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Panzer Mind, False Statements: How the Sheriff Got Two Men to Say Beetle Borings Were Gunshot Wounds

by Mark Rabil

Armed with a bottle of Seagrams 7 and a quart jar of white liquor, Ronnie Teague, 22, staggering and stammering, jumped in the back seat of a blue 1981 Monte Carlo with two friends and a distant cousin. He was wearing a *Tijauana, Mexico* ball cap, blue jeans, brown boots, white socks and a black button-up shirt with *Sambuco Molinari* embroidered on the left pocket. Ronnie turned up the Seagrams bottle, downed it and passed out, dead drunk. Thinking it would be funny, the other three left him in the woods off an old logging road. One of them tossed some leaves over him before they left. Nearby, flesh-eating Panzer beetles with their armored exoskeletons lay in wait for Ronnie's heart to stop. This was around 2 o'clock Sunday morning, September 19, 1993.¹

Earlier, late on Saturday night, September 18, 1993, the four had been drinking at Benny's Game Room, a local beer joint in Wilkes County. The youngest of the four, at age 18, was Jimmy "Bo" Teague. Steve Brown, who just turned 19 the week before, drove Bo's red Mustang GT. Kent Johnson, 20, drove his two-door Monte Carlo. The four agreed to meet at Maple Springs Church and drive around Long Bottom Road. Ronnie's drunken friend, Shorty, dropped Ronnie off at the meeting point in a white Ford Gran Torino and then spun away from the parking lot.

Someone had secured a 12 pack of Natural Lite beer and brought it along for the ride. Kent drove the Monte Carlo, with Bo in the front and Ronnie and Steve in the back. Ronnie passed out after downing the Seagrams, began snoring loudly and fell over against Steve. The four young men ended up in the woods off Shumate Mountain Road, one of the usual spots for hanging out, drinking—they called it "the party hole." This was not the first time they had seen Ronnie drink so much that he passed out. No one wanted to take Ronnie home, and they were unable to wake him, even with some slight kicks to nudge him. They thought it would be funny to leave him there, to have him wake up in the woods. They drank a

few beers and tossed the cans on the ground. Bo tossed some leaves on Ronnie. They drove away.

Within an hour or less, Ronnie died from alcohol poisoning, just three days before his twenty-third birthday. Toxicology reports later showed a urine/urinary bladder ethanol level of 410 mg/dL, a blood/aorta ethanol level of 450 mg/dL and a vitreous/eye level of 480 mg/dL. He was more than five times too drunk to legally drive and his alcohol level was on the rise at the time of his death. The problem: the fact that Ronnie died from alcohol poisoning was not determined until a few days later, when the state medical examiner's office finished toxicology testing. Another major problem: Bo, one of the three young men who left Ronnie in the woods, would soon be charged with first degree murder. The basis: Kent and Steve, his two friends, would tell law enforcement, falsely, that Bo Teague shot his cousin Ronnie with a handgun inside the Monte Carlo and then with a shotgun at the party hole. The catch: the holes in Ronnie's body were made by beetles and there were no bullets or shotgun pellets found during the autopsy or by X-ray.

This is a story about a civil case I handled nearly seventeen years ago. Bo Teague retained me to sue the Sheriff of Wilkes County for malicious prosecution, false imprisonment, misconduct in office and defamation. Before he came to me, a District Court Judge dismissed the first degree murder charge against Bo at a December 1, 1993 preliminary hearing because there was no shooting. The judge also rejected a theory of involuntary manslaughter due to the fact that Ronnie died from alcohol poisoning and no doctor could say that leaving him in the woods that warm night caused his death. With the high alcohol level, he died very quickly. The civil case was dismissed by a Superior Court Judge in early 1995 and affirmed in an unpublished opinion by the Court of Appeals in 1996. The dismissal of the civil case was based on the Court's opinion that the Sheriff had "probable cause" to charge Bo with murder when he was charged—that is, be-

fore the pathologist told him there were no gunshot wounds and before he had reason to doubt the statements of the two young men, the Sheriff had the right to rely on the false statements.² The Court rejected my argument that the Sheriff had a duty to ask the District Attorney to drop the murder charge once he knew that there had been no murder.

This case has always bothered me because it always seemed wrong that two young men could be convinced to tell completely false tales about a death, and how law enforcement seemed to simply blame the three young men for telling false stories, or for not telling “the whole story.” I see this story as a chance for those of us in the trenches of the criminal justice system to stop and take a look at a tragedy that happened nearly two decades ago, but that could easily reoccur.

