

**Testimony of Dr. James Moneypenny – Penalty Phase for Damien Echols March 1994**

**DIRECT EXAMINATION**

BY MR. PRICE [Defense]:

WITNESS: DOCTOR JAMES MONEYPENNY

*...having been first duly sworn to speak the truth, the whole truth, and nothing but the truth, then testified as follows:*

PRICE: *Please state your name for the Court.*

MONEYPENNY: *James Moneypenny.*

PRICE: *Doctor Moneypenny, what is your profession?*

MONEYPENNY: *I'm a psychologist.*

PRICE: *Alright, can you tell the ladies and gentlemen of the jury a little bit about where you practice, and your experience, and your educational background?*

MONEYPENNY: *With regard to the educational background, I have a B. A. Degree in psychology and sociology that I got in nineteen seventy-two at the University of Northern Iowa. I have a Bachelor's Degree, ah, a Master's Degree in counseling that I got in seventy-five from the same place. And a specialist's Degree in education also from the University of Northern Iowa in nineteen seventy-six. And I have a Ph.D Degree in psychology that I got from the University of Missouri in Columbia in nineteen eighty-two.*

PRICE: *Alright, do you practice in a private practice in Little Rock?*

MONEYPENNY: *Yes, I do.*

PRICE: *And what types of activities does your practice involve?*

MONEYPENNY: *Well, I have a general practice. I see individuals, couples, and families for things like marriage counseling, parent/child problems, anxiety, depression and so on. I also do some consulting where I do disability evaluations for the Social Security Administration. I've also been a consultant for the Department of Corrections for the past five years doing evaluations and treatment at various units of the prisons.*

PRICE: *Is that something you do on a regular basis?*

MONEYPENNY: *Yes.*

PRICE: *Okay, in addition, have you previously been qualified to testify in courts in Arkansas in the past?*

MONEYPENNY: *Yes, I have.*

PRICE: *Alright, do you recall the nature of the type of testimony?*

MONEYPENNY: *A pretty broad range. I've done some child custody things. I've done quite a bit of criminal work. Also, civil litigations involving personal injury and things of that sort.*

PRICE: *Alright, have some of the times you've testified been on behalf of defendants in capital murder cases?*

MONEYPENNY: *Yes, I have.*

PRICE: *And have you also testified on behalf of the State of Arkansas in other criminal cases?*

MONEYPENNY: *Yes, there have been a couple of instances of that.*

MR. PRICE: *Alright, Judge, at this time I would like to submit Doctor Moneypenny as an expert.*

MR. FOGLEMAN: *No objection.*

THE COURT: *Alright, you may proceed.*

PRICE: *Alright, Doctor Moneypenny, could you explain to the ladies and gentlemen of the jury what types of procedures that you use in conducting -- and the basis to the opinion that you have in this particular case?*

MONEYPENNY: *Yes, there were several things. I conducted clinical interviews with Damien. It was about five and a half or six hours over a two day period of time in February. Also, I administered some psychological tests to assess personality functioning and personality structure, reviewed some records, including his mental health records, education records, and medical records, looked over some of his writings, and some of the interviews that he conducted.*

PRICE: *I notice that there is a packet of information there in front of you. Is that the records that were compiled in this case?*

MONEYPENNY: *Yes.*

PRICE: I mean, the educational records, the medical records, and the ones you just described?

MONEYPENNY: *Yes.*

PRICE: *Was the methods and procedures that you used in analyzing the situation - did that come from any kind of standardized or generally accepted approach in your profession?*

MONEYPENNY: *Yes, it's generally recognized that clinical interviews, psychological testing and review, reviewing records and any other collateral information that's available is the general procedure to follow in doing this.*

PRICE: *Do you have, have you been able to form an opinion as to Damien Echols' mental state or diagnosis and also his overall psychological makeup?*

MONEYPENNY: *Yes, I have.*

PRICE: *Would you explain that opinion to the jury and also elaborate on it too?*

