

THE INNOCENCE LEGAL TEAM PRESENTS
DEFENDING AGAINST RAPE AND SEXUAL ASSAULT ALLEGATIONS

www.innocencelegalteam.com

Hello, I am Patrick Clancy, founder of the Innocence Legal Team.

For decades the crimes of rape and sexual assault have been known as the easiest criminal allegations to make by an alleged victim and the hardest to disprove by the accused.

When I refer to “rape” throughout this video, I refer to the panoply of sexual assault crimes such as oral copulation, rape by intoxication, rape with a foreign object, sodomy, and similar sex offenses.

[Women’s Movement]

The problem worsened exponentially, starting with the “Women’s Movement” in the 1960s.

The movement raised concerns that not enough was being done to stop violent crimes committed against women. Domestic violence became a particular focus. In the 1970s, women’s rights organizations began lobbying for changes in the law.

In 1984, Congress and President Reagan enacted the Family Violence Prevention and Services Act to assist states in preventing family violence incidents and provide shelter and related assistance to victims and their dependents. The bill was sponsored by Senator and future Vice President and President of the United States, Joseph Biden.

[Violence Against Women Act]

In 1994, the Violence Against Women Act, or WOVA, was passed. The Act provided billions of dollars toward investigating and prosecuting violent crimes against women, imposed automatic and mandatory restitution on those convicted, and allowed civil redress when prosecutors chose not to prosecute cases. The Act also established the Office on Violence Against Women within the Department of Justice.

This explains why you are being prosecuted by a special team of prosecutors in the District Attorney’s Office, funded by the Violence Against Women Act. These prosecutors have the upper hand because they have practically unlimited funds to use against you. However, The Act did not provide one thin dime to defend those falsely accused. Indeed, false allegations were not considered or even mentioned in the Act.

This system is built to get convictions. It is part of the criminal justice system. However, there is very little justice in it. Understanding this system is the key to your survival, as it can an will, otherwise destroy your life.

If you are watching this video, you’re likely feeling attacked from all directions: Police, the district attorney, so-called experts, investigators, and even the general public have already concluded you’re guilty.

[Rape Trauma Syndrome]

The members of the jury are the trier of fact. They hear the account of the complaining witness. If the defendant elects to testify, they hear the accused’s testimony. This is the classic “he said, she; shed” situation in which jury members must decide who is telling the truth. However, in 1974, in an attempt to tip the scales of justice in favor of convictions, Ann Burgess and Lynn Holstrom wrote a psychological description of what they termed “rape trauma syndrome.”

The rape trauma syndrome explains that if a woman immediately reports an assault, that is consistent with a truthful report. However, the syndrome also holds that a complaint, delayed even for years, is also consistent with being truthful. Flirtatious behavior is said to be consistent with having been raped, but so is withdrawn behavior. Crying during testimony is consistent with the reaction of a rape victim, but so is dispassionate testimony.

A true syndrome is a constellation of symptoms that, when presented by an individual, leads to a diagnosis of an illness. "Rape trauma syndrome" does not meet this definition because its application does not result in any diagnosis.

Significantly, there has never been a scientifically controlled study by behavioral science professionals that support the existence of any rape trauma syndrome. It is not recognized in the DSM, the diagnostic and statistical manual of the American Psychiatric Association, containing all recognized diagnoses and syndromes. Rape trauma syndrome is not in this DSM because it was rejected by the behavioral science community, psychiatrists, psychologists, clinical social workers, and others.

Another reason rape trauma syndrome does not pass scientific muster is that Burgess and Holstrom erroneously assumed that all allegations of rape are true. On that basis, they devised an explanation of whatever an alleged victim might say or do. Rape trauma syndrome does not constitute a description of symptoms of an illness but rather a way of manipulating evidence in favor of supposed victims.

