

Alexis' Story

I tell Alexis' story in seven parts—each headed by a subtitle in blue ink. The story can be read in its entirety in 20-25 minutes. Time-conscious readers can grasp the gist of this story by taking 4-5 minutes to scan the subtitles and the content in bold brown ink. This can help them decide whether and where to dig more fully into the details.

In the last of these seven parts **I encourage those touched by Alexis' plight to consider donating to her legal defense fund. We have until July 25 to raise the funds needed for an appeal of Alexis' unjust conviction.** An *Addendum* to my telling of Alexis' story describes the guidelines I have followed to ensure that it is told in a truthful and noninflammatory manner.

Why Alexis' Story Can and Must be Told

Alexis' story can be told because an important freedom protected by our *Constitution* is the right to criticize and protest actions of public individuals and institutions. Our founding fathers recognized the public interest served by those courageous enough to speak out—when the insider status of politically powerful persons corrupts the normal functioning of public institutions: Particularly when those with lesser voices are casualties of those abuses of power.

Alexis' story is a story of insider status corrupting the normal functioning of public institutions: And it is a story of lesser voices becoming casualties of those abuses of power. Therefore, it must be told.

Alexis' Battle to Protect Her Little Girl

Alexis Touchton-Williams, a respected child psychiatrist who devoted her career to advocating for children at risk of abuse and neglect, was both horrified and terrified when she first suspected the need to advocate for the sexual safety of her own child:

She was horrified, because it was her husband, the child's father, who she suspected of posing the danger to her little girl. She was terrified, because her husband, a federal prosecutor who heads a *Department of Justice Task Force* targeting pedophiles, was politically enmeshed within the child-protective system she was forced to rely upon to make official findings about their five-year-old's sexual safety.

As a child psychiatrist, Alexis knew how difficult it was for the system under normal circumstances to discern the truth about a young child when sexual abuse is suspected. She feared that system would face even greater obstacles in discerning the truth about her child when the one suspected was her husband: Who in his professional role as a prosecutor of pedophiles regularly worked cases side by side with local law-enforcement, conducted trainings for child-protective personnel, and was a fixture in the courthouse.

As Alexis' counselor throughout her ordeal of advocating for her child, I observed firsthand how her soon-to-be-ex-husband's insider status in that multi-agency child-protective system skewed that system's normal functioning: How it clearly altered the actions that system would normally take to assess the danger of a child feared to be at risk of sexual abuse:

I watched and listened as that compromised system behaved in ways consistent with the fears that Alexis had expressed to me:

- As the initial investigating detective acknowledged to me how politically entrenched Alexis' (now) ex-husband was within his detective bureau. As child-protective services failed to return multiple phone calls from the child's counselor as the little girl's disclosures to her became increasingly concerning.
- As the original detective tried to intervene and reopen the investigation but was abruptly and inexplicably transferred. As the child's counselor's second *Florida Abuse Hotline* report of her growing concerns for Alexis' little girl went uninvestigated.
- As both Alexis and her child's counselor felt it necessary to video-record the little girl's detailed and increasingly-concerning disclosures for themselves: Because no one was willing to officially take the child's testimony.
- As new detectives were assigned to the case who had worked past cases side-by-side with Alexis' ex-husband. As these detectives took those video-recordings but did not share them with child-protective caseworkers.
- As a forensic interview was scheduled for the child by a child-protective caseworker after the five-year-old made a disclosure to her. As that scheduled forensic interview was abruptly cancelled: With Alexis and her little girl turned away from the interviewing agency by an apologetic director who said they had been forbidden from talking to the child.
- As law enforcement twice stated in its final report that the interviewing agency chose not to interview the child because they said they had a conflict of interest. As the head of that interviewing agency contradicted law enforcement's formal report: Asserting instead that Alexis had been characterized to them as a *mother working the system* to advantage herself in a custody dispute. And that they had been forbidden from talking to the little girl.
- As law enforcement steadfastly refused to let any other forensic interviewing agency take the child's testimony: Seemingly confirming that their reported reason for the little girl being denied an audience was not the truthful reason.