MONEYPENNY: *Damien suffers from a severe mental disturbance that's characterized by, first, depression and a history of alcohol abuse and, importantly, underlying that is a pretty disordered personality structure. And there's some unique aspects to this personality structure that I believe started back very early on in his upbringing. The particular characteristics, or I think the particular features about his personality, have to do with what I call a pervasive or an all-encompassing sense of alienation between himself and the world, in essence. A sense of profound emotional constriction, a holding in of feeling, an inhibition of being able to express a lot of feelings that he has. And a related thing is I think a very painful sensitivity to things like betrayal, hypocrisy, lies - all things that might be hurtful or harmful to a person who's extremely sensitive as a result of what has happened to him. I think all of this goes back to what we refer to in my profession as a failure to bond as an infant - and, ordinarily, an infant will form an attachment or a bond to its caregiver, and as a result the infant will feel a sense of reassurance, a feeling of safety, a sense that his needs or her needs are going to be met - you know, hunger is going to be taken care of, safety is going to be taken care of. And in the absence of that kind of bond or attachment developing there's almost always a pretty important or a pretty significant disturbance in your functioning. What's unique in his case is how he reacted to that. I'm gonna also say that a failure to bond or a failure to develop this attachment doesn't necessarily imply or mean that there was some kind of overt abuse or some kind of deliberate neglect. Sometimes this just happens and we don't know why. We look at the families and everything might seem to be okay, there may be an absence of what we might consider abuse - in fact, he has consistently denied that he was ever abused in any open or typical sort of fashion. But in any case, whatever the cause is, a very important thing that children - infants and children and, later, adults need didn't happen. And as I said, the way - a more typical response to some of this, when a child doesn't get these basic needs met, is that they act out; they act up; they protest loudly; they become*

*disruptive, sometimes unmanageable, sometimes out of control - together with a lot of emotional distress within themselves. It might be anxiety - it might be confused thinking - it might be depression. But there tends to be an acting out, a disruptive nature. In contrast, I don't see that with him, and that's where what happened with him is he went inward. He withdrew and as he grew up, he withdrew and created in his own mind sort of a fantasy world. This withdrawal, I think, was an effort to pull away from this what I think he perceived as a very dangerous, unnurturing, unsupportive world out there - not just in the family but everyone else. He had a very transient lifestyle - they moved a lot. There were very few opportunities to develop close friendships, any kind of bonds or relationships with people who could be supportive, who could identify and relate with him. Of course, this hurt him very deeply. But he was bright enough and he's very thoughtful and in his own mind he started answering, or attempting to answer, a lot of the kinds of questions that all children ask - Who am I? Why am I here? What am I going to do? Where are we going? And I think, importantly, asking the kinds of questions such as - Why is there unfairness? How come things don't always work the way they're supposed to? How come people get disappointed? And ordinarily children get what we call corrective message - or even, you explain things to your children; you tell them how it can be okay, and you tell them how to survive and get along despite the world's imperfections. I think Damien missed a lot of that kind of thing. He withdrew into his own mind. He came up with his own value systems, or he attempted to come up with explanations. And there are number of comments that he made that I think are very telling that I can get to in a little bit, but part and parcel of this coming up with solutions was a rejection of everything else out there. It was a rejection of other individuals' values, other people's ideas of how you ought to live life, of how to succeed and get along. He basically rejected that because he said that doesn't work - it didn't work for me, it doesn't relate to me, I'm not getting any of this. So he just kind of pretty much categorically rejected it and created a sense of deep alienation between himself and everyone else. And of course there was a lot of depression there as well along with this, as you might suspect. And a lot of the hurt and feelings that were never expressed built up, and I think he's full to the brim, I think he's very full of emotion, so much so that it's overwhelming. And I think at times it became so overwhelming he couldn't manage it, and I think at those times was when his depression was the worst and when he would feel suicidal or when he would feel enraged.*

**PRICE:** *Is one of the factors in his - Is it your opinion that he has some type of a personality disorder? Are there some factors that play into -*

**MONEYPENNY:** *Yes, I call this probably a - as an adolescent, he's in kind of a transition period now, because of at an age where we have different diagnoses for children, adolescents, and adults. And the adolescent name or disturbance I'd probably call an identity disturbance - and this is a disturbance, in one sense, of who I am, and what am I going to do, and what is the world about. As an adult, I'd call this a personality disorder and say it included features from a disorder we call a borderline personality disorder which is perhaps an unfortunate choice of words. It doesn't mean it's on the border of anything; it might be better labeled an unstable personality. And characteristics of this disorder are deep-seated changes in mood, being okay one time and then getting just extremely down, markedly*

