

CHILD MOLESTATION

The uncorrelated word of a single child with no other evidence or witnesses can end your life as you know it. **You're watching this because either you or someone you know has been accused of child molestation, or as it is often referred to in the law, "lewd acts."**¹

Even before you hire an attorney, please follow this advice if you are contacted by the police or by the accuser. It is vital that you do not compromise your case or your innocence by trying to explain your actions. There will be time later when the odds are more in your favor.

1. Do not speak to anyone on the phone if you are asked about the allegations made against you. Do not speak to the police, the parents of the alleged victim, or the alleged victim. Simply state you have done nothing wrong and hang up with no further explanation. It is being recorded!

2. Your home, car and computer will probably be searched by the police with a warrant. Do not interfere with the search and do not answer questions or engage in any conversation with the police. The search will be humiliating and extremely uncomfortable, but don't give the police a reason to arrest you for obstructing a police officer.

3. Do not accept a request to speak with a police investigator or detective The art of interrogation is a highly manipulative and coercive method of questioning used by the police. They prey on your eagerness to tell the truth in order to compel you to admit things that will ruin your case. Over 50% of the people convicted of sex crimes lose their cases because they spoke to the police. The only way to save yourself is to NOT TALK TO ANY POLICE. ASK FOR YOUR ATTORNEY. You have the right to an attorney and you must use that right if you hope to protect your innocence at this critical stage.

If you want to learn about police interrogation tactics, click on the "Police Interrogations" tab on the home page, featuring Richard Leo, PhD. Dr. Leo wrote his doctoral thesis at UC Berkeley on how the police can psychologically coerce innocent people to say things that will be used to prove their guilt.

The Innocence Legal Team was formed in order to give people who are falsely accused of child abuse the same rights to protect themselves as are afforded to the alleged victim. Unfortunately, our legal system has become so protective of the accuser that the fundamental legal right to be presumed innocent has been severely eroded.

In nearly 4 decades of defending clients, the Innocence Legal Team has witnessed the evisceration of laws that once protected the innocent. This systematic campaign against alleged sex offenders began in the

¹ Charges can include 269 Aggravated Sexual Assault, 288.7 Under Age 10 Life, 1203.066(a)(7) Multiple Victims Life, 288 Lewd Acts Under 14, 288(c) Lewd Acts 15 and Under, 288.5 Continuous Sexual Abuse, 286 Sodomy, 287 Oral Copulation and 647.6 Misdemeanor.

1970's when common sense was high-jacked by lawmakers who found a cause that made them very popular with the voters.

Prior to the seventies, cases of molestation were often dismissed or not reported because of the subject's taboo nature. Sometimes accusations involved prominent citizens and police were hesitant to pursue the case. Sometimes adults dismissed "stories" of abuse as a child's way of getting attention. And, because of the nature of the allegations, the facts of a case were often difficult to prove and required more resources than what was available to either district attorneys or defense lawyers. This does not excuse the many cases that went untried and the victims who suffered from their abusers, but it helps to explain what happened next to the legal and judicial system.

When lawmakers were forced to address the problem, they realized that child abuse touched a raw nerve with their voters. "Experts" told legislators, police and district attorneys that molestation was rampant, that 1 out of 3 children were victims of abuse. These "statistics" are still quoted today but there has never been any verifiable evidence to support them.

The public's fear prompted politicians to pass The Mondale **Act** that made "mandated reporters" of all professionals who worked with children. Doctors, nurses, psychologists, teachers, daycare providers, counselors, ministers)- all became watchdogs for suspected abuse. Most of these reporters had no training to recognize symptoms of abuse because there were few researched studies or guidelines that existed at the time. Today we know that there is no single profile or set of symptoms of a child molest victim. Mandated reporting became caught in a catch 22: failing to report what might be abuse could lead to criminal prosecution of the reporter. Yet if the reporter's suspicions were wrong, he or she was protected by civil immunity, meaning no one could be sued for an erroneous accusation. This catch 22 for mandated reporters led to the filing of hundreds of thousands of unfounded claims, and the public's fear turned into hysteria.

Under The Mondale Act, the federal government provided enormous amounts of money to the states and to district attorneys to meet the demands of prosecuting so many cases. The district attorneys were required to use this money to create special prosecution teams, hire expert witnesses and add detectives to their investigations. At the same time, no funding went to public defenders. These attorneys also worked for the state, defending people who could not afford their own lawyer. Yet public defenders did not receive one dime from The Mondale Act to adequately protect their clients against the prosecutor's unchecked power in molestation cases.

The influx of money also attracted pseudo-professionals who created a body of junk science that was used to prosecute and convict innocent men and woman. To disguise the lack of scientific methodology in their own studies, so-called experts testified in court to findings (or facts) in physical or psychological exams that

were "consistent with" sexual abuse. "Consistent with" is an ambiguous term that does not mean proof of abuse, only that the symptom might stem from abuse, or a hundred other circumstances as well.

"Consistent with" made it possible for these self-proclaimed experts to interpret any and all behaviors as symptoms of abuse. For example, if children repeatedly told the same story the same way, they had been abused because the memories were seared into their minds. On the other hand, children who mixed up events or forgot or added "facts" were also molested. The abuse was so traumatic that they could not be expected to keep the "facts" straight.

