

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.

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 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 molestation 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 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 accuser 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.

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. (11:09) 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.

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.

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