*changed feelings about whether or not you feel close in relationships and an inability to feel close, or to get close and to maintain the closeness. In fact, one of the things we say is that these people have an ambivalence, or mixed feelings, about being close. They may want to, but when they get close they get so scared, and they do something to pull back - they may do something to push the other person away or they may pull away. And then also some instability in behavior. They're not able to consistently hold a job; they have some problems consistently doing anything with regards to school, relationships, work and so on. The other traits that we've considered disordered - or the disordered personality characteristics have to do with what we call antisocial personality traits and these would have to do with his ideas that relate to his rage and anger at the world, and being so angry. Although again here I think it's important to distinguish - he does not fit a lot of typical patterns or - typical patterns of behavior or personality just as his reaction to that failure to bond was kind of unique and unusual so too he's sort of a unique blend of personality traits because there are several other aspects of both the borderline personality and the antisocial personality which really don't fit him. For example the antisocial personality - we usually think of the classic psychopath who's a thrill-seeker and athletic and interested in doing anything they can without regard to how anybody else feels and he just doesn't fit a lot of those things, although there are some other characteristics there that do.*

**PRICE:** *Were there some ideas that he's had in that past that were patently absurd or irrational or delusional?*

**MONEYPENNY:** *Yeah, and let me let me mention a couple of these - and also these are ideas that have created a lot of concern amongst many people who have evaluated him. And I think some of the concern is not entirely founded or warranted. In part because I think some of his ideas - it's just a matter of being different and sort of like well if your ideas are different than mine than I don't like you, or I don't understand you, or I don't accept you. When really it's just a matter of being different. Other ideas were patently absurd, and I think they had to do with what I said before about him being alienated. At one level he was angry at the world, but at another level I think he recognized that he too is part of the world and has to account for himself. And I think in order to protect himself from that self-hate, or what would ordinarily be self-hate, he developed kind of a grandiose - unrealistically powerful ideas about himself - almost Godlike kind of things, and I think this represents part of that withdrawal into fantasy. And I think he would like to believe, and sometimes may, but it's so detached from reality that we can't really believe it. I'll give you some examples. There was a comment he made - this has to do with how he's always felt so different from anyone, and he said until I was twelve, I couldn't figure out why I was different and I even thought I may have been an alien put here on another planet. And this is - might be, not a typical, but it is a childlike way of trying to understand why am I so different from everybody? Why do I not have anything in common with anyone? He made the comment I wasn't never a little boy. I've always thought the way I do now. Which certainly is consistent with people who have a very disturbed childhood and never get to be a child. In order to adapt and survive they have to pretty much assume some adult characteristics, abandon the childlike because it makes them too aware of their own vulnerability and weakness. Comments like - It's like there's good,*

*there's evil, and there's me. He's totally apart from everything else. This notion of being completely filled and overwhelmed with emotion; he made a comment one time - he said I felt like a giant cramped into a tiny body. These are not the typical kinds of things that you hear from teenagers, and you'll hear some pretty weird things from teenagers sometimes and it's a difficult time for them, but these things really reflect some very serious disturbances of identity, a sense of reality that reflects his flight into fantasy and borderline delusional thinking. In fact I think one of his doctors, Dr. Gallien of Charter, initially diagnosed him as having psychotic disorder.*

**PRICE:** *In going through the records had Damien been admitted to several psychiatric hospitals in the past?*

**MONEYPENNY:** *Yes.*

**PRICE:** *As far as the concept of Wicca and/or Satanism, is that something you have looked at in perspection - in evaluation of Damien, and do you have some opinion as to those issues?*

**MONEYPENNY:** *Yes, I'm certainly aware of it. That's an important part of his life, and the Wicca was apparently an effort on his part to find some answers, to find some solutions. And in the absence - or in the absence of any conventional value systems or moral codes or religious beliefs, since he had rejected all those, he was searching for something else. Now it's not unusual for teenagers to look to alternative value systems or the counterculture or whatever in an effort to find meaning. He happened to get interested in this Wicca or white witchcraft. And had commented to me that that too didn't have all of the answers. It wasn't an all-explanatory belief system. He consistently denied any relation or any interest or involvement in the Satanic stuff, per se, and distinguished the two pretty consistently in what he said and also in the other records that reflect discussions of that indicate that.*

**PRICE:** *In light of the difficulty of imagining anyone committing murders such as these, how does Damien compare with others that you've evaluated at the Department of Corrections?*

