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Federal Polygraph Associates, LLC

CREDIBILITY ANALYSIS REPORT



JUSTIN WAYNE CHAPMAN

Forensic
Psychophysiological
Veracity Assessment

Richard D. Rackleff
ABFE Board Certified Forensic Examiner

PETITIONER'S
HEARING EXHIBIT

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FEDERAL POLYGRAPH ASSOCIATES, L.L.C.

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Credibility Analysis

Examinee: JUSTIN WAYNE CHAPMAN
GDC #1251551

Location of Examination: Telfair State Prison
McRae, Georgia

Dates of Examination: January 30, 2008
June 17, 2008

Forensic Examiner: Richard D. Rackleff, ABFE Certified Forensic Examiner
President, Federal Polygraph Associates, LLC
3632 Lamplighter Cove Road
Gainesville, GA 30504

Request by: Janet W. Hankins
Attorney at Law
Georgia Public Defender Standards Council
Director of Complex Litigation
104 Marietta Street, Suite 200
Atlanta, GA 30303

PREDICATION FOR CREDIBILITY ANALYSIS:

Janet W. Hankins, Attorney at Law, contacted the Federal Polygraph Associates, LLC, and expressed her concerns about the conviction of Justin Wayne Chapman on charges of Arson and Felony Murder in Haralson Superior Court in June, 2007. These charges were related to a fire on the early morning of June 20, 2006, at the duplex apartment of Mr. Chapman, which resulted in the death of 79 year old Alice Jackson in the adjacent apartment. Ms. Hankins explained that Mr. Chapman had continued to deny these charges and explained there was no physical evidence linking Mr. Chapman to the fire. She advised there was no motive for Mr. Chapman setting fire to his own apartment, in which he lost all of his personal possessions. The attorney further explained that Mr. Chapman was involved in a physical altercation earlier that same evening, with another individual, identified as William Paul Chieves, who threatened retaliation against Mr. Chapman in a telephone call to his brother at the time of the fight. Mr. Chieves denied responsibility for the fire at Chapman's apartment, however he admitted being involved in a similar arson following an altercation with another individual only a few weeks earlier. Following the altercation between Mr. Chieves and Mr. Chapman, Mr. Chieves was arrested. Mr. Chapman's children were afraid to stay in the apartment that night and the family left to visit with friends. Mr. Chapman and his children returned several hours later to find his home destroyed by the fire.

The arson investigation reflected the fire originated at the front door to the apartment and was believed to have been started with an accelerant. Mr. Chapman became the target of the arson investigation, due to his suspected involvement by law enforcement authorities in the manufacture and sale of crystal meth. Mr. Chapman was arrested for Aggravated Assault and then targeted by a cellmate concerning his role in starting the fire. Another inmate provided conflicting statements alleging Mr. Chapman admitted setting the fire. The attorney reported Mr. Chapman was not liked in his neighborhood and one witness received a monetary reward after providing testimony identifying Mr. Chapman in the area prior to the fire. Justin Wayne Chapman categorically denied any involvement in setting fire to his own apartment.

Janet W. Hankins provided trial transcripts as well as copies of photographs and other related documents pertaining to the arson investigation. She obtained a court order authorizing a Forensic Credibility Analysis of Justin Wayne Chapman relative to the credibility of his denial and statement pertaining to the fire.

INVESTIGATIVE SUMMARY:

Physical Altercation with William Paul Chieves

At about 12:20 am on Tuesday morning, June 20, 2006, William Paul Chieves came to the residence of Justin Wayne Chapman, 113A Sharp Street, Bremen, Georgia, and threatened Chapman with derogatory statements made against Chieves' aunt, Sherry Gillman, a neighbor living at 108 Sharp Street. Prior to the altercation, William Paul Chieves placed a call to his brother Neal Chieves and requested him to come and assist in taking care of Chapman for the degrading comments about their family. The argument between William Paul Chieves and Justin Wayne Chapman erupted into a violent beating of Mr. Chieves which was witnessed by Chapman's wife, Christy, his children, Anthony, age 11, Austin, age 9, and Joshua, age 2, as well as two friends, Stephen and Brandy Hughes. The police responded and arrested William Paul Chieves, who was bleeding. Mr. Chieves claimed he had been beaten by Chapman with a gun. The EMT's were called to the location but William Paul Chieves refused medical assistance. Austin Chapman, the 9 year old son of Justin Wayne Chapman, was having an anxiety attack from the incident and was checked out by the medical personal. William Paul Chieves was charged with Disorderly Conduct and Public Drunk.

