casey about this behavior and s/he denied all of my talking points.
51. I asked him/her if everything was all right and s/he became very sullen.
52. S/he finally said, "I know that I am going to win, but I can't help thinking
53. that if I lose, my career is over."

54. When Casey ran out of the house that day, I started to run after him/her
55. but stopped in the driveway and just watched. It was like I was frozen
56. watching a circus sideshow or something. S/He was acting really strange .
55. . . doing all sorts of crazy things. S/he was swinging his/her arms and
56. yelling; it looked like s/he was having a breakdown. I could see sweat
57. marks all down his/her shirt. S/he was walking all zigzag back and forth
58. across the street instead of going straight to the Day's house. And the
59. strangest part was s/he was singing and sort of hop-skipping off and on
60. down the street. The Day's house is only three houses up from ours on the
61. same side of the street but Casey must've crossed the street like 5 or 6
62. times between our house and the Day's house. I saw him/her go up to the
63. Day's house and bang on the door. That's all I could see.

64. When I heard the shot, I grabbed Kerry and ran down the street to the
65. Day's house. The front door was open so I went in. When I walked into
66. the kitchen, I found Casey on the floor covered in blood and sobbing
67. loudly. There was broken glass all over the floor and Alex was lying there
68. next to Casey. I immediately covered Kerry's eyes and carried him/her out
69. of the house. I couldn't believe what I had seen. I felt like I was in a daze.
70. The next thing I knew the police showed up, Detective Krupke. He
71. arrested Casey and put him in the police car. I walked over to Casey to try
72. to talk to him/her but s/he just stared blankly out the window. S/he didn't
73. even seem to recognize me. I dropped Kerry off at Casey's and my
74. mother's house a few streets away and drove to the police station. When I
75. got there they let me go into the room where they were trying to talk to
76. Casey. Casey acted like s/he had no idea what had happened and kept
77. asking why s/he was there and why they wouldn't let him/her leave. Casey
78. became very annoyed that s/he was handcuffed for "no reason" and
79. wanted to know who spilled ketchup on his/her shirt. It was very upsetting
80. to see him/her like that. I had to leave the room.

STATEMENT OF CASEY NEFFLEN

1. My name is Casey Nefflen and I live in Grosse Point, New Justice. I am
2. thirty-two years old and I am a widow/widower. I was married for six
3. years. My wife/husband, Jesse, died in the spring of 2005 leaving me to
4. raise our only child, Kerry, who was just a year old at the time. My
5. brother/sister, Pat, graciously offered to move in with us and help out after
6. s/he graduated at the end of that school year. Pat was getting a degree in
7. child psychology and education so I figured s/he could really help with
8. Kerry. Kerry is the apple of my eye and the reason I wake up each
9. morning. I am an Assistant District Attorney for Mill County, New
10. Justice. I have worked for the District Attorney's office for five years. In
11. that time I have been a rising star in the department handling many
12. complex prosecutions "far beyond my years" as some of the old heads
13. have muttered.

14. In early February of 2007, I was lead counsel in the case of State of New
15. Justice v. Samuel L. Bigilini. Sam Bigilini, a member of the Bigilini crime
16. family, was finally indicted for racketeering, money laundering and other
17. assorted corruption charges. I knew that if I were successful it would mean
18. a meteoric rise to the top of the "food chain" in the office. I readily agreed.
19. I was allowed to choose my second chair and I chose my faithful side-kick
20. and trusted friend Kris LaRue. Kris and I have known each other since
21. grade school and attended law school together. It just so happened that we
22. started at the DA's office together, but I had a faster rise to the top. It
23. never seemed to bother him/her that I had been promoted faster and was
24. given larger cases; however, I never really thought that s/he had the
25. horsepower to sit as lead counsel. S/he is an excellent detail person, but
26. s/he does not have nearly the same amount of charisma or trial skills that I
27. possess.

