

EXHIBIT 42

County of Miami-Dade)

State of Florida)

AFFIDAVIT OF DR. I. BRUCE FRUMKIN, Ph.D., ABFP

My name is I. Bruce Frumkin. I have a Ph.D. in clinical psychology from Washington University in St. Louis and I hold a Diplomate in Forensic Psychology from the American Board of Professional Psychology. I have a private practice through my company, Forensic and Clinical Psychology Associates, P.A. located at 7241 SW 63rd Avenue, Suite #203-A, South Miami, FL 33143. All the opinions stated here are to a reasonable degree of psychological certainty.

1. I have attached a copy of my curriculum vita. I have presented at regional and national conferences to both psychological and legal groups on topics which have included psychology and criminal law, malingering and deception, competency to waive *Miranda* rights, and interrogative suggestibility as it applies to false and/or coerced confessions. I am past President of the Miami-Dade County Psychological Association and am currently serving as Treasurer of the Florida Psychological Association. I have also served as Ethics chair and Psychology and Law chair of that state association.
2. I was asked by the attorneys representing Mr. Charles Raby to evaluate his psychological functioning as it pertains to factors related to his competency to waive his *Miranda* rights at the time of the police interrogation and to assess psychological factors relevant to the voluntariness and validity of his confession to the police.
3. In conducting the assessment, the documents relied upon included: a) the affidavit of Merry Alice Wilkin, b) signed police waiver forms from Mr. Raby including his "Statement of Person in Custody form, c) some of Mr. Raby's school records, and d) the Petition for Writ of Habeas Corpus previously filed on behalf of Mr. Raby in federal court.
4. I evaluated Mr. Raby on December 21, 2001 at the Polunsky Unit in Livingston, Texas for a total of seven and a quarter hours, which included approximately two hours of self-administered testing time. Unfortunately, the evaluation setting was less than optimal. I was not allowed to evaluate Mr. Raby without a glass shield between us. This prevented many of the tests from being administered in a standardized fashion. Nevertheless, my conclusions are still offered with a reasonable degree of psychological certainty. In addition to the clinical interview, Mr. Raby was administered the Wechsler Adult Intelligence Scale-III (WAIS-III), Wide Range Achievement Test-3 (WRAT-3), Minnesota Multiphasic Personality Inventory-2 (MMPI-2), 16 Personality Factor (16 PF),

Comprehension of *Miranda* Rights (CMR), Comprehension of *Miranda* Rights-Recognition (CMR-R), Function of Rights in Interrogation (FRI), Gudjonsson Suggestibility Scale 1 (GSS 1), Rey Memory Test, and the Word Recognition Test. Mr. Raby's past history, the behavioral observations, and test data are consistent with his having a diagnosis of Anxiety Disorder Not Otherwise Specified on Axis I and Personality Disorder Not Otherwise Specified with borderline and paranoid features on Axis II of the DSM-IV-TR. Psychological test results show no evidence that Mr. Raby was attempting to minimize or exaggerate psychological and cognitive impairments.

5. Results of the evaluation indicate that at the time of the police questioning, while Mr. Raby may have understood or may have made a "knowing" waiver of his *Miranda* rights, it is unlikely he could have made an "intelligent" waiver of his rights. In addition, there are a number of factors that are relevant in determining not only the voluntariness of the *Miranda* waiver and subsequent confession, but also the validity of the confession itself.
6. Mr. Raby's responses to the CMR indicated that he currently possesses a good understanding of each of his four *Miranda* rights. The CMR is a test in which the subject is read each of the rights, one at a time, and asked to state in his own words what each of the rights means. Mr. Raby indicated to me that he did not really know his rights at the time of the police questioning but subsequently, "went through this law phase when I first got locked up," where he learned about his legal rights. The issue is what Mr. Raby would have understood at the time of the police questioning. Research has shown that individuals with low intelligence are less likely to understand *Miranda* rights compared to individuals of average intelligence. Results from the WAIS-III show Mr. Raby having a Verbal IQ score of 94, which is in the Average to Low Average range compared to others his age. It is possible he did not fully understand his rights during police questioning but has since educated himself. Nevertheless, there is no objective data to indicate a lack of understanding.
7. An individual's ability to understand his rights is not the same as his ability to make an "intelligent" waiver of those rights, however. An intelligent waiver involves a decision-making capacity by which one grasps the significance of the rights in the context of what is understood about the legal process. A vague or faulty perception of the way the rights work in the context of interrogation and the significance of those rights in terms of the defendant's potential interaction with legal personnel may make a waiver not intelligently made.
8. Thus, even if Mr. Raby did understand the right to counsel and the right to remain silent at the time of the police interrogation, it is unlikely he could have made intelligent use of these rights. The CMR-R assesses understanding of these rights by having the subject state 'same' or 'different' whether preconstructed sentences have the same meaning as the *Miranda* warning statement. Some of Mr. Raby's verbalizations are indicative of someone who can not make an "intelligent" use of right to counsel and right to silence. He said that the comparison statement, 'A lawyer is coming to see you after the police are

