

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF
ILLINOIS EASTERN DIVISION
JUDGE FRANKLIN U. VALDERRAMA
MAGISTRATE JUDGE SHEILA M. FINNEGAN
MASTER DOCKET CASE NO.: 19-CV-01717

IN RE: WATTS COORDINATED
PRETRIAL PROCEEDINGS

DEONENT: DR. ALEXANDER OBOLSKY
DATE: MAY 22, 2024
REPORTER: KORTNEY CHASE

1 What kind of behaviors he would be involved in when he's
2 manic or depressed.

3 So there, it would be much more difficult to
4 rely only on the record. You -- you really need to
5 evaluate an individual. So that would be one clear
6 situation where interviewing and doing psych testing
7 would be important.

8 Q. So with -- your opinion here was that Mr.
9 Baker and Ms. Glenn entered a guilty plea knowingly,
10 intelligently, and voluntarily, correct?

11 A. Yes.

12 Q. And that -- is that another way of saying they
13 were legally competent to plead guilty?

14 A. Yes.

15 Q. Is -- so is it your testimony that you -- to
16 render that type of opinion, you only need to
17 interview --

18 A. I --

19 Q. I'm sorry, I was...

20 A. I'm sorry. My opinion -- whether they were --
21 well, first of all, every U.S. citizen is assumed to be
22 competent unless found otherwise. And the competency is
23 established by the judge. It's a legal decision. So my
24 opinion would not go to that ultimate issue.

25 My opinion would be that, you know, the

1 individual is -- was able mentally, emotionally,
2 cognitively able to enter the plea agreement because,
3 from the mental health perspective, his decision was
4 done knowingly, with -- intelligently and
5 volitionally -- voluntarily. Volitionally.

6 **Q. And you're using those terms in a way that**
7 **you've read in case law; is that right?**

8 A. Yes. Case law, what -- what is the consensus
9 among forensic psychiatrist. Yes.

10 Q. Is your -- is it your opinion that, in order
11 to give that type of -- well, let me strike that. Is it
12 your testimony that, in order to render an opinion as to
13 whether someone entered a plea knowingly, intelligently,
14 and voluntarily, you only need to interview those people
15 if there are indications in records that they may have
16 some sort of mental health issue?

17 A. No. I think your question was a little bit
18 different.

19 Q. Okay.

20 A. I think your question was, if I remember
21 correctly, under what circumstances it becomes necessary
22 to perform psychiatric interview and -- and/or psych
23 testing. Your current question, if you could repeat it,
24 please?

25 Q. Is it your position that, to evaluate whether

1 someone entered a guilty plea knowingly, intelligently,
2 and voluntarily, you only need to interview them if
3 there is some indication in records that they have a
4 mental health or cognitive issues?

5 A. No. I mean, I think that it would be
6 reasonable to interview every defendant whenever the --
7 one of the attorneys is raising the issue of competency
8 to -- to plea or competency to stand trial or any other
9 competency involved in the criminal investigation,
10 criminal case. That would be the preference.

11 Q. When is it necessary? If you can answer that
12 in broad strokes as opposed to just reasonable or
13 preferred.

14 A. It's necessary, again, as I mentioned earlier,
15 if there is a history of psychiatric condition of some
16 sort at the time of -- when this issue has been raised.
17 It's necessary if the defense attorney or the state's
18 attorney sends the person for an evaluation because they
19 see something.

20 Well, if the -- if the attorney is seeing
21 something or the judge sees something, it behooves me to
22 take a look at it and see it myself. So those cases
23 come to mind as necessary for one-on-one evaluation.

24 Q. Tell me what -- how do you see your role in
25 this particular case?

1 make decisions.

2 That is all part and parcel of psychiatry and
3 forensic psychiatry in particular.

4 Q. And when you're talking about that second
5 part, not the knowing, intelligent, and voluntary part,
6 but the second part, are you talking about your analysis
7 of Dr. Redlich's opinion?