**MONEYPENNY:** *Well, consistent with what I've said about him not being the usual stereotype, I'd say the same in this regard - that some other people that I've worked with who have committed brutal murders or crimes - you know you can look at them and sometimes you can say, yeah, that's a pretty bad person. Or you kind of get a bad feeling or maybe a hair on the back of your neck might rise up - you just kind of feel that way. Again he doesn't fit that stereotype. It didn't take that very long with him and, you know, I felt okay. In working with some other people I haven't always felt okay. Sometimes I felt uneasy or uncomfortable about my own safety. So he really doesn't fit that stereotype and doesn't look like that sort of person.*

**PRICE:** *There's been some evidence that's been introduced at this trial that, at least at one point, Damien was a manic depressive. Is that something, as far as your evaluation of him, that you feel that's a correct diagnosis or...*

MONEYPENNY: *No, I wouldn't make that diagnosis and in reviewing the records I've failed to see the evidence or the data or the behaviors that would support that diagnosis. I certainly saw evidence of the depression, but I didn't see anything relating to manic episodes, as manic episodes are defined in the diagnostic and statistical manual.*

PRICE: *Earlier you referred to some of the significant statements that he had mentioned to you and how those - how you found or sort of explained or tried to understand those in determining his psychological makeup. Are there any of those additional statements that at this point that are something that comes out at you, that you think that comes out the jury in particular would be interested in?*

MONEYPENNY: *One thing in particular that he said that caused me to think some, and I think this has to do with his awareness and needs to nurture and I think of his - an intuitive sense of his own imminent needs - his own unmet needs - and when I asked him if this were all just a bad dream, and he had a chance to raise his son - I said, what would you teach your son? I thought maybe this would give me some insight into his thinking. What he told me was I'd teach him that he was special, and I'd teach him that he might not be the same, but that don't mean you're wrong. And I think that's a reflection of his own needs, as well.*

PRICE: *At this stage, basically the jury is faced with the two options of the death penalty or life without parole. Do you think that, and since you are familiar with the psychological treatment and help that's available at the Department of Corrections, do you think that this would be - the psychological problems of Damien are something that can be treated during his time at the Department of Corrections in order to - what would the result be?*

MONEYPENNY: *Yes, I do, and I think a combination of effects might be expected. One would have to do with maturity, growing up, and maybe seeing life a little more completely - maybe seeing some things answered a little bit better. The opportunity to maybe express some more of his feelings and, perhaps, even in that environment there would be a sense of stability - something that he may not have had that much of that would also contribute to a resolution of some of the problems he's got.*

PRICE: *One moment, your Honor. No further questions, your Honor.*

### **CROSS EXAMINATION:**

BY MR. FOGELMAN [State]:

FOGELMAN: *Your Honor, I've just got a couple questions. In your review of the records, did you review the records from the East Arkansas Mental Health Center and his treatment there?*

MONEYPENNY: *Yeah I've got a section on, from East Arkansas.*

FOGELMAN: *Could I see that, please?*

*[Money Penny hands him the records and a second or two of inaudible exchange]*

MONEYPENNY: *I think it goes to there...*

FOGELMAN: *Alright, thank you. [flipping pages...] Your Honor, can I have just a second? [flips more pages - looking for something in there... flip, flip... flip. pause. flip, flip, flip, flip, pause.] There's a note in the records in regard to a suicidal pact? Are you familiar with that?*

MONEYPENNY: *Only vaguely.*

FOGELMAN: *You know who that suicidal pact was with?*

MONEYPENNY: *I can't recall it off the top of my mind.*

FOGELMAN: *[flips more pages] And you indicated that he had - his emotions would build up to the point, that he'd hold them in to the point where they'd boil over?*

MONEYPENNY: *I didn't say they would boil over. I just said that he had a big reservoir of intense feelings that he wasn't able to let out and express.*

FOGELMAN: *And they would build up to the point where they would be reflected in either - an often suicidal, um, either himself attempting, making an attempt on his life or thinking of it or, in a sense, him becoming enraged?*

MONEYPENNY: *Yes.*

FOGELMAN: *[flip, flip, flip] Are these records in a chronological order? [flip, flip]*

MONEYPENNY: *I don't know.*

FOGELMAN: *You don't know. [flip, flip, flip]*

MONEYPENNY: *It's been awhile since I've glanced over them.*

FORD: *You Honor, may we approach the bench?*

(THE FOLLOWING DISCUSSION WAS HELD AT THE BENCH OUT OF THE HEARING OF THE JURY)

