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COURT OF THE SUPERIOR COURT
COUNTY OF STANISLAUS

Rose Ann O'Neil
DEPUTY

1 JAMES C. BRAZELTON
District Attorney
2 Stanislaus County
Courthouse
3 Modesto, California
Telephone: 525-5550
4 Attorney for Plaintiff

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8 STANISLAUS COUNTY SUPERIOR COURT
9 STATE OF CALIFORNIA

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10 D.A. No.1056770

11 THE PEOPLE OF THE STATE OF CALIFORNIA)	No.1056770
)	
12 Plaintiff,)	NOTICE OF MOTION;
)	MOTION TO CONDUCT
13 vs.)	VENUE SURVEY;
)	POINTS AND
14 SCOTT LEE PETERSON,)	AUTHORITIES IN
)	SUPPORT OF VENUE
15 Defendant.)	SURVEY
)	
16)	Hrg: 8-14-03
17)	Time: 8:30 a.m.
)	Dept: 2

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18
19 Comes now the People of the State of California to submit
20 the following MOTION TO CONDUCT A VENUE SURVEY:

21 **FACTS**

22 In the instant case, the defense on numerous occasions has
23 advised the court of the desire to request a change of venue
24 based on the amount of pretrial publicity that this case has
25 received. In order to prepare for this eventual motion, the
26 People have retained the services of an expert in the area of
27 venue surveys. The People's expert intends to conduct a venue
28 survey to test the attitudes of potential jurors in Stanislaus

1 County and around the state. The expert has suggested that the
2 People adopt a procedure that was used in Ventura County and
3 which resulted in a significant cost savings to the taxpayers.
4 That procedure provided for the venue survey to be submitted to
5 potential jurors that had already been summoned for jury duty in
6 unrelated cases. By using this procedure, the surveys are
7 guaranteed to only come from "qualified jury candidates" and that
8 extensive and expensive phone surveys are avoided.

9 **ARGUMENT**

10 The People have retained as their expert Dr. Ebbe Ebbesen,
11 Professor of Psychology, University of California, San Diego.
12 Dr. Ebbesen's curriculum vitae is attached as Exhibit "A". In
13 addition to working on numerous other cases throughout the United
14 States, as set forth in his curriculum vitae, Dr. Ebbesen was the
15 expert retained in the Sonoma County case against Richard Allen
16 Davis case who was convicted and sentenced to death for the
17 murder of Polly Klass. Dr. Ebbesen designed his own jury survey
18 in that case as well as many others.

19 Dr. Ebbesen has testified in courts in this state and others
20 as an expert in the fields of public opinion surveys, change of
21 venue motions, and the design and interpretation of such surveys.
22 He has been a witness in over 95 cases, including approximately
23 30 change of venue motions, and consulted in many others.

24 Dr. Ebbesen is designing the jury survey to be used by the
25 prosecution in this case. Based upon his expertise in this area,
26 he will design questions for very specific reasons that directly
27 relate, in his opinion, to the extent of publicity in this case
28

1 and the effect of that publicity on the public to be fair and
2 impartial as jurors. This survey will be designed to measure
3 several aspects of potential juror 'mental content' relevant to
4 whether the publicity in this case has been so extensive,
5 inflammatory and prejudicial that there is a reasonable
6 likelihood that, absent a change of venue, the defendant would
7 not be able to receive a fair trial.

8 The People, as well as the defense, are entitled to conduct
9 a public opinion survey in preparation for a hearing on a change
10 of venue motion. (Maine v. Superior Court, (1968) 68 Cal. 2d 375,
11 383; California Criminal Law, Procedure and Practice, Fifth Ed.
12 Section 16.12 and 16.19.)

13 It is imperative in such a survey that the parties determine
14 if prospective jurors are open to altering their opinions when
15 presented with a series of new facts, as opposed to refusing to
16 do so because of pre-trial publicity. It is not necessary that
17 jurors be ignorant of prejudicial publicity, or that they have
18 not formed an opinion concerning defendant's culpability. It is
19 only necessary that they be willing to set aside all impressions
20 and base their verdict only on the evidence presented in court.
21 (People vs. Harris, (1981) 28 Cal. 3d 935, 949.)

22 **Procedure**

23 The procedure that the People suggest that this court allow
24 is a procedure used by Dr. Ebbesen in the case of The People of
25 the State of California vs. VINCENT HENRY SANCHEZ, Ventura County
26 Superior Court Number 2001900034. In the SANCHEZ case, the court
27 allowed the prosecution and the defense to submit their own
28

1 independent jury surveys to summoned jurors waiting to be called
2 for other cases, much like our jurors wait until they are called
3 to a courtroom. The parties provided the surveys and pencils to
4 the jury staff for distribution over a two-week period of time
5 (one week for each party) and collected the surveys when
6 completed at the end of the day. The jury staff read a statement
7 similar to this:

8 "The Ventura County Superior Court has authorized the
9 circulation of a survey regarding a case you may have heard or
10 read about. The court has asked for volunteers to complete this
11 survey. You will not be called as a juror in this case.

12 The survey form must not be taken out of this room and must
13 be completed and returned today. Please do not discuss the
14 questions or your answers with anyone else in this room before
15 you have completed and turned in your survey. Please do not
16 disclose the content of this survey or your responses to friends
17 or family. The disclosure of survey questions and your answers
18 could affect the ability to be fair and impartial of those people
19 who will serve as actual jurors in the case described in this
20 survey.

21 All of your answers are confidential. We do not know your
22 name and please do not write it on the jury survey form. Please
23 do not remove the cover sheet as the survey forms are numbered."

24 The People request that the Court permit the People to
25 design and use our own survey, relying heavily on our expert, Dr.
26 Ebbesen, as to the appropriate and necessary content, analysis
27 and conclusions, and to allow us to conduct the survey, following
28 the same procedure used in Ventura County, with the Jury
Commissioner's Office here in Stanislaus County. The People also
request a court Order to authorize us to do this in at least two
other counties in the state, with the permission of the court in
each county. It is the People's intent to do this prior to the
preliminary hearing.

1 **Conclusion**

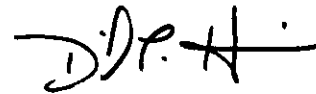
2 The People request that this court grant an Order for a jury
3 survey in this county with the Jury Commissioner's Office, and to
4 conduct at least two in other counties with the permission of the
5 court of those counties.

6 For all of the above-cited reasons, the People request the
7 court to grant such an Order.

8
9 Dated: August 8, 2003

10 Respectfully submitted,

11
12 JAMES C. BRAZELTON
13 District Attorney

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16 By:

17 David P. Harris
18 Deputy District Attorney
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1 JAMES C. BRAZELTON
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4 Attorney for Plaintiff
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7 STANISLAUS COUNTY SUPERIOR COURT
8 STATE OF CALIFORNIA
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10 D.A. No.1056770
11 THE PEOPLE OF THE STATE OF CALIFORNIA) No.1056770
12)
13 Plaintiff,) DECLARATION OF
14) David P. Harris
15 vs.) REQUESTING ORDER
16) SHORTENING TIME;
17) ORDER
18)
19 SCOTT LEE PETERSON,)
20)
21 Defendant.) Hrg: 8-14-03
22) Time: 8:30 a.m.
23) Dept: 2
24)

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25 I, David P. Harris, declare as follows:

26 I am a Deputy District Attorney, and I am licensed to practice
27 in all courts of the State of California. I am the attorney of
28 record for the plaintiff in this case. Prior to seeking this order
I advised the defense of my intent to see the judge ex parte to
grant the order shortening time so that this matter may be heard on
August 14, 2003 which is the next court date that all of the parties
to this matter will be present in court.

An order shortening time is required so that this motion may
be heard at the same time as the next appearance when all of the

1 parties to this matter will be in court, and if granted, will allow
2 sufficient time for the survey to be conducted prior to the
3 preliminary hearing.

4 I declare under penalty of perjury that the foregoing is
5 true and correct.

6 Dated: August 8, 2003

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8 
9 _____
10 David P. Harris

11 ORDER
12 ~~AND NO OPPOSITION BY THE DEFENSE~~
13 Good cause appearing, IT IS ORDERED that the time for service
14 of the attached NOTICE OF MOTION, and MOTION is shortened so that
15 the same may be served on defendant's counsel not later than
16 4:00P.M. today, in person or by fax and filed forthwith.