Suppose a woman recants her story and admits that she had lied and was not, in fact, raped. The prosecution can then call a supposed rape trauma "expert" to the stand to testify that this behavior is, nevertheless, consistent with having been raped. No matter the evidence to the contrary, the prosecution will continue to advocate that the original rape story should be believed and any admission of lying should not. Simply put, the supposed syndrome advances the proposition that all possible behaviors are consistent with and confirm that an offense occurred.

The list covers almost every conceivable behavior a human being might engage in over a given period.

On the other hand, legitimate researchers in the behavioral sciences widely agree that such testimony by the complaining witness is also consistent with a false allegation. Our office has never encountered a rape trauma "expert" that has admitted this on the stand.

Burgess and Holstrom's assumption that all allegations are true is not only fallacious and unscientific, it has caused incalculable harm to the falsely accused.

Application of this syndrome is also entirely contrary to the most fundamental principle of our constitution. That a person is innocent until proven guilty beyond a reasonable doubt.

Courts have nonetheless allowed prosecutors to hire "rape trauma syndrome" junk science "experts" to testify against those accused of the crime of rape or sexual assault.

This pseudo-scientific evidence makes it easier to obtain convictions by misleading the jury. Not just of those who are guilty but of those that are falsely accused as well.

[Jury Instructions]

Traditionally, Jury instructions informed juries in these cases of the ease of making a rape allegation and the obvious difficulties of defending one. However, today, in most states, this jury instruction is no longer allowed to be given to changes in the law which mandate a very different set of jury instructions.

Now, however, trial judges will inform the jury that they may convict a defendant of rape without any corroboration. That means there is no need for medical, DNA, or second witness evidence. In short, the only requirement for a conviction is the bare allegation made by an accuser. During jury selection, prosecutors can even demand prospective jurors agree not to require corroboration. A refusing juror can be excused for cause.

The bottom line is that the uncorroborated word of a single accuser is sufficient for a conviction.

[Rape Shield Laws]

Victim's rights advocates were rightly concerned with the legal strategies that put a victim's personal life on trial. This led to the enactment of Rape Shield Laws, under which a defendant is precluded from introducing the prior sexual conduct of an accuser to prove consent.

For example, if a man meets a woman at a bar, has sex with her that night, and later claims she was raped, evidence could previously be introduced to help establish a pattern of consensual sexual behavior on the woman's part. This might be in the form of witness testimony that the accuser routinely came to bars and left with different men. Previous partners could testify that they, too, had sexual relations with the complaining witness the same night as having met her at a public place. Such evidence is of obvious relevance to establishing that the encounter on the night in question was consensual. Rape shield laws now make such evidence inadmissible.

The exclusion of such highly relevant evidence as mandated by "rape shield laws" has led to false convictions of the falsely accused. These laws subvert justice based on the political influence exerted by powerful "women's rights" lobbies.

While rape shield laws were intended to encourage more women to come forward and testify, they have also made it too easy for those with ulterior motives to make false accusations which have, all too often, resulted in the conviction of the innocent.

[Admission of Prior Acts of the Accused]

While the accused is prohibited from introducing the accuser's past, the prosecution *is* expressly allowed by law to introduce the alleged similar past acts of the accused to prove the current offense.

Even worse, no corroborating evidence is required to introduce these alleged prior acts. The prior act need not have resulted in a police report, let alone a criminal charge or conviction.

Legislation excluding the sexual history of the accused while allowing uncorroborated alleged prior acts of the accused has nothing to do with justice; it is raw political correctness, nothing more.

[Defenses]

Sexual assault defenses fall into three basic categories.

One, the accused did not assault or have sex with the complaining witness. Thus, either the complaining witness was lying or misidentified her assailant.

Number two, the accused had sex or performed sexual acts with the complaining witness, but such acts were by mutual consent.

Number three, the accused had sex or performed sexual acts with the complaining witness, but the accused had a good faith belief that the complaining witness had consented, whether or not there was actual consent.

