

Published Saturday November 29, 2008

Psychologist had dual role in confessions of Beatrice 6

BY PAUL HAMMEL
WORLD-HERALD BUREAU

LINCOLN — How could so many people admit in vivid detail to a horrendous crime that they didn't commit?

That was the question after the Central Park 5.

After the Norfolk 4.

And now, the Beatrice 6.

The murder case out of Beatrice, Neb., in which six people were wrongfully convicted in 1989 of the slaying of a 68-year-old woman, is a new national record for the most people exonerated in one case by DNA evidence.

Two national experts who study false confessions said the Beatrice case appears to fit patterns of other cases: The suspects were young people with low-esteem or mental problems who were abusing alcohol or drugs. They were easily influenced, easily confused and worn out by aggressive questioning.

But Saul Kassin, a professor of psychology at the John Jay College of Criminal Justice in New York City, and Richard Leo, a law professor at the University of San Francisco, said the Beatrice case had an unusual aspect: the role played during interrogations by a police psychologist who previously had served as private therapist to some of those being questioned.

In general, false confessions, even by several people in the same case, are not that unusual, Kassin said. About 25 percent of the cases where DNA evidence has led to exonerations involve false confessions.

Some prior cases with multiple defendants include the four sailors who admitted to the 1997 rape and murder of a colleague's wife in Norfolk, Va., though later DNA tests led to the real killer, and the five New York City teenagers who confessed to a 1989 gang rape of a jogger in Central Park, a case later linked by DNA to a single, serial rapist.

In the Beatrice 6 case, five of the defendants acknowledged their guilt, and at least four gave detailed statements about who was involved and why they would brutally attack, sexually assault and murder Helen Wilson.

On Nov. 7, authorities announced that DNA from the case matched that of a now-deceased Oklahoma City man, Bruce Smith. The state is seeking pardons for five of the defendants and has declined to seek a new trial for the sixth, whose conviction was overturned after the new DNA findings.

Kassin and Leo said that a psychologist acting in the dual role of trusted therapist and criminal interrogator would have had a powerful place of trust and persuasion over suspects.

"That is a wide open target," Leo said, of the involvement of Wayne Price, a licensed psychologist who consulted with the Gage County Sheriff's Office on criminal behavior.

Price, reached several times recently, said he could not comment because he is still a part-time sheriff's deputy in Beatrice.

RELATED

- What were the stories of the Beatrice 6?

Types of false confessions

Voluntary: Without prompting from police, people profess guilt to crimes they didn't commit for attention, to protect someone else or because they suffer from delusions.

Compliant: A suspect confesses falsely to avoid punishment, escape from a stressful interrogation or gain an implied reward.

Internalized: Vulnerable suspects, due to young age, mental problems and other factors, exposed to highly suggestive interrogation tactics, not only confess but grow to believe that they committed a crime.

Sources: Saul Kassin, psychology professor, John Jay College of Criminal Justice; World-Herald files

Price did say he didn't recall much from the Wilson case, which began with the murder in 1985 and ended in 1989 with the arrest and convictions of the six.

Court records indicate that he warned those he interviewed in 1989 that anything they said would be passed on to investigators.

When questioned about his conflicting roles during a pretrial deposition in 1989, Price said, "What I find, I find. It makes no difference to me. . . . When I have an emotional involvement or vested interest and can't do it objectively, I will say so."

The prosecutor in the Beatrice 6 case, former Gage County Attorney Dick Smith, defended Price's involvement, saying it was mainly to have a trained witness in case defendants sought to have themselves declared mentally unfit to stand trial.

Price, Smith said, was a sworn deputy for the Gage County Sheriff's Office and there was nothing improper with allowing him to do some interrogations.

Smith said he's still unsure if the 1989 confessions were completely false. He presented other scenarios: Bruce Smith, the DNA-linked rapist, might have arrived after the six others had assaulted Helen Wilson; or might have been with the six others, who may not have left evidence; or that evidence was missed.

"I can't say 100 percent sure they didn't do it," he said.

Experts Kassin and Leo said safeguards against false confessions include requiring videotaping of police interviews in their entirety — the Nebraska Legislature passed such a law limited to certain felonies last spring — and making sure that confessions match facts known only to police.

Confessions are powerful tools in criminal trials, viewed as the "gold standard" of evidence by legal scholars, according to Kassin.