17 Dated: August 8, 2003





OF THE SUPERIOR COURT
A. GIROLAMI

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Exhibit # 1

Ebbe B. Ebbesen

Personal Information

Business Address: Department of Psychology, 0109
University of California, San Diego
9500 Gilman Dr.
San Diego, California 92093 - 0109
Office Phone: (858) 534-3003
Fax (Office) (858) 534-7190
Cell Phone (858) 663-6334
email: eebbesen@ucsd.edu
Webpage: <http://www-psy.ucsd.edu/~eebbesen>

Academic History

New York University, 1962-1966: B.A., cum laude, with highest honors in Psychology
Stanford University, 1966-1970: Ph.D. 1971

Academic Honors and Research Grants

Phi Beta Kappa, New York University, 1966
Founders Day Award, New York University, 1966
NDEA Fellowship, Stanford, 1966-1969
NSF Fellowship, Stanford, 1970
NSF Research Grant, #GB 37005, Organization of Response Repertoires, 1973-1975
NIMH Research Grant, #MH 26069, Cognitive Factors in Learning-by-Example, 1974-1977
NIMH Research Grant, Renewal of #MH 26069, 1977-1980
University of California, San Diego Research Council, Archival analysis of rape and robbery cases, 1999

Memberships Currently or Previously Held in Professional Organizations

American Association for the Advancement of Science
American Psychology Association, Fellow
American Psychology and Law Society
American Psychological Society (Charter Member)
Midwestern Association for Behavioral Analysis
Psychonomic Society
Sigma Xi
Society for Experimental Social Psychology
Western Psychology Association

Editorial Activities: Past and Present

Reviewing for Journals: *Journal of Experimental Social Psychology*
Journal of Personality and Social Psychology
Child Development
Journal of Applied Psychology
Journal of Educational Psychology
Journal of Applied Social Psychology
Personality and Social Psychology Bulletin
Psychological Bulletin

Law and Human Behavior
Journal of Personality
Psychological Review

Reviewing for Agencies: National Science Foundation
Canada Council
American Psychological Association

Consulting Editor: Behavior and Philosophy

Teaching

Courses taught:

Undergraduate

General Introductory Psychology
Introduction to Social Psychology (self-paced, lower-division course with emphasis on behavioral modification)
Experimental Methods in Social Psychology (with emphasis on design and measurement)
Methods in Experimental Social Psychology (emphasis on experimental methods)
Methods in Applied Social Psychology (emphasis on external validity)
Social Psychology (general topic areas covered: emotion, aggression, personality, helping, compliance, attitudes and attitude change, psychology and the law, liking, etc.)
Psychology and the Law (emphasizing methodology)
Introduction to Personality
Psychology and Social Policy (methodology in assessing social policy)
Topics in Legal Psychology (advanced undergraduate class)
Honors in Psychology (advanced class for honors students)

Graduate

Basic Seminar in Social Psychology
Advanced Topics in Human Social Behavior
Graduate Seminar in Psychology and the Law (eyewitness ID and legal decision making)
Graduate Research Seminars in various topics in social psychology

Specialization and Research Interests

Psychology and law (with emphasis on methodology, external validity issues, and decision making), emotion, aggression, physiological arousal, cognitive processes in interpersonal perception (e.g., encoding, storage, organization and retrieval of behavioral information about self and others), social learning, self-control, attitudes and self-labeling, judgment, decision making, eyewitness memory, reinforcement and the organization of response repertoires, and methodological issues in applied psychology.

Employment History

1970 (Summer)	Lecturer, Stanford University
1970-1975	Assistant Professor, University of California, San Diego
1975-1976	Associate Professor, University of California, San Diego
1976-1977	Member of Technical Staff, Bell Laboratories, Murray Hill
1977-1980	Associate Professor, University of California, San Diego
1980-1983	Full Professor, University of California, San Diego
1983-1988	Chair, Psychology Department, University of California, San Diego
1988-present	Full Professor, University of California, San Diego

Present Position

Professor of Psychology, University of California, San Diego

Consultant to Legal System

Expert and consultant (in research methodology and jury selection procedures) for prosecution.

U.S. vs Mary Louise Player (San Diego Federal Court, Aug.-Dec. 1982).

Expert and consultant in area of forced confessions. Issue concerns the factors that have been shown to lead to an increased probability that individuals will confess to actions that they did not perform.

Calif. v. Elmer Lee Nance (San Diego, Aug., 1992)

Expert, consultant, and educator in area of change of venue. (Testified about the methodological problems inherent in establishing a reasonable likelihood that a defendant cannot receive a fair trial in a given venue. Main issues concern the validity of inferences made about jury bias from community attitude telephone surveys, e.g., sampling problems, survey design problems, and statistical analysis problems, and from content analyses of news coverage, e.g., subjective vs. objective content analysis procedures.)

For DA Howard Shore: Calif. v. Cinco, San Diego County (July, 1985)
For DA Tim Frawley: Calif. v. Ashmus, Sacramento County (Sept., 1985)
For DA Chris Yeager: Calif. v. Neidiffer and Cruz, Imperial County (Oct., 1985)
For DA Ramona Garrett: Calif. v. Verketis, Solano County (Dec., 1986)
For DA Jeff Rose: Calif. v. Pride, Sacramento County (Dec., 1986)
For DA Woody Clark: Calif. v. Lucas, San Diego County (May, 1986)*
For DA John Posey: Calif. v. Carpenter, Marin County (June, 1986)
For DA Will Mattley: Calif. v. Siervonti, Butte County (by affidavit, July, 1986)
For DA Tim Frawley: Calif. v. Nicolaus, Sacramento County (Sept., 1986)
For DA Paul Pfingst: Calif. v. Troiani, San Diego County (Oct., 1986)
For DA Dave Paulson: Calif. v. Remington & Kirk, Solano County (Jan., 1987)
For DA Joseph Tressider: Calif. v. Bigelow, Merced County (March, 1987)
For DA John Darlington: Calif. v. Kruse & Beaver, Nevada County (May, 1987)
For DA John Cofer: Calif. v. Rubio, Solano County (by affidavit Oct., 1987)
For DA John McArdle: Calif. v. Peyer, San Diego County (Nov., 1987)
For DA Paul Meyers: Calif. v. Martinez, San Diego County (Dec., 1987)
For DA John Coffer: Calif. v. Melton, Solano County (by affidavit Feb., 1988)
For DA Eric DuTemple: Calif. v. Manning, Tuolumne County (April, 1988)
For DA Phillip J. Cline: Calif. v. Smith & Gravlee, Tulare County (June, 1989)
For DA MacCrea O'Eahra: Calif. v. Tulare County (June, 1989)
For DA John Martin: Calif. v. F. Rubio, Calaveras County (July, 1989)
For DA Richard Ferguson: Calif. v. Charlie Richards, Tulare County (Nov., 1989)
For DA Tim Casserly: Calif. v. Roberta Pearce, San Diego (Jan, 1990)
For DA Allan Charmetz, Calif. v. Segura & Diaz, Marin County (June, 1990)
For DA Lori Barker: Calif. v. Many teenagers, Butte County (Chico) (Nov., 1990)
For DA David Dunn: Calif. v. Scott Pommier, Sonoma County (Dec., 1990)
For DA Tia Schmuck and R. Areana: California v. Paul Dyke, San Diego (Sept., 1991)
For DA Gary Meyer: Calif. v. Polk & Richarson, Monterey County (March, 1992)*
For DA Ellen O'Hara: Calif. v. Cunningham, Tulare County (March, 1992)
For DA M. Mantyla: Calif. v. Henry Hubert, San Deigo (April, 1992)
For DA Doug Fontan: Calif. v. Johnsen, Stanislaus (Jan., 1994)
For DA Tim Frawley: Calif. v. Nguyen, Sacramento (Jan., 1994)
For DA Peter Kossoris: Calif. v. Mark Thornton, Ventura (June, 1994)*
For DA Gregory Jacobs: Calif. v. Richard Allen Davis, Sonoma (Jan., 1995)*
For DA Peter Kossoris: Calif. v. Daniel Tuffree, Ventura (April, 1996)

For DA Larry Scoufos: Calif. v. Scully and Moore, Sonoma (June, 1996)*
For DA Stephen Hedstrom: Calif. v. Munoz and Marquez, Lake (Feb., 1997)
For DA Jim Mulgrew: Calif. v. Famalaro, Orange (March, 1997)
For DA Peter Kossoris: Calif. v. Haun and Dally, Ventura (March, 1997)*
For DA Daniel Gong: Calif. v. Matt Shultz, Placer (June, 1998)*
For DA Michael Stone: Calif. v. Larwick, Stanislaus (Feb., 2000)
For DA Brad Fenecchio: Calif. v. Aurturo Suarez (Feb., 2000)*
For DA Tim Covello: Calif. v Rex Allan Krebs (May, 2000)
For DA Stephen Hedstrom: Calif. v Jerrold Johnson (June, 2000)
For Miles, Sears & Eanni: Waski v. Cal Trans (March, 2001)
For DA Lela Henke-Dobroth: Calif v Vincent Sanchez (Dec., 2002)*

* Designed my own survey in the case.