done with you,' meant the same as the *Miranda* warning, 'You are entitled to consult with an attorney before interrogation and to have an attorney present at the time of the interrogation.' He said it meant the same thing because, "You're going to get a lawyer either way, you can talk to them now or get one when you go to court, when you see the judge." On another comparison statement, he indicated that, 'If you won't talk to the police, then that will be used against you in court,' meant the same thing as, 'Anything you say can and will be used against you in a court of law.' He said the two statements meant the "same thing" because, "if you don't talk, they can use it against you for not cooperating ..."

9. On the FRI, a test specifically designed to help assess whether one can make "intelligent" use of the rights, Mr. Raby was presented with a hypothetical scenario involving an individual who committed a crime and no one saw that person commit the crime. The individual elects not to talk to the police despite attempts from law enforcement to get him to confess to the crime. Mr. Raby was asked what would happen if the judge finds out the individual would not speak to the police. Mr. Raby responded, "What should happen or what will happen ... what should happen, he didn't do anything, they'd let him go." When Mr. Raby was reminded that the individual in question did in fact commit the crime but did not speak to the police, he said, "Judge will take that, not talking to the police, as an admission of guilt ... if you don't have nothing to hide, you would have talked to them [the police]." In sum, it appears likely that at the time of his confession, Mr. Raby believed he faced significant negative consequences if he refused to "cooperate" with law enforcement.
10. In determining whether an alleged confession was the result of coercion rather than voluntarily given, there are two essential factors to be considered: (1) what methods law enforcement officers brought to bear in order to obtain the statement; and (2) what particular characteristics of the defendant were relevant to the defendant's ability to resist pressure to endorse or give a false statement of guilt. As an example of the second factor, while almost all individuals may falsely confess when subjected to torture or other extreme measures of coercion, some individuals have traits or mental states that make them especially vulnerable at a particular time to certain less extreme forms of coercion, including psychological pressure.
11. Results from the GSS 1 show Mr. Raby is currently no more likely to give in to misleading questions or to shift a response to a different response under pressure than the average person. Nevertheless, based upon the alleged tactics of the police in attempting to extract a confession from Mr. Raby and Mr. Raby's psychological state at the time, the validity of his statements to the police can be questioned as well as Mr. Raby's ability to resist police demands. This is based upon the following factors.
12. Mr. Raby indicated that just before his arrest in the morning, he had ingested several Tylenol 3 tablets. Tylenol 3 contains codeine, which is an opiate known to induce drowsiness. In addition, Mr. Raby related to me that he had slept only four hours the

night before his arrest. According to Mr. Raby, the officers gave him some coffee at the police station because he was "nodding out." Research has shown that sleep deprivation is correlated with interrogative suggestibility. Generally speaking, when an individual is falling asleep in that type of high stress environment, one assumes an impaired mental state.