Report of Fire at Chapman Residence

The Bremen Fire Department received a report around 3:18 am of a house fire located at 113A Sharp Street, which was the same location where police had responded earlier that morning. Justin Wayne Chapman returned to the residence around 5:00 am and cooperated in providing a statement to the police after leaving his children at his aunt's house. His wife, Christy Chapman, and Stephen and Brandy Hughes also cooperated in going to the Bremen Police Department and providing statements to the police.

Death of Neighbor, Alice Jackson

Alice Jackson, the 79 year old neighbor of Justin Wayne Chapman died of smoke asphyxiation as a result of the fire at the Chapman duplex apartment.

Chapman Family Vacated Residence Prior to Fire

Around 2:00 am, 9 year old Austin Chapman was still very upset and afraid to stay in the home. Justin Wayne Chapman and his family decided to go to the nearby mobile home of Stephen and Brandy Hughes to spend the night. They only took bedding, baby needs and video games from the home when they left. (No other personal property, furniture, family photographs or electronic equipment of any kind were removed from the home.) They observed a dark colored van with the lights turned out, coming up the street. Justin Wayne Chapman approached the dark colored van and it immediately left the neighborhood. The Chapman family then accompanied Stephen and Brandy Hughes to their mobile home where the two families played games until around 4:00 am. Justin Wayne Chapman and his wife, Christy got into an argument and Justin Chapman took the children, Anthony, Austin and

Chloe and returned to the family's home at 113A Sharp Street. When they arrived, Mr. Chapman discovered firefighters were on the scene and their home had been consumed by fire.

Origin And Cause Investigation

The Fire Investigation Report by Investigator Jason R. Hurley, Bremen Fire Rescue, reported the ignition of the fire to be intentional with multiple types of flammable liquid/gas. The debris samples submitted to Forensic and Scientific Testing were negative for ignitable liquids. Investigator Jimmy Maddox, Arson Unit, Georgia State Fire Marshal's Office, removed debris from the patio and living room in the east duplex. The debris pile was reported to contain several items commonly used to produce methamphetamines drugs. The origin was determined to be the exterior in front of the door to 113A Sharp Street. The cause was determined to be "incendiary" with no known ignition sources.

Arrest of Justin Wayne Chapman for Aggravated Assault

On June 22, 2006, Justin Wayne Chapman was arrested and charged with Aggravated Assault relative to the fight with William Paul Chieves. He was placed in a cell with Joseph White, a former deputy sheriff in Douglas County who was fired for bringing contraband into the jail. Joseph White reported that Chapman talked about starting the fire at his residence. Justin Wayne Chapman categorically denied ever admitting that he had set the fire at his apartment. Chapman considered that Joseph White's assistance was solicited by the detectives to approach Chapman and question him about the fire.

Prior Unrelated Arson Involving William Paul Chieves

William Paul Chieves was identified and provided statements to the Carroll County Fire Investigator admitting his participation in a similar arson a month earlier on May 22, 2006, in which an associate, Ricky Holcomb, purchased gasoline, poured it on the front door and started a fire at the residence of a person who had sex with Chieves' girlfriend, Jessica Johnson. Mr. Chieves provided a statement that he had lied to the police and denied Mr. Holcomb's involvement. Justin Wayne Chapman was not involved with any of the defendants in this prior arson investigation.

Indictment and Trial of Justin Wayne Chapman

Justin Wayne Chapman was indicted on August 20, 2006, in the Superior Court of Haralson County for Murder, Felony Murder and Arson in the First Degree. Trial was held in the Superior Court of Haralson County on the week of June 26, 2007 and Mr. Chapman was convicted of Felony Murder and Arson in the First Degree.