Consultation on McGown hearing (i.e., a hearing to decide to which venue should a case be sent after deciding defendant cannot receive a fair trial in original venue) in Richard Allen Davis case (Nov., 1995).

Consultation and testimony in severance motions

Calif. v. Roberto and Manual Ayala, San Diego (1987)
Calif. v. Hu and Diep, San Francisco (1996)
Calif. v. Johnny Duane Miles, San Bernardino (1997)

Consultation on Child-Support Survey Research

Sampling design and analysis of data from a survey conducted by the Family Support Services division of the California District Attorney's Association. The survey was designed to assess the relative rates of different family support cases that made up the over 2 million cases being dealt with by all district attorneys' offices in California between 1995 and 1996.

Redesign of CDAA Family Support Survey and oversight of the conduct of this second survey for the 1997 year. I was also responsible for conducting the data analysis and writing up a report to CDAA presenting the results from this second survey.

Expert, consultant, and educator in area of eyewitness identification.

(Testified about or consulted with attorney about methodological problems in assessing the reliability of eyewitness identification and about the external validity of research dealing with the accuracy of eyewitness reports. Main issues are the probative vs. prejudicial value of testimony by other psychologists about factors that are claimed to affect eyewitness accuracy, the appropriateness of research designs that are used in the field, and the consistency of the evidence in support of conclusions about eyewitness memory).

Arizona

In Yuma County

For DA Mary White: Ariz. v. Ramon Altamirano (Jan., 1995)

California

In Antelope Valley

For DA Kelly Cromer (Dec. 1997)

In Kern County

For DA Dennis Ryan: California v. Wanda Fraley (Sept., 1987)
For DA Joseph Beckett: California v. Jackson (March, 1988)
For DA Joseph Beckett: California v. Watson & Carrick (July, 1988)
For DA Dennis Ryan: Calif. v. (March, 1990)
For DA Carla Grabert: Calif. v. Finley & Frost (March, 1994)

In Los Angeles County

For DA Pat Dixon: California v. Keith T. Fudge (March, 1987)
For DA John Sorrentino: Calif. v. Oliver Montez & Datan Newton (Dec., 1992)
For DA Marlene Sanchez: Calif. v. Ernest Williams (March, 1994)
For DA Susan Powers: Calif. v. Richard Noble (June, 1994)
For DA Joe Payne: Calif. v. Norman Gentile (Oct., 1999)
For DA Karen Nobumoto: Calif. v. Travis Duran (Sept., 1999)
For DA Maureen Green: Calif. v. Tyron Dunn & Lasonts Cole (Dec., 1999)
For DA Karen Nobumoto: Calif. v. Mitchell (Dec., 2000)
For DA Stephanie Wilson: Calif. v. Juan Carlos Herrera (Jan., 2001)
For DA Carlos Chung: Calif. v. Kevawn Cook & Patton (June, 2001)
For DA Terrie Tengelsen: Calif. v. Morales & Avila (June, 2001)
For DA Kim Smith: Calif. v. Cox & Sherman (Nov., 2001)
For DA Michael Blake: Calif. v. Christofer Cory Hilton (March, 2003)
For DA Nicole Flood: Calif. v. Triado (Feb., 2003)

In Marin County

For DA Mr. Evans: Multiple defendants (Dec., 1986)
For DA Kevin Jones: California v. Irvin Tatum (March, 1989)
For DA Paula Kamida: Calif. v. Felix & Pedrico (April, 1991)

In Nevada County

For DA Shawn O'Brien: Calif. v. Charles Neely (Aug., 1996)
For DA Ms. Katy Kull: Calif. v. Stephen Connell (July, 1997)

In Orange County

For DA Randy Pawloski: Calif. v. Gonzales, Eleazar (April, 1993)
For DA William Feccia: Calif. v. Alfredo Garcia (March, 1996)
For DA William Feccia: Calif. v. Lee, Nguyen, Nguyen, and Kong (June, 1996)
For DA Jim Tanizaki: Calif. v. Leonard Mundy (June, 1998)
For DA Karen Wulc: Calif. v. Guy Miles (June, 1999)
For DA William Feccia: Calif. v. Bryon Valesquez (June, 1999)
For DA Dennis Conway: Calif. v. Benjamin Lemus (Dec., 1999)
For DA Rebecca Heinlein: Calif. v. Mark Parr (Jan., 2000)
For DA Margaret Roper: Calif. v. Sanchez (Jan., 2002)

In Pomona County

For DA Ms. Cady (from California State Attorney General's Office) (March, 1987)

In Riverside County

For Public Defender Robert L. Ebert: Calif. v. P. Carney (Jan., 1995)
For DA Dianna Carter: Calif. v. Fred L. Weatherton (Feb., 2002)
For DA Joseph Daily: P. v. Sousa (July 1, 2002)

In San Bernardino County

For DA David Whitney: Calif. v. Joe Ariaz (June, 1991)

In San Luis Obispo County

For DA Dennis Schloss: California v. Walter Sweeny (July, 1989)

In San Diego County

For DA Chuck Patrick: California v. Palmer (Nov., 1984)
For DA B. Massucco (Dec., 1984)

For DA Lisa Guy-Shall (Jan., 1985)
For DA Craig Rooten (April, 1985)
For DA Massucco (Aug., 1985)
For DA Chuck Patrick (Sept., 1985)
For DA Dick Lewis: California v. Anthony Jack (Feb., 1986)
For DA Chuck Patrick (Aug., 1986)
For DA Jeff Dusek: California v. Dale Carr (Sept., 1986)
For DA Jeff Dusek: California v. Kyle Mincey (Oct., 1986)
For DA Jeff Dusek: California v. Bowman (Nov., 1986)
For DA Julie Saake: California v. James Brown (Feb., 1987)
For DA Larry Burns (from Federal Attorney General's Office, March, 1987)
For DA Denise McGuire: California v. Fred Kennedy (June, 1987)
For DA Massucco: California v. Hinajoso (June, 1987)
For DA Mark Pettine: California v. Noman Smith (July, 1987)
For DA Chuck Patrick: California v. Richard Mayes (Nov., 1987)
For DA Jeff Dusek: California v. Gary Poe (Dec. 1988)
For DA Jeff Dusek: California v. Michael Brito (March, 1989)
For DA Josephine Kiernan: California v. Richard Mayes (April, 1989)
For DA Debra Factor: California v. Dennis M. Silver (May, 1989)
For DA Robert Armador: Calif. v. Scott Carrera (Nov., 1989)
For DA Mr. Hammes: (Jan, 1990)
For DA Mr. Clabby: Calif. v. Rudy Isaquirre (Oct. 1990)
For DA Terri Schools: Calif. v. J. Pllom (Feb. 1991)
For DA James Romo: (July, 1991)
For DA James O'Mora: Calif. v. John M. Brown (Aug., 1991)
For DA David Bost: Calif. v. Tally & Brown (Aug., 1992)
For DA Terri Schools: Calif. v. Darrell Mason (Nov. 1993)
For DA Lori Koster: Calif. v. Arthur Bush (Sept. 1995)
For DA Glen McAllister: Calif. v. Williams (Nov. 1995)
For DA Mary-Ellen Barrett: Calif. v. Chavez (Feb. 1996)
For DA David Rubin: Calif. v. Tyron Turner (March, 1996)
For DA Kathleen Lewis: Calif. v. Rubin Harper (April, 1996)
For DA David Bost: Calif. v. Levette and Purter (May, 1996)
For DA Jane Via: Calif. v. Anthony Hill (Oct., 1996)
For DA M. Shultz (training) (Oct., 1997)
For DA Lisa Shall: Calif. v. Larry Vorise (Oct., 1997)
For DA Betsy McClutchey: Calif. v. Jeffery Flowers (Aug., 1998)
For DA Jane Via: Calif. v. Terrill Tibbs (Aug., 1998)
For DA Laura Rogers: Calif. v. Ronnie Luckett (Sept., 1998)
For DA Karen Doty: Calif. v. Barker (Oct., 1998)
For DA Carol Buck: Calif. v. Deidrie Williams (Dec., 1999)
For DA Kevin Vienna: Calif. v. Estrada (Sept., 2001)
For Bacalski, Byrne & Koska: Benton v Moondoggies (July, 2002)