8 A. Yes.

9 Q. So before we get into that, there were a
10 couple times in your report where you noted that
11 Baker and Glenn were under oath when they swore -- when
12 they -- were sworn under oath before they pled guilty.
13 Do you recall that?

14 A. If you can point me where in the report, so I
15 have the context.

16 Q. Sure. All right. Page 13, the second to last
17 full paragraph and then Page 15, right in the middle.
18 But you're making the same point in both.

19 A. Yep. If I may have a second.

20 Q. Yeah, of course.

21 A. Okay.

22 Q. What -- what's the significance of the
23 state -- the idea that they were under oath in that
24 context, the context you used it?

25 A. That they understand what the oath is and what

1 it entails. And therefore, they are -- they were --
2 they are able to take the oath and act accordingly.

3 **Q. What do you mean, take the oath and act
4 accordingly?**

5 A. Well, they know wrong from right. They know
6 what the oath means, to tell the truth. And therefore,
7 when they -- they accept the plea and they say that it's
8 voluntary, they were not under duress. Those statements
9 deserve a lot of credence.

10 **Q. Because they did it under oath?**

11 A. In part because they did it under oath, in
12 part because their mental state was that of a unimpaired
13 individuals, because they went through a discussion with
14 a very competent defense attorney, because they had a
15 understanding of the -- it was -- they had the
16 understanding.

17 They -- they knew what's going on. They were
18 able to think through and there was no threat, promise,
19 coercion. And -- and I -- I list it all in the early
20 parts in the report. Therefore, the fact that they took
21 the oath, they were able to take the oath, and they were
22 able to understand what it means.

23 **Q. So you listed a few things there, I think, and
24 one of them was the oath, but it is -- does the oath
25 matter there or does it not matter for your analysis?**

1 A. What --

2 Q. Does the fact that they --

3 A. I --

4 Q. -- were under oath -- go ahead. Does the idea
5 that they were under oath matter for your analysis or
6 does it not matter?

7 A. It matters because they are under obligation
8 to testify truthfully and they're capable of testifying
9 truthfully.

10 Q. How did you bring your forensic psychiatry
11 background and experience to bear in analyzing Dr.
12 Redlich's opinions?

13 A. As a physician, I have been trained and
14 continuously upgrade my skills in decision-making.
15 Medicine is full of untested theories, new ideas, new
16 treatments. So as a physician, I constantly have to
17 evaluate what I am going to use in my clinical practice.

18 What is logical, what is reasonable, what is
19 safe? How do you evaluate safety? So the fact that Dr.
20 Redlich -- Redlich made wonderful career describing the
21 various aspects of false guilty plea yet -- and it's
22 great. It's important to know. But you cannot use her
23 description to differentiate which plea is true or false
24 and she knows it and she testifies to that.

25 Q. Well, but my question is not about your

1 conclusion. It's about how did you bring your
2 experience to bear in analyzing her opinions?

3 A. But I just explained, I -- I don't --

4 Q. That's the first --

5 A. Go ahead. Sorry.

6 Q. Sorry. So just -- so that's the first half of
7 your answer about how you were trained in decision-
8 making and looking at new ideas and treatments, et
9 cetera?

10 A. Yes.

11 Q. And does that experience render you qualified
12 to offer opinions and analysis outside of the medical
13 field?

14 A. Well, but this is not outside, right? It's a
15 decision theory. What she is trying to do is to say
16 that, because there are these characteristics of false
17 guilty plea, I am able to tell you which plea is false
18 or guilty -- or true. It is my medical training that
19 says, hold on. Not so fast.

20 Don't true guilty pleas have the same
21 characteristics? Yes, they do.

22 Q. And you're --

23 A. What is the base rate of -- I mean, that's
24 number one. Yes, all true guilty pleas have some of the
25 characteristics that are present in situational risk

1 factors and they're not really risk factors. They're
2 parameters. Because every plea will have some of it.
3 Some will have more, some will have less. But you
4 cannot differentiate a false guilty plea from a true
5 guilty plea based upon the parameters that she has
6 identified.