Testimony of Chapman's Son

Austin, age 9, testified about the fight between his dad and Mr. Chieves that night. He testified they all left and went to the home of Steven and Brandy Hughes, because he, Austin, was scared. He testified that when he and his dad, his brother and his sister returned to their house later that night, it had burned down.

Testimony of Family Friend, Brandy Hughes

Brandy Benefield Hughes testified that she and her husband, Steven, were at the Chapman residence when William Paul Chieves came to the front door and confronted Mr. Chapman about calling Mr. Chieve's aunt a "red headed crack whore". Ms. Hughes testified that Mr. Chieves placed a call on his cell phone to a person referred to as "Chavez", and told him "there was some stuff going down, that they needed to come to Bremen." Then he said, "That is what happens when you mess with family." This upset Justin Chapman and they fought until Chieves gave up and they shook hands. Mr. Chieves was bleeding when he left. During the fight, Ms. Hughes went to the adjacent apartment to request that Ms. Alice Jackson call 911. (Brandy Hughes was a former neighbor of Alice Jackson, who later died in the fire at the Chapman apartment.) The police responded and Ms. Hughes complained about Mr. Chieves starting a fight with Justin Chapman in front of all the children, who were scared. She testified that Austin had a panic attack and said he could not breathe. Austin did not want to stay there and wanted to go to the Hughes residence, which they did. As they were all leaving the Chapman residence around 2:00 am, they observed a green van driving slowly past the apartment. The family of Justin Chapman all went to the home of the Brandy and Steven

Hughes for the night. Ms. Hughes was awakened the next morning when Justin Chapman was yelling that their home had burned down and they had lost everything. She stated Chapman was crying that Ms. Jackson had died and he could have saved her. Ms. Hughes explained she told the police about the green van and was certain the people in the van had something to do with setting the fire.

Testimony of Cellmates

Dorman Dean Chandler, a cellmate of Justin Wayne Chapman approached the investigator about getting probation on the charges pending against him. Chandler provided a tape recorded statement concerning his conversations with Chapman. At the trial, Chandler testified that Chapman did not talk to him about the fire; however he later recanted and testified he could not remember and all he had to say was whatever was on the recorded statement he gave the police.

Joseph Scott White was another cellmate of Chandler. Mr. White was formerly a jailer in Douglas County who was arrested for bringing contraband into the jail. Mr. White reportedly approached the investigator to support his request of a probated sentence in his case. Mr. White testified simply that Chapman "told him that he did kill... did set the fire that killed the lady." Mr. White denied, however, that he cooperated or testified against Chapman for favorable consideration on his own case.

Testimony of Eyewitness

A neighbor, Gary Allen Stroup, living two houses down from the Chapman residence, testified that he was standing on his porch that night when he witnessed someone walking around the corner of the building just before the fire. He noticed a limp and believed that individual was Justin Wayne Chapman. He was reported to have received monetary reward for this information.

FORENSIC EXAMINER:

The Forensic Interview and Credibility Analysis of the examinee were conducted by Richard D. Rackleff, a Board Certified Forensic Examiner, American Board of Forensic Examiners, and licensed in several states throughout the Southeast. Mr. Rackleff was certified as a Forensic Polygraph Examiner by the United States Department of Justice and served as Regional Polygraph Coordinator for the FBI until his retirement in 1990. Mr. Rackleff also served on the Georgia Board of Polygraph Examiners and as the Regional Director of the American Association of Police Polygraphists. In addition, he has served on various committees of the American Polygraph Association, including the Case Review, State Advisory Board, Ethics and Continuing Education Committees. He trained under Dr. David Raskin at the University of Utah in Salt Lake City in the development of computerized testing procedures and was certified in computerized credibility testing by the United States Department of Defense Polygraph Institute, currently known as the Defense Academy of Credibility Analysis (DACA). The DACA is recognized as the premier training and research facility in the field of forensic credibility analysis. Mr. Rackleff also participated in advanced polygraph studies in the specialized testing of sex offenders under Dr. Stan Abrams at the Western Oregon College and is certified in the monitoring of convicted sex offenders using standards established by the American Polygraph Association and the American Association of Police Polygraphists for Post Conviction Sex Offender Testing, (PCSOT).