In San Diego District of California, U. S. Department of Justice

For Assist US Attorney John Pierce: US v. George Ramirez (Feb., 1989)

In San Francisco County

For DA John Carbone, Jr.: Calif. v. Hu and Diep (May, 1996)
For DA Paul Kelley: Calif. v. Eric Williams (April, 1997)
For DA Celia Roland: Calif. v. Copes (Aug., 1998)
For DA Kamila Harris: Calif. v. M. Salizar (Nov., 1998)

In Northern District, San Francisco

For Assist. US Attorney Jonathan Schmidt: US v Rice (Jan. 2003)
For Assist. US Attorney Jonathan Schmidt: US v Shaun L. Carter (March. 2003)

In Santa Barbara County

For DA Joyce Dudley: Calif. v. David Green (March, 1997)

Colorado

In Denver

For DA Craig Silverman: Colorado v. Micheal Quesada (Oct., 1994)

Delaware

In Wilmington

For State Attorney General Caroline Cross: Delaware v. Sadiki Garden (Feb. 2001)

Florida

In Orlando

For State Attorney General Evelyn Cranford: FL v. M Deboles (Oct. 2002)

Maryland

In Baltimore

For Assist. US Attorney Charles Peters: US v Anthony Hopes (Aug., 2002)

Massachusetts

In Boston

For Assist US Attorney Antoinette Leoney: US v. Johanna Hines (June, 1999)

In Worcester

For DA Joseph Moriarty, Jr.: Commonwealth v Cosenza (June, 2002)

Michigan

In Ann Arbor

For Assist. US Attorney Barbara McQuade: US v J Washington (March, 2002)

New Jersey

In Hudson County

For DA Patrick Raviola: State v. Jose Velez (July, 1989)

In Camden County

For DA Arnold Golden: State v. Derrik Mack (Oct., 1994)

New York

In Manhattan (New York County)

For DA Patricia Bailey: P v. Nicko Legrand (Dec., 2001)

For DA Patricia Bailey: P v. Champagne Smith (Dec. 2002)

Oregon

For DA Paul Graebner: State v. John E. Dunn (July, 1997)

Pennsylvania

In Western District of Pennsylvania, U.S. Department of Justice

For Assist US Attorney Sandra Jordan: US v. Frank Sebetich (July, 1987)

For Assist US Attorney John Mead: US v. Watkins & Tyler (Oct., 1987)

For Assist US Attorney Paul Hull: US v. Muhammed Khan Bey (Nov., 1989)

Tennessee

In Knoxville: U.S. Attorney's Office, Eastern Tennessee
For Assist US Attorney Steven Cook: US. v. Burton (Aug., 1998)

Utah

In Salt Lake City: U.S. Attorney's Office
For Assist. US Attorney Bill Ryan: US v. Oliver (May, 2000)

Washington

In Tacoma
For US Assistant Attorney Tom Wales (Dec. 1989)

West Virginia

In Monondalia County
For DA Susan Tucker (Feb., 1995)

Publications

- Schneider, A. & Ebbesen, E. B. Interhemispheric transfer of lever pressing as stimulus generalization of the effects of spreading depression. *Journal of the Experimental Analysis of Behavior*, 1967, 10, 193-197.
- Zimbardo, P. G., & Ebbesen, E. B. *Influencing attitudes and changing behavior*. Reading, Mass.: Addison-Wesley, 1969.
- Carlsmith, J. M., Ebbesen, E. B., Zanna, M. P., Joncas, A. J., & Abelson, R. P. Dissonance reduction following forced attention to the dissonance. *APA Proceedings*, 1969.
- Zimbardo, P. G., & Ebbesen, E. B. Experimental modification of the relationship between effort, attitude, and behavior. *Journal of Personality and Social Psychology*, 1970, 16, 207-213.
- Mischel, W., & Ebbesen, E. B. Attention in delay of gratification. *Journal of Personality and Social Psychology*, 1970, 16, 329-337.
- Ebbesen, E. B. Attitudes toward attitude change. [Review of Persuasion: How opinions and attitudes are changed, by M. Karllins & H. I. Abelson] *Contemporary Psychology*, 1971, 16, 36-37.
- Mischel, W., Ebbesen, E. B., & Zeiss, A. R. Cognitive and attentional mechanisms in delay of gratification. *Journal of Personality and Social Psychology*, 1972, 21, 204-218.
- Snyder, M., & Ebbesen, E. B. Dissonance awareness: A test of dissonance theory versus self-perception theory. *Journal of Experimental Social Psychology*, 1972, 8, 502-517.
- Ebbesen, E. B., & Haney, M. Flirting with death: Variables affecting risk-taking on our nation's highways. *Journal of Applied Social Psychology*, 1973, 3, 303-324.
- Mischel, W., Ebbesen, E. B., & Zeiss, A. R. Selective attention to the self: Situational and dispositional determinants. *Journal of Personality and Social Psychology*, 1973, 27, 129-142.
- Mischel, W., Ebbesen, E. B., & Zeiss, A. Cognitive and attentional dynamics in delay of gratification. In H. N. Mischel & W. Mischel (Eds.), *Readings in personality*. Holt, Rinehart & Winston, 1973, 405-425.
- Zimbardo, P. G., & Ebbesen, E. B. *Influencia em atitudes e modificacao de comportamento*. P. A. Leite (Translator), Editora Edgard Blucher Ltda., 1973.

- Ebbesen, E. B., & Bowers, R. The effects of proportion of risky to conservative arguments in a group discussion on risky shift. *Journal of Personality and Social Psychology*, 1974, 29, 316-327.
- Zimbardo, P. G., & Ebbesen, E. B. Experimental modification of the relationship between effort, attitude, and behavior. In S. Himmelfarb & A. H. Eagly (Eds.), *Readings in attitude change*. New York: John Wiley & Sons, 1974, 584-592.
- Ebbesen, E. B., Bowers, R. J., Phillips, S. & Snyder, M. Self-control processes in the forbidden toy paradigm. *Journal of Personality and Social Psychology*, 1975, 31, 442-452.
- Ebbesen, E. B., Duncan, B., & Konecni, V. J. Effects of content of verbal aggression on future verbal aggression: A field experiment. *Journal of Experimental Social Psychology*, 1975, 11, 192-204.
- Ebbesen, E. B., & Konecni, V. J. Decision making and information integration in the courts: The setting of bail. *Journal of Personality and Social Psychology*, 1975, 32, 805-821.
- Konecni, V. J., Libuser, L., Morton, A., & Ebbesen, E. B. Effects of violation of personal space on escape and helping responses. *Journal of Experimental Social Psychology*, 1975, 11, 288-299.
- Konecni, V. J., & Ebbesen, E. B. Effects of the presence of children on adults' helping behavior and compliance: Two field studies. *Journal of Social Psychology*, 1975, 97, 181-193.
- Ebbesen, E. B., Kjos, G. L., & Konecni, V. J. Spatial ecology: Its effects on the choice of friends and enemies. *Journal of Experimental Social Psychology*, 1976, 12, 505-518.
- Konecni, V. J., & Ebbesen, E. B. Disinhibition versus the cathartic effect: Artifact and substance. *Journal of Personality and Social Psychology*, 1976, 34, 352-365.
- Konecni, V. J., & Ebbesen, E. B. Distortions of estimates of numerosness and waiting time. *Journal of Social Psychology*, 1976, 100, 45-50.
- Konecni, V. J., Ebbesen, E. B., & Konecni, D. K. Decision processes and risk-taking in traffic: Driver response to the onset of yellow light. *Journal of Applied Psychology*, 1976, 61, 359-367.
- Mischel, W., Ebbesen, E. B., & Zeiss, A. Determinants of selective memory about the self. *Journal of Consulting and Clinical Psychology*, 1976, 44, 92-103.
- Ebbesen, E. B., Parker, S., & Konecni, V. Laboratory and field analyses of decisions involving risk. *Journal of Experimental Psychology: Human Perception and Performance*, 1977, 3, 576-589.
- Zimbardo, P. G., Ebbesen, E. B., & Maslach, C. *Influencing attitudes and changing behavior*. 2nd edition. Reading, Mass.: Addison Wesley, 1977.
- Bernstein, D., & Ebbesen, E. B. Reinforcement and substitution in humans: A multiple-response analysis. *Journal of the Experimental Analysis of Behavior*, 1978, 30, 243-253.
- Ebbesen, E. B., & Allen, R. B. Cognitive processes in implicit personality trait inferences. *Journal of Personality and Social Psychology*, 1979, 37, 471-488.
- Cohen, C. E., & Ebbesen, E. B. Observational goals and schema activation: A theoretical framework for behavior perception. *Journal of Experimental Social Psychology*, 1979, 15, 305-329.