FORD: *Your Honor, if he's attempting to elicit that there's some suicidal pact between Damien and Jason, we object to that.*



FOGLEMAN: *I don't know who it was with.*

THE COURT: *I don't have any idea what he is trying to do. Well, why don't you just ask him if he knows about it and has read it in the records?*

FOGLEMAN: *It doesn't say who.*

[RETURN TO OPEN COURT]

FOGELMAN: *Are you familiar with him being seen on May the 5th, 1993 by the Mental Health Center?*

MONEYPENNY: *I don't recall the specific dates of that. There's a lot of data there and I don't recall those specific events.*

FOGELMAN: *Well let me ask you if you recall this. In the May the 5th report where he says that at times he is impulsive and does things that may be harmful to him. He has impulses to do strange and horrible things. You recall reading that?*

MONEYPENNY: *There was, ah... I recall the essence of that sentiment. I don't recall reading that specific note and he had commented that he had burned himself and hurt himself before although that sort of thing had kind of diminished of late.*

FOGELMAN: *Did you - did he tell you about his, the situations where he was violent towards others?*

MONEYPENNY: *I'm aware of the fight he had with his girlfriend's boyfriend and the altercation, of course, with his father.*

FOGELMAN: *And then you said something about he had an all-powerful godlike image of himself?*

MONEYPENNY: *Sometimes he would refer to himself as having those kinds of powers.*

[THE FOLLOWING CONFERENCE WAS HELD AT THE BEND OUT OF THE HEARING OF THE JURY]

FORD: *Your Honor at the - I'm not even sure of the doctor's name -*

FOGLEMAN: *Moneypenny.*

FORD: *-- Moneypenny, who is testifying, brought with him some medical records that he reviewed. How thoroughly he's not real sure, but he did review the medical records -- prior psychological records of the defendant Damien Echols.*

*After direct had passed, the records that he reviewed were scanned by the prosecuting attorney in preparation for cross examination of Mister -- Doctor Moneypenny -- and at that time medical records -- which apparently never had been reviewed by the prosecutor before because they were privileged and the mental capacity of the defendant had yet to be placed in issue -- had never been relevant.*

*At this point in time that privilege is probably waived because they have placed his mental functions at issue as to mitigation, and now any privilege probably has been waived without making an argument.*

*However, there are things which are in that record which are extremely telling as to the defendant Echols. However, having been tried together and jointly, these records are going to, I believe, be extremely prejudicial to the defendant Jason Baldwin. These are offered by the defense of the defendant Echols in mitigation, and what it is going to turn out, your Honor, they're going to probably be some of the most telling evidence in aggravation to be brought out by a mitigation witness.*

*That is something the defendant Baldwin has no control over and unfortunately I don't believe a cautionary instruction will be -- I don't believe the Court can give one that will be strong enough to cure the prejudice that is going to be brought out by the statements of the defendant Echols.*

*Jason Baldwin's life is on the line and these statements that are going to be brought out may in fact take his life without any opportunity whatsoever by counsel for Jason to have ever obtained these records or to have ever obtained any psychological profile because we didn't know these records existed, the prosecutor didn't know they existed, didn't know the psychological state of Echols would be placed in issue.*

*We are totally and completely handcuffed and they are going to bring out statements about Damien making statements that he gets power from drinking blood, that there are sheep and wolves, and that the wolves eat the sheep and that he is a wolf and they are going to bring out statements about, I think a lot about what happens after I'm dead because I want to go where the monsters go.*

*And all of those things, your Honor, Jason Baldwin sits over here helpless to defend, and there is not a cautionary instruction that the Court can give that will truly go back into that jury room and prevent this evidence from being considered against Jason.*

*We object to it and we ask the prosecution in limine be ordered to make no reference to these things because the issue of his mental ability does not -- I just don't believe this should be used because I don't believe the Court can cure the prejudice to Jason Baldwin, and we are helpless to defend ourselves as this evidence has just been discovered in the last 25 or 30 minutes.*

*We did not know that the psychology of Damien Echols would be placed in issue. We've never had an opportunity to review these records. We are totally and completely helpless, yet his life hangs in the balance, and we would ask the Court to instruct the State in limine to make no reference to these records.*