- As we later learned that child protective personnel had been discouraged from further investigation: When Alexis had been characterized to them (as she had been characterized to the forensic interviewing agency) as *a mother working the system*—and therefore as someone to be ignored.
- As we later learned that child-protective personnel had been dissuaded from interviewing the child's counselor: Having been told (falsely) that the counselor had done something wrong and had lost her job as a result. Consequently, as it had been with her second formal report of concerns for Alexis' little girl, the system failed to even talk to the child's counselor after her third *Florida Abuse Hotline* report.

Throughout Alexis' ordeal, I observed firsthand as every possible door of intervention for the child was systematically slammed in the faces of this little girl's counselor and mother: Responses at odds with both women's professional experiences of how the system normally behaves when suspicions of child sexual abuse are reported.

A Shooting, a Trial, a Verdict, and a Sentence

After five months of advocating for her child within that compromised child-protective system, Alexis refused to let her ex-husband take their little girl for a scheduled visit—out of fear for her child's sexual safety. When she expressed those fears as the reason for her refusal, an altercation ensued. And Alexis shot her (now) ex-husband in the forearm. Alexis asserts she was defending herself from attack. Her ex-husband insists the shooting was unprovoked. There were no eyewitnesses.

After the shooting, Alexis told me she had purchased a handgun several weeks earlier and had concealed it nearby each time she was forced to encounter her ex-husband. She said that purchase was motivated by her pastor challenging her to take steps to protect herself: As he told her about a man in his earlier congregation who had murdered a woman and her child under similar circumstances. Alexis' explanation was credible to me because her pastor had told me the same story when expressing his fears to me about the situation.

Alexis feared her ex-husband: Who owned multiple firearms and frequently carried a concealed handgun. Who was an ex-CIA agent and an ex-Marine—and who was proficient in multiple martial arts disciplines. Who dwarfed her in size and in strength. And who she believed was furious with her for persisting in her advocacy for her child despite door after door slammed shut in her face.

Despite Alexis' assertions of self-defense, she was charged with *assault with a deadly weapon*—and her bond was set at \$200,000. Alexis' ex-husband was influential in getting that initial charge elevated to *attempted first degree murder*. And Alexis' bond was increased to \$950,000: This despite the logic that if Alexis' intent had been murder

rather than defending herself, she could have shot her ex-husband again as he momentarily lay stunned on her front porch before jumping up and running away.

At Alexis' trial, the testimony of the prosecution's own blood expert seemed clearly aligned with Alexis' assertion that she was defending herself as her ex-husband approached her front door threshold with arms raised in attack. And that expert's testimony seemed clearly at odds with Alexis' ex-husband's assertion that he was standing several feet away from that threshold with his hands in his pockets when shot.

An initially deadlocked jury asked permission to reexamine the blood evidence as a means of resolving their impasse. But the prosecutor was opposed to their doing so. And he was permitted by the judge to veto their request.

Eventually, jurors holding out for acquittal succumbed to those favoring conviction, and the six-person jury returned a verdict of *attempted second degree murder*. Jurors were not permitted to know that under *Florida's* rigid minimum sentencing guidelines for handgun-related convictions, Alexis would be sentenced to 25 years in prison with no possibility of early release.

Protesting an Unjust Trial and an Uninformed Verdict

Had jurors been asked to decide Alexis' innocence or guilt based on the blood evidence alone, it is difficult to imagine that the outcome would have been the same:

Because the testimony of the prosecution's own blood expert showed that Alexis' ex-husband had to have been at or near her front door threshold when the bullet struck his forearm—just as Alexis had testified. And that the forearm struck by the bullet had to have been raised at a height consistent with Alexis' description of her ex-husband's arms raised as if to attack.

That same testimony showed that Alexis' ex-husband could not have been standing several feet from the threshold with his hands in his pockets when shot—as he stated that he was.

Yet it seems unlikely to me that the verdict was decided primarily on that physical evidence: Instead, it seems likely that jurors were significantly impacted by the prosecutor's false argument that Alexis only pretended to fear for her child's sexual safety. And by his emotionally-charged urgings that jurors punish Alexis for trying to ruin a good man with fabricated allegations of sexual abuse—and then trying to kill him when her lies were not believed.

