

Mark Fremgen

To: rgordon@ [REDACTED]
Ray Edelstein (E-mail)
Subject: RE: Dassey

Last email of the day...Judge Fox called an impromptu meeting at 2:30 and indicated that he was going to reserve finding the defense in contempt and reserve sanctions against us, including excluding your testimony or limiting the nature of the testimony not to include the tests or results of the tests...Now, I let the Judge vent and said nothing (literally, nothing)...he took a breath and said, of course if the defense can hand deliver those records to the state on Thursday he'll not rule on the issue.

Ok, What does this mean? The prosecutor is a jerk...but besides that. I said almost nothing since in my opinion, there is no formal motion before the court for sanctions and there is caselaw that suggest there must be some prejudice.

However, if you could so kindly have your assistant or yourself if you get back in time, provide a copy of your file to our hotel in Madison on Thursday, it would certainly quell the tide of venom flowing from the prosecutor's office.

Thanks in advance!

Mark R. Fremgen
Kindt Phillips Friedman & Fremgen, S.C.
[REDACTED]
[REDACTED]

-----Original Message-----

From: rgordon [mailto:rgordon@ [REDACTED]]
Sent: Sunday, April 08, 2007 7:46 PM
To: Fremgen [REDACTED]
Subject: RE: Dassey

Mark,

Thanks for keeping me informed. Just curious about one thing--- who is Dr. White of Beloit; I haven't heard of him.

Bob

Dr. Robert H. Gordon
Forensic Psych Associates, Ltd.
[REDACTED] [REDACTED]

----- Original Message -----
From: "Mark Fremgen" <Fremgen [REDACTED]>
Reply-To: <Fremgen [REDACTED]>
Date: Sat, 7 Apr 2007 08:05:38 -0500

Our "guy" on interrogation has begged off, so I am going to contact Dr. White (Beloit) who has testified on this topic in the past. I did get Dr. White's powerpoint from Dr. Leo as well.

Thanks,

Mark R. Fremgen
Kindt Phillips Friedman & Fremgen, S.C.

-----Original Message-----

From: rgordon [mailto:rgordon@
Sent: Friday, April 06, 2007 6:34 PM
To: Fremgen
Cc: lgraf@
Subject: Re: Dassey

Mark,

Thanks for keeping me informed. There is not a problem with the court order. I always comply in that case per my Ethical code and am glad he limited the access to the attorneys and to other experts.

I will be back in town on Wed. night and will be available for phone calls next Thurs. and Friday.

Sincerely,
Bob

Dr. Robert H. Gordon
Forensic Psych Associates, Ltd.

----- Original Message -----
From: "Mark Fremgen" <Fremgen@
Reply-To: <Fremgen@
Date: Fri, 6 Apr 2007 17:58:11 -0500

Dr. Gordon:

I hope your seminar and trip is going well.

We have good news and semi-bad news from Wisconsin. The good news is that the Judge agreed that you are qualified to testify, the testimony is relevant and that the testimony is not superfluous. His order from the bench was much longer but those are the highlights. He limited your testimony from expressing any opinion as to the police interrogation methods used and limits you from indicating whether the defendant is telling the truth (obviously) and whether you ultimately believe the confession is false (which you indicated that you could not say definitively...we will get close to that in trial, but understand that you can not say one way or another that the statements are false).

Bad news: The judge ordered that you turn over your entire file on Brendan including tests, the results and raw data to the state by April 11 (I know you are not back until April 12 so I will send a letter to state about that) HOWEVER, the Court also entered a protective order that the state may not release any of the data, results or discovery to anyone other than an expert they intend to consult with (and they say they are consulting with one) due to the proprietary nature of some of the tests. I did research the issue somewhat in Wisconsin and found some caselaw that is bad for us: state was held in contempt for failing to turnover underlying test data in an OWI case (not a proprietary issue though) and the court ordered those tests suppressed.

Some other cases (civil mostly) discuss obligation to turn over facts relied

upon by expert and information relied upon in expressing opinion.

I am awaiting a transcript from the court reporter and will draft the order accordingly.

y and I are meeting all this week and weekend. I will talk to you when you return. We will likely be in Manitowoc by then. I expect we will be presenting our case sometime into the second week of trial (April 23-27). I hope to get more firm dates by end of week. The state's witness list now includes the Reid expert from Chicago (his CV is not that impressive). Ray has spoken with a Reid trained cop from Oklahoma who trains law enforcement in that state.

Thanks again,

Mark R. Fremgen
Kindt Phillips Friedman & Fremgen, S.C.

[REDACTED]