13. At the time of Mr. Raby's arrest, law enforcement officials brought Ms. Gomez, who was his girlfriend, and her baby to the station in a separate car and placed them in a separate room. Mr. Raby relates that he did not know of their presence at the station until he had been interrogated for some time without providing inculpatory information. Mr. Raby told me that he provided a statement to the police for two reasons: because he wanted Ms. Gomez and the crying baby to be allowed to go home, and because he became persuaded ~~during interrogated that he had committed the crime,~~ though he could not remember having done so. (I discuss this second reason below.)
14. Based on Mr. Raby's statements to me and my review of Ms. Gomez' affidavit, it appears that Mr. Raby had formed a close relationship with Ms. Gomez and her son, spending nearly every day with her during the two months prior to his arrest. He also spent several nights with her at the hospital when she delivered her son by C-section, and helped her with the baby when she returned to her mother's house. Although Chris, the baby, was not his child, Mr. Raby appears to have thought of him as his own son. Mr. Raby stated to me that he was very concerned for Ms. Gomez' and her child's welfare when he learned that they were at the police station.
15. According to Mr. Raby, after hearing Ms. Gomez' voice and Chris' crying on his way to the bathroom, he repeatedly asked Sergeant Allen, who conducted the interrogation, why they were there and when he could see them. Sergeant Allen told Mr. Raby that he could see them "a little later." Then, after a later request to see them, Sergeant Allen replied that Mr. Raby needed to first tell him what he wanted to hear about the crime. According to Mr. Raby, he understood at that point that he would not be allowed to see ~~his girlfriend and her child until the interrogation was ended.~~ Sergeant Allen began to feed him sentences, one by one, for Mr. Raby to agree with. Rather than taping Mr. Raby's statement, or asking him to write a statement, Sergeant Allen drafted a statement on a computer. According to Mr. Raby, at one point Mr. Raby took issue with a statement, and Sergeant Allen told him that his girlfriend could be charged with a crime in relation to her involvement with Mr. Raby, and her child could be put into "foster care." Mr. Raby was able to speak with Ms. Gomez only after he signed the statement.
16. The text of the actual "confession" provides some support for his account of how the statement was taken. As the statement progresses from a description of Mr. Raby's activities earlier in the day towards the actual crime, it becomes less detailed and less specific. No statement describes the actual killing of Ms. Franklin.

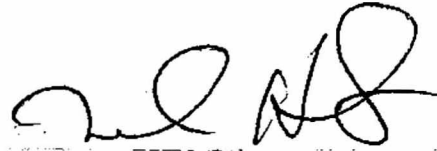
17. Mr. Raby states that he has no independent memory for parts of the evening of the crime, because he was so intoxicated at the time from heavy alcohol usage, marijuana usage, and four to six Valium he had taken. He relates that during interrogation Sergeant Allen was able to persuade him he had committed the crime. Individuals who have partial amnesia regarding their actions at the time of the alleged offense have an increased likelihood of giving a false confession when under duress from law enforcement. It is quite possible that this may be the case for Mr. Raby, and that he may have been trying to make sense of the lapses in his memory.
18. Mr. Raby reports that at the time of interrogation, he believed he faced a ten-year prison sentence if he confessed to the crime, and did not understand that he was admitting to a crime punishable by death. Mr. Raby's ignorance regarding the seriousness of the ~~charged he faced also could be a factor in his willingness to sign a statement of guilt, even an untrue one.~~
19. The fact that Mr. Raby had himself spent much of his own childhood in foster care, in a succession of large institutional settings, likely made him more amenable to giving in to the police when threatened that Ms. Gomez' baby might be placed in foster care.
20. It is my understanding that most of the factual circumstances described above, both in terms of Mr. Raby's mental state and his interaction with the interrogation process, were not presented at the time of the suppression hearing. In addition, no expert testified at that time to speak about Mr. Raby's competency to waive *Miranda* rights nor about factors which could lead to a coerced and possibly false confession in circumstances similar to Mr. Raby's. Because there was no psychological expert present at the suppression hearing, there was no one at that hearing able to explain to the court how the factual circumstances surrounding Mr. Raby's interrogation could have induced a false confession.

Under the pain of perjury, I swear that the above is true and correct to the best of my knowledge.
I give this statement of my own free will.



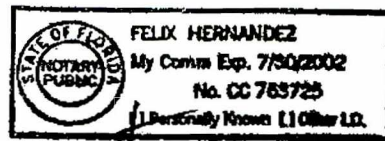
Dr. I. Bruce Frumkin

SWORN TO and SUBSCRIBED before me on this 1 day of May, 2002, to certify which
witness hereof my hand and seal of office.



