Paul Simpson, Ed.D.

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MEMORANDUM: Forensic Psychologist Appointment in US v. Jones GCM

I, Paul Simpson, Ed.D., declare under penalty of perjury:

1. I am Dr. Paul Simpson, a psychologist specializing in forensic and clinical psychology. I received my doctorate from Northern Arizona University in 1990 and have been a licensed psychologist in the State of Arizona since 1991. I have testified and/or consulted as an expert in 400+ state and federal trials and over 70 courts-martial for the U.S. Airforce, Army, Marines, and Navy.

2. I am an instructor for the State Bar of Arizona and have provided over thirty trainings on numerous topics, including fourteen presentations on the topic of Eyewitness Memory. In 1997 I authored a book on memory and suggestibility. For the past six years I have been an instructor for the U.S. Air Force's JAG school at Maxwell for their Advanced Sexual Assault Litigation Course (ASALC). In addition, I have provided psychology professionals training regarding sexual compulsions / sexual offense in over 300 cities in all 50 states over a span of 13 years.

3. In February 2020 I provided a training to defense JAGs at the Western Circuit Training (Travis) on counterintuitive testimony. I repeated this training in May 2021 for government JAGs at the ASALC training (Maxwell). The training handout is included with this affidavit.

4. Through my education, training, and military justice experience I have developed scientifically grounded, evidence-based expertise on numerous forensic topics. This includes knowledge about the numerous impacts and manifestations that Intimate Partner Violence (IPV) can have on a complaining witness's cognitive and emotional functioning. This critical analysis includes consideration of false allegations in such cases as well.

5. I have discussed the case of United States v. Jones_with his defense counsel, and they have informed me of the charges and allegations in this case. Since I have not been appointed as an expert consultant in the case of *US v. TSgt Jones*, I have not yet had the opportunity to review the entirety of the case file. However, it is my understanding that this case involves several allegations of domestic violence arising out of a tumultuous marital relationship. I am also aware that TSgt Jones's wife initially did not want to participate in the investigation and was seemingly complacent with some of the allegations lodged against her husband. She also never reported domestic violence until after she was removed from the home, separated from her husband, and living with her mother.

6. If appointed, I will be able to sit in on the interview with TSgt Jones's wife and observe her behavior and mannerisms when discussing the allegations and her marriage generally. My experience informs me in past cases that my participation will help defense counsel with cross examination of the wife. The government will most assuredly try to explain the wife's hesitancy with some form of battered wife syndrome or counterintuitive behavior. The defense needs the counsel and expertise of a forensic psychologist to assist with rebutting these types of theories.

7. If found guilty of one or more of his specifications, I am available to conduct a psychosexual and violence risk assessment of TSgt Jones for potential introduction in the sentencing phase of the trial.

Response to Government's Objection of an Expert for Sentencing

You have provided Capt. Meandering's response of 23 Mar 18 for my review. I have had the pleasure of meeting Capt. Meandering and recognize him to be an officer of great integrity and considerable legal knowledge and skill. I am the first to acknowledge I am not an attorney and I readily leave legal matters to greater minds than mine. But I would humbly offer a forensic psychologist's response to some of Capt. Meandering's objections.

"The accused has the burden to establish a reasonable probability (1) the expert would be of assistance to the accused," (p.1)

> As described in the previous section, I am available to the Court to explain scientific findings regarding IPV, false allegations, and a myriad of aggravating and protective factors when conducting a sex offender / violence risk assessment. This is borne out of years of research-driven training and experience. The subtle distinctions between a myriad of sex crimes and violence can offer critical information to the trier-of-fact in considering sentencing for your client.

"why the defense counsel is unable to gather and present the evidence the expert assistant would be able to develop." (p. 1)

> I humbly submit that over three decades of professional training and psychological evaluations have provided me an opportunity to learn some things that might not be readily apparent to attorneys, juries or judges. As such, I sometimes have something to teach that is worth knowing. I never presume to be an attorney. It's equally respectful when attorneys don't presume to be psychologists. We have different roles and different giftings.

"Given the government has not secured the services of any similar experts; the due process concerns of . . ." (p.2)

> I assume that government will make a spirited case for validating the claims of the complaining witness. If found guilty, they will also claim aggravating elements in their sentencing argument. The accused should be afforded the benefit of a better-informed defense and sentencing argument.

By way of closing I would summarize the following:

- A forensic psychologist considers a myriad of factors when providing consultation. This is borne out of years of research-driven training and experience. This is typically beyond the scope of a defense attorney's ability to argue alone.
- The focus of forensic testimony and/or risk assessment is solely to serve the trier-of-fact. During testimony and/or sentencing, both government and defense have the opportunity to question the forensic psychologist and elicit testimony regarding aggravating or mediating factors.

Thank you for the opportunity to provide feedback on these matters. Please contact me with any questions you might have.

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Paul Simpson, Ed.D. 16 December 2021
Arizona Psychologist, #1967