7 Q. **And you know that because?**

8 A. I can think.

9 Q. **Have you done any research -- let's back up a**
10 **sec. You do accept that concept that a false guilty**
11 **plea is a real thing, right?**

12 A. Yes.

13 Q. **That people who are innocent may plead guilty?**

14 A. Of course.

15 Q. **And they may do that because of lots of**
16 **reasons. For example, packaged plea deals, big**
17 **discounts, things like that?**

18 A. I'm sorry?

19 MS. EKL: Objection. Form.

20 THE WITNESS: I'm sorry?

21 MR. RAUSCHER: Sir, what -- she was objecting
22 for the record, but what was the answer?

23 THE WITNESS: There are many life
24 circumstances that a person who did not commit the
25 crime may be experiencing that it makes sense to

1 **Q. What research have you conducted about guilty
2 pleas?**

3 A. I read Dr. Redlich. I read some of the people
4 that she relies on or quoted in her articles. And then
5 of course, in my training and continual education, I
6 would, you know, the continual medical education part of
7 it is for competencies in the criminal -- criminal
8 arena.

9 **Q. When did you first read Dr. Redlich's
10 research?**

11 A. I may have read one article or two, years ago,
12 but the bulk of the study I have done after I started
13 involvement with the Waddy case.

14 **Q. The Waddy state court case?**

15 A. Waddy. Yes.

16 **Q. Which articles do you think you read years
17 ago, or which article or articles?**

18 A. I -- I -- I would be guessing if I tell you,
19 but it's probably the one that, it was pretty widely
20 read and that's, I believe, her 2010 article.

21 **Q. All right. And since then, so since the Waddy
22 case, which article or articles have you read?**

23 A. This is a partial list.

24 **Q. And before you give it --**

25 A. Henderson --

1 **Q. Sorry. Just real quick before you give it,**
2 **are you reading off a list or do you remember any?**

3 A. No, I'm reading off the articles that -- on my
4 table. I mean, on my computer top.

5 **Q. And what are you reading off? Like, is this a**
6 **list you created?**

7 A. It's not a list. It's -- the article is
8 actually in front of me.

9 **Q. Oh, okay. Tell me which articles.**

10 A. Henderson and Levett, 2018, "Investigating
11 Predictors of True and False Guilty Pleas"; "The
12 Innocent Defendant's Dilemma" by Vanessa Edkins, and
13 that's 2013; "On the General Acceptance of Confession
14 Research" by Kassin, Redlich -- Redlich, Alceste, and
15 Lake, sorry, Luke, and that's 2018.

16 Article by Zottoli, Daftary-Kapur, Edkins, and
17 Redlich, et al., and that's the article from 2019;

18 State of States: A Survey of Statutory Law
19 Regulations and Court Rules Pertaining to Guilty Pleas
20 Across the United States; Redlich, Domagalski, et al.,
21 "Guilty plea hearings in juvenile and criminal court,"
22 2022.

23 Hold on. Redlich, Edkins, et al., "The
24 psychology of defendant plea decision making." That's
25 the one. No, that's not. It's 2017. Hold on one

1 minute, please. So I don't know if I mentioned this.
2 Redlich, Domagalski, "Guilty plea hearings in juvenile
3 and criminal court," 2022. I read that.

4 Redlich, Summers, Hoover, "Self-reported false
5 confessions and false guilty pleas among offenders with
6 mental illness." Here's the one that -- 2010. Where is
7 it? It's -- I just opened it. Yeah. There it is. It's
8 Redlich, Summers, and Hoover, "Self-reported false
9 confessions and false guilty pleas among offenders with
10 mental illness."

11 **Q. From 2010?**

12 A. That's 2010.

13 **Q. That's the one you think you read back in --**
14 **back years ago?**

15 A. Yeah.

16 **Q. And you said -- is that -- oh, I'm sorry. Are**
17 **you still going down the list? That's what I was going**
18 **to ask.**

19 A. Yes.

20 **Q. Okay.**

21 A. Scherr, Redlich, Kassin, what's the year?

22 2020, "Cumulative Disadvantage: A
23 Psychological Framework for Understanding How Innocence
24 Can Lead to Confession, Wrongful Conviction, and
25 Beyond." I think that's the extent of the literature

1 that I have reviewed.