Notary Public in and for the State of Florida

My Commission Expires: 7-30-02



VITA

PERSONAL DATA

Name I. Bruce Frumkin, Ph.D., ABPP
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 Email: BFRumkin@aol.com

EDUCATION

1977	B.A.	Brandeis University Waltham, MA 02154	Major—Psychology
1980	M.A.	Washington University St. Louis, MO 63130	Clinical Psychology
1981	Ph.D.	Washington University St. Louis, MO 63130	Clinical Psychology (APA-approved program)
1979-80		Clinical Internship at Community Guidance Center of Mercer County, NJ (APA-approved internship program)	

Licensed in the State of Florida #PY 3191
 Licensed in the State of Pennsylvania #PS-008783-L

Diplomate in Forensic Psychology
 American Board of Professional Psychology

AWARDS AND HONORS

- 1977 Brandeis University—Cum Laude with High Honors in Psychology
- 1977-81 Washington University—Tuition Remission Grant and Scholarship
- 1989-Present Fellow, American Academy of Forensic Psychology
- 1995 Invited as participant to National Invitational Conference on Education and Training in Law and Psychology, May 25-28, 1995 at Villanova Law School, Sponsored by Education Directorate of American Psychological Association
- 1995 Recognition by Dade County Psychological Association for “Contributions at the state level in protecting forensic evaluations of children.”
- 2000 Recognition by Dade County Psychological Association for “Service” to that chapter as President.

PROFESSIONAL EXPERIENCE

- 1981-Present **Private Practice**
Director, Forensic and Clinical Psychology Associates, P.A.
Forensic evaluations, assessment, psychotherapy, consultation, training
- 1988-89 **Miami Institute of Psychology**
Professor of Psychology, *Director of Clinical Training/Forensic Specialization Program*
- 1984-88 **South Florida Evaluation and Treatment Center (forensic hospital)**
Senior Psychologist/Program Director
Planning, implementing, coordination of hospital programs, administrative/clinical supervision of psychological services
- 1984-85 **Jackson Memorial Hospital/University of Miami**
Clinical Psychologist
Assessment, psychotherapy, teaching
- 1983-84 **North Miami Community Mental Health Center**
Clinical Director
- 1981-83 **New Horizons Community Mental Health Center**
Clinical Coordinator of services at outpatient unit
- 1982-83 **Metropolitan Dade County—Prison Medical Services**
Clinical Psychologist

PROFESSIONAL/ACADEMIC AFFILIATIONS, MEMBERSHIPS AND POSITIONS

1982-Present	American Psychological Association (APA) – Member
1984-Present	Member of Division 41 (Psychology and Law Society) of the APA
1984-Present	Florida Psychological Association– Member
1999-Present	Society of Personality Assessment–Member
1987-1999	Nova Southeastern University–Adjunct Faculty Appointment Taught graduate courses on “Psychology and Criminal Law,” “Psychology and Family Law,” “Assessment of Malingering and Deception”
1988-89	Professor of Psychology, Miami Institute of Psychology
1984, 85, 87-89	Adjunct Faculty Appointment at University of Miami
1986-90	Co-chair of Legislative Affairs and Public Policy Committee of Dade County Psychological Association
1990-91	Executive Council Member of Florida Psychological Association
1990-91	Chair, Psychology and Law Committee of Florida Psychological Association
1996-1998	Chair, Ethics Committee of Florida Psychological Association
1999-2000	President, Miami-Dade County Psychological Association
2001-Present	Treasurer, Florida Psychological Association
2001-Present	Member, United Family Court Advisory Board, 11 th Judicial Circuit

PARTIAL LIST OF PRESENTATIONS

2002	Presentation to National Legal Aid and Defender Association Annual Conference “Life in the Balance” in Kansas City, MO. <i>How to Suppress Confessions: Competency to Waive Miranda Rights & False and Coerced Confessions</i>
2002	Presentation to Miami-Dade County Public Defender’s Office, Juvenile Division, in Miami, FL. <i>The Psychology of False and Coerced Confessions</i>
2001	Presentation to National Legal Aid and Defender Association Annual Conference in Miami, FL. <i>Competency to Waive Miranda Rights and False/Coerced Confessions</i>
2001	Presentation for Illinois Institute for Continuing Education in Springfield, IL. <i>Psychological Assessment: Competency to Waive Miranda Rights, Mitigation, and Other Issues</i>
2001	Chairman of National Symposium, “Psychological Testimony: Clinical and Legal Issues” in Miami, FL. Symposium included my presentation, <i>Interrogative Suggestibility: Implications for Miranda Waiver and False/Coerced Confessions</i>