However, because of legislation like the rape shield laws, these defenses have become increasingly difficult for the accused to prove. This is why the fate of the accused rests in the defense team's trial skills to overcome this biased system.

[REGISTRATION]

There is one thing worse than being falsely accused of rape, and that's being falsely convicted.

A person convicted of sexual assault faces registration as a sex offender, possibly for the remainder of his life.

Registration used to be confidential. Only the police had access to carry out their investigations. Also, the defendant only had to register when he changed residence.

Now, registrants are on the internet, and offenders must register annually on their birthday. One must register when leaving an area and again upon return. An offender must register their vehicles. And, if one spends weekends with a partner, it is considered a second domicile and they must register there. Failure to register is a felony.

[SENTENCING]

In many states, the sentencing laws have become much more restrictive and severe. For example, in California, the law used to be that the defendant could be sentenced to up to 8 years on one count of rape with two years for each subsequent count. Now, each count of rape is punishable by an eight-year sentence which must be served consecutively. Thus, two counts of rape can be punished with a 16-year prison term instead of an 8 plus 2 years for a total of 10.

More troubling is the prosecution's option to charge multiple offenses based on a single act or related acts. For example, a convicted person can be sentenced to 8 years for intercourse, another eight years for rape with a foreign object if a finger was used, and another eight years for sodomy if there was contact with the anus. If any of these acts were alleged to have been briefly interrupted and then restarted, each of the restarted acts can constitute separate counts with separate sentences.

This way, extreme sentences of 30 years or longer have become commonplace.

Finally, a convicted person was once given day-for-day credit for "Good Conduct Time," also referred to as "Good Time Credit" or "Good Time/Work Time." Thus, a convicted person could expect to serve half of the time he was sentenced to before being paroled.

California and many other states reduced Good Time Credit to the point that prison overcrowding has become a national issue. States have thus been forced to restore some Good Time credits, but not to previous levels.

[Jurors]

After generations of media brainwashing promoted by "Believe the Woman," "Me Too," and other "Believe the Victim" movements, society has lost the ability to think critically. Political correctness has replaced actual investigations, which are now limited exclusively to finding evidence of guilt instead of uncovering the truth. Prosecutors, judges, and jurors presume you're guilty, notwithstanding your constitutional right to the presumption of innocence.

Jurors have been profoundly affected by this one-sided coverage.

In our trials, we use a jury questionnaire to assess juror prejudice. You would be horrified to read them. Among common responses: “Cut his ball off.” “Hang him.” “Send him to prison to be raped. He deserves it.”

This is all before they have heard one shred of evidence. This is the uncritical acceptance of the allegations against the accused.

[Police]

Police train for years on how to perform investigations that protect the innocent and falsely accused. They are trained to look at evidence of guilt as well as innocence. They are trained to look at all evidence “critically.” What evidence is reliable? Who has the motive to lie?

With the advent of the “Believe the Woman”/“Me Too” movement, biased mental health professionals claimed that police did not know how to talk to alleged victims, but they did. Check most current police training manuals; you’ll find that the authors and contributors include biased mental health professionals citing the Rape Trauma Syndrome.

In short, the very people who want you to uncritically “believe the woman” are now in control of how investigations are conducted. The idea of critically examining a supposed victim’s statement is gone. In its place is how to be gentle and supportive of the accuser to better enable “disclosures.”

I gave a speech to the Nebraska Defense Bar about my observations. When I was done, a woman walked up and told me she was with Nebraska Law Enforcement.

I prepared to be verbally attacked. Instead, she shook my hand and thanked me.

She had been assigned to investigate a rape case. She looked at all of the witnesses critically, even the accuser. She uncovered evidence of the motive to falsely accuse, and the case was dropped. How was she rewarded? She got a letter of reprimand in her personnel file stating she was “insensitive to woman’s issues” and was thereafter removed from sex cases.