First, let me finish telling you what happened.

Thirty hours after the young men left him on the logging road early Sunday morning, Ronnie was still in the same spot. Some hunters found Ronnie’s body in the woods, face down, with some leaves tossed on his back. They made an anonymous call to authorities at 9:48 a.m. on Monday, September 20, 1993. The Sheriff called the North Carolina State Bureau of Investigation (SBI) for assistance. The elected, non-physician coroner—a retired minister of forty years who also had eight years of experience as an EMS technician—met the deputies and SBI agents at the scene.³ When they arrived to investigate, full rigor had set in, and they could see some blood on the face. Ronnie’s hat was lying top down on the ground at his head, as if it fell off when he was put there. He was face down, lying on his left arm, with his right arm raised in front of him on the ground. When they turned over the body, the officers and coroner noticed holes in his abdomen that resembled shotgun pellet wounds and, under his arm, they saw what appeared to be large caliber gunshot wounds. He was not bleeding from the wounds. The investigators found four spent .410 gauge shotgun shells near the body, as well as some Natural Lite cans, one of which had been shot with birdshot.

They sent the body to N.C. Baptist Hospital in nearby Winston-Salem, N.C., for an autopsy.

By late Monday afternoon, September 20, 1993, the officers located and questioned the three young men last seen with Ronnie the night before, the three in the Monte Carlo: Steve Brown, Kent John-

boring type of beetles leave a circular defect in the skin that can simulate a gunshot entrance wound. If there is drying of the edges of this defect it can look like the searing of soot from a contact wound.”⁵ At the time, Dr. Jason and the officers were not aware of this phenomenon. Dr. Jason proceeded with the autopsy, but he found

The Court rejected my argument that the Sheriff had a duty to ask the District Attorney to drop the murder charge once he knew that there had been no murder.

son and “Bo” Teague. Within seven or eight hours of questioning the young men that Monday night, the nineteen- and twenty-year-olds told the officers that the eighteen-year-old shot Ronnie inside the car with a nickel-plated handgun and then shot him several more times in the woods with a sawed-off shotgun. The Sheriff arrested Jimmy “Bo” Teague for the first degree murder of Ronnie Teague at 1:06 a.m., Tuesday, September 21, 1993. Bo consistently denied shooting Ronnie throughout eight hours of questioning, even after being told his two friends had fingered him as the shooter. The officers did not write down that Bo denied shooting or killing Ronnie, only that he may have said, “he didn’t think he shot him because if he did, he would have remembered it.”

Dr. Donald Jason, a pathologist at N.C. Baptist Hospital, performed an autopsy on Ronnie Teague from 10:30 a.m. until 2:30 p.m. on Tuesday, September 21, 1993. Detective Bobby Walsh and SBI Agent Mike Brown attended. At first, Dr. Jason thought the holes looked like gunshot wounds. In his report, he noted “23 similar-appearing, irregular skin perforations with surrounding dark red-black rims of abrasion. These perforations contain no pellets and show no evidence of bullet entry or exit.”⁴ This would not be unusual, as beetle borings bear an uncanny resemblance to gunshot wounds. Another forensic pathologist, Dr. Kristina Roberts, recently told me: “The

no bullets or shotgun pellets from his examination or from X-rays, no bullet holes in the clothing, and concluded that Ronnie Teague did not die from gunshots. He sent the blood samples to the Office of the Chief Medical Examiner for toxicology tests to determine whether there was alcohol or other drugs in his system.

The Sheriff, his deputies and the SBI were not satisfied with Dr. Jason’s conclusions. Ronnie Teague’s father told Jessie Brown, the father of Steve Brown, that, on the afternoon of September 21, 1993, they were sitting in the Sheriff’s Department with the Chief of Detectives, Captain Chris Shew, when the call came from the hospital indicating that there were no gunshot wounds.⁶ They heard Shew say on the phone, “you go back over him, and you’ve got to find me a bullet, a pellet of some kind; we’ve got a boy charged with first degree murder, and we’ve got to have a bullet.” Ronnie’s father said that Shew “followed him out the door and said ‘don’t go tell them nothing about it’; said ‘if you do, it will blow our case all to hell.’”