- 2001 Presentations to Washington Association of Criminal Defense Lawyers Seattle and Tri-Cities, WA *Competency to Waive Miranda Rights and Other Waivers*
- 2001 Presentations to National Legal Aid and Defender Association Annual Conference, "Life in the Balance" in Albuquerque, NM. *Malingering from a Psychologist's Point of View, Protecting the Defense Case from Accusations of Malingering* (co-presenter), *Psychological Aspects of Miranda Warnings*, and *Cross-Cultural Aspects of Mental Health Evaluations*
- 2000 Presentation to Seattle King County Prosecuting Attorney Office in Seattle, WA. *Assessing Malingering and Deception in Forensic Cases: New Advances*
- 2000 Presentation to Criminal Justice Section of the Pierce County Bar Association and the Pierce County Department of Assigned Counsel in Tacoma, WA. *Competency to Waive Miranda Rights*
- 2000 Presentation to Seattle King County Public Defender Office in Seattle, WA. *Competency to Waive Miranda Rights and Coerced/False Confessions*
- 2000 Presentation to Federal Public Defender Office in Newark, NJ. *Competency to Waive Miranda Rights and Coerced/False Confessions*
- 2000 Presentation at Florida Psychological Association annual convention in St. Petersburg, FL. *Expanding the Professional Practice of Psychology in the New Millennium: Forensic, Managed Care, Group Practice, and other Opportunities*
- 2000 Presentations at Kentucky Department of Public Advocacy Annual Conference in Ft. Mitchell, Kentucky. *Competency to Waive Miranda Rights and Coerced/False Confessions and Juveniles Competency to Stand Trial/Incapacity and Malingering*
- 2000 Presentations at National Legal Aid and Defender Association Annual Conference, "Life in the Balance" in Crystal City, VA. *Assessing Malingering and Deception in Criminal Defendants: New Advances and Competency to Waive Miranda Rights and False/Coerced Confessions*
- 2000 Chairman of National Symposium, "Violence, Aggression, and Risk: Clinical and Legal Issues" in Miami Lakes, FL. Symposium included my presentation, *Presenting the Lives of Juveniles in Criminal Cases: Psychological Perspectives*

- 1999 Presentation at New Jersey State Public Defender Fall Training in Princeton, NJ. *Competency to Waive Miranda Rights and Coerced/False Confessions*
- 1999 Presentations at National Legal Aid and Defender Association Annual Conference in Long Beach, CA. *Malingering and Deception and Understanding and Presenting Competency Issues*
- 1999 Presentation at American Psychological Association/American Bar Association National Conference: Psychological Expertise & Criminal Justice in Washington, D.C. *Competency to Waive Miranda Rights*
- 1999 Presentations at Correctional Health Services Workshop in Orlando, FL. *The Evaluation of Malingering and Deception: Psychological Testing and Psychological Intervention in Correctional Settings: Ethical Issues*
- 1999 Presentation to Seattle King County Public Defender Office and Washington Association of Criminal Defense Lawyers in Seattle, Washington. *Competency to Waive Miranda Rights and False/Coerced Confessions*
- 1999 Presentation to Palm Beach County Psychological Association in Delray Beach, FL. *Ethics, Mental Health, and the Law*
- 1999 Chairman of National Symposium, "Clinical Assessment and the Law: Directions for the 21st Century" in Miami Lakes, FL. Symposium included my presentation, *Challenging Mental Health Testimony*
- 1999 Presentations at the National Legal Aid and Defender Association Annual Conference, "Life in the Balance" in Atlanta, GA. *Juvenile competency: Presenting the lives of juveniles in capital cases: A psychological perspective, Assessing competency to stand trial and criminal responsibility, Competency to waive Miranda rights and false/coerced confessions, Assessing malingering and deception in criminal defendants: New advances*
- 1999 Presentation to John Jay College of Criminal Justice in New York City. *Competency to waive Miranda rights and false/coerced confessions*
- 1998 Presentation to the Miami-Dade and Broward County Psychological Associations in North Miami Beach. *Ethical conflicts in psychology*
- 1998 Presentation at the National Legal Aid and Defender Association Annual Conference in San Antonio, TX. *Understanding and presenting competency issues: Competency to waive Miranda rights and competency to stand trial*

