

Phil Baity

From: Phil Baity [abaity@baitylawfirm.com]
Sent: Friday, August 27, 2004 2:16 PM
To: 'chonts@aol.com'
Subject: Polygraph

Professor Honts,

Please allow me to introduce myself: I am Phillip Baity, and I am counsel to the defendant in an upcoming murder trial involving a false confession. My client is charged with having raped and murdered his daughter. We have associated Saul Kassin (of Williams College) to testify as our false confession expert. We expect the trial to begin the Tues after Labor Day. Saul suggested that I contact you today.

Recently, we were given a strong indication by the trial judge that he may very well allow the State to present as evidence the polygraph exam given to my client the day after the murder was discovered. This has come as a great surprise. My client, at the time he was polygraphed, was laboring under the following impairments:

- a. He had discovered his daughter's lifeless, mutilated body at their home, approximately 25 hours before.
- b. He had been interrogated 3 or 4 times by various police officers, including a marathon 4-hour session that began about 10:30pm the night before and continued until about 3:00am, at which time he was served with a murder warrant. He was arraigned at 4:21 and returned to a holding cell, where he was unable to sleep until the police returned for him, in about 4 hours, to take the polygraph test.
- c. He had taken one, and possibly 3, zanax pills, from a prescription given him by a doctor that day. He says that he dozed off in the exam once or twice.
- d. He had misplaced his glasses, which he wears full time.
- e. He had not eaten since the early evening.
- f. He was informed (falsely) that the police had witnesses and other evidence of his guilt.
- g. He was interrogated (somewhat pointedly) by the polygraph operator immediately prior to the administration of the test.

My client (Billy Wayne Cope) steadfastly maintained his innocence through the polygraph test. When informed that he had failed it, he asked "Could I have done it and not remembered it?" From that point on, he began to confess.

Mr. Cope's confessions did not match the scientific evidence obtained at the scene. He took full responsibility for the beating and murder, but did not mention the presence of another man at the scene. Later, DNA tests on semen and saliva found on the body matched another man, James Sanders, a convicted serial rapist/burglar, who has also been charged in the case. Mr. Sanders was arrested for 5 other attempted rapes in the weeks before and after this incident.

Dr. Kassin tells me that the polygraph is the most important piece of evidence in the case besides the DNA. I need someone who can testify about improper polygraph use. Could you possibly help us? My phone numbers are: (O) 803 547 2928 (H) 803 802 0142 (Cel) 704 5823515

Thank you for your attention to this matter. Phil Baity



8/29/2004