- Konecni, V. J., & Ebbesen, E. B. External validity of research in legal psychology. In S. S. Diamond (Ed.). An invited paper in a special issue of *Law and Human Behavior*, 1979, 3, 39-70.
- Ebbesen, E. B., & Konecni, V. J. On the external validity of decision-making research: What do we know about decisions in the real world? In T. S. Wallsten (Ed.), *Cognitive processes in choice and decision behavior*. New York: Lawrence Erlbaum Assoc. 1980, 21-45.
- Ebbesen, E. B. Cognitive processes involved in understanding ongoing behavior. In R. Hastie, T. M. Ostrom, E. B. Ebbesen, R. S. Wyer, D. L. Hamilton, and D. E. Carlston (Eds.). *Person-memory: The cognitive basis of social perception*. Hillsdale, N. J.: L. Erlbaum, 1980, 179-225.
- R. Hastie, T. M. Ostrom, E. B. Ebbesen, R. S. Wyer, D. L. Hamilton and D. E. Carlston (Eds.), *Person-memory: The cognitive basis of social perception*. Hillsdale, N. J.: Lawrence Erlbaum Assoc., 1980 (order of authors determined randomly).
- Konecni, V. J., Mulcahy, E. M., & Ebbesen, E. B. Prison or mental hospital: Factors affecting the processing of persons suspected of being "mentally disordered sex offenders." In P. D. Lipsitt and B. D. Sales (Eds.), *New directions in psychological research*. New York: Van Nostrand Reinhold, 1980, 87-124.
- Allen, R. B., & Ebbesen, E. B. Cognitive process in person perception: Retrieval of trait and behavioral information. *Journal of Experimental Social Psychology*, 1981, 17, 119-141.
- Ebbesen, E. B. Cognitive processes in inferences about a person's personality. In E. T. Higgins, C. P. Herman, and M. P. Zanna (Eds.). *Social-cognition: The Ontario symposium, Vol. I*. Hillsdale, N. J.: Lawrence Erlbaum, 1981, 247-276.
- Ebbesen, E. B., & Konecni, V. J. The process of sentencing adult felons: A causal analysis of judicial decisions. In B. D. Sales (Ed.), *The trial process: Perspectives in law and psychology*, Volume II. New York: Plenum Press, 1981, 413-458.
- Konecni, V. J. and Ebbesen, E. B. An Editorial Viewpoint. In V. J. Konecni and E. B. Ebbesen (Eds.). *The criminal justice system: A social psychological analysis*. San Francisco: Freeman, 1982, 395-406.
- Ebbesen, E. B., & Konecni, V. J. Social psychology and the law: A decision-approach to the criminal justice system. In V. J. Konecni and E. B. Ebbesen (Eds.). *The criminal justice system: A social psychological analysis*. San Francisco: Freeman, 1982, 3-23.
- Ebbesen, E. B., & Konecni, V. J. An analysis of the bail system. In V. J. Konecni and E. B. Ebbesen (Eds.). *The criminal justice system: A social psychological analysis*. San Francisco: Freeman, 1982, 191-229.
- Konecni, V. J., & Ebbesen, E. B. A critique of theory and method in social-psychological approaches to legal issues. In B. D. Sales (Ed.), *The trial process: Perspectives in law and psychology*, Volume II. New York: Plenum Press, 1981, 481-498.
- Konecni, V. J., & Ebbesen, E. B. Social psychology and the law: The choice of research problems, settings, and methodology. In V. J. Konecni & E. B. Ebbesen (Eds.). *The criminal justice system: A social psychological analysis*. San Francisco: Freeman, 1982, 27-44.
- Konecni, V. J., & Ebbesen, E. B. An analysis of the sentencing system. In V. J. Konecni and E. B. Ebbesen (Eds.). *The criminal justice system: A social psychological analysis*. San Francisco: Freeman, 1982, 293-332.
- Konecni, V. J., & Ebbesen, E. B. *The criminal justice system: A social psychological analysis*. San Francisco: Freeman, 1982.

- Konecni, V. J. & Ebbesen, E. B. The mythology of legal decision making. *International Journal of Law and Psychology*, 1984, 7, 5-18.
- Ebbesen, E. B. & Konecni, V. J. Criticisms of the criminal justice system: A decision making analysis. *Behavioral Sciences & the Law*, 1985, 3, 177-194.
- Konecni, V. J. & Ebbesen, E. B. Courtroom testimony by psychologists on eyewitness identification issues: Critical notes and reflections. *Law and Human Behavior*, 1986, 10, 117-126.
- Konecni, V. J. & Ebbesen, E. B. Methodische Probleme in der Forschung über juristische Entscheidungsprozesse — unter besonderer Berücksichtigung experimenteller Simulationen. *Gruppendynamik*, 1991, 22, 175-188.
- Wixted, J. T. & Ebbesen, E. B. On the form of forgetting. *Psychological Science*, 1991, 2, 409-415.
- Kunin, C. C., Ebbesen, E. B., & Konecni, V. J. An archival study of decision-making in child custody disputes. *Journal of Clinical Psychology*, 1992, 48, 564-573.
- Konecni, V.J. & Ebbesen, E.B. Methodological issues in research on legal decision making, with special reference to experimental simulations. In F. Losel, D. Bender, & T. Bliessener (Eds.). *Psychology and law: International perspectives*. New York: Walter de Gruyter, 1992, 413-423.
- Konecni, V.J., Ebbesen, E.B. & Hock, R. Factors affecting simulated jurors' decisions in capital cases. *Crime, Psychology, and the Law*, 1996, 2, 269-297.
- Ebbesen, E.B. & Konecni, V.J. Eyewitness memory: Probative v. prejudicial value. *Expert Evidence: The International Digest of Human Behaviour Science and the Law* , 1997, 5, 2-28.
- Wixted, J. T., & Ebbesen, E. B. Genuine power curves in forgetting: A quantitative analysis of individual subject forgetting functions. *Memory & Cognition*, 1997, 25, 731-739.
- Ebbesen, E.B. & Wixted, J.T. A signal detection analysis of the relationship between confidence and accuracy in face memory research. In revision, *Journal of Experimental Psychology, General*. <http://www-psy.ucsd.edu/~eebbesen/ConfidAccur.html>.
- Ebbesen, E.B. & Rienick, C. Retention interval and eyewitness memory for events and personal identifying attributes. *Journal of Applied Psychology*, 1998, 83, 745-762.
- Totten, G.D., Kossoris, P.D. & Ebbesen, E.B. The exclusionary rule: Fix it, but fix it right. *Pepperdine Law Review*, 1999, 26, 887-922.
- Konecni, V.J. & Ebbesen, E.B. Retrospective implications for the probative value of psychologist's testimony on eyewitness issues of exoneration by DNA evidence. *Proceedings of European Conference on Psychology and Law*, in press.

Manuscripts in Preparation (Research Completed)

- Flowe, H.D., Ebbesen, E.B., & Pucha, A. "Nice girls don't get raped and bad girls shouldn't complain." The relationship between sexual behavior and rape allegations. (Draft available)
- Flowe, H. D., Ebbesen, E.B., Libuser, M. & Rienick, C. (2002). Testing the Reflection Assumption: An examination of the external validity of published studies on lineup identification accuracy. (Draft available)

- Ebbesen, E.B., & Flowe, H.D. Simultaneous v. sequential lineups: What do we really know? <http://www-psy.ucsd.edu/~eebbesen/SimSeq.htm>.
- Ebbesen, E.B. Some thoughts about generalizing the role that confidence plays in the accuracy of eyewitness memory. <http://www-psy.ucsd.edu/~eebbesen/confidence.htm>.
- Ebbesen, E.B. Why we cannot generalize conclusions from source misattribution (or misleading post-event information) studies to actual crime situations. <http://www-psy.ucsd.edu/~eebbesen/Misleading.html>.
- Moore, P., Ebbesen, E. B., & Konecni, V.J. A description of actual eyewitness testimony: What does it look like? (Draft available)
- Ebbesen, E. B., Konecni, V.J. & Howard, S. Extent of news coverage and jury bias: The role of news in simulated jury decisions.
- Ebbesen, E. B. & Konecni, V.J. How stable are community attitudes about the guilt of defendants in well-publicized felony cases?
- Ebbesen, E. B. & Konecni, V.J. Factors affecting higher court decisions to grant change of venue motions: Does the court follow its own guidelines?
- Moore, P. & Ebbesen, E.B. Another look at showup v. lineup eyewitness identifications: How different are they?
- Bosworth, C. & Ebbesen, E. B. Weapon focus effect depends on location of weapon.
- Ebbesen, E. B. & Rienick, C. Cross-race face recognition memory effect, duration of exposure, and confidence.
- Ebbesen, E. B. & Libuser, M. A signal detection analysis of accuracy and confidence in lineup v. showup face recognition memory.
- Ebbesen, E. B. & Stretch, V. Change of venue surveys: Measuring fixedness of attitudes in a well publicized murder case.
- Ebbesen, E.B. Pretrial publicity, change of venue motions, and death qualification.
- Rienick, C. & Ebbesen, E. B. The role of duration, frequency of exposure, and attractiveness in face memory.
- Ebbesen, E. B., & Rienick, C. The real mugshot effect.