28. The Bigilini trial had gone almost like clockwork. There is an old saying
29. in the law that you must beware when all is going right. I kept waiting for
30. the other shoe to drop and for something bad to happen during the
31. prosecution. None of our witnesses went missing, all of our evidence came
32. in smoothly, and I believe that I had the jury eating out of the palm of my
33. hand. On the day of closing arguments, prior to standing up to address the
34. jury for my final time, I leaned over to Kris LaRue and stated that s/he
35. should pack his/her bags because we had written our tickets to bigger and
36. brighter things in the office. I truly believed that when we won this case
37. that we would both be allowed to rise straight to the top.

38. Unfortunately, once the jury retired it took only one hour of deliberation to
39. return a verdict of not guilty on all charges. Needless to say, I was
40. devastated. This was a two- month trial with a year and a half preparation.
41. Almost two years of my life had been wasted, including missing some

42. valuable moments with Kerry. I was despondent, depressed and
43. generally numb. It took me several minutes before I could even wrap my
44. mind around the fact that I had just lost the biggest case of my career. It
45. was Kris who finally shook me from my stunned silence and prodded me
46. to go to our favorite watering hole, The Alibi. I think we got to The Alibi
47. around 1:00 p.m. Of course, drinks were ordered and many were
48. consumed. I believe that we even had a few shots to try and drown our
49. sorrows. We had a big meal and we even joked, if I remember correctly,
50. that this big steak dinner that we were having might be our “last meal”
51. given the outcome of the trial. Basically, we were self-medicating. After I
52. paid our tab, which if I recall was \$164.00, we both left The Alibi around
53. 4:00 p.m.

54. Although I should not have done so, I drove myself home. All the way
55. home, I could not help slipping back into a depression, second guessing
56. myself regarding each piece of evidence and each argument throughout
57. the previous two months. By the time I reached my house, I was in quite a
58. state. I think I got out of the car, got back in the car and sat down at least
59. ten times before I even hit the front door. I don't even remember actually
60. going through the front door of my house. It seems odd. I have sections of
61. my memory that are completely blank during this time. This has never
62. happened before, so it has taken some time for me to piece it all together.

63. When I finally arrived home, Pat was worried and immediately ran up to
64. me to ask where I had been. Of course Pat is the worrying type as are
65. some siblings. S/he told me that s/he was extra upset for many reasons.
66. First of all, s/he saw the news and knew that we had lost the case. Second
67. of all, s/he said something had happened with Kerry. It was as if someone
68. had struck me with lightning. I immediately came to attention and was
69. able to focus on every movement and word that Pat was saying. S/he told
70. me that Kerry had been at her best friend Dorris Day's house, playing.
71. Dorris is the daughter of Alex Day. It just so happens that Alex Day was
72. the defense attorney for Sam Bigilini.

73. I don't think I have ever really trusted Alex. I know that s/he has been a
74. prominent national criminal defense trial attorney for twenty some odd
75. years and had represented some of the most notorious defendants in recent
76. history, but there was always something “not quite right” about Alex.
77. Over my objections, Kerry had been allowed by Pat to play with Dorris at
78. her house. On one occasion, Alex had made a comment to me about
79. Kerry. We had entered Kerry in a beautiful child contest and had dressed
80. him/her up for it and Alex said “that sure is the sexiest three year old I
81. have ever seen in my life.” That struck me in absolutely all the wrong
82. ways. From that moment on I did not trust Alex Day with my child.
83. However, I had no idea that over the last two months, Dorris and Kerry
84. had become such good friends and that Pat and Bobbie had allowed them

85. to play together at both houses on many occasions. Had I known this was
86. going on, I would have ended it immediately.

87. After my attention was focused, I finally realized that Pat had been crying
88. a great deal. His/her eyes were all puffy and it was clear that s/he had
89. tearstains on his/her cheeks. I asked him/her why s/he was so upset. S/he
90. said that Kerry had been playing with Dorris that afternoon. After coming
91. home, Kerry, who was in tears, finally told Pat that Alex was “holding her
92. too close” and that s/he “touched her” and “it made her feel weird.”
93. Obviously, I called Kerry into the room and asked her what had happened.
94. S/he repeated what Pat had just told me. If it felt like I had been hit by
95. lightening before, this time it felt like the sky was falling. I couldn’t
96. breathe, I couldn’t see, my legs felt weak and my heart was racing. I felt
97. this horrible thundering in my eyes as if my head was going to explode off
98. of the top of my body.

