

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA,

Plaintiff,

vs.

RODOLFO SAHAGUN,

Defendant.

CR96-01957

Phoenix, Arizona
December 18, 1996
Jury Trial

BEFORE THE HONORABLE SUSAN R. BOLTON, Judge

REPORTER'S TRANSCRIPT OF PARTIAL PROCEEDINGS
CROSS-EXAMINATION OF WENDY DUTTON

A P P E A R A N C E S

For the Plaintiff: MS. LISA ROBERTS
Deputy County Attorney

For the Defendants: MR. JERRY HERNANDEZ
Deputy Public Defender

Kim R. Myrick, RMR
Official Court Reporter

P R O C E E D I N G S

(Commenced 9:45 a.m., December 18, 1996.)

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(Witness sworn.)

WENDY DUTTON,

called as a witness herein, having been first duly sworn, was examined and testified on her oath as follows:

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CROSS-EXAMINATION

BY MR. HERNANDEZ:

Q. Miss Dutton, I noticed that you use the word "generally" with respect to these behaviors a great deal. Why is that?

A. Well, each individual case is different, but as you know, there are generalities about certain things. Like, for example, in general, victims don't tell right away when they're abused, but then generally, there are some victims who do. So I would say when I use generally, it describes the majority of cases.

Q. Okay. Now, some of the things that you've talked about such as befriending parents, that could be a perfectly innocent behavior, couldn't it?

A. Yes, it can.

1 Q. And that in no way would allow you to con-
2 clude that someone fits into that profile based on
3 that conduct, would it?

4 A. Correct.

5 Q. And because someone has a relationship with
6 a child, that wouldn't allow you to conclude that
7 that person is engaging in some kind of grooming
8 cycle, would it?

9 A. No, you couldn't just by observing that,
10 no.

11 Q. I want to back up a little bit because we
12 talked about really two different topics, one of
13 which was interview techniques. I'd like to go back
14 to that a minute.

15 Would you say that it's fair, a fair
16 statement that there's a great danger of influencing
17 young children by using direct questions?

18 A. I would say it's more risky than using, for
19 example, cue questions or open-ended questions,
20 especially with younger children.

21 Most of the research seems to suggest that
22 using direct questions -- well, let me back up --
23 that children in general are fairly resistant to
24 suggestion, especially older school-age children are
25 no more or less suggestible than adults are; but even

1 the majority of preschool children are relatively
2 resistant to suggestion and appear to be more suggest-
3 ible, particularly about the interviewer's interpre-
4 tation of events as opposed to the facts of the
5 case. They tend to be resistant when talking about
6 the facts of the case but are more open to suggestion
7 when talking about the interpretation of what
8 happened.

9 Q. Okay. So is it safe to say that it's a
10 very careful process when we speak about the inter-
11 view that has to be done?

12 A. Yes.

13 Q. Now, would it be a fair statement to say
14 that you can't really poll a sex offender and
15 identify them from the general population?

16 A. Just in a room full of people, just pick
17 one out by looking at them? Or what do you mean?

18 Q. Okay. I want to go back a little bit.
19 Remember when I interviewed you?

20 A. Not very well, but--

21 Q. It was a while ago, right?

22 A. Yes.

23 Q. Okay. I asked you a question that -- I
24 asked you about what in your opinion are some of the
25 different characteristics that you use to identify

1 sex offenders.

2 A. Yes.

3 Q. And did you tell me that you can't really
4 identify sex offenders?

5 A. Well, for example, you can't identify a sex
6 offender from a psychological profile. There is no
7 psychological profile for an offender.

8 Q. Okay.

9 A. Which means that offenders present with a
10 wide range of psychological profiles.

11 Q. And people come from different backgrounds,
12 don't they, that you've interviewed? A lot of those
13 folks come from different backgrounds?

14 A. Yes.

15 Q. Cultural backgrounds?

16 A. Yes.

17 Q. Socioeconomic backgrounds?

18 A. Yes.

19 Q. Does that compound the problem when you
20 look at some of these things?

21 A. All I can say about that is offenders cut
22 across socioeconomic, racial, ethnic boundaries.
23 There's no one specific group that appears to be a
24 larger population of offenders than another.

25 Q. Okay. And the people that you have inter-

1 viewed those eight years, were they people who had
2 already been convicted and were going to treatment of
3 some kind?

4 A. Some of them were; some of them weren't.

5 Q. And you interviewed a lot of those folks in
6 prison, if I assume correctly?

7 A. I think most of the work that I did was
8 actually through the hospital.

9 Q. Okay.

10 A. The majority.

11 Q. So with every behavior that you have
12 alluded to, that behavior could also be construed as
13 innocent behavior, for lack of a better term?

14 A. Just by -- from looking at it, no, you
15 wouldn't be able to tell the intent behind the
16 behavior.

17 MR. HERNANDEZ: Thank you very much. I
18 have no further questions.

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