

IN RE: CLEMENCY APPLICATION  
OF TYRA PATTERSON

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AFFIDAVIT OF DON CLARK

I, Don Clark, under penalty of perjury and having been sworn to tell the truth,  
state the following:

1. I'm a sixty-sixyear-old man who lives in Hamilton County, Ohio. I am the owner of Clark-Dye and Associates, a business that conducts polygraph examinations.
2. I have personal knowledge of the facts stated below and am of sound mind.

**Professional Background**

3. In 1969, I graduated from the El Paso Community College Police Academy in Colorado Springs, Colorado while serving in the United States Army.
4. In 1971, I graduated from the Polygraph Examiner School at Texas A&M University.
5. I began administering polygraph examinations in 1971. In 1974, I started my own polygraph examination company. Today, my company is called Clark-Dye and Associates.
6. I am also a retired police detective. I was with the Amberley Village Police Department in Hamilton County, Ohio in the 1990s.
7. I have conducted in excess of 10,000 polygraphs over my career.

8. I've conducted polygraphs for numerous entities, including businesses and local government and law enforcement agencies. Two years ago, I administered a polygraph examination for the Montgomery County Adult Parole and Probation Department.
9. I am a member in good standing of the American Polygraph Association, the American Association of Police Polygraphists, The National Polygraph Association and the Ohio Association of Polygraph Examiners.
10. I have attended numerous training and seminars related to polygraph examinations. As a member of the Ohio Polygraph Association, I attend a minimum of 34 hours of training a year.
11. I use quality control procedures in my polygraph practice, which function as a peer review system.

#### **GENERAL INFORMATION ON POLYGRAPHS**

12. Polygraph is a field of forensic science. A polygraph exam is often referred to as a lie detector exam. Polygraph exams usually take a minimum of one and a half to two hours to be conducted properly and with high accuracy.
13. In a polygraph exam, a series of carefully designed questions are asked by a trained polygraph examiner to a tested subject. The polygraph examiner then observes the subject's cardiovascular, breathing and sweat gland reactions to identify truthful and deceptive answers.
14. The polygraph exam focuses on the autonomic nervous system. This system allows human body organs to be separately stimulated or relaxed.

15. The response to fear is an example of an autonomic response. When people lie, they are generally afraid of being caught in the lie. Increased heart rates, sweating and complexly suppressed breathing are collectively seen as markers for fear and stress.
16. In a polygraph exam, a trained examiner asks carefully designed questions to measure a subject's autonomic fear response to the central issue being tested for.
17. The process of reading a polygraph chart is a science that requires formal training from a polygraph school.

#### **RELIABILITY OF POLYGRAPHS**

18. Polygraphs administered by a qualified examiner have a reliability rate of 92 to 94 percent.
19. Although polygraphs are not admissible in Ohio courts unless agreed to by both parties, I have regularly been contracted to conduct them in stipulated cases and in pre-trial investigations for both sides.
20. I administer both pre-employment screening and criminal investigation polygraphs. Although I find them both to be reliable, criminal investigation polygraphs are much easier to administer because they focus on only one issue and are thus more straightforward. Pre-employment screening polygraphs sometimes feel like a fishing expedition, but criminal investigation polygraphs have one specific issue to focus on.

21. Single issue polygraphs should be limited to three or four relevant questions.

### **POLYGRAPHS IN TYRA PATTERSON'S CASE**

22. I, along with Frank Smith, administered polygraphs at the Dayton Correctional Institute for Tyra Patterson, LaShawna Keeney and Angela Thuman.

23. Frank Smith is a certified polygraphist who has conducted thousands of polygraph examinations in criminal investigations. We often work together.

24. Tyra, LaShawna and Angela all passed the polygraph examination.

25. I am confident that none of them were trained in countermeasures. With my decades of experience, I can easily tell when someone is using countermeasures. There were no unnecessary movements with Tyra, LaShawna or Angela nor was there any indication that they used countermeasures.

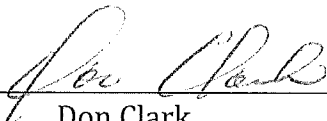
26. Further, over the years I have developed the ability to sense based on body language whether examinees are lying even before the results come in. There was no indication whatsoever that these individuals were lying, and the results of the polygraph examination confirmed that.

27. I have reviewed the polygraph written reports administered to Kellie Johnson, Becca Stidham and Joseph Letts. I understand that Bob Patterson conducted the polygraphs for Becca Stidham and Kellie Johnson and that James Hammes administered the polygraph for Joseph Letts in Iowa.

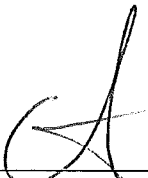
28. I have worked with Bob Patterson in the past and know that he is well-trained and qualified to administer and evaluate polygraph examinations.

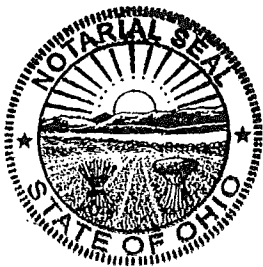
29. I do not know James Hammes and have never worked with him.

30. The fact that the six examinees all passed when the polygraphs were conducted by four different specialists with over 85 years combined experience serves as strong evidence of the reliability and validity of the results.

  
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Don Clark

Sworn to and subscribed in my presence this 30<sup>th</sup> day of June, 2013, State of Ohio, Hamilton County.

  
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Notary Public



David A. Singleton, Attorney at Law  
NOTARY PUBLIC - STATE OF OHIO  
My commission has no expiration date  
Sec. 147.03 R.C.