99. At that moment, I knew that I had to see Alex Day. For some odd reason,
100. the smell of jasmine immediately filled my nose. I say it is odd as
101. we don’t have any flowering plants nor do we have anything
102. remotely close to jasmine in the house. In addition to that, my
103. mouth began to taste like licorice and cigarettes. I had not eaten
104. any licorice so I can’t explain that either, nor do I smoke. I knew I
105. had to get to Day’s house and
106. confront him/her. Before I left, I went into my closet and got my
107. Panama Jack Safari hat and bird watching vest and put them on. I
108. then walked out the front door and down the sidewalk. I started
109. down the sidewalk toward Alex Day’s home. Although I had never
110. been a believer in out of body experiences such as those
111. proclaimed by Shirley McLaine, I am a firm believer in that
112. phenomenon now. It was if I was watching myself walk down the
113. street. Actually, I think it was more like I was skipping, stumbling,
114. cart wheeling and rolling down the street. It looked as if I was a
115. puppet and some cruel child was pulling the strings and my body
116. was contorting all the way down. I could hear myself talking and it
117. was just gibberish. Although I have never personally witnessed it, I
118. imagine what I was doing sounded much like those people who
119. supposedly speak in tongues.

120. At some point I remember making a phone call to Kris LaRue.
121. Something inside of me told me that I needed to tell Kris about the
122. situation as soon as possible. I called and the phone rang five or six
123. times. Finally the answering machine picked up and I left a
124. message. I have no earthly idea what I said on the message but I do
125. remember that “beep.” When I finally arrived at Alex’s house,
126. Alex’s spouse Bobbie answered the door. It looked as if s/he had
127. been crying as well. I pushed past him/her and screamed Alex’s

128. name. I don't remember exactly what happened next, but I do
129. remember feeling rage and hatred building up in my body. The
130. next thing I know, I am on my knees in the middle of the Day's
131. kitchen covered in what appears to be Alex Day's blood. I say,
132. what appears to be his/her blood, as I have absolutely no idea how
133. it got there. I realized that I was kneeling in a puddle of blood
134. looking at his/her limp, lifeless body. In my hands was a chef's
135. knife. It looked like it was a knife from my house. I have no idea
136. how it got from my house into my hand, and down the street. At
137. that point, I began to sob uncontrollably. Not long after I realized
138. where I was, Detective Krupke of the Grosse Pointe Metropolitan
139. Police Department arrived and took me into custody. I asked if he
140. was taking me for donuts and then if we could stop at Denny's
141. instead. Although I had been crying, I wasn't exactly sure why. I
142. actually felt better then than I had since the verdict was returned in
143. the Bigilini case.

144. I understand that Alex Day is now dead and I also know that I have
145. been indicted for his/her murder. I do not believe that I am guilty
146. as charged and will proclaim and champion my innocence until my
147. last breath.

EXHIBIT 1

EXHIBIT 2

CRAZY Report for Casey Nefflen-Prepared by Dr. Taylor Thompson

Z-Protein Analysis

- Blood tested August 15, 2007
- High levels of Z-protein (.53 meg per ml/blood; normal range is .05-.2 meg per ml)
- Strong likelihood of recent episode of extreme physiological stress.
- Stressful episode likely occurred within past three months.

The Z-Protein Analysis is consistent with someone who has recently experienced an extremely high level of physiological stress. The test does not indicate the type of stress, and it is important to remember that stress can come from a variety of sources – family life, work environment, and financial concerns, just to name a few. Although this analysis cannot determine what caused Casey Nefflen to be under extreme stress, it does indicate that the stress was above and beyond what would be considered normal stress for an average adult.