2 Q. And those are full articles that you have in
3 your computer in front of you?

4 A. Yes.

5 Q. Did you talk about those articles anywhere in
6 your report?

7 A. No.

8 Q. Why not?

9 A. I don't see a reason why I should.

10 Q. Well, were they relevant to your opinions that
11 you rendered?

12 A. They gave me -- I -- I mean, I read, I believe
13 before Waddy case, I -- I -- I read enough and there
14 were only a couple of articles at that point that I
15 discussed in that deposition, that the overall
16 conclusion was pretty obvious, as far as these kinds of
17 cases.

18 You cannot use the presence of identified risk
19 factors as the guide or predictor that the plea was
20 either guilty or -- the guilty plea was either false or
21 true. I read everything else and did not change my
22 original take on the research. There is nothing --
23 other than one thing.

24 But it was obvious -- people knew it before
25 Redlich research, but it doesn't hurt to have more

1 with an example.

2 No, nothing comes up in mind right away. But,
3 you know, when Jupiter is in a -- I used to teach a
4 class at Northwestern on astrology, and the
5 question in front of the students was prove to me
6 that astrology is not a science. And it's very
7 difficult. And so I would invite an astrologer to
8 come to the class and give predictions.

9 And these very bright medical students could
10 not prove that this is bogus. And so if we go with
11 your thinking, your argument, let's invite
12 astrologist to medical schools, as doctors, as
13 attorneys, it's upon her to prove that she has --
14 that her suggestions have validity. It's not upon
15 the community to say, oh, let's us prove that it
16 doesn't have validity.

17 MR. RAUSCHER: That -- that's not -- I'm going
18 to move to strike that. That answer is
19 nonresponsive to the question.

20 MR. BAZAREK: I disagree.

21 MR. RAUSCHER: Okay.

22 BY MR. RAUSCHER:

23 Q. My question is: If it would not be helpful for
24 the jury to hear that package deals are offered -- are
25 prevalent in false guilty pleas because Redlich doesn't

1 know the baseline for how many package deals are
2 offered, why would it be helpful for the jury to hear
3 the opposite opinion from you?

4 MR. BAZAREK: Object to the form of the
5 question.

6 THE WITNESS: If Dr. Redlich is going to
7 testify in front of the jury that because these
8 three risk factors are present in the case of
9 Mr. Baker and Ms. Glenn, it's more likely than not,
10 it's reasonably to think, it's -- correlates with
11 false guilty plea, then there has to be an opinion
12 offered to the jury that this is bunk. It's pure
13 bunk. It's nonsense.

14 BY MR. RAUSCHER:

15 Q. And your --

16 A. It's scientific nonsense.

17 Q. Go ahead. It's nonsense and you're confident
18 it's nonsense, even though you don't have the other --
19 the data on the other side of that, and even though you
20 acknowledge that false guilty pleas exist?

21 A. Yes. But there is no connection established
22 by Dr. Redlich that there was any causation. It's upon
23 her to establish it.

24 Q. So in --

25 A. And my argument --

1 **Q. Okay.**

2 A. -- whether I have the numbers for all of that
3 is very, very strong. She cannot differentiate. She
4 says she cannot differentiate between the false guilty
5 plea and the true guilty plea.

6 **Q. So let -- you have a problem with her**
7 **methodology, but you -- you're not saying one way or the**
8 **other whether her conclusion that these factors are**
9 **prevalent is actually correct as a general matter?**

10 A. I -- I don't disagree with her methodology.

11 **Q. You don't disagree with it or you do?**

12 A. No, I do not.

13 **Q. Okay.**

14 A. How she does her research, I don't disagree
15 with, okay? What I disagree with is that she takes this
16 set of knowledge that is still in its inception, it's
17 young. And she tries to use it in a real-life situation
18 without having done the basic homework. If she does not
19 know, if she tells you, I mean, she testified to it, I
20 cannot -- I -- I -- I'm paraphrasing.