I earlier protested the compromised child-protective system's blocking of a forensic interview of Alexis' child. Now I must protest a trial that left jurors in the dark about that investigative interference: Because through the exclusion of such evidence, the

prosecutor was able to exploit jurors' ignorance of that history to make plausible his theory that Alexis only pretended to fear for her child's sexual safety.

Specifically, when a child protective system determines that there are indeed indicators of child sexual abuse, but are unable to confirm what is happening to the little girl because they are blocked from interviewing her when she feels safe enough to tell her story, no official determination about the child's plight can be made.

The jury was unfairly left in the dark about Alexis' ex-husband's insider status within that child-protective system. And about how that insider status served to corrupt the normal processes of that system: Prohibiting its opportunity to make an official determination about the child's plight. And the prosecutor exploited jurors' ignorance of that history to persuade them that Alexis fabricated the sexual abuse allegations.

Given all that had been hidden from the jurors, it is understandable that they were susceptible to the prosecutor's theory that Alexis made it all up:

Therefore, the reasoning undergirding my protest of the trial and its verdict is this: Had jurors not been kept in the dark about knowable and documentable history, they would never have been susceptible to the uninformed leap of logic the prosecutor urged them to make.

Analysis of Testimony Jurors were Unjustly Denied

Whatever we non-attorneys may fail to understand about rules of evidence, we do know that they are not intended to be at odds with the dictates of common-sense:

Common sense tells us that jurors are ordinary people like ourselves. And ordinary people need accurate information to reach informed conclusions about what is true.

Consequently, when jurors were asked to conclude what motivated the shooting, and when the context of that shooting was Alexis' denying her ex-husband a visit with their child—stating her fears for the child's sexual safety, then an informed verdict requires jurors to have an accurate understanding of the dynamics that created that context.

Because Alexis' ex-husband was not on trial, it was not necessary for jurors to conclude whether he had indeed done anything inappropriate to the child. But **when the prosecutor painted Alexis as a diabolical liar who set out to ruin her ex-husband with heinous allegations of sexual abuse, the sincerity of Alexis' beliefs about her daughter's sexual safety became crucial to a just verdict. And the blocking of testimony essential for jurors to assess that sincerity became an obstacle to a just verdict.**

Accurate information through such testimony was crucial to a fair trial: Because unchallenged by accurate information, the prosecutor's fictitious narrative of the shooting distracted jurors from the physical evidence itself and indeed encouraged

jurors to minimize what that physical evidence revealed: Physical evidence that supported Alexis' assertion of self-defense.

Jurors were unjustly left vulnerable to the prosecutor's strategy of distracting from the physical evidence with his false narrative of what motivated the shooting. For jurors to have been shielded from this vulnerability, they would have needed the following:

- **Testimony illuminating the child-protective system's conflict of interest—and how it thwarted the search for truth:** Testimony that revealed the nature of Alexis' ex-husband's professional role. Testimony explaining how that role served to politically entrench him within the various public institutions comprising the child's safety net. Testimony explaining why and how law enforcement's choosing to control the investigation of an insider created a conflict of interest--thwarting an honest search for what was true:

By elevating disbelief that one's colleague could truly be guilty of what was suspected. By permitting that colleague an inside track to explain away evidences that would normally be examined more closely. By letting loyalty to that insider influence a quick closing of an investigation to spare that colleague from further embarrassment.

By limiting information and access to those better trained to evaluate the risk to the child. And by signaling to those trained to discern a child's plight that they will be standing alone against a powerful man and his law enforcement colleagues if they arrive at a conclusion other than the *official* one: That this is merely a case of *a mother working the system* to advantage herself in a custody dispute.

Yet this testimony was not provided to jurors: The defense attempted to elicit testimony showing how these dynamics repeatedly blocked any chance for an official determination of the little girl's plight. But that testimony was disallowed.