Psychological Indicators

- IQ Test: 136 (Above average intelligence; two standard deviations above the mean)
An “Intelligent Quotient” Test is a standard, though imperfect measure of human intelligence. An average intelligence is indicated by a score of 100. A score of 150 indicates a person who is commonly referred to as “a genius.”
- Personality Type: “A” High need for control, Tense, Impatient, Aggressive. Personality typing is a generalization of how one examines and processes life events.
- Meyers-Briggs Type Indicator: ESTJ (Extrovert, Sensing, Thinking, Judging) The Meyers-Briggs Type Indicator analyzes personality on a scale with four dimensions. The test is commonly used to determine how a subject processes life information. It can be a useful gauge to see how a person communicates within a group setting. Casey Nefflen is strongly typed as an up-front, take-charge guy who depends on logic and consistency and prefers making decisive judgments.
- Stress Tolerance Scale: 4.2

The Stress Tolerance Scale measures a person’s reaction to stressful situations. It is measured on a scale of 1-10, where a score of “1” indicates an individual whose body is extremely tolerant of stressful situations. A score of “5” is considered an average score for a mentally competent adult. A score of “10” would indicate someone who is severely intolerant of stressful situations – someone who is subject to frequent, severe anxiety attacks.

Casey Nefflen's Psychological Indicators are unusual. S/He is highly intelligent and exhibits the need to be in charge of his/her life. This is consistent with the personality of many lawyers, particularly District Attorneys, who are generally focused, driven, and fully absorbed in their work life. Casey Nefflen's Myers-Briggs results are also in keeping with this personality type. The striking aspect of his/her psychological profile, however, is Casey Nefflen's score on the Stress Tolerance Scale. Generally, type A personalities such as his/hers do not process stress well. They are easily overwhelmed, especially when faced with personal or professional setbacks. Casey Nefflen actually exhibits a slightly better than normal tolerance for situations of stress.

Personal Evaluation

Although I ordinarily prefer a one-on-one interview with patients, I met with Casey Nefflen and his/her attorney for the personal evaluation portion of the test. We met on December 10, 2007, in Casey Nefflen's home where s/he was confined as a requirement of his/her bond. I found Casey Nefflen to be appropriately anxious, giving the gravity of the situation s/he is facing. S/he also seemed genuinely remorseful for his/her role in the death of Alex Day. S/he relayed to me the events of April 21, 2007. It is easy to see the stress that s/he was facing, and I believe that the disappointment of the trial's outcome, in conjunction with the shock of the allegation leveled by Casey Nefflen's child against Alex Day was sufficient to "trump" Casey's natural ability to process high levels of stress, resulting in a bout of transient loss of impulse control.

Conclusions

Considering the results of Casey Nefflen's Z-Protein analysis, his/her psychological indicators, and my personal evaluation of him/her, I conclude with 79% rate of confidence that Casey Nefflen experienced a period of time on April 21, 2007 in which s/he was unable to appreciate the wrongful nature of his/her actions.

Dr. Taylor Thompson
Date: January 22, 2008

Note to Attorneys Absent extenuating circumstances, Dr. Thompson will only testify in court on behalf of clients who receive a ranking with an 80% certainty or higher. Court testimony starts at \$250/hr. In the event that extenuating circumstances do arise, Court testimony is \$500.00/hr. with a \$5,000.00 minimum per day charge. All charges are non-refundable.

EXHIBIT 3

NATIONAL CRIME INFORMATION CENTER (NCIC)

Name: Day, Alex Q.