In the Beatrice 6 case, only one of the defendants, Joseph White, then a 26-year-old drifter out of Alabama, refused to confess.

He testified that he had nothing to do with the slaying but was found guilty by a jury of first-degree murder. The verdict hinged mostly on the testimony of three co-defendants who faced reduced charges in exchange for testimony and guilty pleas.

Those three were: Ada JoAnn Taylor, 25, Deb Shelden, 31, and James Dean, 25.

Two other defendants pleaded no-contest to reduced charges: Thomas Winslow, 23, and Kathy Gonzalez, 29.

One of White's attorney's in 1989, Toney Redman, recalled arguing in court that those testifying were "so weak-minded" that their stories could not be trusted.

"I'm fully convinced now," he said this week, "that the police, if they wanted to, could get any borderline personality person, who has alcohol and drug issues, and scare them to death and get them to confess to anything."

The testimony of the main witnesses changed over time as they "remembered" details.

Taylor, for instance, in a videotaped interrogation session, initially said that she couldn't recall much because she had memory problems. She denies telling anyone she had committed a murder, and says police told her she was at the crime scene.

Taylor eventually tells them that she and White and another man drove in a light blue car to a house where an older lady was assaulted.

But an investigator questions the story, asking if she was "confused" about the location.

"Yeah," Taylor responds, mentioning her personality disorder, diagnosed by Price years earlier.

Later, after the videotape is turned off for 19 minutes, Taylor comes back and implicates Winslow, describes his large brown and beige car — the car police had believed was used in the crime — and says she might have told others she was involved.

She also then tells investigators that she remembers that the location was a red brick apartment building.

Sam Stevens, an investigator for the Beatrice Police Department, also asks Taylor if she remembers "a struggle in the bedroom, do you remember the light in the bedroom, was there blood on the sheets, was there blood on the walls?"

"Yeah, yeah I do," Taylor responds.

Leading questions and feeds about crime-scene information are common in false confessions, Kassin and Leo said.

Interrogators also are trained in a controversial questioning style, called the Reid technique, to confront a suspect, minimize any statements of innocence and suggest morally justified reasons why the person committed the crime.

Suspects also are sometimes told that it's natural to "block" or suppress memories of such gruesome events.

According to court records, Kathy Gonzalez in 1989 repeatedly denied that she was involved in the Wilson case and told Price that she didn't even know Winslow.

"You apparently don't want to," replies Price, telling Gonzalez there was a good chance, based on statements by others, that she was at the crime but blocked it from her memory.

He added that he could "work with" her on memory problems.

Winslow's attorney in 1989, John Stevens Berry, said his client decided to plead no contest after White was found guilty by a jury that deliberated only 2½ hours.

Berry said White's defense attorneys, Redman and Alan Stoler, cross-examined the four co-defendants who testified against White, questioning whether they really witnessed the events, dreamed about them or were fed information.

Berry said that today, people are "scratching their heads" over the mistaken convictions.

• **Contact the writer:** 402-473-9584, paul.hammel@owh.com

Contact the Omaha World-Herald newsroom

Copyright ©2008 Omaha World-Herald®. All rights reserved. This material may not be published, broadcast, rewritten, displayed or redistributed for any purpose without permission from the Omaha World-Herald.

Published Friday November 28, 2008

What were the stories of the Beatrice 6?

Deb Shelden

now 50 and living in Lincoln.

Her role: Pleaded guilty in a deal to aiding and abetting second-degree murder. Sentenced to 10 years in prison and released, with credit for good time, in 1994.

WHAT SHE SAID THEN

Shelden, a grandniece to murder victim Helen Wilson, testified that she accompanied others to Wilson's apartment and was slugged as she tried to break up the assault.

She initially told interrogators that she didn't start to recall details until she began having nightmares when she moved into Wilson's apartment about three months after the murder. She said Wayne Price — who she previously had seen as a private patient — helped her remember details.

"He talked to me and asked me over and over, every detail," Shelden testified.

WHAT SHE SAYS NOW

In a recent interview, Shelden continued to maintain that she was in Helen Wilson's apartment, yet has applied for a pardon. Her nightmares have returned.

Her former attorney, Paul Korslund, now a district judge in Beatrice, said he considered Shelden a "simple" person, capable of being influenced, but he didn't believe she was bullied. She did not knowingly lie, he said, "but her version of the facts doesn't square with the DNA evidence."