- **Testimony from Alexis' counselor—throughout her nearly two-year ordeal of advocating for her child:** As a close observer of that earlier-described investigation corrupted by insider influence, I was well-equipped to enlighten the jury about the authenticity of Alexis' fears for her daughter—as door after door was shut in the face of those advocating for an official interview of the child. **But the jury was permitted to hear none of this from me.**

As one with nearly 200 hours of opportunity to directly observe Alexis in the context of her ordeal, I could have shared with the jury that Alexis' stated fears for her daughter fully passed the behavioral consistency test: That is, every behavior I observed from Alexis throughout a myriad of situations and stressors

was consistent with behaviors I would expect from a mother who believed that her child was in sexual danger and that her ex-husband's insider status was blocking an official determination about the child's plight. **But the jury was permitted to hear none of this from me.**

I counseled Alexis as she grappled with the reality that her financial resources were insufficient for two battles—the fight to save her daughter and the fight to save herself. Such a decision was too personal and too sacred for me to try to influence. So I confined myself to listening and supporting:

As Alexis made the hard choice to liquidate her moderate retirement account and to max out her credit cards in the legal battle to protect her daughter. And to leave her own fate at trial in the hands of a public defender. What mother who is not truly convinced that her child is in sexual danger would do such a thing? **Yet the jury was permitted to hear none of this from me.**

- **Testimony from the head of the independent *Child Protection Team*:** This team was appointed by the *Florida* head of child protective services to reconstruct what was true about the child in the aftermath of the corrupted investigation. This appointment was made in response to my letter to that *Florida* official—where I detailed the systematic blocking of a forensic interview for the child.

The head of this team, a pediatrician board-certified in child sexual abuse, and a supervisor of forensic experts, had testified in family court after review of the child's very detailed video-recorded disclosures that **this child had not been coached: But she was telling her own story in her own way of her own experiences of sexual activity. But the jury was permitted to know nothing of this.**

- **Testimony about the family court judge who awarded full custody of the child to the father after the shooting:** The prosecutor argued that the father's custody of the child evidenced there was no truth to the sexual abuse allegations. The jury deserved to know the truth about the judge who made that custody determination—to discern for themselves whether that custody decision should indeed serve as evidence of the child's safety.

That judge chastised the child's counselor for video-recording the child's testimony. And he ignored her clear warnings about the plight of the child. He ignored my testimony about the corrupted investigation. And he ignored the earlier-referenced warnings of the head of the independent *Child Protection Team*: The team appointed by the head of *Florida's* child-

protective services to ascertain the risk to the child in the aftermath of the corrupted investigation.

That judge was openly hostile toward Alexis—seemingly forgetting that he was not in criminal court and declaring that she was not defending herself in the shooting. He accused Alexis of perpetrating a financial fraud upon the court by using a public defender to represent her in the trial for the shooting—recklessly misconstruing financial data in his effort to support that assertion. And he took steps after the hearing to have Alexis' public defender taken away from her [he was unsuccessful].

That judge twice denied motions to disqualify himself—based on concerns about the closeness of his relationship with Alexis' ex-husband: Including that the two of them were co-candidates for the judgeship to which he had recently been appointed.

Yet that judge abruptly disqualified himself when a counseling professional approached the *Chief Judge* with concerns about the judge's ability to be objective in this case: Citing the *Florida Statute* permitting him to breach confidentiality—when necessary to fulfill his legal *duty to warn* and *duty to protect* a vulnerable child. And declaring his intent to disclose confidential information about that judge—if such became necessary to defend the legitimacy of his persuasion that that judge's objectivity had been compromised.

The court agreed to review and reconsider the tainted father-custody ruling of that disqualified-for-bias judge. Yet despite repeated urgings to act quickly by that counseling professional, the court had failed to do as promised seven months later when Alexis' trial began. Yet the jury was permitted to know nothing of this.

- **Testimony from Character Witnesses:** Despite being branded by the prosecutor as a diabolical woman and a fabricator of heinous lies, none of Alexis' character witnesses were permitted to testify at her trial: **None of them were permitted to share with jurors** that the Alexis they knew well was nothing like the caricature the prosecutor had dramatically painted. **None of them were permitted to share with jurors** the ludicrousness of any assertion that Alexis only pretended to fear for her daughter's sexual safety.

The Trial Judge's Unexpected Disclosure

At the sentencing hearing, the trial judge disclosed his own personal beliefs about the shooting: That Alexis fabricated the allegations of sexual abuse to avoid sharing her child with her ex-husband in the aftermath of an unwanted divorce. And that when she was not believed by authorities, Alexis completely unraveled and shot her ex-husband.