There are many other examples, but they all have in common that investigators who critically evaluated the accuser’s statements were attacked, ostracized, and silenced.

Or, in today’s parlance, their careers and social lives were “canceled.”

[Politicians]

The most damaging sector of society to join the ranks of the Believe the Women/Me Too Movement is politicians. They deeply fear losing the next election if they are seen as “soft on rapists.” They are afraid they may be the next one “Cancelled” if they dare to stand up for what is right. Toe the party line or be destroyed.

Because of this, most proposed legislation on the issue of sexual crimes overwhelming passes.

All of the new legislation and propositions are designed to get convictions. The two organizations that draft most of the legislation and propositions are District Attorney Associations and advocacy organizations such as San Francisco Woman Against Rape.

[Group Think]

How did something that seems so good, standing up for victims’ rights, get so out of hand and go so wrong?

Under pressure from the media, so-called experts, the Women's Movement and its' baby sister, the "Me Too" Movement, pop psychologists, and politicians, society has been slowly but surely, brainwashed to stop thinking critically and to accept confirmation bias.

The Believe the Woman/"Me Too" movement wants you to uncritically believe all allegations made by all victims. If you don't, you will be "silenced" and "canceled."

"Groupthink" is defined as "a psychological drive for consensus at any cost that suppresses dissent." Groupthink occurs when a group forms a **consensus**-based upon an uncritical acceptance of the opinion of its leaders.

Group hysteria and mass hysteria are extreme examples of groupthink.

Three of the essential elements of groupthink are:

1) An unquestioned **perception of danger, real or imaginary**, to the group, especially as promoted by authority figures;

2) An unquestioned belief in the morality of the group's cause, again, especially as promoted by authority figures; and

3) The silencing of **dissent** from these common beliefs.

This has been going on practically since the dawn of time. Unfortunately, we have not learned from history. Groupthink creates two groups. Those who share the group's thinking are the "In Group." Those that dissent are ostracized as the "Out Group." The Innocence Legal Team is the very epitome of the "Out Group." And if you are charged or under investigation for a sex crime, so are you.

It is human nature to accept facts and evidence consistent with one's beliefs and reject facts and evidence inconsistent with those beliefs. This is known as confirmation bias. Confirmation bias keeps the ironclad bonds of groupthink in place as the group rejects all contrary evidence, no matter how compelling or accurate.

[Salem Witch Trials:]

In 1692 Bright Bishop was accused of being a witch in Salem, Massachusetts. Witches, after all, were an unquestioned threat to the settlement.

Appointed Governor William Phips, an eminent authority figure, convened an official court of Oyer ("to Hear") and Teminer ("To decide"), or as popularly known, "the Salem Witch trials."

With no one willing to risk standing up for them, Bright Bishop and 18 other young women were hung due to the Salem Witch trials.

These young women were not of Salem high society. But Lady Phips, the governor's wife, was. When she was accused of being a witch, Governor Phips dissolved the court and created a **commission to investigate what had happened**.

It ended only after Governor Phips, the ultimate authority figure, put a stop to it.

It is a well-known principle of modern criminal justice that "better ten guilty men go free than one innocent man be convicted." The original statement, however, was, "It *were* better that Ten Suspected Witches should escape than that one Innocent Person should be Condemned." This is a quote by Massachusetts minister Cotton Mather after his daughter had been accused of witchcraft. He was Salem's religious leader.

Modern groupthink holds that “it is better that ten innocent men be convicted than one rapist go free.”

Significantly, Mather had written two books warning about the dangers of witches before the beginning of the witch hunt in Salem. Of course, after his daughter was accused, he denounced the witch hunt and wrote books criticizing it.

As you will soon see, writing such books is a pattern of the self-righteous hypocrites who champion these false Group Hysteria movements.

They always start by telling you to “Believe.”

[Nazism]

Sadly, as Winston Churchill noted: “Those that fail to learn from history are doomed to repeat it.”