- 1998 Presentation to the Federal Public Defender Office in Camden, New Jersey. *Competency to waive Miranda rights and coerced confessions*
- 1998 Presentation to the Defender Association of Philadelphia, sponsored by American Bar Association and American Law Institute held in Philadelphia, PA. *Psychological issues in criminal cases*
- 1998 Presentation to Palm Beach County Psychological Association in Delray Beach, FL. *Ethical issues in forensic psychology*
- 1998 Chairman of national symposium, "Malingering and Deception: Clinical and Legal Issues" in Miami, FL. Symposium included my presentations: *Children and deception* and *Cross-cultural issues in malingering and deception*
- 1998 Presentation to the Dade County Public Defender's Office, Juvenile Division, in Miami, FL. *Evaluating competencies in delinquency proceedings: Competency to proceed and competency to waive Miranda rights*
- 1997 Chairman of national symposium, "Criminal and Juvenile Justice: Clinical and Legal Issues" in Ft. Lauderdale, FL. Symposium included my presentation *Competency to waive Miranda rights: Juveniles and adults*
- 1996 Chairman of national symposium, "Aggression and Abuse: Clinical and Legal Issues" in Ft. Lauderdale, FL. Symposium included my presentation *Forensic assessment standards: Challenging the expert*
- 1996 Presentation to Death Penalty Defense Project Training Program at Fordham University School of Law, New York City. *Psychology and mental health aspects in capital cases*
- 1996 Presentation to Brevard-Indian River County Psychological Association in Melbourne, FL. *Ethical issues in psychology*
- 1996 Presentation to Dade County Public Defender's Office in Miami, FL. *Challenging expert testimony*
- 1996 Presentation to Pinellas County Public Defender's Office in Clearwater, FL. *Juvenile and adults' comprehension of Miranda rights*
- 1996 Presentation to Dade County State Attorney Office, Juvenile Division in Miami, FL. *Psychological evaluations in juvenile court*

- 1995 Presentation to 11th Judicial Circuit and County Court judges in Miami, FL on *Psychological issues in domestic violence*
- 1995 Participant as “expert witness” in a simulated trial involving gender discrimination in the “Employment Law Trial Skills Program” sponsored by the University of Miami and the National Institute for Trial Advocacy, held in Coral Gables, FL.
- 1995 Chairman of national symposium, “Ethical, Therapeutic, and Legal Issues in Mental Health” in Ft. Lauderdale, FL. Symposium included my presentation on *Release of clinical records and test data*
- 1994 Chairman of symposium, “Methodology in Forensic Evaluations: Evolving Ethical Standards” at American Psychological Association national convention in Los Angeles. Symposium included my presentation *Forensic evaluations in immigration cases: Ethical Issues*
- 1994 Chairman and Discussant of symposium “Rights of Mentally Disabled Individuals in Institutional Settings” at American Psychological Association national convention in Los Angeles
- 1994 Presentation to Concerned Matrimonial Lawyers of Dade County in Miami. *Child custody evaluation standards in light of Flanagan v. State*
- 1994 Chairman of national symposium, “Children, Mental Health, and the Law” in Miami, FL. Symposium included my presentation *Challenging expert testimony*
- 1993 Presentation to Family Law Section of Dade County Bar Association in Miami on *Psychological testing in child custody determinations*
- 1993 Presentation to Dade County Public Defender’s Office, Juvenile Division, on *Juvenile waiver of Miranda rights: Evaluating competency*
- 1993 Chairman of national symposium, “Psychological and Psychiatric Testimony in Court” in Miami Beach. Symposium included my presentation *Evaluating Criminal Competencies*
- 1993 Presentation to Broward County Public Defender’s Office on *Psychological evaluation on competency to waive Miranda rights*
- 1992 Presentation to Dade County State Attorney’s Office on *Challenging expert testimony: The psychologist as an expert witness*