21 She cannot differentiate, she cannot say which
22 plea is true and which plea is false. She constantly
23 goes back, it has to be resolved by the court. Then
24 what's the point of her testimony?

25 **Q. Is it fair to say you don't know one way or**

1 state's attorney doesn't depose it?

2 A. That's my understanding.

3 Q. And so you don't have to prove anything, you
4 just say I'd like a certificate of innocence. If the
5 state doesn't oppose it, you get one?

6 A. I think the -- I -- I -- I -- I should not --
7 I -- I don't know the process.

8 Q. Okay. What are the specific things in the
9 articles that you read that Redlich worked on that you
10 don't agree with?

11 A. I don't think there is anything that comes to
12 mind that I disagree with. I mean, if -- I -- I don't
13 remember, but if she makes a statement or an assumption
14 that if a person who pled guilty and had these
15 particular risk factors means that they are not -- that
16 they enter the false guilty plea, that I would disagree
17 with. But other than that, I think her description of
18 various factors is very useful.

19 Q. Would you consider yourself -- or do you
20 consider yourself an expert on guilty pleas?

21 A. I am an expert in evaluating individual
22 competencies for various legal proceedings, including
23 guilty plea. Yes, I am an expert.

24 Q. Not on guilty pleas, generally on evaluating
25 competencies or guilty pleas?

1 A. Correct.

2 Q. Page 7 of your report, if you look at the
3 second to last paragraph. You see that paragraph?

4 A. Yes.

5 Q. There's a reference to, "'almost a given,'"
6 and then a list of a number of factors. What do you
7 mean by almost a given in that paragraph?

8 A. If you read the quote by Dr. Redlich right
9 above, that's where it comes from.

10 Q. Okay. You're just taking what she said,
11 not -- that's not an independent --

12 A. That's correct.

13 Q. -- belief you had? Sorry. You were -- you
14 anticipated my question. On the next page, on Page 8,
15 you ask, in the second paragraph, "What is the way to
16 decide if defendant is in fact innocent or guilty?" And
17 you answer, "Through the established legal processes
18 including trial and plea bargaining." See that?

19 A. Yes.

20 Q. Isn't that circular? Are you just assuming
21 your conclusion?

22 A. No.

23 Q. Why is that the only way to decide if
24 defendants are, in fact, innocent or guilty?

25 A. Because that's how it's -- how it's done and

1 Q. So the only thing that responds to is that
2 they didn't have enough time to consider the offer?

3 A. Yes. That whole paragraph. That whole -- all
4 of these points.

5 Q. Is that true for paragraph -- numbered
6 Paragraphs 1 through 6 on Page 11?

7 A. Yeah. It's -- it's all the way until the next
8 heading, "Package Plea Deal with Ms. Glenn. So you
9 see -- you start on Page 9. Hold on. Let me -- I don't
10 want to -- let me just think for a second. Let me look
11 at it. Yeah. It starts on Page 9 with, "Dr. Redlich
12 wrote," and it goes all the way to middle of Page 12 to
13 the heading, "Package Plea Deal with Ms. Glenn."

14 Q. Got it. All of those are about the
15 insufficient time and the insufficient time --

16 A. Correct. Yes.

17 Q. What way --

18 A. I could have put a heading there. That's
19 what --

20 Q. Sorry. Go ahead. What did you say?

21 A. Could have had a heading there, so it would be
22 clear.

23 Q. What weight, if any, did you put on the fact
24 that Ms. Glenn had no previous criminal record?

25 A. As far as?

1 Q. As far as time? Like, did she need the same
2 amount of time as Mr. Baker or less time, more time? Can
3 you not say?