Shew hurried to Winston-Salem to talk to the pathologist. Dr. Jason showed him that there was no lead or pellets in the holes, no gunshot holes in his clothing, and no bullets or pellets seen on X-rays. Captain Shew and Dr. Jason then “discussed the possibility of some kind of dissolving projectile, and he couldn’t explain it.” Perhaps someone stuffed rock

salt in the shells. “That’s common practice for people to load shotgun shells with rock salt,” Shew later testified. “. . . [Th]ere was a possibility [of rock salt], but I personally couldn’t see rock salt and nothing at all being left that you could find.” And Shew said he found no rock salt in shell casings found near body. They also speculated that the shotgun shells had been filled with ice, but Shew quickly dismissed that for practical reasons: “You could do it. But how would you know when you were going to use the shell? The ice would melt.”

How could Shew explain the lack of holes in Ronnie’s clothing? “It was my opinion that he had his shirt off whenever he was shot.” In other words, the killers took his shirt off, shot him and put his shirt back on. “We felt there was a possibility that he didn’t have any clothes on when he was shot.” So, a “precautionary” sexual assault kit was used, but that process showed no evidence of sexual assault.

Even after the Sheriff’s office learned from Dr. Jason that Ronnie Teague suffered no gunshot wounds, the Sheriff told *The Winston-Salem Journal* that Bo Teague shot his cousin, citing the (false) statements from the two others.⁷

Because of their firm belief that Ronnie Teague was shot dead, they took the unusual step of delivering Ronnie Teague’s body to the Chief Medical Examiner in Chapel Hill, N.C. for a second opinion. To their dismay, Dr. John Butts agreed with Dr. Jason. Dr. Butts suspected insects may have made the holes in the body. While Agent Brown and Lt. Walsh were there, Dr. Butts looked at tissue slides from the wounds under a microscope and “found bug larvae or eggs, and he said [the findings] helped his suspicions that this was possibly some kind of bug activity that caused the wounds.” Sherriff Mastin later explained: “Detective Walsh asked the question of Dr. Butts: it is possible that the wounds were there beforehand and larvae was laid afterward . . . I believe Dr. Butts’ response was: ‘I like my theory better.’”

At this point, Agent Brown remembered that he and Lt. Walsh had seen “some type of beetle type bug” in the body bag during the autopsy in Winston-Salem. It was “maybe an inch, and it was black with red

stripes across its back, red or orange.” Lt. Walsh also described the beetle in the body bag as having “orange or red, and black colors.” They did not photograph the bug, nor did they preserve it. Agent Brown called Professor Charles Apperson, an entomologist at N.C. State University. Dr. Apperson said that if they could bring him the bug, he could identify it and “could determine [its] eating patterns.” Brown tried to find the body bag to no avail. Based on the telephone description, the professor “stated there were basically three types of beetles that had . . . an eating activity similar to, and also a reproductive activity similar to, what I was describing.” The agent noted that the professor told him that “beetles bore holes” and lay eggs in said holes, and that these types of beetles are found in areas where humans leave refuse, such as a landfill or picnic area (such as the “party hole”).

During the course of my investigation in 1994, I called Professor Apperson, but he referred me to another entomologist at N.C. State, Professor James Arends. Prof. Arends told me that there were two types of beetles that “feed on flesh” and they are found near chicken houses, usually within a half-mile or so. I verified that there were chicken houses within a half-mile of the “party hole.” These types of beetles, he said, only bore to the muscle layer of dead carcasses, as was done in this case. He listed the two types as: darkling beetles or the lesser mealworm (also known as Panzer⁸ beetles) and hide beetles. He felt that it would be “virtually impossible for law enforcement officers to know what these holes were unless they had seen them before.”

During the course of preparing this article in 2011, I went to the warehouse and retrieved the two boxes of files for this civil case, which houses all the pleadings, depositions, notes, briefs and exhibits, including a box of photographs from the scene where the body was found. Seventeen years ago I missed something very important, and so did the investigating officers. In one of the crime scene photos, there is a photo of Mr. Teague’s body, face down on the ground. I could now see something in the deceased’s ear. It was an insect, shaped like a beetle,

with horizontal yellow and black stripes, mimicking a wasp. Naturally, I asked my thirteen-year-old son to look on the Internet to see if he could find a match, and he found a dozen or so beetles with similar type markings.

We are all “guilty” of being human, of suffering from our mental filtration systems.⁹ The best illustration of the phenomenon of cognitive bias is seen in Drs. Dan Simons and Christopher Chabris’ experiment with the basketball video.¹⁰ You can watch it now on You Tube by searching “selective attention.” Try it now, before you read the punch line. Just follow the instructions on the video.