Technical Reports and Affidavits

- Carlsmith, J. M., Ebbesen, E. B., Leeper, M. R., Zanna, M. P., Joncas, A. J., and Abelson, R. P. Dissonance reduction following forced attention to the dissonance. APA Proceedings, 1969.
- Ebbesen, E. B. & Haney, M. Flirting with death: Variables affecting risk-taking on our nation's highways. Center for Human Information Processing, University of California, San Diego, Report #29, 1972.
- Ebbesen, E. B., & Bowers, R. The effects of proportion of risky to conservative arguments in a group discussion on risky shift. Center for Human Information Processing, University of California, San Diego, Report #28, 1972.
- Ebbesen, E. B., & Konecni, V. J. Cognitive algebra in legal decision making. Center for Human Information Processing, University of California, San Diego, Report #46, 1974.

- Ebbesen, E. B., & Allen, R. B. Further evidence concerning Fiske's question, "Can personality constructs ever be empirically validated?" Technical Memorandum, Bell Laboratories, Murray Hill, N. J., June 15, 1977.
- Ebbesen, E. B., & Konecni, V.J. Eyewitness memory research: Probative v. Prejudicial value. National Homicide Symposia, California District Attorneys Association, Costa Mesa, CA, April 4, 1989.
- Ebbesen, E. B. Affidavit of Ebbe Bruce Ebbesen, Professor and Chair, Department of Psychology, University of California, San Diego (In reference to People v. Remington and Kirk). 1987
- Ebbesen, E. B. Affidavit of Ebbe Bruce Ebbesen, Professor and Chair, Department of Psychology, University of California, San Diego (In reference to People v. Rubio). 1987
- Ebbesen, E. B. Affidavit of Ebbe Bruce Ebbesen, Professor and Chair, Department of Psychology, University of California, San Diego (In reference to People v. O'Callaghan). 1988
- Ebbesen, E. B. Affidavit of Ebbe Bruce Ebbesen, Professor and Chair, Department of Psychology, University of California, San Diego (In reference to People v. Melton). 1988
- Ebbesen, E.B. Affidavit: Analysis of Change of Venue Survey in P. v. Richardson and Polk. University of California, San Diego, (A comparison of the results of two change of venue surveys), 1992.
- Ebbesen, E.B. Affidavit: Analysis of Change of Venue Survey in P. v. Cunningham. University of California, San Diego, 1992.
- Ebbesen, E. B. Affidavit of Ebbe Bruce Ebbesen in People v. Thorton. University of California, San Diego, (A report the analysis of results of a survey experiment on change of venue.), 1994.
- Ebbesen, E. B. & Stretch V. Analysis of survey data in Richard Allen Davis change of venue. University of California, San Diego, (A report of the results of a change of venue survey experiment.), 1995
- Ebbesen, E.B. Analysis of change of suvery submitted in P. v. Daniel Tuffree. University of California, San Diego, (A report of the results of a change of venue survey.), 1996
- Ebbesen, E.B. People v. Robert Scully: Report of results from a change of venue survey. University of California, San Diego, (A report of the results of a change of venue survey experiment.), 1996
- Ebbesen, E.B. People v. Munoz and Marquez: Analysis of change of venue survey. University of California, San Diego, (A report of legal and methodological issues in change of venue surveys.), 1997
- Ebbesen, E.B. Report of Results of CDAA Family Support Survey. University of California, San Diego (Report of results of probabilitly sample of family support case type and outcome for CA.), 1997
- Ebbesen, E.B. General comments about survey methodology with specific reference to change of venue surveys. Report submitted to national committee on change of venue survey standards. 1997
- Ebbesen, E.B. Report of Results of CDAA Family Support Survey. University of California, San Diego (Second report of results of probability sample of family support case type and outcome for CA.), 1998
- Ebbesen, E.B. People v. Matt Schultz: Report of results from a change of venue survey. University of California, San Diego. (A report of the results of a change of venue survey designed examine new methods of measuring the "fixedness" of potential juror attitudes.), 1998

- Ebbesen, E.B. *People v. Arturo Juarez Suarez*: Report of results from a change of venue survey. University of California, San Diego (A report of results of change of venue survey designed to examine whether "fixedness" measures would yield generalizable results.), 2000
- Ebbesen, E.B. *Gakkai v. Shoshu*: Report on ability to generalize research on eyewitness memory to particular individuals in particular case. University of California, San Diego (A report that analyzed evidence about the ability of experts to draw conclusions about the accuracy of memory of particular witnesses from research on eyewitness memory.), Feb. 2001.
- Ebbesen, E.B. *Gakkai v. Shoshu*: Report on Dr. Fyfe's classroom demonstration and conclusions drawn from that demonstration about the nature of human memory. University of California, San Diego (A report that provided a critical analysis of research conducted by Dr. Fyfe and the conclusions drawn by Dr. Fyfe from that research regarding the nature of human memory.), Oct. 2001.

Paper Presentations

- Attitude change over time as a function of sexual arousal and experimenter attributes. EPA, 1966 (with S. C. Fraser).
- A behavioral analysis of motivational and attitudinal states. EPA, 1967 (with P. G. Zimbardo and L. Dworkin).
- Effects of restriction on the reorganization of response repertoires. WPA, 1973 (with G. Kjos).
- The effects of substitution patterns on the necessary conditions for reinforcement in humans. MPA, 1974 (with D. Bernstein).
- Non-reversibility of reinforcement. WPA, 1974 (with R. Bowers).
- Attribution processes in choice shift. WPA, 1974 (with R. Bowers).
- The effects of attribute comparison, frustration and initial choice on delay of gratification. WPA, 1974 (with D. Bernstein).
- Presence of sequential and motivational constraints in ethological records of human behavior. MPA, 1974 (with D. Bernstein).
- The role of a research psychologist in the courtroom and legal decision making. Defense Bar Association of San Diego, 1975.
- The subjective evaluation process in delay of gratification. WPA, 1975 (with C. Cohen).
- Rater and ratee contributions to rating consistency: A field study of the perceiver and the perceived. WPA, 1975 (with G. Kjos and P. Roberts).
- Encoding and search processes in person perception. APA, 1975 (with C. Cohen, M-C. Valtz and R. Allen).
- Analysis of legal-decision making: Bail-setting and sentencing. APA, 1975 (with V. J. Konecni).
- Factors affecting sentencing. The American Society of Criminologists, 1976
- Insufficiency of rate of responding as a dependent variable for human subjects. MABA, 1976 (with D. Bernstein).
- The effects of timing and type of attitude salience on attitude change and recall accuracy in a forced compliance paradigm. WPA, 1976 (with R. J. Bowers and B. Steinfeld).