THE COURT: *It is the Court's understanding that the purpose of a bifurcated trial is to allow the jury to hear evidence of guilt or innocence and that -- and to determine guilt or innocence alone. That the second phase of the trial is for the purpose of considering punishment. In doing so the State is allowed to introduce aggravating circumstances and facts that obviously may be quite prejudicial and would have been prejudicial in its case in chief as to guilt or innocence, such as criminal history records -- a classic example of it. Those would be prejudicial toward an accused and are not normally admissible in the case in chief unless they are opened up by the defendant himself. In this case there was no effort to introduce criminal history.*

*In any event the purpose of the punishment phase is to allow aggravation and mitigation, and aggravation certainly has the nature of being prejudicial to the accused.*

*I'm willing to give the cautionary instruction that the jury is not to consider the evidence of Damien Echols' psychological makeup or any aggravating evidence introduced as to him as to any punishment that might be imposed as to Jason Baldwin and I will do that.*

FORD: *We request the instruction. However, we are not sure the instruction can properly cure it, and it is an impossible request that you're asking the jury to do, and accordingly we renew our multitudely made motion for severance.*

THE COURT: *That will be denied again.*

FOGLEMEN: *Your Honor, the State's even willing in its own argument to tell the jury not to consider it against Jason Baldwin.*

THE COURT: *All right.*

[RETURN TO OPEN COURT]

FOGELMAN: *I don't have any further questions, your Honor.*

PRICE: *No further questions your Honor.*

THE COURT: *Alright, you may stand down. Call your next witness.*

FOGELMAN: *We would like a brief recess - just a five-minute recess.*

THE COURT: *Alright, uh, check to see if the jurors lunch is back there. We can just take a lunch break, I guess. You want one that long or you or you, cause I mean, I'm going to have*

*to - I'm going to give you - Is twenty minutes a side enough for your arguments. Is that enough time?*

*?: Fine with me, your Honor.*

*FOGLEMEN: Your Honor, during those twenty minutes, could I have permission to take a little more time to look through that? We haven't seen those records before.*

*THE COURT: Alright. Alright you can stand down. Alright, ladies and gentlemen, again you're not to discuss the case at this point, but you may step back into the jury room if the food...*

*?: About five minutes*

*THE COURT: Well, you can step back into the jury room. Yeah, you're not to leave. They may want to continue to cross so just have a seat back in the audience or wherever...*

*[return from recess]*

*THE COURT: Alright, ladies and gentlemen, the Court needs to give you an additional cautionary instruction. You'll recall from the previous instructions you were informed that you should consider the evidence in this case separately as to each defendant. And to base your decision on each of them totally and completely separate. And that instruction pertains during the punishment phase as well. In addition to that, you are instructed and told that the testimony of the witness on the stand at the present time should be considered only as to Damien Echols, and no inference, suggestion, or consideration whatsoever as to any punishment that should be imposed as to Damien Echols [sic] should be based upon this witness' testimony.*

*?: Thank you, your Honor.*

*FOGLEMEN: Dr. Money Penny, I believe that you had indicated in your direct testimony something about in your meetings with Damien - something about the hair on the back of your neck standing up, or not standing up?*

*MONEYPENNY: I was comparing and contrasting my reaction to Damien with that of other, uh, criminals.*

*FOGLEMEN: Alright. In the document that I've got in my hand there are copies of at least some of the records, the mental health records, that you reviewed of Damien Echols. Is that correct?*

*MONEYPENNY: Yes.*

FOGLEMAN: *And you are familiar with the records where he was hospitalized in Oregon, is that correct?*

MONEYPENNY: *I'm aware of that. Yes.*

FOGLEMAN: *And you reviewed these records, is that right?*

MONEYPENNY: *Yes.*

FOGLEMAN: *And you're familiar with the statement in the record where he was hospitalized in Oregon where he said where the record says that the parents are concerned that he is also into Satanism or devil worship?*

MONEYPENNY: *Yes.*

FOGLEMAN: *And in regard back to the East Arkansas Mental Health Center, you're familiar with a Doctor Erby's report where he visited with Damien Echols on January the 5th of 1993?*

MONEYPENNY: *I can't recall the specific content of that.*

FOGLEMAN: *Alright well let me show it to you. If you would, if you'd read that part that I've highlighted in pink. This one, sorry - this page has the date - it's on the next page. You need to speak up if you could...*