I have shown this video to about fifty law students in the last two years. As you saw on the video you just watched, the viewer is instructed to count the number of times players in white shirts passed a basketball to other teammates in white shirts. The law students become very competitive and expend a great deal of effort counting the passes. However, when asked if they saw something strange, only 1 in 10 or less will say that they saw a person in a gorilla costume slowly walk into the middle of the screen, beat his chest and walk out the other way. They were so focused on counting the passes, and getting that right, that they literally missed the gorilla in the room.

I believe what happened in the Teague case is a good example of what I call “Panzer Mind.” To paraphrase Marlon Perkins of *Mutual of Omaha’s Wild Kingdom*, just as the Panzer or darkling beetle evolved with its armored shield to protect itself from predators as it bites into the freshly dead flesh of animals, so humans evolved with armored belief systems that allowed them to decipher and defend against threats.

Our first impressions—with the important exception of racial and ethnic bias—may be correct the overwhelming majority of the time, but there are times when they are just flat wrong, as in the Teague case in which beetle borings were mistaken for gunshot holes. Later, when confronted with the truth of the matter, the officers had a hard time accepting the real facts because they had something like

mental armor protecting their initial belief. Once this happened, the belief that this was a murder by shooting, whether true or not, became fixed, and infectious.

Let's examine how Panzer Mind operated in this case. The Sheriff, his men and the coroner became convinced that Ronnie Teague had been shot. They formed this firm belief solely based on looking at the body in the woods, and did not wait for the autopsy and toxicology results. They reinforced each other's beliefs, a form of "groupthink." Then, the Sheriff convinced Steve Brown's father and two of the three young men that a shooting had in fact taken place. So, despite their own memories or strong opinions about what they knew or believed, Steve and Kent made up—or agreed with—stories to conform to the "reality" presented by the Sheriff and his deputies.¹¹

Then, later, in the face of an autopsy and toxicology reports that contradicted the party line that there was a murder, the Sheriff and his men held on to their settled opinions that Ronnie Teague was murdered, and that the young men were hiding what else happened, "something worse than murder," whether it was "torture" or "homosexual activity."

At first, Steve Brown and Kent Johnson adamantly denied that any shooting occurred. Bo Teague always denied it and stuck to his story. Then, Capt. Shew described what he called the turning point in the investigation: Steve Brown's father came in the room with his son and told him to tell the truth. Why did Mr. Brown do this? Why did he say something to his son that caused him to tell a falsehood? The answer lies in Mr. Brown's deposition.

On that fateful Monday afternoon when deputies came looking for his son, Jesse Brown told them Steve had gone hunting with a bow on his four-wheeler. He sent for his son, and the officers took Steve to the station for questioning. Mr. Brown and two other men followed. When they arrived, an officer escorted them to a room where they remained for about four hours while Steve was being questioned. After being in the room for about an hour, Mr. Brown decided to leave the station to call his wife and "chew me a chew of tobacco,"

but found the door locked. At about midnight, after nearly six hours of his son being questioned, Sheriff Mastin told Mr. Brown, "evidently they just—it got carried away, and they shot him." "He told me 'he was shot twice under the arm, three times in the stomach, one time through the neck with a pistol, large caliber pistol, and three times in the chest with a shotgun.' And I said 'I didn't—I couldn't believe it.' He said 'I know what you're going through.' He said 'I see this stuff all the time.' He made me believe that's what happened. When he talked, I believed him, you know, which you would have, too." Once Sheriff Mastin convinced Mr. Brown that Ronnie had been shot, and that his son and the other two were involved, then Mr. Brown was willingly used to extract a false confession from his own son.

Mr. Brown testified that the Sheriff finally let him go in and talk to his son: "When I went in, Steve was all tore up, crying, and he kept saying he didn't do it, we didn't do nothing. And I told Steve, I said, 'Steve, you've got to tell the truth.' He said 'I've told the truth and told the truth.'" Then the Sheriff left him alone in room with Steve. "And Steve kind of stood up, and I got hold of him, and he hugged me real hard and said, 'Daddy, we didn't do nothing to him'—crying and all tore up. And I said, 'Well, what happened?' He said 'I don't know what happened.' He said we didn't touch him. He said we left him, he passed out."