- Boundaries of the frequency of exposure effect: Frequency, duration, evaluative dimensions and prior experience. WPA, 1976 (with G. Kjos and E. Litvak).
- Disinhibition versus the cathartic effect: Artifact and substance. International Society for Research on Aggression, Paris, France, 1976 (with V. J. Konecni).
- Fairness in sentencing: Severity of crime and judicial decision-making. APA, 1976 (with V. J. Konecni).
- Parole: Legal, policy-making and psychological issues. (Discussant), APA (1976).
- An empirical analysis of the role of discretion in the legal system. Psychology and the law: Symposium, California State University, Fullerton, 1977.
- First approximations to an instrumental response taxonomy. WPA, 1977 (with G. Kjos).
- Amount of information in person perception: Evidence for exhaustive memory scanning. WPA, 1977 (with R. B. Allen and E. Bessman).
- Interaction of structure and function in response repertoires. MABA, 1977 (with R. B. Allen and G. Kjos).
- Cognitive processes in trait judgments. APA, 1977 (with R. B. Allen).
- Interview observational and experimental methods in studying judicial decisions. APA, 1977 (with V. J. Konecni).
- Prison or mental hospital: Factors affecting psychiatrists' recommendations for the disposition of persons convicted of sex crimes. American Psychology-Law Society, Third National Conference, 1977 (with V. J. Konecni and E. M. Mulcahy).
- Factors that influence the processing of adult felons. American Psychology-Law Society, Third National Conference, 1977 (with V. J. Konecni).
- Discretion in the criminal justice system. Second Biennial Law and Society Association Conference, 1978 (with V. J. Konecni).
- External validity of decision making. Conference on Cognitive Processes in Choice and Decision Behavior, Quail Roost, NC, 1978.
- Encoding and remembering the stream of behavior. Ontario Symposium on Personality and Social Psychology, Ontario, 1978.
- Personality ratings and structure: Facts or artifacts. APA 86th Convention, Toronto, Ontario, Canada, 1978.
- The perception of individual differences among judges sentencing adult felons. American Psychology-Law Society, Fourth National Conference, Baltimore, Maryland, 1979 (with V. J. Konecni).
- Prosecutor charging practices: A causal analysis. American Psychology Association convention. 1980 (with V. J. Konecni).
- The merits and limitations of laboratory simulation for psychology-law research. The American Psychology-Law Society Biennial Conference, 1981.
- Role of arousal in detecting deception. Western Psychology Association Convention. 1982 (with R. R. Root).

- Psychology and the law: Myths and methodology. British Psychological Society Conference on Psychology and the Law, Oxford, England. Sept. 14-16, 1984
- Factors controlling the extent of violent behavior in rape and assault. International Society for Research on Aggression, Mexico City, 1982.
- Eyewitness identification: What we do not know. San Diego Defense Bar Association, San Diego, CA. Feb. 9, 1985
- Eyewitness identification issues. Office of Criminal Justice Planning: Career Criminal Project Director's Conference, Los Angeles, CA. Dec. 4, 1986.
- Eyewitness identification and venue change issues: The failure of the State Supreme Court to understand experimental psychology. Office of Criminal Justice Planning: Joint Vertical Prosecution and Defense Programs Training Conference, San Diego, CA. May 19, 1987.
- The prejudicial value of testimony about factors affecting eyewitness identification. Department of the Navy, Naval Legal Service Office, Military Legal Practice Conference, Naval Station Treasure Island, San Francisco, CA. Feb. 11, 1989.
- Handling the ID expert witness, California District Attorneys Association, National Homicide Symposium, Costa Mesa, CA. April 4, 1989
- External validity problems in eyewitness expert testimony: How expert are the experts? California District Attorneys Association, National Homicide Symposium, Palm Springs, CA., April 16, 1991.
- Death qualification and conviction proneness: A real effect or an experimental artifact. Western Criminal Justice Society meetings. Feb. 1992. (with Brooks Gump)
- Archival analysis of actual felony criminal cases. Western Criminal Justice Society meeting. Feb. 1992 (with Philip J. Moore)
- Expert underconfidence in the confidence and accuracy relation in eyewitness identification. American Psychology Society convention. San Diego, CA., June 20, 1992 (with Claudia Mendias-Canale)
- Are showups really worse than lineups? American Psychology Society convention. San Diego, CA. June 20, 1992 (with Philip J. Moore).
- The effect of retention interval on eyewitness memory for personal identifying attributes. American Society of Criminology, Boston, Nov. 17, 1995 (with Cynthia M. Burke)
- Confidence and accuracy in cross-racial face recognition. . American Society of Criminology, Boston, Nov. 17, 1995 (with Cynthia M. Burke and Mitchell Yap).
- A detection analysis of face recognition memory. Paper presented at the 36th meeting of the Psychonomic Society, Los Angeles, 1995 (with John Wixted).
- Recreating cardiovascular responses with rumination: The effects of a delay between an emotion and its recall. Annual meeting of the Society of Behavioral Medicine, New Orleans, 1998 (with Laura Glynn, Nicholas Christenfeld, and William Gerin).
- The relationship between eyewitness identification, confidence, and accuracy. 27th Annual Conference of the Western Society of Criminology, Kona-Kailua, HI, February 25, 2000 (with Mara E. Libuser).

Nice girls don't get raped and bad girls shouldn't complain. The relationship between sexual behavior and false rape accusations. Presented at the American Psychology and Law Society, March 2000 (with Heather Flowe).

At the scene of the crime: An examination of the external validity of published studies on line-up identification accuracy. Presented at the American Psychological Society Annual Convention, Toronto, Canada, June 15, 2001 (with Heather Flowe, Cynthia Burke, and Paul Chivabunditt).

Routinely measuring lineup similarity in experimental research is a good idea. Kingston, Canada, June 14, 2001: Society for Applied Research in Memory and Cognition (with Heather Flowe).

An archival analysis of cases in which the defense claimed mistaken identification. Austin, TX, March 7, 2002: American Psychology-Law Society (with Heather Flowe).

Technical Working Groups

Consultation with Legislative Analysts Office of State of California about how to measure performance of child-support collection. San Diego, Sept. 19, 1997.

Conference of national sample of district attorneys, defense attorneys, police officers, and psychologists to develop national guidelines for proper procedures for assessing eyewitness memory. NIJ, January 23 - 26, 1999.

Conferences: Invited Participant

Conference on Developmental Aspects of Self-regulation, NIMH, Feb. 18-21, 1972, La Jolla, California.

Conference on Information Integration and Multidimensional Scaling, August, 1974, University of California, San Diego.

Defense Bar Association of San Diego. Invited Speaker on the Role of the Research Psychologist in the Courtroom and Legal Decision Making, November 7, 1975.

The American Society of Criminology: Western Division. Invited speaker on Sentencing. February 12-14, 1976.

California Institute for Trial and Appellate Advocacy, Inc. Invited speaker: Legal Decision Making, A Research Psychologist's Analysis. May 29-31, 1976.

Bell Laboratories Conference on Analyzing the Continuous Stream of Behavior, Invited Participant. December 13-15, 1976.

California State University, Fullerton. Symposium: Psychology and the law. Paper entitled: An empirical analysis of the role of discretion in the legal system (with V. J. Konecni). October 26, 1977.

University of Colorado, Boulder. Invited participant in conference on decision-making. K. E. Hammond and G. McClelland organizers. April 27-29, 1978.

University of Minnesota. Second biennial Law and Society Association Conference. Invited paper: Discretion in the criminal justice system (with V. J. Konecni). May 19-20, 1978.

University of North Carolina, Chapel Hill. Invited participant in conference on "Cognitive processes in choice and decision behavior." T. S. Wallsten, organizer. June 21-24, 1978.

- University of Western Ontario, London Ontario, Canada. Invited participant in "Ontario symposium on personality and social psychology." E. T. Higgins, organizer. August 25-27, 1978.
- The American Psychology-Law Society Biennial Convention. Invited speaker "The merits and limitations of laboratory simulation for psychology-law research". Harvard University, October 15-17, 1981.
- The International Society for Research on Aggression. Invited speaker. "Factors controlling the extent of violent behavior in rape and assault." Mexico City, Mexico. Aug. 12-15, 1982.
- National Science Conference on the Ethics of Expert Testimony by Psychologists. "Courtroom testimony on eyewitness identification issues: Critical notes and reflections." (With V. J. Konecni) Johns Hopkins University, 1983.
- The American Psychology Association Law-Society Division. Invited Speaker "External validity: Failures in logic and method." Boston, MA., March 13, 1990.
- American Psychological Society, Invited Speaker in symposium on *The Importance of real world research on social problems*. "Laboratory simulations versus naturalistic research in legal psychology." Washington, D.C., June 16, 1991.
- 8th European Conference on Psychology and Law. "Psychologists' court testimony on eyewitness identification issues: Probative v. prejudicial value." Institute of Forensic Research, Krakow, Poland, Sept. 2-5, 1998 (with V. J. Konecni).

Invited Talks

- Yale University, Political Science Department: "Social psychology and legal decision making", December 13, 1976.
- University of California, Santa Barbara, Psychology Department: "Field methods and legal decision making", March 12, 1976.
- Princeton University: "Sentencing of adult felons: A decision-making analysis", March 4, 1977.
- Carnegie-Mellon University: "Judging judge's judgements: An analysis of legal decision making", March 10, 1977.
- Rutgers University, Livingston College, Department of Psychology: "Structure and function in response repertoires", May 31, 1977.
- Iowa University: "A social-psychological analysis of decision in the criminal justice system", October 18-21, 1978.
- California State University: "Judicial Decisions: A Causal Analysis", May 18, 1980.
- San Diego State University: "cognitive processes in person perception", April 15, 1981.
- Assembly office of Research, Sacramento, California: "Evaluation of options available to the legal system for controlling violent crime." Nov. 20, 1981.
- University of California, Los Angeles: "Applications of social psychology to understanding legal process", May 27, 1982.
- Bell Laboratories, Murray Hill, N.J.: "Experimental analysis of personality trait inferences", Sept. 3, 1982.
- San Diego State University Lecture Series. "Psychology and the Law: Who's right?" 1983.