- 1992 Chairman of national symposium on "The Assessment of Dangerousness: Clinical, Legal, and Empirical Approaches" in Miami. Symposium included my presentation on *The clinical interview and the assessment of dangerousness*
- 1991 Chairman of national symposium on "The Clinical and Forensic Assessment of Malingering and Deception" in Hollywood, FL. Symposium included my presentation on *The use of psychological testing in the assessment of malingering and deception*
- 1991 Two-day invited presentation to the State of Montana to psychologists, psychiatrists, and attorneys on *Competency to stand trial and criminal responsibility*
- 1991 Discussant at symposium at American Psychological Association national convention entitled "Malpractice Insurance and Liability in the 1990's."
- 1991 Presentation to Dade County State Attorney's Office, Juvenile Division, on *Psychology standards for assessing competency to stand trial*
- 1990 Presentation to Dade County Public Defender's Office, Juvenile Division, on *Expert testimony and children's comprehension of Miranda warnings*
- 1990 Presentation through Dade County Bar Association and Dade County Psychological Association on *Psychological evaluation of children and families for court*
- 1989 Presentation to Dade County Legal Aid Society in Miami on *Challenging expert testimony on child custody determinations and child sexual abuse*
- 1989 Presentation through Guardian Ad Litem's office to Dade County Circuit Court Judges and General Masters on *Dependency Evaluations*
- 1988 Coordination and Presentations at south Florida workshop for forensic experts, sponsored by the Florida Mental Health Institute and University of South Florida
- 1987 Chairman of symposium at American Psychological Association national convention "The Assessment of Malingering and Dissimulation in Special Forensic Populations."

1987 Presentation to Dade County Public Defender's Office, Adult Division,
on *Expert testimony and comprehension of Miranda rights*

1985 Presentation to Florida Psychological Association, Dade County
Chapter on *Competency to Stand Trial and Insanity Evaluations*

CONSULTATION

1983-Present Consultation to Federal, Circuit, County Courts on such issues as:
Competency to Stand Trial, Insanity, Comprehension of Miranda
Rights, Coerced/False Confessions, Mitigation, Dependency/Child
Custody, Sexual Abuse/Sexual Violent Predator, Need for
Involuntary Commitment, Psychic Injury/Disability, Immigration
Issues, Guardianship, Gender/Racial Discrimination and
Harassment

1994-Present Consultation to Agency for Health Care Administration in area of
standards of practice in psychology.

1987-88 Sex Offender Treatment Program Evaluation Committee Member
State-wide program to evaluate residential facilities

1986-88 Forensic Evaluator Training Project-Planning Committee Member
State-wide program to train forensic examiners

1980-81 Council of Child Abuse and Neglect, St. Louis, MO
Consultee-Centered Administrative Consultation in area of needs
assessment.

1978-79 Life Crisis Services, Clayton, MO
Program-Centered Administrative Consultation
Exploration of data collection procedures and the ramifications in
case management and funding operations

PARTIAL LIST OF PUBLICATIONS

- Frumkin, I. B. (2000). Competency to Waive Miranda Rights: Clinical and Legal Issues. *Mental and Physical Disability Law Reporter, Vol. 24, No. 2*, American Bar Association, Washington, D.C.
- Frumkin, I. B. (1999). Malingering 101, *Indigent Defense, Vol. 3, #4* (a publication of the National Legal Aid & Defender Association), 5-6., Washington, D.C.
- Frumkin, I.B. (1998). Competency to waive Miranda rights, *Indigent Defense, Vol. 2, #4* (a publication of the National Legal Aid & Defender Association), 8-9., Washington, D.C.
- Frumkin, I. B. (1995). How to handle attorney requests for raw psychological test data, In L. VandeCreek, S. Knapp, & T. L. Jackson (Eds.), *Innovations in Clinical Practice: A Source Book, Vol. 14*, (pp. 275-291). Sarasota, FL: Professional Resource Press.
- Frumkin, I. B. (1995). Forensic evaluations in immigration cases: Evolving issues., *Behavioral Sciences and the Law, Vol. 13*, New York, NY: John Wiley & Sons, 477-489.
- Frumkin, I. B., Samek, W., Rivas Vazquez, A. (1995). Psychological testing in custody evaluations. *Family Law Commentator* (a publication of the Florida Bar), *Vol. 20, #4*, 11-17.
- Samek, W., Frumkin, I. B., Rivas Vazquez, A. (1994) Know your mental health experts or an unlicensed psychologist is an oxymoron, *Family Law Commentator* (a publication of the Florida Bar), *Vol. 20, #3*, 11-17.