



# NEWSLETTER

San Diego Forensic Consultants Association

FEBRUARY 2005

## MEETING AT A GLANCE

**MEETING DATE:**

**Wednesday, February 9, 2005**

**LOCATION:**

**Holiday Inn – Mission Valley / Stadium**

3805 Murphy Canyon Road, San Diego  
(just off I-15 @ Aero Dr. exit) Phone: 858.277.1199

**PROGRAM:**



*Safety, Service, & Security*

## THE CALIFORNIA HIGHWAY PATROL

*featuring*

**Brian Pennings**

CHP, Public Affairs Department

**See February Program Notes on page 2.**

**SCHEDULE:**

**5:30 pm ... NETWORKING**

**6:15 pm ... DINNER, followed by the EVENING PROGRAM, usually beginning no later than 7:00 pm ...**

**COST:**

(DINNER & PROGRAM)

- **Pre-registered**, prior to noon on Tuesday, 2/8 ... **\$25.00**
- **Walk-in / late reservation**, made after noon on Tuesday, 2/8 ... **\$30.00**

■ ■ ■ **Pre-registration deadline: TUESDAY, FEBRUARY 8<sup>th</sup>** ■ ■ ■

*Cancellations must be received at least 24 hours in advance or you will be billed for the reservation. No-shows will also be billed.*

**RESERVATIONS:**

Voice mail 619.685.8043    Email [sdfca@cox.net](mailto:sdfca@cox.net)



## February Program Notes

Our speaker for February will be Brian Pennings from the California Highway Patrol. Brian has been with the Highway Patrol for 10 years, the last 2½ of which has been in the Public Affairs Department.

Brian intends on giving us an overview of the various roles and responsibilities the CHP has as a department, hopefully dispelling a few myths, and giving all of us some new knowledge. He is also looking forward to meeting our group and learning a little more about the forensic consulting areas our members get into.

After the planned presentation, Brian will be happy to cover any other areas we have questions about and are within his ability to answer.

So, we look forward to seeing many of you at the meeting on Wednesday, February 9<sup>th</sup>, along with all of the questions you always wanted to ask the CHP officer stopped on the side of the road.

## From the President's Desk

First, the Directory and the website are progressing, with the Directory in the lead by several furlongs.

Second, we need volunteers to serve on committees. Of special importance are the MCLE Committee (Mel Friedlander is the Chair) which finds Attorney organizations wanting a presentation that will provide required continuing education credits, and the Speakers' Bureau (Chair is currently vacant) which lines up speaking engagements for members so inclined to speak in public. The Speakers' Bureau's primary objective is to increase the understanding of what forensic consultants can do to help in a potential legal action.

The Speakers' Bureau may place a speaker with any group, including Attorneys' groups. The MCLE Committee is focused strictly on those groups having members needing the Continuing Legal Education credits. The two committees should work hand-in-hand.

Involvement in either or both of these activities can result in additional cases for participating members.

### A LESSON TO BE LEARNED

On another note, I am sure that most of you heard about the reversal of the conviction of Andrea Yates in early January. Andrea was the mother in Texas who drowned all of her children in the bathtub. She was convicted in 2002 and sentenced to life in prison. The reversal was granted on the grounds that a forensic psychiatrist gave false information on the witness stand. He supposedly stated that Andrea was a fan of the TV program "Law & Order," and that this was a copycat of an episode on the TV program where the mother got off on grounds of insanity. It turned out there never was such an episode (on that series). When confronted, the expert claimed that he was provided an email from "a concerned citizen" that told about the program episode.

While nobody accused the expert of intentionally lying, the conviction was overturned because of the possible weight the jury may have placed on the expert's credentials + testimony!

We should all learn from this. We must be absolutely certain of our facts, calculations, and information sources. Never rely on "hearsay" from an attorney, but double double check (*not a typo*) anything the attorney tells you about the case – witness statements, locations, times, weather, etc., etc. [I recently had a case where the two attorneys each had a different location for the accident, about a mile apart.]

Even inadvertently, we do not want to be the cause of a mistrial or a reversal of the judgment, no matter if it is a civil or criminal action!

### SPEAKING OF CRIMINAL CASES—

As at least some of you know, I have been doing some work for the "Private Conflicts Council" division of the San Diego County Bar. Pay is livable, barely, but sometimes events make the experience worthwhile. PCC contracts with experts to work with Pro Per prisoners. These are people in custody who have decided they have just as good a chance of acquittal, if not better, than being represented by an attorney.

Many of these people are bright enough to dig out some rather obscure cases that help support their position, and they can cite relevant law, both statute and case, better than most judges or attorneys. At the very least, they do their small part to keep the system more honest by doing these things that attorneys and judges should be doing, but usually don't.

Anyway, on Monday, I testified on behalf of one of these people. On Wednesday, the jury found him guilty anyway – no surprise since he was (a) in custody, (b) Hispanic, and (c) had some gang-type tattoos visible. This morning, I received a call from the jail. It was Felipe calling to thank me for everything I had done on his behalf. He has already started research on his appeal.

How many of us never get called when the case is over, much less being thanked, when we work for "real" Attorneys?? This is the third one, who even thought they lost, called or wrote to thank me for all of my help. That is what makes up for the small income and the hassle of going down to jail to communicate with them.

It makes you wonder about our education system. I think one of the three finished high school. Two were Hispanics. All were polite, and obviously intelligent. They do a better job of writing motions and pleadings and legal research than most Attorneys. Spelling and punctuation sometimes suffers, but you should see the output of San Diego State graduates!

The last one got 22 years for allegedly (we don't think he did it!) stealing a 1993 Ford Escort which was recovered undamaged the next day. Value less than \$2,000, cost to taxpayers about \$50,000 x 22 years. What a waste. The problem with the legal system is NOT medical malpractice suits – good doctors rarely get sued – but the criminal injustice system. I just had to share!

Those of you who come to the meeting will get a first-hand progress report on the progress of our new Directory. See you there!

*Dr. Dan*

## February

CALENDAR OF EVENTS

S	M	T	W	T	F	S
30	31	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	1	2	3	4	5



**NOON**  
**Tuesday, February 8<sup>th</sup>**  
**Wednesday, February 9<sup>th</sup>**

**DEADLINE** to make your reservation(s) for the **February** general membership meeting to 619.685.8043

**FCA GENERAL MEMBERSHIP MEETING**  
Holiday Inn—Mission Valley/Stadium  
3805 Murphy Canyon Road (858.277.1199)

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