"The Sheriff came back in and read a statement from Kent Johnson, and said to Steve: 'That's what happened, ain't it, Steve?' Steve said 'No, that's not what happened.' The Sheriff said 'Yes, it is, and you know it.' And I said, 'Steve, if that's what happened, you tell it.' I got kind of mad at Steve. I told him, I said, 'Steve, you've got to tell the truth.'" Then Deputy Holland continued questioning Steve with leading questions about how the shooting happened, and "Steve would just say yeah, yeah." When Holland was finished writing, Steve and his father signed the false statement. Mr. Brown said Steve signed the statement because "he wanted to go home. He was scared to death. He wanted to go home. He had heard it—he had heard it

from seven o'clock till one o'clock."

Steve Brown filled in the rest: "I told them the truth 10, 15 times, and they wouldn't listen. So I had to tell them what they wanted to hear so I could go home. . . . They described what kind of gun it was, so I just made it out like it would be a lie so I could go home. . . . They helped me . . . they told me that that's the way they thought it happened. So I just took it from there and said that that was the way it happened . . . they suggested it to me. Then later I put it all together in a big lie."

Kent Johnson explained: "I was just freaking out, and they got me so scared and told me if I didn't tell this and that, they was going to lock me up." Shew told him "Bo and them said that I had a gun and everything. . . well, if you don't say they had one, they going to get you for it."

It was the strength of the investigators' conviction that Ronnie Teague had been shot that gave them the ability to convince Steve Brown and his father, Jesse, and Kent Johnson that Ronnie had been shot, and therefore the truth needed to come out.

"I believed he had been shot, and I convinced Rocky [Kent] Johnson that he had been shot. . . .

Q. And what did you say to him to convince him of that?

A. Just from what I had seen out there. . . . You couldn't have told me that he hadn't been shot. I felt like we took every precaution." (Capt. Shew)

When asked why the young men made false statements, Agent Cabe responded that it was due to "their human frailty, not [due to the] officers' technique." Officers should also recognize that "an officer's technique" can also be the result of "human frailty." This is why we need laws and protocols in place to prevent Panzer Mind from creating injustices.¹²

There are several stop-gap measures that will help prevent injustices resulting from false confessions and falsely-induced witness statements while we wait for our brains to evolve.

Awareness of False Confessions and Statements. The fact of improperly induced false confessions and statements

must be accepted. Approximately 25 percent of the 273 DNA exonerations in the United States in the last twenty-two years involved false confessions.¹³ Over 40 percent of wrongful death penalty convictions involved false informant testimony.¹⁴ This is shocking to most people, especially to judges, prosecutors and law enforcement officers. John Grisham's latest novel, *The Confession* (Doubleday, 2010), will help greatly in educating the public about the phenomenon.

Recording of All Law Enforcement Interviews. There must be transparency in the police interviewing or inter-

rogation process. This is accomplished by mandatory recording of all law enforcement case interviews. North Carolina now leads the country with the statutory requirement that in-custody interviews of all suspects in murder and violent felony cases, as well as all juvenile cases, be recorded.¹⁵ But we need to extend the recording requirement to all interviews, whether or not "in custody" at a "place of detention." Digital recorders are now extremely small. It will be simple for any officer to record not only the original words used by a witness — the "trace evidence" of memory¹⁶—but also the leading questions that might be employed to induce false answers.

By reviewing the recordings of interrogations, jurors, attorneys and judges will be able to see the Panzer Mind at work and judge for themselves whether a statement or confession was wrongfully induced.

Brainstorming and Ombudsman Protocols. All parties in investigations or litigation should engage in "brainstorming" sessions in which someone is designated as an "ombudsman"—devil's advocate, if you will—to question or break the armored beliefs of Panzer Minds.¹⁷ I have seen the brainstorming model employed by litigation teams in serious personal injury cases and capi-



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tal cases for many years. An emphasis is placed on listing the “facts” in a non-judgmental way, and only then arriving at a narrative and theme for trial. By giving “official” permission to ask unpopular questions, a pathway for finding the true facts remains open. ♦

1. All of the facts in this article are from the civil case of *Teague v. Mastin*, Wilkes County, N.C., 94 CVS 320, including pleadings, discovery, law enforcement reports and depositions, all on file with the writer. To save space and paper, page numbers from the depositions have been omitted here.