- San Diego County Prosecutor's Association, San Diego California: "What can psychologists say about eye-witness reliability." 1985
- University of California, Santa Barbara, Department of Psychology. "Eyewitness Experts: Knowing less than we know." March 1, 1991
- University of California, San Diego, Department of Psychology. "Confidence and accuracy in eyewitness identification: Theoretical and applied issues." April 25, 1991
- University of California, Santa Barbara, Law and Society Program. "Expert Testimony: Evaluating psychological expert testimony in the legal system." May 6, 1991
- Los Angeles District Attorney's Office Complex Litigation Strategies Conference. "Eyewitness Identification Experts: Technical Analysis." January 17, 1997
- San Diego County District Attorney's Office Major Violator's Unit Education Conference. "Eyewitness Identification Research." March 6, 1997
- Los Angeles District Attorney's Office Complex Litigation Strategies Conference. "Eyewitness perception and memory." September, 1997.
- San Diego District Attorney's Office. "Understanding the NIJ report: 'Convicted by Juries, Exonerated by Science'." June, 5 1998
- Child Support Services, California District Attorney's Association. "Methods in conducting survey research on child support services." Monterey, CA. August 27, 1998.
- U.S. Department of Justice, National Institute of Justice, Technical Working Group on Eyewitness Identification. "Role of confidence in eyewitness accuracy measured by lineups and showups." Washington, DC, January 24, 1999.
- San Diego District Attorney's Office. "Issues in eyewitness identification, from the defense expert point of view." Sept. 29, 2000
- Los Angeles District Attorney's Office, Continuing Education Division. "Latest developments in eyewitness identification research" Los Angeles County Civic Center, May 19, 2001.
- San Diego District Attorney's Office. "Cross-examination of eyewitness experts called by the defense." Sept. 25, 2001
- San Diego District Attorney's Training Division. "On the nature of eyewitness memory research and what is fair to conclude from that research." Feb. 12, 2002
- New York State Prosecutor's Training Division. "Eyewitness identification research and the use of simultaneous v. sequential lineups." March 1, 2002
- San Diego District Attorney's Training Division: "Practice cross-examinations of eyewitness experts." Sept. 12, 2002.
- County of New York District Attorney's Office: "Eyewitness memory: What do we really know about it." Dec. 19, 2002.

Dissertations Supervised

1. Organization of response repertoires and social reinforcement. B. Michael Haney, 1973.
2. Structure and function in response repertoires of humans. Daniel Bernstein, 1973.

3. The perception of attitudes: The effects of behavioral and situational information on attitude attributions by actors and observers. Richard Bowers, 1976.
4. An information processing approach to social perception: The influence of a stereotype upon what an observer remembers. Claudia E. Cohen, 1976
5. Constraints on the reinforcement relation: Tests of instrumental response type in a multiple response repertoire environment. Glenn L. Kjos, 1977.
6. Emotion and person memory. Robert B. Allen, 1978.
7. Prosecutorial decision-making and the disposition of felony criminal cases: An archival analysis. Robert B. Root, 1985
8. Free press and fair trial: Pretrial publicity and motions for change of venue. Carla Kunin, 1988
9. Negotiated felony dispositions: The determinates of plea-bargaining. Roger R. Hock, 1989
10. Eye witness testimony in actual criminal cases: A multi-method approach to evaluating current theory and research. Philip J. Moore, 1992
11. The consequences of exposure to pretrial publicity: Effects on pretrial beliefs and effects on juror verdicts. Doreen B. Finkelstein, 1994.
12. The role of visual and auditory information in eyewitness recognition. Cindy Reinick, 1998.
13. Plea bargaining and case screening in rape and robbery cases. Mara Libuser, 2001.

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4 Attorney for Plaintiff
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7 STANISLAUS COUNTY SUPERIOR COURT
8 STATE OF CALIFORNIA
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10 D.A. No.1056770
11 THE PEOPLE OF THE STATE OF CALIFORNIA) No.1056770
12 Plaintiff,) PROPOSED ORDER
13 vs.)
14)
15 SCOTT LEE PETERSON,) Hrg: 8-14-03
Defendant.) Time: 8:30 a.m.
16) Dept: 2

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17 Comes now the People of the State of California to submit the
18 following Proposed Order:

19 ORDER

20 IT IS HEREBY ORDERED that the jury surveys prepared by the
21 prosecution be distributed to potential jurors, in cases other
22 than this instant case, as set forth below:

23 1. The District Attorney will deliver a supply of blank
24 surveys and pencils/pens to the Jury Commissioner's Office prior
25 to the date their survey is scheduled to begin. Each survey form
26 will be assigned a number.

1 2. Jury Commissioner's personnel will distribute the
2 surveys to volunteers from the jury venire and will collect the
3 surveys after they have been completed. Each survey must be
4 collected, whether or not the form has been completed.

5 3. A representative of the Jury Commissioner's Office will
6 provide the following information to jurors prior to distribution
7 of the survey form:

8 "The Superior Court has authorized the circulation of a
9 survey regarding a case you may have heard or read about. The
10 court has asked for volunteers to complete this survey. You will
11 not be called as a juror in the case the survey is for."

12 "The survey form must be not be taken out of this room
13 and must be completed and returned today. Please do not discuss
14 the questions or your answers with anyone else in this room
15 before you have completed and turned in your survey. Please do
16 not disclose the content of this survey or your responses to
17 friends or family. The disclosure of survey questions and your
18 answers could affect the ability to be fair and impartial for
19 those people who will serve as actual jurors in the case
20 described in this survey. "

21 "All of your answers are confidential. We will not know
22 your name and please do not write it on the jury survey form.
23 Please do not remove the cover sheet as the survey forms are
24 numbered."

25 "Please pick up a survey form from the window. After
26 you complete the form, please bring it back to the counter and
27 hand it to one of the Jury Commissioner's staff. "

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5. Personnel from Jury Services will distribute and collect the survey forms in numerical order. At the end of each business day, a representative from the District Attorney's Office will pick up the completed surveys.

IT IS ALSO ORDERED that the District Attorney may conduct similar surveys in other counties, if granted permission to do so by a court of jurisdiction in and for the county in which the survey is to be conducted.

DATED: _____

HONORABLE A. GIROLAMI
Judge of the Superior Court

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PROOF OF SERVICE BY FAX

Re: People v. Scott Lee Peterson No. 1056770

I, the undersigned, am over the age of eighteen years and not a party to the within above-entitled action. On August 8, 2003, I served the within NOTICE OF MOTION; MOTION; POINTS AND AUTHORITIES IN SUPPORT, ORDER SHORTENING TIME, and PROPOSED ORDER by faxing a true copy thereof to the fax numbers:

Mark Geragos
350 S. Grand Avenue,
#3900
Los Angeles, CA 90071
(213) 625-1600

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Aug 8, 2003

Karen M. Vella

Confirmation Report - Memory Send

Page : 001
Date & Time: Aug-08-03 11:34
Line 1 : 209 525 5545
Line 2 :
Machine ID : Stanislaus Co DA

Job number : 107
Date : Aug-08 11:23
To : 912136251600
Number of pages : 032
Start time : Aug-08 11:23
End time : Aug-08 11:34
Pages sent : 032
Status : OK

Job number : 107 *** SEND SUCCESSFUL ***



OFFICE OF
DISTRICT ATTORNEY

JAMES C. BRAZELTON
District Attorney

Court House
P.O. Box 442 Modesto, California 95853 Tel. (209) 525-5550

Reply to
FASCIMILE COVER SHEET

FAX NO: (209) 525-5545

DATE: 8/8/03

SEND TO: Mark Geragos ATTN: _____
FAX NO: 213-625-1400 # OF PAGES (INCL COVER): 32

**IF YOU HAVE ANY PROBLEMS WITH THIS TRANSMISSION,
PLEASE CALL (209) 525-5550 IMMEDIATELY**

SENDER'S NAME: Dave Harris
DEPARTMENT/DIVISION: D.A. DEPT. NO.: 209-525-5550

COMMENTS: _____

SENT BY: KV DATE: 8/8/03 TIME: _____