It seems unlikely that this disclosure was a planned one. Rather it was shared in a seeming effort to calm tempers on Alexis' ex-husband's side of the courtroom. Nevertheless, that personal disclosure raises some troubling questions:

- **It troubles me** that the trial judge, tasked with deciding what testimony jurors could and could not hear, had by some unknown process arrived at a conclusion at odds with the beliefs of multiple professionals—better trained and positioned than he to make such a determination.
- **It troubles me** that we do not know what evidences or whose opinions were influential in persuading the judge to arrive at his beliefs.
- **It troubles me** that we do not know whether the judge had already formed his beliefs at the time he was determining what testimony to allow and what testimony to disallow.
- **It troubles me** that at the evidentiary hearing a month before the trial, the judge showed little interest in learning anything of my nearly 200 hours of direct observations of Alexis' behaviors and decisions: Testimony that should have been of interest in assessing what Alexis did believe about her daughter's sexual safety: Unless that matter had already been settled in the judge's mind.

These unanswered questions trouble me, because a judge's integrity alone is an insufficient safeguard against the unconscious effects of a phenomenon known as *confirmation bias*.

Confirmation bias is the unconscious tendency to search for and to consider information that confirms one's already-held beliefs. Specific to this situation, the danger of *confirmation bias* in Alexis' trial was this:

- **That the judge** had formed his personal beliefs about whether Alexis truly feared for her daughter's sexual safety and that these beliefs were influenced by something other than best available evidence.
- **That the judge**, guided by his personal beliefs about the matter, unconsciously sought to maintain the integrity of his trial by shielding jurors from testimony that might lead them to conclusions at odds with what he was convinced was true.
- **That the judge**, in so doing, deprived jurors of testimony necessary for them to discern for themselves the authenticity of Alexis' stated beliefs: **Resulting in a verdict that only appeared to have been rendered by six independent voices. But instead was rendered by six people echoing the judge's personal beliefs: Beliefs that restricted their access to information they needed to function as six independent examiners of truth.**

Conclusion and Appeal

Alexis entered her criminal trial a novice to the courtroom: Opposed by her ex-husband who had argued cases to more than 300 juries. In her favor was the prosecution's own blood expert: Whose findings supported self-defense. Working against her was the prosecutor's chance to distract from that blood evidence: With his false narrative of the shooting enabled by the judge's exclusion of crucial evidence. And by his veto of jurors' request to reexamine the blood evidence when they were deadlocked.

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A simplified way of understanding my protest of the trial and verdict is this:

There were five public institutions and one very politically-powerful individual involved in Alexis' story:

- **Institution #1 is law enforcement**—tasked with determining if a crime has been committed when a report of suspicion of child sexual abuse is made to the *Florida Abuse Hotline*.
- **Institution #2 is child protective services**—tasked with determining if the reported suspicions of child sexual abuse reflect the child's reality.
- **Institution #3 is an independent child protection team**—tasked with providing forensic interviews for the child when sexual abuse is suspected and with giving expert guidance to child-protective caseworkers involved in the process.
- **Institution #4 is family court**—tasked with weighing the findings of the first three institutions to inform decisions in the best interests of the child.
- **Institution #5 is criminal court**—tasked with determining if a shooting arising from the above dynamics was an act of self-defense or was unprovoked.

As a federal prosecutor leading a *Department of Justice Task Force* targeting pedophiles, Alexis' ex-husband was deeply entrenched in Institution #1 and was well-known in Institutions #2, #4, and #5.

#1 blocked #2 from doing its job. Because of the untrustworthiness of that investigation of an insider, the *State* head of #2 called in #3 to attempt to discern the child's plight. #3 determined the child was indeed in danger. But #4 ignored the clear testimony of the head of #3 about the child's plight. #4 was later disqualified from the case in advance of evidence being presented that he was biased. And #5 denied jurors testimony crucial to their understanding of that abuse of power—forcing them to render a verdict uninformed by knowable facts.

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We are seeking to appeal Alexis' unjust conviction with the hope of having it overturned and a new trial ordered. **If after putting yourself in Alexis' shoes, you feel drawn to join us in this effort, you can contribute to this cause through the Donate page. We have until July 25 to raise the \$30,000 needed.** Thank you for your help!