4 A. She probably needed more time and appears to
5 have had more conflict about accepting the plea.

6 Q. And are -- but how are you then -- how are you
7 comfortable that she had enough time?

8 A. Well -- well, Ms. Glenn was married to
9 Mr. Baker. Well, they got married in 2016. I don't --
10 I don't know whether they were married at the time of
11 this hearing. But they -- they -- they lived together,
12 you know, had three kids together. And she went with
13 Mr. Baker through his other experiences, legal
14 experiences.

15 So she would also know and have experience
16 that he had, both with plea bargaining and with the
17 trials. There is also no evidence that Ms. Glenn had
18 any cognitive emotional impairments. She was aware
19 of Judge Toomin, both his sentence and his statements
20 that -- allegations against police officers for idle
21 speculation.

22 So I think all of these factors go to that,
23 even though she did not have her own criminal history,
24 she had experience with the legal system because she was
25 a significant other of Mr. Baker.

1 Q. Do you know whether she ever talked to
2 Mr. Baker about the plea-bargaining process?

3 A. I do not.

4 Q. So you're just really speculating that she
5 would've learned that from him?

6 A. I think it's a reasonable assumption that two
7 people who live together would talk about accepting the
8 plea.

9 Q. Well, I'm saying that -- not -- I'm not saying
10 that. I'm asking about her learning about how plea
11 bargaining works and about Mr. Baker's previous
12 experience, if any, with plea bargaining?

13 A. And -- and that's what I'm saying. I think
14 that his prior experiences, if they talked about it,
15 obviously, would help her understand the process better.

16 Q. But you don't know if they talked about it?

17 A. I don't have information to say that, but I'm
18 making an assumption that they did.

19 MR. RAUSCHER: Can we take like a five-minute
20 break? Is that all right? We've been going for a
21 couple hours.

22 THE WITNESS: Sure.

23 MR. BAZAREK: Is -- Doctor, is five enough? Do
24 you want a little more or you --

25 THE WITNESS: I'm okay. Five is fine.

1 MR. BAZAREK: Okay.

2 MR. RAUSCHER: I mean, yeah. If you want
3 more, that's fine, too.

4 MR. BAZAREK: I -- I'm fine, too. I just want
5 to --

6 MR. RAUSCHER: Okay.

7 MR. BAZAREK: -- be mindful of the witness.

8 MR. RAUSCHER: Sure.

9 THE REPORTER: We're off the record at 3:43
10 p.m. Central Time.

11 (OFF THE RECORD)

12 THE REPORTER: We are back on the record for
13 the deposition of Dr. Alexander Obolsky being
14 conducted by videoconference. Today is May 22nd,
15 2024, and the time is 3:51 p.m. Central Time.

16 BY MR. RAUSCHER:

17 Q. All right. Let's call -- we're going to call
18 Exhibit 3 the September 18th, 2006 transcript. And the
19 Bates range should be PL Joint 00 -- no, sorry. That's
20 a -- yeah. PL Joint 004983 through 5017. And that was
21 in the packet I circulated. And Dr. Obolsky, let me
22 know if you'd like me to -- I don't know if you got
23 these documents or not.

24 (EXHIBIT 3 MARKED FOR IDENTIFICATION)

25 A. I didn't get the documents from you, but I

1 have the plea transcript in front of me.

2 BY MR. RAUSCHER:

3 Q. Can you --

4 A. Is that what we're looking at?

5 Q. That's what it is. Yeah.

6 A. Yep.

7 Q. And so I think the part where they start
8 talking about the plea probably starts at Page 20 of the
9 PDF, which is PL Joint 005002. Let me know if you agree
10 that that's right.

11 A. I -- I don't know the focus of your questions.
12 So the plea bargaining starts on Page -- the court
13 proceeding starts on Page 20 at the top.

14 Q. That's where it says, "We have Mr. Baker."
15 It's recalled, We have Mr. Baker and Mr. Glenn [sic]
16 Before the court?

17 A. That's correct.

18 Q. So the question is about them being sworn in
19 and testifying under oath. And it -- I want you to tell
20 me if you see that in the transcript and where it is.