2. *Teague v. Mastin*, N.C. Court of Appeals, No. COA95-338 (unpublished). The Court also rejected the defamation claim because of qualified immunity and a lack of evidence of actual malice to show that the Sheriff actually knew the autopsy results at the time he told the media that Bo Teague shot Ronnie Teague. If I could do it over, I would have sued the Sheriff, his deputies and the SBI for federal civil rights violations for pursuing a case based upon fraudulently induced witness statements, or on fabrication of evidence. *Earl Washington v. Wilmore*, 407 F.3d 274 (4th Cir. 2005), relying on *Miller v. Pate*, 386 U.S. 1, 17 L.Ed.2d 690, 87 S.Ct. 785 (1967) (“The Fourteenth Amendment cannot tolerate a state criminal conviction obtained by the knowing use of false evidence.”) Of course, my client was not convicted, but he was charged, detained in jail for a week and suffered damages.

3. North Carolina now has a modern system with an appointed Chief Medical Examiner who is a medical doctor, a pathologist, with other physicians working under his direction.

4. Teague Autopsy, N.C. Baptist Hospital, No. A93-1089, p. 4

5. Dr. Christina Roberts, a former medical examiner in Virginia, is now a private pathologist in Florida and frequently advises in forensic cases in North Carolina. (Dr. Robert’s e-mail address is: cj-consulting@live.com) Dr. Roberts cited me to a photo in Vincent J.M. DiMaio, *Gunshot Wounds: Practical Aspects of Firearms, Ballistics, and Forensic Techniques*, 2nd ed. (1998), p. 343, which includes a photo of a beetle boring in a body to show the similarity of gunshot wounds and beetle borings. Dr. DiMaio trained law enforcement officers at the FBI academy, and Sheriff Mastin had Dr. DiMaio’s training materials produced in discovery in the Teague civil case; however, there were no references to beetle borings in the training materials.

6. Statement of Jessie M. Brown, 3/19/94, on file with author.

7. “Sheriff Dane Mastin said that officers believe Jimmy Teague shot his cousin with a pistol two or three times and had the body driven to the logging road. Then he fired at least two more shots at the body with a shotgun and drove off, Mastin said. . . . [T]he cousins began to argue. ‘They were picking and fighting—like drunk people will,’ Mastin said. Jimmy [Bo]Teague was sitting in the front seat of a car while Ronald Teague was in the back. At one point, Mastin said, Ronald Teague reached in the front seat and grabbed his cousin by the neck. Jimmy Teague grabbed a pistol and shot him, Mastin said. He declined to identify the two other people in the

car or say what they were doing while the shooting was going on. He did say they may face charges. Mastin said that the two guns have not been found, and he was not sure who owns them. He said that Jimmy Teague made a statement about the incident, but declined to say whether he confessed.” “Hays Teen-Ager Is Charged, Arrested in Killing of Cousin,” *Winston-Salem Journal*, September 22, 1993. In his deposition in *Teague v. Mastin*, Wilkes County, 94 CVS 320, Mastin admitted making statements, but said, “I wouldn’t have said that he fired two more shots, knowing there were four shotgun shell casings laying on the ground.” (p 23).

8. “Panzer is a loan word from the German *Panzer* . . . , meaning ‘armour.’ It is also used in the compounds *Panzerdivision*, ‘panzer division,’ and dated *Panzerkampfwagen*, ‘tank’ or literally ‘armoured combat vehicle’ The German word *Panzer* refers to any kind of body armour, as in *Plattenpanzer*, ‘plate armour,’ *Kettenpanzer*, ‘mail,’ or generally *gepanzert*, ‘armoured.’ The word also refers to an animal’s protective shell or thick hide.” “Panzer” Wikipedia. It appears the “Panzer” beetle is so-named because, as with so many other thousands of beetles, it has a hard exoskeleton.

9. Our condition has been termed cognitive bias, and includes such labels as anchoring, authority, belief and confirmation biases. Shermer, Michael, “The Believing Brain,” p. 85 *Scientific American* (July 2011). In his new book, *The Believing Brain* (2011), Michael Shermer discusses these biases, and warns: “On top of all these biases, there is the in-group bias, in which we place more value on the beliefs of those whom we believe to be fellow members of our group and less on the beliefs of those from different groups. This is the result of our evolved tribal brains leading us to place such value judgment on beliefs but also to demonize and dismiss them as nonsense or evil, or both.” There are also the mental states described as “inattentional blindness,” “attentional blink,” and “tunnel vision.”