Date of Incident: July 3, 1983

Location: Sweeney, Florida

Current: Tennessee

Charge: Sexual Molestation of a Minor

Disposition: Held in Abeyance; Open Matter

EXHIBIT 4

Curriculum Vitae of Taylor Thompson

Name: Taylor Thompson, M.D.
Tri-State Forensic Psychiatry Research Center
Address: Insanity Research Institute
Knoxtown University
2120 East Galbraith Road, Building A
Knoxtown, NJ 45237

Education

Undergraduate
Ivy Land College
B.A. with honors received in May, 1971
M.D. and Ph.D. degrees awarded in May, 1976
From Jones and Weatherby University

Postdoctoral Training

Internship
Mercy Hospital, Baltimore, Maryland, 21201
First year resident in internal medicine July, 1986 to June, 1987
Johns Hopkins Hospital, Baltimore, Maryland, 21205
Fellow in the Department of Neurology, August, 1986
Residency
Department of Psychiatry
University of California, San Diego (UCSD)
School of Medicine, La Jolla, California, 92037
Senior Resident on the Forensic Psychiatrist research team
Center at the San Diego Veterans Affairs Medical Center
July 1987 – June 1990
Fellowship
Department of Veterans Affairs
Research Training in Psychiatry Fellow
Department of Psychiatry, UCSD School of Medicine and Competency Research
Center at the San Diego Veterans Affairs Medical Center
July 1990 – June 1992

Licensure

1986; 1998-Present New Justice License Registration No. 99-99-107-AA
1988-Present California License Registration No. A-44777
1992-Present Diplomat, American Board of Forensic Psychiatry

Academic Appointments

Assistant Professor In-Residence
Department of Psychiatry, USA School of Medicine

July 1992-September 1996
Associate Professor of Psychiatry
Wigwagan University, College of Medicine (WUCOM)
October 1996-Present
September 2004-With Tenure
Assistant Professor in the Forensic Sciences Program
WUCOM
1996-Present

Hospital Appointments

Director, Dual Diagnosis Treatment Program
Pleasantville VA Medical Center
July 1992-September 1996
Director, Forensic Psychiatry Division
Department of Psychiatry, WUCOM and Knoxville VA Medical Center
October 1996 to 2004

Awards and Honors

2004-07 Chairman, Clinical Treatment and Competency Evaluations Subcommittee of
the National Institute on Forensic Psychiatry and
2003-2005 Selectee, America's Top Psychiatrists, Criminal Defendant Evaluator:
Consumers' Research Council of America

EXHIBIT 5

**Curriculum Vitae
Dale Smith
Department of Psychology
Highlander College of Criminal Justice
The City University of New York
44345 West 159th Street
New York, NY 23456-1128**

Education

Ph.D., Frazier Crane University (1999)

Area of Study: Clinical Psychology with specialization in Forensic (APA/CPA accredited)

Dissertation: An investigation of the construct of competence in a criminal and civil context:

A comparison of the FIT, the MacCAT-CA, and the MacCAT-T.

M.A., Frazier Crane University (1995)

Area of Study: Clinical Psychology with specialization in Forensic (APA/CPA accredited)

Thesis: Assessing fitness to stand trial: Characteristics of fitness remand and comparison of institution-based evaluations and the Fitness Interview Test-Revised.

B.A. (Honors), University of Grady Springs (1993)

Area of Study: Psychology

Thesis: The relationship between types of crime and personality.

Awards

Martha Washington Scholarship (1992)

Natural Sciences and Engineering Research Council of Tanzania Summer Research Grant (1992)

Frazier Crane University Graduate Fellowship (1995)

B.C. Medical Services Foundation Summer Scholarship (1995)

Nominee for the Governor-General's Gold Medal and Dean's Convocation medal (1996 & 2000)

French Britania Health Research Foundation Student Fellowship (1996-1998)

American Academy of Forensic Psychology Dissertation Grant (1997)

American Psychology-Law Society Dissertation Grant (1997)

Presidential Research Award, Donnell-Smythe College of Criminal Justice (2203-2004)

Academic Positions

Department of Psychology, Highlander College of Criminal Justice, The City University of New York

Position: Associate Professor (Tenure Track, 2002 – present); Director, Forensic Psychology Research Institute:

Director of Clinical Training & Deputy Director, PhD Program in Forensic Psychology

Graduate Courses: Research Methods in Criminal Justice; Psychology of Criminal Behavior; Forensic Diagnostic Interviewing; Criminal Forensic Assessment; Clinical Interview