If children said they were molested, they had to be believed. If children later said they were not molested, they could NOT be believed because they were "in denial". Being withdrawn was "consistent with" molestation, but so was being precocious. All these "symptoms of molestation" were part of the body of junk science that had no factually-based, researched studies to support the experts' conclusions. Yet hundreds of bogus symptoms of abuse were testified to and believed by judges, prosecutors and juries. Tragically, these fraudulent ideas were actually the creation of zealots to prove their misguided theories and to make lucrative careers for themselves while "saving the children".

Unbelievably, many of these unfounded theories are still used to prove a person's guilt because district attorneys still hold the balance of power and few defense attorneys have the resources to match the prosecutor's. Furthermore, the fundamental rights to defend oneself even before going to trial have disappeared. Normally when people are charged, they will go through a preliminary hearing so that the judge can evaluate the case and determine whether or not there is sufficient evidence to go to trial. During this hearing, the defense team is allowed to call witnesses, including the accuser, to examine the testimony and facts of the case. The law is based on the presumption of one's innocence and a fundamental right to be treated fairly as guaranteed by the Constitution.

After the infamous McMartin Case in which all charges were eventually dropped after 6 years of hearings and two trials, the laws became excessively severe to further "protect" the alleged victim from further trauma. Today, a defense team may no longer call the alleged victim or most other witnesses to the preliminary hearing. It is only the District Attorney that has the right to call the alleged victim at the preliminary hearing. To save accusers from further trauma, however, the District Attorney has the right to call the investigating police officer to testify on the child's behalf. That means the officer can testify to information or events that he or she has no direct knowledge of because the officer knows only what the accuser has said. That constitutes hearsay, which creates a false sense of what actually happened and deprives the defendant of confronting his accuser at the preliminary hearing.

Sentencing laws of sex crimes have also become more extreme and allow for over-charging the defendant and giving the District Attorney an unfair advantage in settling the case. If the claim is that you molested a child on a particular day, each touch is a separate violation of the law and each touch becomes a felony count. For example, if an "act" includes touching the breast area, a touch to the genital area, and then

touching the buttocks, the defendant is charged with 3 felony counts of child molestation. Each count carries an 8-year sentence in state prison, but if "force" is used in the act, each count means 10 years in the state prison. The courts have defined "force" simply as the physical energy needed to do something no matter how slight, not the physical force necessary to overpower a child.

The end result is that if convicted, the defendant is looking at a minimum sentence of 24 years, or a maximum of 30 years in the state prison. In most cases the judge must sentence the convicted defendant to state prison. If the defendant is charged with sexually touching two minors, the sentence becomes life in prison, no matter how slight the sexual touching or inappropriate touching.

Once in prison, sex offenders suffer another injustice: they are allowed to reduce their sentences only by 15% for good behavior. Normally felony sentences are reduced by 50% for following the rules. Sex offenders are not only sentenced to more years in prison, but must serve a larger percentage of the time than their fellow inmates. Moreover, you can be sentenced to more years in prison for child molestation than for committing a murder. Those are simply the facts.

When finally released, the ex-felon must register as a sex offender each year; if not he goes back to prison. With registration, an offender's name, address and workplace become public knowledge and part of a national registry that people can use to find out if any sex offender is living within their community. A sex offender must notify the local police if he leaves his residence for five days. Imagine taking a vacation to Hawaii for seven days. You have to notify the local police that you are leaving for over five days and where you are going, you have to register in Hawaii, and you have to re-register in California on your return. There are also restrictions on where you can live and where you can work for the rest of your life. You can be arrested for failure to comply.

As laws continue to be rewritten to further punish and isolate people accused of sex crimes, there are fewer opportunities for criminal defense attorneys to protect their clients or have the resources to defend them. That is why this basic overview of the system is so important to understand. It is our effort to help you realize the precarious situation you face and how you must prepare if you hope to fight the allegations against you.

The Innocence Legal Team was organized to overcome the advantage that the District Attorneys have in money and manpower through the use of experts in the field working as a team combined with the smart use of technology. This is the most important decision of your life. Please go the "NEXT STEP" and contact us. We are your best chance of proving your innocence.

RAPE

A single accusation of rape can send you to prison. You will face a complicated and powerful legal system with the single goal of convicting you, whether or not you are innocent. The statistics reveal that over 90%

of people who are accused of this rape either agree to a plea bargain or are convicted in court. These are simply the facts.

Before we go any further, we must warn you: DO NOT TO SPEAK TO ANYONE OVER THE PHONE OR IN PERSON about the allegations. That includes the accuser, the accuser's friends or family, and especially the police. Most people destroy their chances of proving their innocence because they simply talk too much and they talk to detectives without an attorney. You need to understand the reality of your situation NOW so that you will protect yourself-and have the hope of being one of the 10% of defendants who are acquitted or whose case is dismissed.