RIGHTS AND TESTING PROCEDURES:

A forensic interview and credibility analysis was conducted by Richard D. Rackleff in the Security Offices at Telfair State Prison, pursuant to a court order. Justin Wayne Chapman cooperated fully in the interview and scientific testing procedures, which were fully explained to the examinee. He was advised a credibility analysis would be conducted and evaluated using scientific testing standards validated through scientific research. The examinee was advised that his participation in the Forensic Credibility Evaluation was totally voluntary and the examinee was

provided with a Statement of Consent and Waiver, which he read and verified. He was advised a Forensic Credibility Report would be made available to his attorney for appropriate use and dissemination and he was encouraged to be completely truthful during the interview and testing process.

TESTING PROTOCOL:

The Forensic Credibility Analysis of the examinee in this matter was conducted using the objective scientist model of the American College of Forensic Examiners, (ACFE), which states "ACFE Board Certified Forensic Examiners are not considered advocates, seek only the truth in conducting examinations and report findings in an unbiased and objective manner". The test was conducted in accordance with professional standards for specific incident testing relative to allegations of inappropriate sexual conduct. The test series included the recording of three test charts using a Zone Comparison Testing format (ZCT), which is professionally recognized as a highly valid and reliable testing format.

Multiple Series were conducted on two separate occasions using the objective scientist model of the American College of Forensic Examiners, (ACFE), which states "ACFE Board Certified Forensic Examiners are not considered advocates, seek only the truth in conducting examinations and report findings in an unbiased and objective manner". The testing was conducted in accordance with professional standards for specific incident testing relative to allegations of inappropriate criminal conduct. A total of three test series were conducted using various test question formats, which included a Bi-Zone Comparison Testing format (Bi-Zone), a Modified Relevant Irrelevant test format and a Zone of Comparison (ZCT) test format. The test formats are professional recognized as highly reliable and validated testing formats. The Modified Relevant Irrelevant test format was developed by the FBI for use in more complex testing environments and considered valid when used in conjunction with other comparative test formats.

The entire forensic credibility assessment of the examinee was administered using the Lafayette LX 4000 Computer Polygraph System, which is a state-of-the-art digital polygraph system. The forensic testing included a pre-test interview during which the target issues were discussed and the respective test questions were formulated; separate testing phases during which the psychophysiological responses were measured and recorded on the test data charts; and a post-test phase during which the recorded test data were evaluated using quantitative and digital test data analysis and reviewed with the examinee.

FORENSIC INTERVIEW:

During the initial forensic interview conducted at the Telfair State Prison on January 30, 2008, Justin Wayne Chapman voluntarily provided identifying and background information. He provided details of the altercation with William Paul Chieves on the evening of June 19, 2006, which were consistent with his prior statements. After coming to the front door of Mr. Chapman's home, Mr. Chieves placed a telephone call on his cell phone to his brother seeking help in beating up Mr. Chapman. Justin Wayne Chapman admitted hitting Mr. Chieves until he agreed to leave. The police responded and arrested Mr. Chieves. Following the fight, Mr. Chapman's son was scared and did not want to stay in the home. The Chapman family left to go to the nearby home of friends, Steve and Brandy Hughes.. When Mr. Chapman returned with the children several hours later, his apartment was destroyed by fire. Mr. Chapman was certain that the fire was the result of the threats made by Mr. Chieves.

Justin Chapman was later arrested following the fire on Aggravated Assault charges and then targeted by his cellmate who falsely reported that Mr. Chapman made admissions concerning his involvement in the fire at his residence, which he categorically denied. He added one inmate acknowledged that Chapman did not discuss setting the fire at his residence. Both inmates who cooperated with the police reportedly received favorable "deals" on their sentencing. He added a neighbor, Allen Stroup, reported seeing an individual walking down the street just prior to the fire, whom he identified as Justin Wayne Chapman, which Mr. Chapman described as impossible under the

conditions described. He stated Mr. Stroup was later identified in the newspaper receiving reward money for his cooperation and testimony against Mr. Chapman.