Undergraduate Courses: Psychological Analysis of Criminal Behavior

Department of Psychology, University of Caprica

Position: Assistant Professor (Tenure Track, 1999-2002)

Graduate Courses: Criminal Forensic Assessment; Forensic Practicum; Legal and Ethical Issues in Psychology

Undergraduate Courses: Psychology, Law, and Criminal Justice; Senior Seminar in Forensic Psychology; Directed Studies

Certification and Licensure

November 1999 – Present Licensed Psychologist: Alabama License #1066

February 2001-October 2003 Certified Forensic Examiner: Alabama

January 2004-Present Licensed Psychologist: New York License #015794

Consultancies

Research and Statistical Consultant

Center for Alternative Sentencing and Employment Services EXIT Program grant funded by SAMHSA.

Independent Practice

Consultation with attorneys in Alabama and Tennessee regarding various criminal competencies, insanity, mitigation, and neuropsychological issues; Forensic evaluation of competency to stand trial, competency to waive Miranda, competency to plead guilty, mental state at the time of offense, and mitigation in capital murder cases; expert testimony (1999-present)

Certified Forensic Examiner, State of Alabama, Tuscaloosa County and State of New Justice, Green County

Conduct forensic evaluations for the State of Alabama in Tuscaloosa County and State of Tennessee in Green County; competency to stand trial, competency to waive Miranda rights, competency to be sentenced, competency to participate in probation revocation hearing, pre-sentence evaluations, mental state at time of the offense, juvenile evaluations; expert testimony (2001-present)

EXHIBIT 6

The following was recorded on the answering machine of Kris LaRue at 4:25 p.m. on April 21, 2007. The voice is that of Casey Nefflen.

I'm going on LaRoof. . . hey, man, where's the beef. . . Come on now, who do you , who do you, who do you, who do you think you are. . .hahaha. . . bless your sould. . . you really think you're in control. . .This is the end. . .my only friend, the end. . . cause they're coming to take me away. . .haha. . .hehe. . . haha. . . he's a mollydooker. . . a man eater. . . he'll only come out at night. . .Seguro que han oido que yo soy educado. . .rico. . . father. . .yes, son. . . I want to. . . well you starve a fever and you drown a cold. . .

END OF RECORDING

EXHIBIT 8
NARRATIVE STATEMENT ADDENDUM TO POLICE REPORT
PREPARED BY DETECTIVE KRUPKE

I received a call from dispatch to report to 123 Wisteria Lane for a suspected homicide. I knew the address so I immediately raced to that address. Upon my arrival, the front door of the house was open and crying was easily heard. I proceeded into the dwelling after announcing my presence and intention on entering.

I went to the kitchen, which is where the wailing was coming from. I first saw Bobbie Day on his/her knees cradling Alex Day's head in his/her arms. S/he was repeatedly crying out "Oh God, Oh God, Oh God." I saw Casey Nefflen on his/her knees with his/her clothing covered in blood. I was able to immediately identify Casey as I had been involved with him/her on many prosecutions. A bloody kitchen knife was lying just to the right of the suspect's right hand.

The suspect was muttering very low and making guttural sounds. S/he had a strange expression on his/her face, almost like a smile. S/he looked at me and said "here's to good friends, the night is kind of special. . ." and then s/he snapped out of his/her strange expression. S/he became very belligerent, demanding to know why s/he was handcuffed. S/he kept demanding to speak to the District Attorney. I told him/her "you know the drill" and put him/her in the back of the squad car. After a while the suspect stopped talking altogether and sat motionless in a chair. S/he had a vacant expression on his/her face.

The suspect was transported to headquarters. En route, the suspect freely talked to me without being questioned. S/he stated that s/he believed that Alex Day had molested his/her child and that s/he didn't know what came over him/her. I began to believe him/her until I saw the smirk on his/her face after I said "I could see me doing the very same thing if I thought that my child had been touched." S/he never said another word to me until we reached the station and s/he "lawyered up." S/he was then booked and processed into the Grosse Point system.