You must also realize what you risk in order to prepare for the battle ahead. If you are convicted you will go to prison. You will be branded as a sex offender for the rest of your life, must register as a sex offender every year, and your name will be posted as a sex offender on a public on-line site. You will lose the ability to live and work where you want, and may lose your family and friends as well.

The legal system does not care about you, only a conviction that shows the public that the "system" is working. No one cares if you are an active church member, or a respected community member, or a model parent and Boy Scout leader. The only thing that matters to the district attorney is a conviction. Why can your silence save you? The police have been trained in aggressive psychological interrogation techniques that depend on your need to be believed, your desire to explain the circumstances. Perhaps the sexual encounter was consensual, or nothing actually happened. It doesn't matter because your innocence is no match for the interrogation practices that will turn your words into self-incriminating statements. Those statements will be used to prove your guilt and are the reason that 9 out of 10 defendants finally accept a plea bargain or are convicted.

You should be asking yourself, "how did I become the 'victim'?"

The disintegration of a defendant's rights, especially in sex crimes, began in the seventies when politicians realized that crimes against women and children were hot-button campaign issues. The public supported legislators who made federal funds available for the purpose of creating a powerful system that most defendants cannot fight against. The influx of money allowed district attorneys to create special sex crime units, with dedicated police, detectives, and expert witnesses who were ready to believe the accuser and convict the defendant.

The Innocence Legal Team's was formed to level the playing field with its own team of criminal sex crime specialists, investigators and experts to defend its clients. We have the scientific knowledge necessary to select and use the best experts. The areas of science most commonly invoked in Rape prosecutions include vaginal and anal anatomy and their common deviations, Trauma and alternate causes, and DNA and genetics.

Using the most advanced internet technology for conferencing with the client, filing motions, researching case law, and contacting key specialists makes it possible for our team to work fast and effectively against the almost unlimited resources of the prosecution.

Our attorneys also benefit from 40 years of experience of defending clients falsely accused of sex crimes. That is why they know how to quickly manage accusations, establish evidence in your favor, interview witnesses, and create a theory of the case that will show the jury why you are innocent. They are experienced in the classic defenses to a Rape charge: (1) the absence of sexual intercourse is a defense, (2) consent of the alleged victim is a defense, and (3) a reasonable belief in the consent by the alleged victim based on the facts surrounding the event, even if the alleged victim did not in fact consent. Their experience also prepares them for legal difficulties presented by laws written over the last decades that defend the accuser rather than of the defendant. Instead of being presumed innocent as the law states, the accused in reality must prove his innocence and it has become increasingly difficult to do so.

If you are accused of rape, a judge presiding over your case must inform the jury that:

- 1) an allegation of rape does not require any corroboration;
- 2) there is no requirement for medical evidence;
- 3) there is no requirement for DNA evidence; and
- 4) there is no requirement for a second witness.

In short, there is no requirement for obtaining a conviction other than the bare allegation made by an accuser. Prosecutors can also demand that prospective jurors must agree to these requirements. If a juror refuses, he or she can be excused and the prosecutor is given an unfair advantage by dismissing anyone who might want to think critically about the information presented to the court.

For decades, women were discouraged to report rape or press charges because their own sexual history could be revealed in court. That practice was used to put an alleged victim's testimony in doubt and ruin her reputation. Resulting "Rape Shield Laws" were meant to protect a woman's privacy but not obscure the truth. Now these laws are used to make it easier to falsely accuse a sexual partner.

For example, should a woman consent to having sex with someone she meets at a bar, and then claims rape afterward, the accused may no longer present evidence that could prove that the encounter was consensual. Even if the defense investigator finds dozens of witnesses who could testify that they had seen the woman seek sexual companionship before and in similar circumstances, it is not allowed. In short, if a woman goes to a bar for 40 evenings in a row and has sex with a different man each evening, that would not be admissible if you were the man who took her home the 41st night and had sex with her and she claimed rape afterwards. This defies common sense.

That is why the defense of a rape case takes a great deal of time to prepare properly. Without knowing the status of and changes in the law, a lawyer may easily overlook steps necessary to protect you.

Most criminal attorneys do not have the time, resources or the prerequisite knowledge to prepare your defense because they are generalists, not specialists. The Innocent Legal team handles a much lower case load than do public defenders or most criminal attorneys in order to take control of the case quickly and dedicate the time necessary for its preparation. Preparation and control also minimizes overcharging, or piling on charges by parsing one charge into 3 or 4 separate offenses. While pleading to "only" 1 count of rape is better than pleading to multiple offenses, the punishment is still state prison and the title of a sex offender for life. Overcharging is a tactic that the prosecutor uses to pressure a defendant to accept a plea bargain and "win" another conviction.

Defendants in sex crime cases are falsely accused or wrongly convicted every day in every court across the country. These cases are so emotionally charged that juries, judges and a sympathetic media simply do not hear the facts unless they are prepared logically, systematically, and powerfully. The members of the Innocence Legal Team have taken on this terrible injustice and use their experience and knowledge to protect their clients caught in a judicial system that is no longer balanced or fair.

The selection of your attorney when you are accused of rape is the most important decision of your life. Please go the "Next Step" and contact us. We are your best chance of proving your innocence.