10. Simons, Dan. *The Invisible Gorilla* (2010). See Simons’ website: <http://www.dansimons.com/>.

11. The beliefs of the investigators were so entrenched by Panzer Mind that they were unable to accept the fact that beetles bore holes in Ronnie Teague’s body. Even a year later, the officers were unable to let go of their initial murder belief. “[I]t had to be something else happened out there worse than—that was worse than murder that night” (Detec. Holland) “One possibility was homosexual activity.” (Agent Cabe) Even said the negative lab report on the sexual assault kit did not rule out the possibility of homosexual activity. (Cabe) “I’m still not satisfied with what actually happened to his body out there, for a 100 percent conclusion. . . . I don’t know what caused the holes in the man’s body.” (Sheriff Mastin)

12. So what should be done to remedy the problems of the human brain as symptomized by Panzer Mind? We are not going to change the way our brains have evolved, but we can train them to become more aware. See Begley, Sharon, *Train your Mind, Change your Brain* (2007), on neuroplasticity. Experiments by the neuroscientists Richard Davidson and Helen Slatger suggest that “attentional blink” is reduced by meditation. “Attentional Blink” is when we do not see objects that we are looking for because of the energy expended in the process of focusing. The subjects they tested before three

months of meditation scored normally on tests in which they were asked to pick out two numbers in a series of letters that flash by on a computer screen; the non-meditators missed the second number, thus exhibiting attentional blink; the three months meditators exhibited no such blink. Biello, David, “Searching for God in the Brain,” *Scientific American* (October 2007) (“Training the Brian: Cultivating Emotional Intelligence,” CD, Daniel Goleman interview of Richard Davidson) I believe that law enforcement officers, pathologists and attorneys should be trained in meditation practices in order to help them relax and become more aware of the evidence before them but also their own biases. All humans should meditate or practice some mind relaxation technique. It helps us see more fully. Physicians have recognized the value of mindfulness and meditation practices for years now; See, e.g., the Mindfulness Based Stress Reduction Techniques (MBSR) developed by Jon Kabat-Zin. Lawyers are gradually becoming aware of the usefulness and importance of contemplative practices. See: Riskin, Leonard, *Symposium: Mindfulness, Emotions, and Ethics in Law and Dispute Resolution*: “Annual Saltman Lecture: Further Beyond Reason: Emotions, the Core Concerns, and Mindfulness in Negotiation,” 10 Nev. L. J. 289 (2010); McGee, Rhonda, “Educating Lawyers to Meditate?” 79 UMKC L. Rev. 535 (2011). Except for the few LEOs who have undergone mindfulness and meditation training with Thich Nhat Hanh, [See www.mindfulnessandjustice.org] I am not optimistic that such training for police officers will become widespread in the near future.

13. www.innocenceproject.org (as of 8/9/2011)

14. See Warden, Rob. *How Snitch Testimony Sent Randy Steidel and Other Innocent Americans To Death Row*. Northwestern University School of Law Center on Wrongful Convictions. Evanston: Northwestern University, 2004. 1-16.

15. Senate Bill 241, effective 12/1/2011 (signed into law by Governor on 6/27/2011), requires video or audio recording of all juvenile suspect interrogations and all in-custody questioning of adult suspects in Class A, B1 or B2 felony, and any Cass C felony of rape, sex offense, or assault with a deadly weapon with intent to kill inflict serious injury.

16. Gary Wells, one of the leading experts on eyewitness identification, says that a witness’ initial words or descriptions of a suspect should be preserved like trace evidence. “Like physical evidence, memory trace evidence can be contaminated, lost, destroyed or otherwise made to produce results that can lead to an incorrect reconstruction of the events in question.” Wells, G. L. & Loftus, E.F. (2003). Eyewitness memory for people and events. A. M. Goldstein (Ed.) *Handbook of Psychology. Vol 11 Forensic Psychology* (I.B. Weiner, Editor-in-Chief). New York: John Wiley & Sons, p 149. I believe that the same applies to all witness or suspect narratives of what happened. In the Teague case, we have the depositions from the civil case a year later, but this is no substitute for contemporaneous recording of the question and answer sessions. This way, we can all later see the evolution of statements and judge credibility in a more scientific way.

17. The police “ombudsman” is one of the remedies suggested in the excellent article by Findley, Keith and Scott, Michael, “The Multiple Dimensions of Tunnel Vision in Criminal Cases,” 2006 WIS. L. REV. 291, 353 (2006).