Joseph White

45, now living in Holly Pond, Ala.

Role: Found guilty by a jury of second-degree murder and sentenced to life in prison. Released from prison on Oct 15, and prosecutors dropped consideration of a new trial when Bruce Smith was identified as the killer.

WHAT HE SAID THEN

He testified that he was not guilty at his trial.

WHAT HE SAYS NOW

White believes that investigators and prosecutors were more concerned with glory than the truth.

Thomas Winslow

41, grew up in Wymore and Beatrice, now living at a halfway house in Omaha.

Role: Pleaded no contest to second-degree murder after rejecting a plea deal for a lesser charge. Sentenced to 50 years in prison.

WHAT HE SAID THEN

Police told Winslow that his car was spotted at the Wilson crime scene. He also was told that his fingerprints were found there, though they weren't.

After initially denying he was involved, Winslow later said that two others were. His story changed on whether he and his wife were involved. He then attempted to recant his testimony.

WHAT HE SAYS NOW

In a recent interview, Winslow maintained that he was brainwashed. He said threats of the death penalty and the

supposedly overwhelming evidence against him finally convinced him that he must have been involved.

"In your mind, you're thinking, 'I can do this (plead) and save some of my life, or I can fight this, lose and die,' " he said.

Ada JoAnn Taylor

45, a native of North Carolina, now living at a halfway house in Omaha.

Role: Pleaded guilty, as part of a plea deal, to aiding and abetting second-degree murder. Sentenced to 40 years in prison. Granted parole this month. Now seeking a pardon.

WHAT SHE SAID THEN

She testified that she placed a pillow over Mrs. Wilson's face to spare her the horror as she was being sexually assaulted. Wilson, who had pneumonia, died of suffocation.

She told investigators she communicated telepathically with a friend and had five former lives and an imaginary twin.

She said she had suffered memory problems, and had been diagnosed with disorders by Wayne Price in previous private counseling sessions. She took medication on and off, and abused alcohol and several drugs, including LSD.

Taylor's initial story was that she did not remember being involved, then stated, "I was told I was there" by police officers

"Cops don't lie," Taylor said she had been taught.

WHAT SHE SAYS NOW

Taylor declined to comment when she was released from prison, but a counselor she's working with, Joy Soby of Omaha, said Taylor told her she confessed out of fear of a possible death penalty.

Kathy Gonzalez

48, now of York, Neb.

Role: Pleaded no contest to aiding and abetting second-degree murder. Sentenced to 10 years. Released in 1994.

WHAT SHE SAID THEN

A neighbor who lived above Helen Wilson's apartment, she denied ever being in Wilson's apartment. Others testified that she happened upon the assault and was punched when she tried to break it up, leaving her blood behind. A bra of hers, with blood on it, was found in a Dumpster outside the apartment.

WHAT SHE SAYS NOW

In a recent interview, she said that threats of facing the death penalty, assurances that her blood type matched some found in the apartment and the prospect of a short time in prison persuaded her to plead no contest. No one would believe her, Gonzalez said.

"My personal opinion is the Gage County police didn't look hard enough," she said. "They just found some disposable people."

James Dean

44, now a trucker in Salina, Kan.

His role: Pleaded guilty, in a plea deal, to aiding and abetting second-degree murder. Sentenced to 10 years. Released in 1994.

WHAT HE SAID THEN

He accompanied the others to the murder, he said, but watched in a daze.

Dean told investigators at one point that 70 percent to 90 percent of his recollections came from dreams. He confessed only after being shown a videotape of the crime scene, which several attorneys have said is now an inappropriate practice.

At one trial, Dean testified that he recalled things while "wide awake" and gave details.

Then, under cross-examination by one of White's defense attorneys, Alan Stoler, Dean admitted that some facts were provided by investigators. He also said he talked to psychologist Wayne Price.

"Each time you talk to law enforcement, do you remember a little bit more?" Stoler asked.

"Yes, I did," Dean said.

WHAT HE SAYS NOW

Dean, when reached recently, declined to comment. He has applied for a pardon.

Contact the Omaha World-Herald newsroom

Copyright ©2008 Omaha World-Herald®. All rights reserved. This material may not be published, broadcast, rewritten, displayed or redistributed for any purpose without permission from the Omaha World-Herald.