MONEYPENNY: *OK. You just want me to read the highlighted part?*

FOGLEMAN: *Just the highlighted part.*

MONEYPENNY: *Reports that he thinks a lot about life after death. Quote, I want to go where the monsters go, end quote. Later on the page... describes self as, quote, pretty much hate the human race, end quote. Relates that he feels people are in two classes - sheeps and wolves - wolves eat sheep.*

FOGLEMAN: *That was that he thinks a lot about life after death. He wants to go where the monsters go.*

MONEYPENNY: *That's what it said.*

FOGLEMAN: *Alright. And then you can read with me the report from January the 25th of 1993.*

MONEYPENNY: *You want this read out loud?*

FOGLEMAN: *Yes, sir, you can read the part in pink.*

MONEYPENNY: *Damien explains that he obtains his powers by drinking the blood of others. He typically drinks the blood of a sexual partner or of a ruling partner. This is achieved by biting or cutting. He states that quote it makes me feel like a God, end quote.*

FOGLEMAN: *It makes him feel like what?*

MONEYPENNY: *A God.*

FOGLEMAN: *A God. OK. Go 'head.*

MONEYPENNY: *Damien describes drinking blood as giving him more power and strength. Later on the page... He has also agreed to continue to discuss his issues with power and control as related to his practice of rituals.*

FOGLEMAN: *Alright. And then finally doctor, are you familiar with the report where he was seen at the Mental Health Center on January the 19th, 1993?*

MONEYPENNY: *Again, not the specific content of any particular report.*

FOGLEMAN: *Alright. Would you review these reports?*

MONEYPENNY: *Yes.*

FOGLEMAN: *Can you read the part that's in pink...*

MONEYPENNY: *Quote, I just put it all inside, end quote. Describes this as more than like anger - like rage. Sometimes he does, quote, blow up, end quote. Relates that when this happens the only solution is to hurt someone - that's in quotes. Damien reports being told at the hospital that he could be another Charles Manson or Ted Bundy. When questioned on his feelings he states, quote, I know I'm going to influence the world - people will remember me, end quote.*

FOGLEMAN: *Your Honor, we would offer State's Exhibit 500, these medical records.*

*[inaudible discussion]*

PRICE: *We have no objection your Honor.*

THE COURT: *Alright, without any objection, they may be received.*

FOGLEMAN: *I don't have any further questions, your Honor.*

## REDIRECT EXAMINATION

BY MR. PRICE [Defense]:

PRICE: *Dr. Money Penny, I'd like to go ahead and show you the portion that you just read. I notice there were some of the other portions in there that you did not read. If you could take a look at the particular record and explain to the jury what else Mr. Echols said during that particular interview and explain the results of it and go into some more details about the background.*

MONEYPENNY: *Well, this is what we call a progress note, and any time we have a psychotherapy session we keep a record of what went on, at least in abbreviated form.*

PRICE: *What was the date on that one right there?*

MONEYPENNY: *January 19, 1993. They indicate that Damien is talking about trying to find a way to live on his own. Said he doesn't get along with his stepfather very well. Talks about a history of abuse as he talked of how he was treated as a child. Denies that this has influenced him. Says his mood and expression of feelings was without expression. Says he has good eye contact. He's dressed in black. Plans to return for treatment the next week.*

FOGLEMEN: *If he could speak up a little bit, please.*

MONEYPENNY: *Um, I'll go back to where it said his affect or emotion was expressionless. Says he had good eye contact was dressed in black with a cross earring in his left ear. And scheduled a return appointment in, uh, I believe that means next week. Apparently the content of this is talking about how Damien can learn to get along and deal with some of the problems he's having, um, in there. I think the a - some of the other comments that are made - I think you have to consider the overall context. And on the one hand, these are certainly extreme comments, but on the other hand, it's not particularly unusual to hear people expressing threats or I'm so mad I could do such and such. And we can't take every comment like that as a direct indication that this person's going to do that. And this also is consistent with my feeling that so much of what he says and believes with regards to these unconventional belief systems is a part of his flight into fantasy as opposed to a highly structured belief system that he actually put into practice.*

PRICE: *[inaudible]... Another one that you were asked about earlier was the January 25th, 1993 record. If you could review that entire record with us.*