21 A. Page 20.

22 Q. Okay.

23 A. "MR. MAHONEY: No objection, waive re-swearing,
24 and re-execution."

25 Q. Okay.

1 A. "THE COURT: That will be the same for both
2 Mr. Baker and Ms. Glenn?" "MR. LASKARIS:
3 Yes."

4 Q. **So that --**

5 A. Then, there --

6 A. -- your position is that -- is telling them
7 that they are -- Baker and Glenn are under oath?

8 A. Yes.

9 Q. **And they would've understood that?**

10 A. Yes.

11 Q. **Why do you think that they would've understood
12 that that meant they were under oath?**

13 A. Well, because they obviously were sworn in
14 earlier and now they're being told you can -- you are
15 under oath again. You continue to be under oath.

16 Q. **Well, they're talking that -- they're being
17 told waive re-swearing, right? That's not explained.
18 You'd agree that they're not explaining what waive
19 re-swearing means?**

20 A. I -- I -- I -- I agree to that. There was no
21 explanation what waive re-swearing means.

22 Q. **And what's the -- what -- what's the basis for
23 you thinking that -- let's take it one by one. Clarissa
24 Glenn would've known what waive re-swearing means?**

25 MR. BAZAREK: Well, I will object just to the

1 extent that it calls for speculation. But go --
2 you can answer, Doctor.

3 THE WITNESS: I don't -- I did not see
4 anything that would make me -- would make me think
5 that she does not -- would not understand it from a
6 cognitive perspective. And there is no evidence of
7 any emotional distress. So I see no evidence that
8 she did not understand.

9 BY MR. RAUSCHER:

10 Q. But you -- well, you agree there's also no
11 evidence that she did understand it?

12 MR. BAZAREK: I'd object. That's
13 argumentative.

14 BY MR. RAUSCHER:

15 Q. I will rephrase that. Would you agree that
16 there is no evidence that she did understand what
17 re-swearing meant?

18 A. Give me a moment. All I can say is that I
19 have no reason that she did not understand what it means
20 to waive re-swearing. She was sworn before and it's
21 reasonable that she understood it throughout the rest of
22 the proceeding.

23 Q. And then, can you -- where -- do you know
24 where she was, or where and when she was sworn in
25 before?

1 A. I do not know.

2 Q. Did you review the whole transcript before
3 Page 20?

4 A. Yes.

5 Q. And you don't see it?

6 A. And it was not there.

7 Q. It's not there, right? They call the case and
8 Ben Baker's not even in from IDOC and then they pass it,
9 right?

10 A. Correct.

11 Q. So it is -- what -- you'd agree that it is
12 not -- there is nothing in the -- this transcript
13 reflecting that Baker and Glenn were sworn in or told
14 the significance of that or explained what re-swearning
15 meant, right?

16 A. There is no discussion what re-swearning means
17 in this transcript.

18 Q. And they are not sworn in in this transcript?

19 A. That's correct.

20 Q. It -- do you still maintain, based on the re-
21 swearing, that they were sworn -- based on that waving
22 of re-swearning that they were sworn under oath when they
23 said that they were not threatened or coerced to accept
24 the plea?

25 A. That they said what?

1 Q. So your Page 15, back to your report, says,
2 "Mr. Baker and Ms. Glenn swore under oath that neither
3 was threatened nor coerced to accept the plea." See
4 that?

5 A. Yes.

6 Q. And you maintain that that's correct, based on
7 that reference to waiving re-swearng?

8 A. Yes.

9 Q. All right. You haven't received or reviewed
10 any additional data since you got this -- I'm sorry --
11 since you rendered your report, right?

12 A. That's correct.

13 Q. Page 16, is that your signature on your
14 report?

15 A. I believe it's the stamped signature. Yes.

16 Q. And then it -- the initials KF are circled.

17 A. That's for Kathy Fergunson -- Fergunson --
18 Fergemann.

19 Q. All right. And she is someone who works for
20 you, we talked about earlier?

21 A. Yes.

22 Q. So does that mean she's the one who physically
23 put the stamp on this document?

24 A. Yes.

25 Q. And why did she do that instead of you signing