And let’s not forget it was Winston Churchill who stood up to his predecessor, Neville Chamberlain, who had declared “peace in our time” with Nazi Germany. The genocide of six million European Jews swiftly followed in the Holocaust, history’s darkest group hysteria. After all, Adolph Hitler was the ultimate Third Rich authority figure demanding the public “believe” that the Jews were the cause of all their woes, as set forth in his infamous book “Mein Kampf.”

Just like Mathers and witchcraft, publications have been key in starting and spreading false and evil mass hysteria movements throughout history.

The Nazi movement also had the telltale groupthink element of suppressing its’ decenters, but in the case of Nazis, that “suppression” often meant death.

[Overwhelming Prejudice]

Cotton Mather’s on Witchcraft, Hilter’s Mien Kampf, Ann Burgess, and Lynn Holstrom’s “rape trauma syndrome.” All led to encouraged and popularized groupthink movements that ruined and even ended countless lives. Each demanded blind belief, uncritical acceptance, and the ostracism of decenters.

“Those that fail to learn from history are doomed to repeat it.” And we have, and continue to do so, to this day.

The “Believe the Woman”/“Me Too,” “Believe the Victim” movements, with their strangling, hypocritical, holier than thou, nonscientific, groupthink mentality, have coopted politicians, police and district attorneys, and medical and psychological groups. This has now made it all but impossible to ferret out false allegations.

After a jury is selected, 12 community members claim they are fair and unbiased.

However, the fact is, these are 12 people who have been exposed to so much propaganda that they themselves don’t even recognize how biased they are.

On Career Day in High School, I attended a presentation by an advertising executive. He asked the class how many were influenced by advertising. A large majority of the class insisted, “not at all,” that the ads were “boring” and “stupid,” so they ignored them.

The executive told the students to go home and look in their refrigerators, pantries, and laundry rooms. He correctly told them that they would find all of the products they had seen in the ads instead of the lower priced, but just as good, generic counterparts.

Your 12 jurors have been exposed to decades of “Believe the Victim” movements, and if you don’t, you’re a horrible person subject to being “canceled.”

The Jurors are, by and large, indoctrinated members of the “in-group.” On the other hand, you are a poster child for the “out-group.”

[WHAT IS THE SOLUTION?]

What is the solution? I do not have the answer to that question. The movement is funded with hundreds of millions of dollars from the Violence Against Women Act.

While it is a misdemeanor to make a false allegation, in my over four decades in this field, I have never seen or heard of anyone being charged under this statute, or any other, for making a false allegation, even when patently willful.

[THE INNOCENCE LEGAL TEAM CAN OVERCOME THE ADVANTAGES OF THE “BELIEVE THE VICTIM” MOVEMENTS]

We recognize that those charged with rape and sexual assault must face not one but two trials.

The first trial is a trial about the facts of the case. The second trial is a trial to re-educate and deprogram the jurors, who may not even be aware of the degree of the prejudice they harbor. Yet, we are skilled at selecting the best 12 who, although highly prejudiced, are open to learning. That is the best we can hope for.

[INNOCENCE LEGAL TEAM IS THE “OUT-GROUP” LEADER]

I founded the Innocence Legal Team to help those falsely accused of sex crimes stand up to these groupthink movements. We look critically at all of the evidence. We are not afraid of attempts to silence or cancel us. We are not afraid of being politically incorrect. The Innocence Legal Team *is* the “out-group.”

Throughout my career, I have taught attorneys how to overcome these prejudices.

Obviously, we cannot represent all of those who face false accusations. However, we help everyone within our means. That is why we created the Innocence Legal Team Help Center, where we share our strategy and work product.

The Innocence Legal Team cannot change the “Believe the Woman”/“Me Too Movement” because of its funding by a never-ending stream of federal dollars from the Violence Against Women Act.

Nevertheless, our goal is to save one person at a time from this unjust system.