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Addendum

Telling Alexis' story in a public forum requires the balancing of two important values:

- First, the *Constitution of the United States* provides certain protections for free speech—in part because our nation's founders recognized the public interest served when citizens are free to critique the actions of public individuals and entities.
- Second, *Florida* law rightly places some restrictions on the absolute exercise of free speech—restrictions intended to protect those critiqued from assertions that are knowingly false or maliciously intended.

I am asserting a two-fold public interest served by my challenge of the trial judge's uninformed yet presumed-to-be authoritative disclosure of his personal beliefs at Alexis' sentencing:

Preserving Alexis' opportunity for competent legal representation on appeal: The trial judge's caricature of Alexis as a malevolent woman discourages would-be contributors to her legal aid fund. Therefore, I must challenge that uninformed and defamatory caricature to ensure that Alexis has the funds for competent legal representation in appealing her unjust conviction.

Restoring an appropriate level of vigilance on behalf of Alexis' child: The trial judge's assertion that Alexis only pretended to fear for her child's sexual safety is at odds with the beliefs of multiple professionals—better trained and positioned than he to assess the risk to the child. Therefore, my challenge of the trial judge's uninformed assertion is necessary to restore an appropriate level of vigilance on behalf of the child.

In the balance of this section, I outline safeguards I have utilized to remain within the boundaries of *Florida's* restrictions on the absolute exercise of free speech:

To safeguard against any knowingly false assertions in my telling of Alexis' story, I strive to adhere to two principles. These principles are intended to empower my readers to determine for themselves how much weight to give to my beliefs:

- First, when I express an opinion about what is true, I try to make clear why I hold that opinion—whether because of direct observation, sworn testimony of others, or some other evidence and/or reasoning.
- Second, when I am troubled by a specific action of a public individual or entity, but I lack sufficient knowledge to confidently assert the meaning that should be assigned to that action, I stop short of stating a firm conclusion about such meaning.

To safeguard against any maliciously-intended assertions about public individuals or entities in my telling of Alexis' story, I strive to adhere to two principles. These principles are intended to encourage my readers to help remedy an injustice rather than to villainize witting or unwitting contributors to that injustice:

- First, I limit my criticism to processes and outcomes—not to the motives of those who had a part in those processes and outcomes.
- Second, I limit the goal of my presentation to sharing with those inclined to help Alexis the reasons I believe her conviction was unjust. My focus is not on seeking to incite the animosity of my readers toward specific individuals or entities.

I have chosen to confine my telling of Alexis' story to a critique of a multi-entity child-protective system that evidenced a conflict-of-interest from the very beginning. And to helping my readers understand why and how I believe the compounding of the effects of that conflict of interest tainted every aspect of a two-year process—culminating in Alexis' unjust conviction.

In keeping with my resolve not to overstate what I know for sure, **I make no claims of certainty about what occurred on the evening of the shooting nor why it occurred.** My view of whose version of that event is credible is certainly influenced by the blood evidence. But I stop short of asserting that I know for sure what happened and why it happened because I was not present to observe the event itself.

Similarly, as one who never interviewed the child, **I make no claims of certainty about what the little girl has experienced.** My thinking about that matter cannot help but be influenced by the testimony of her mother, three nannies, two counselors, a caseworker, and a forensic interviewer—who assert that the child made disclosures to them of her experiences of sexual activity. But it is neither my purpose nor my burden to affirm the reality behind those disclosures.

By contrast, however, having logged nearly 200 hours with Alexis over the two-year period culminating in her trial and sentencing, **I do make claims of certainty about what Alexis herself believed was true about her daughter's sexual safety**—having had more than ample opportunity to make such an informed assessment.

I understand that my presentation of evidence that Alexis truthfully feared for her child's sexual safety may prompt readers to reflect upon the substance behind those fears. To any charge that this inevitable prompting is tantamount to my making accusations against the child's father, my response is this:

It was the trial judge's decision to publicly disclose his own contrary beliefs that requires my illumination of what Alexis did indeed believe. And I confine my presentation to the evidence necessary to illuminate that question and that question alone.

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