Justin Wayne Chapman voluntarily submitted to a forensic credibility assessment following the interview on January 30, 2008. The examinee denied having poured gasoline or any other accelerant on the front of his apartment and denied intentionally causing the fire at his home. Following the testing, the examinee acknowledged there may have been flammable liquids in his van parked outside his apartment but denied having used any accelerant to start a fire at his apartment. Later, arrangements were made for additional forensic credibility testing of Justin Wayne Chapman, which was conducted at the Telfair State Prison on June 17, 2008. Justin Wayne Chapman categorically denied any involvement in causing the fire that destroyed his home and caused the death of his neighbor.

SCOPE OF EVALUATION:

The Forensic Credibility Analysis of the examinee conducted on January 30, 2008, included a preliminary acquaintance test chart followed a single test series including the following target issues:

Test Series I - ZCT Test Format

<i>Did you set that fire to your home that night?</i>	<i>No</i>
<i>Did you light any accelerant at the front of your home?</i>	<i>No</i>
<i>Did you ever tell anyone that you started that fire?</i>	<i>No</i>

The recorded test data were printed and a quantitative test data analysis using the seven point scoring system reflected a total test data score of +13, which would be supportive of No Deception Indicated on the test charts. The test data would support the examinee's denial of having set the fire or ever telling anyone that he had started the fire. The test data score on the question involving any use of an accelerant was zero or considered to be indeterminate.

Additional testing was scheduled and conducted at the Telfair State Prison on June 17, 2008. At that time, the interview of the examinee was video tape recorded and two additional test series were conducted. The second test series was conducted using a Modified Relevant Irrelevant test question format which is a format designed and used by the Federal Bureau of Investigation in more complex testing situations. A third test series was then conducted using a Bi-zone testing format, which is considered to be a more accurate testing format of a single issue; the examinee's denial of setting the fire at his apartment. The target issues in each of these two test series were as follows:

Test Series II - MRI Test Format

<i>Did you set that fire at your apartment?</i>	<i>No</i>
<i>While in jail, did you ever admit to setting the fire at your apartment?</i>	<i>No</i>

Test Series III - Bi-Zone Test Format

<i>Did you start the fire at your home in June, 2006?</i>	<i>No</i>
<i>Did you set the fire that destroyed your apartment?</i>	<i>No</i>

The recorded test data were printed for each test series and a quantitative test data assessment conducted using the seven point scoring system reflected a total test data score of +15, reflective of No Deception Indicated.

FOUNDATIONAL THEORY:

The scientific basis for a forensic credibility analysis lies in the theory that the body manifests itself in several different ways when a person is deceptive. In the testing process, the physiological responses associated with the autonomic nervous system of the body, relative to a set of structured question stimuli, are measured and recorded. Established comparative test question formats and standardized quantitative test data analysis of the recorded physiological data, are performed under established professional standards and procedures set forth by the American Polygraph Association (APA), and the American Association of Police Polygraphists (AAPP). World wide testing standards are also being established by the American Society of Testing and Materials, International (ASTM).

A Forensic Credibility Analysis, also known as a Forensic Psychophysiological Detection of Deception Assessment and commonly referred to as a polygraph, has a high degree of accuracy in detecting truthfulness or deception in an individual when properly administered by a well trained and competent forensic examiner using validated testing standards. In any scientific test, there is a certain amount of subjectivity in the analysis of the test data. Dr. Charles F. Honts, a research psychologist, once testified, "without intimate knowledge of the individual or the aid of instrumental assistance, the average adult, including judges, lawyers, police officers and psychologists, are only slightly better than chance in detecting deception in other adults".

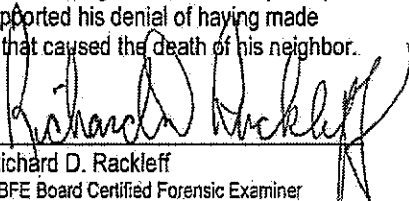
The American Polygraph Association reports the validity and reliability of polygraph testing is supported through a compendium of research studies available and published in the past twenty five years. In the 80 research projects listed and published since 1980 involving 6,380 polygraph examinations or sets of charts from real life field examinations and laboratory simulations, 12 studies of the validity of polygraph were conducted by researchers following 2,174 field examinations with the average accuracy of 98%. A total of 11 studies were conducted by researchers involving the reliability of independent analyses of 1,609 sets of charts from field examinations, confirmed by independent evidence, which provided an average accuracy of 92%.