MONEYPENNY: *Again, overall context of this is Damien's talking about his feelings about death. It's not particularly unusual for particularly adolescents to have a concern about death and the afterlife. Um he is talking about some of the practices involved in his belief system as I read before. And he's talking about, you know, rejection of belief systems as he believes there's no God. Um, he believes that a spirit is now living within him. Again he's just*

*kind of talking about some of these beliefs that he has about his view of the afterlife and spiritual matters. I think a lot of these rituals and descriptions of them are for effect and there's really not very much evidence that it occupied a great deal of reality. There are some instances of one thing or another happening but I really think a lot of this is overblown.*

PRICE: *In reaching the opinion that you did before do you both look at specific things in records and also the overall content.*

MONEYPENNY: *Yes.*

PRICE: *[inaudible] January 5th - the January 5th one here. A little earlier you were asked to read from the January 5th, 1993 record. If you could take a look at the entire record of that. I think this is the one where there were some references to monsters and sheep and wolves.*

MONEYPENNY: *This is the one where it said he thinks about life after death. I want to go where the monsters go. I haven't, um, I must have missed that specific one. I'm not sure what the significance of it is. The comment again before about pretty much hates the human race. That's, you know, I already testified about that - him feeling alienated. And his conceptualization of seeing everyone else as sheep and himself as a wolf was, I think, part of that elevation of self in a grandiose way, in a way to protect himself from his own feelings of vulnerability.*

PRICE: *Are there any other specific comments about or the overall contents of that particular visit on January 5th, 1993?*

MONEYPENNY: *Nothing in particular. They're just talking about some of his background information, problems he's had with family and so on.*

PRICE: *Alright. I believe the fourth portion that you were asked to look at was, concerned when the records in the hospital Oregon. And there were some references his parents had concern about Satanism. You were asked earlier about that. Specifically, there was a reference to that in the records. Do you have an opinion as to that reference in the records and what that means?*

MONEYPENNY: *Only insofar as I'm not sure anyone really knows what the difference in Damien's mind between the Satanism versus the witchcraft things. I think many people see any kind of unusual spiritual practice and kind of lump it into one category. And I don't know for sure - I'm sure his parents were confused by this. What I know is Damien has consistently denied an interest in Satanism and admitted to an interest in witchcraft.*

PRICE: *Alright. Nothing further your honor.*

**RE-CROSS EXAMINATION**



BY MR. FOGLEMAN [State]:

FOGLEMAN: *Dr. Money Penny, you don't know, you hadn't seen any of the items that he had in his possession have you? That would indicate any interest in Satanism or witchcraft - either one, have you?*

MONEYPENNY: *Just the materials that I've talked about here.*

FOGLEMAN: *You hadn't seen the items that he actually had in his bedroom.*

MONEYPENNY: *No.*

FOGLEMAN: *Alright. And you talked to him for how long?*

MONEYPENNY: *Over two days, about five and a half to six hours.*

FOGLEMAN: *Is that each day, or total?*

MONEYPENNY: *No, total.*

FOGLEMAN: *Oh, total, ok. And what did you say - you said something about the sheep and the wolves and that was his view of society and what did it say that the wolves did to the sheep?*

MONEYPENNY: *The wolves eat the sheep. I think that he was speaking abstractly.*

FOGLEMAN: *Ok. And that's not unusual... Those kinds of comments aren't unusual?*

MONEYPENNY: *People commonly characterize the world in two kinds of people, one or another. So to characterize the world us and them, me and them, it's not a particularly unusual thing for people to do that in an effort to try to make sense of who you are, who I am, how you function, how I function.*

FOGLEMAN: *In your business it's not unusual to find people telling you about drinking blood and they do it to make them feel like a God? That's not unusual?*

MONEYPENNY: *That's highly unusual.*

FOGLEMAN: *It's what?*

MONEYPENNY: *It's not usual at all. It's very atypical. I think that, again, I think that represents some of the extremes of his thinking and beliefs and what it's come to for him.*

FOGLEMAN: *OK. I don't have any further questions your Honor.*

PRICE: *No other questions your Honor.*

THE COURT: *Alright, you may stand down, and you're free to go. We'll need to leave that document, though. Can you, do you need a copy of this?*

MONEYPENNY: *No*

THE COURT: *Alright. If you all want to reproduce it for his records, fine. You can substitute a photo copy for that - Exhibit number, you put 500 on it, I guess.*