

AFFIDAVIT

State of Colorado

County of Denver

I, LENORE E. WALKER, Ed.D., being first duly sworn depose and say:

1. I am a clinical and forensic psychologist and have a license to practice psychology in the states of Colorado, where I currently reside, and New Jersey, where I formerly resided. I hold a clinical adjunct faculty position at the University of Denver, in the School of Professional Psychology. I hold a diplomat in clinical psychology from the American Board of Professional Psychology. I am a Fellow in the American Psychological Association and was a member of its board of directors. I am a distinguished practitioner in the National Academies of Practice. I received my Ed.D. in psychology from Rutgers, a state university in New Jersey, my masters in psychology from City College, City University of New York, and my bachelor's from Hunter College in New York. A copy of my resume which offers greater detail about my research, publications, teaching, and private practice experience is attached to this affidavit.

2. I have published nine books on battered women and over two dozen articles in the area. I have served as an consultant to the U. S. Attorney General's Task Force on Victims and Family Violence, have conducted research about battered and abused women funded by federal, state, and private agencies, and have been recognized as

an expert in the field of psychology and battered women in numerous civil and criminal jurisdictions across the country. I have also served as a faculty member in professional training seminars for attorneys, mental health professionals, educators, and health care providers on issues related to battered women. I have served as an expert psychologist for both the defense and the state in criminal proceedings. I have conducted mental health evaluations and social assessments in capital cases for federal habeas proceedings for the defense.

3. At the request of counsel for Ms. Gaille Owens, I reviewed a preliminary report and affidavit by Scharlette Holdman, an experienced investigator, concerning Ms. Owens' case to determine if there is reason to believe that Ms. Owens was a battered woman and if her history of victimization influenced her behavior and functioning. There is a strong possibility that Ms. Owens was battered and subjected to chronic sexual abuse by her husband. If her reports to Ms. Holdman are confirmed by subsequent investigation and evaluation, it would be critical to take her history of abuse into account in any reliable determination of her mental functioning. However, until additional investigation and appropriate mental health evaluations are conducted it is impossible to offer a diagnosis concerning Ms. Owens' mental status.

4. It is well established in the mental health profession that an accurate and complete medical and social history is an

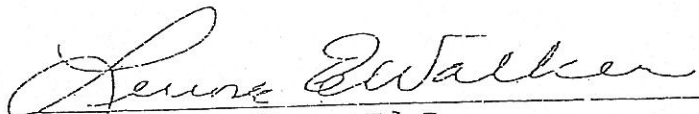
essential component of a mental health evaluation. Without this history, no mental health professional can render a valid, professionally sound opinion regarding an individual's mental state. This is especially so in a forensic setting, and even more true in a capital case. Due to the nature, number and breadth of the legal questions involved relevant to guilt or innocence and sentencing, it is critical to have all relevant information regarding a defendant's medical and social history.

5. In this particular case, an investigation is necessary to document and confirm potential factors such as the presence, extent, and severity of sexual, psychological, and physical abuse, stress and trauma, medical health, education, and family dynamics that influenced Ms. Owens during her developmental and adult life. Collateral evidence must be gathered to confirm the reports of abuse and to determine its effect on Ms. Owens' functioning. The results of the investigation should be reviewed and analyzed by competent mental health professionals with expertise in the area of battered women.

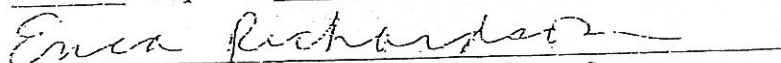
6. In my professional opinion, a determination of the presence, extent and severity of abuse sustained by Ms. Owens is an essential component of any adequate mental health evaluation or of any effort to understand her functioning and behavior. I am willing to conduct and prepare such an evaluation for a reasonable fee and if the schedule in Ms. Owens' case allows me adequate notice and time to review the necessary materials, conduct

appropriate tests and interviews, consult with other mental health professionals if necessary and formulate my opinion.

7. Based on my experience in other capital cases with similar circumstances, an evaluation will involve three components in addition to any testimony in court. The three components are: 1) Review of life history and case related materials, including interviews with informants other than the defendant and interviews with current counsel, 20 hours; 2) Clinical interview and administration of psychological battery of tests, 16 hours, and 3) Formulation of opinion and preparation of report or social assessment, 8 hours. My standard fee for my services in a case such as this is \$150.00 an hour plus expenses for travel, postage, copying, and telephone.


Lenore E. Walker, Ed.D.

Subscribed to and sworn to before me this
29th day of October, 1990.


Notary Public, State of Colorado

My commission expires: 7/5/94