OVERALL ANALYSIS OF TEST DATA:

A global analysis of the entire psychophysiological data recorded during the testing process reflected no significant or consistent reactions to the target issues reflective of deceptive criteria. In addition, the test data were reviewed using research digital scoring algorithms. The total numerical scoring of the recorded test data using the standardized seven point scoring system validated by the Department of Defense Academy of Credibility Analysis reflected No Deception Indicated in the psychophysiological responses of the examinee.

CONCLUSION:

It is the professional opinion of the examiner, that the test data collected during the forensic credibility analysis of Justin Wayne Chapman supported his denial of any involvement in setting the fire at his duplex apartment on the early morning of June 20, 2006. In addition, the test data clearly supported his denial of having made admissions to any cellmates, regarding any involvement in setting the fire that caused the death of his neighbor.


Richard D. Rackleff
ABFE Board Certified Forensic Examiner

RICHARD D. RACKLEFF
FORENSIC POLYGRAPH EXPERT
CREDIBILITY ASSESSMENTS
EXPERT WITNESS

- EXPERIENCE:**
- * **Federal Polygraph Associates, LLC, President, Since 1991**
 - * **Federal Bureau of Investigation, Retired, 1990, (27 years)**
Forensic Examiner; Regional Polygraph Coordinator
- EXPERT WITNESS:**
- * **Qualified in both U.S. District Courts and State Courts**
 - * **Expert Consultant to Dept. of Justice, Anti-Trust Division, U.S. v Piccinonna, 11th Circuit. U.S. District Court of Appeals**
 - * **Testified in Daubert Hearings, NDGA, Polygraph Admissibility**
- TRAINING/
CERTIFICATION:**
- * **Certified Examiner, U.S. Department of Justice, FBI, 1980**
 - * **Certified, Computerized Polygraph, U.S. Dept. of Defense, 1992**
 - * **Certified Polygraph Expert: American Polygraph Association, (APA), American Assoc. of Police Polygraphists, (AAPP)**
 - * **Board Certified Forensic Examiner, (ABFE)**
 - * **Polygraph Licenses: Georgia, Alabama, Illinois, Louisiana, North Carolina, South Carolina, Tennessee & Virginia**
- SEX OFFENDER
TREATMENT/TESTING:**
- * **Clinical Sex Offender Treatment, Post Conviction Testing**
Certified by: APA, AAPP, DoDPI / Texas JPCOT Standards
- PROFESSIONAL
ORGANIZATIONS:**
- * **American Polygraph Association, (APA),**
Past Chairman, Case Review; State Advisory Board
 - * **American Association of Police Polygraphists, (AAPP), Director**
Past Chairman, Law Enforcement Certification Program
 - * **Georgia Polygraph Association, (GPA), Past President**
 - * **American Board of Forensic Examiners, (ABFE)**
Fellow, Diplomat, Life Member
 - * **American Academy of Forensic Sciences, (AAFS)**
 - * **American Association of Christian Counselors, (AACC)**
- APPOINTMENTS /
ASSIGNMENTS:**
- * **Georgia State Board of Polygraph Examiners, Cognizant Member**
 - * **Argenbright International Institute of Polygraph,**
Instructor / Director of Computerized Polygraph Training
 - * **Numerous forensic polygraph evaluations conducted for Judges, U. S. Attorneys and prominent Criminal Defense Attorneys**
 - * **Conducted polygraph evaluations resulting in appellate reversals following convictions for Murder and Child Molestation**
- HIGH PROFILE CASES:**
- * **Wayne Williams, Serial Child Murders; Walter Leroy Moody, Jr., Mail Bomb-USDC Judge; Richard Jewell, Olympic Park Bombing**
- MEDIA CONSULTANT /
APPEARANCES:**
- * **CNN, Burden of Proof; NBC, Today Show; ABC, Good Morning America: ABC, 20/20; CBS, This Morning**

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