

1  
2  
3 IN THE CIRCUIT COURT OF THE STATE OF OREGON  
4 FOR THE COUNTY OF LANE

5 ELIZABETH DIANE DOWNS

6 Petitioner,

7 vs.

8 STATE OF OREGON

9 Defendant.  
10

No. 22CV16308

DECLARATION OF DANIEL REISBERG,  
Ph.D.

11 Pursuant to ORCP 1E, I, Daniel Reisberg, Ph.D do hereby declare as follows:

- 12 1. I am a research psychologist with a Ph.D in Experimental Psychology and often  
13 consult with attorneys and law enforcement on a range of topics involving perception  
14 and memory.  
15  
16 2. I was contacted by attorney Venetia Mayhew to offer my assessment in the above  
17 referenced DNA post-conviction case. Ms. Mayhew asked me to review materials  
18 relating to Christie Downs' 1984 trial testimony that it was her mother Diane Downs  
19 who shot her and her siblings.  
20  
21 3. I recognize Attachment 1 as a copy of my curriculum vitae, and Attachment 2 of this  
22 declaration to be a 6-page report that I generated on behalf of petitioner. In that report,  
23 I concluded that it is most likely that the effects of the injuries Christie Downs  
24 sustained in the shooting prevented the formation of any memory of the shooting. It is  
25

DECLARATION OF DANIEL REISBERG Ph.D 1

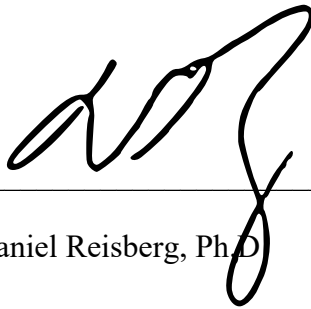
**VENETIA MAYHEW**  
PO Box 22026  
PORTLAND, OR 97269  
T: 503 490 0777

PET. EX. 26

likely that Dr. Peterson's (or others') repeated encouragement to her to remember the event created an after-the-fact reconstruction of what she believed happened in the shooting, which she may well have accepted as a "memory." My conclusions are consistent with extensive scientific findings concerning the conditions that create and influence memory.

4. I hereby declare that the above statement is true to the best of my knowledge and belief and, I understand it is made for use as evidence in court and is subject to penalty for perjury.

Dated: this 3<sup>rd</sup> day of October, 2025

A handwritten signature in black ink, appearing to read 'Daniel Reisberg', is written over a horizontal line.

Daniel Reisberg, Ph.D

## VITA

### Daniel Reisberg

*Patricia & Clifford Lunneborg Professor of Psychology, Emeritus  
Reed College*

mail: 9220 SW Barbur Blvd  
Suite 119 #192  
Portland, OR 97219

email: [reisberg@reed.edu](mailto:reisberg@reed.edu)  
voice: (503) 770-0636  
fax: (503) 914-0477

Education: B.A. Swarthmore College, Psychology and Philosophy, 1975  
M.A. University of Pennsylvania, Psychology, 1976  
Ph.D. University of Pennsylvania, Psychology, 1980

Positions: Assistant Professor, New School for Social Research, 1980–1986.  
Assistant Professor, Reed College, 1986–1989.  
Associate Professor, Reed College, 1989–1993.  
Visiting Scientist, Applied Psychology Unit, Medical Research Council,  
Cambridge, England, 1994.  
Professor, Reed College, 1993–2013.  
Patricia & Clifford Lunneborg Professor of Psychology, 2013–2019.  
*Also: Department Chair, 1995–97, 2002–04, 2006–07, 2009–2011, 2012–2014.*  
Visiting Scholar, Claremont Graduate University, 2021–

#### Honors and Awards:

High Honors, Swarthmore College, 1975  
Sigma Xi (Promoted from Associate Member to Member, May 1984)  
Phi Beta Kappa  
National Science Foundation Graduate Fellow, 1975–78  
University of Pennsylvania University Fellow, 1978  
National Institute of Mental Health Predoctoral Fellow, 1978–80  
Fellow of the American Association for the Advancement of Science  
(elected to the rank of Fellow in October, 1994)  
Fellow of the Western Psychological Association  
(elected to the rank of Fellow in September, 1995)  
Visiting Fellow of the British Psychological Association (September, 1999)  
Fellow of the American Psychological Association, Division 3  
(Experimental Psychology; elected to the rank of Fellow in August, 1999)  
First-place team (with James Kalat and Nancy Felipe Russo) in  
the WPA's "Psychology Jeopardy" (April, 2000)  
Fellow of the Association for Psychological Science  
(Elected to the rank of Fellow in January, 2007)

Career h-index = 43. (*As of July, 2024.*)

**Publications** (books marked with **h**):

1. Reisberg, D. (1972). Objections to the SST. In Siegel, K. (Ed.), *Talking back to The New York Times* (pp. 319-320). N.Y.: Quadrangle Books.
2. Schwartz, B., Reisberg, D. and Vollmecke, T. (1974). Effects of treadle training on autoshaped keypecking: Learned laziness and learned industriousness, or response competition? *Bulletin of the Psychonomic Society*, 3, 369-372.
3. Reisberg, D. (1978). Looking where you listen: Visual cues and auditory attention. *Acta Psychologica*, 42, 331-341.
4. Reisberg, D., Baron, J. and Kemler, D. (1980). Overcoming Stroop interference: The effects of practice on distractor potency. *Journal of Experimental Psychology: Human Perception and Performance*, 6, 140-150.
5. Reisberg, D., Scheiber, R. and Potemken, L. (1981). Eye position and the control of auditory attention. *Journal of Experimental Psychology: Human Perception and Performance*, 7, 318-323.
6. Reisberg, D. (1983). General mental resources and perceptual judgments. *Journal of Experimental Psychology: Human Perception and Performance*, 9, 966-979.
7. Reisberg, D., Rappaport, I. and O'Shaughnessy, M. (1984). The limits of working memory: The digit digit-span. *Journal of Experimental Psychology: Learning, Memory and Cognition*, 10, 203-221.
8. Reisberg, D. and O'Shaughnessy, M. (1984). Diverting subjects' attention slows figural reversals. *Perception*, 13, 461-468.
9. Reisberg, D. and McLean, J. (1985). Meta-attention: Do we know when we are being distracted? *Journal of General Psychology*, 112, 291-306.
10. Chambers, D. and Reisberg, D. (1985). Can mental images be ambiguous? *Journal of Experimental Psychology: Human Perception and Performance*, 11, 317-328.
11. Reisberg, D. and Morris, A. (1985). Images contain what the imager put there: A non-replication of illusions in imagery. *Bulletin of the Psychonomic Society*, 23, 493-496.
12. Reisberg, D., Culver, C., Heuer, F. and Fischman, D. (1986). Visual memory: When imagery vividness makes a difference. *Journal of Mental Imagery*, 10, 51-74.
13. Heuer, F., Fischman, D. and Reisberg, D. (1986). Why does vivid imagery hurt colour memory? *Canadian Journal of Psychology*, 40, 161-175.
14. Reisberg, D. and Chambers, D. (1986). Neither pictures nor propositions: The intensionality of mental images. In C. Clifton (Ed.), *The Eighth Annual Conference of the Cognitive Science Society* (pp. 208-222). Hillsdale, N.J.: Erlbaum Associates.

**Publications** (continued; *books marked with h*):

15. Reisberg, D. and Leak, S. (1987). Visual imagery and memory for appearance: Does Clark Gable or George C. Scott have bushier eyebrows? *Canadian Journal of Psychology*, 41, 521-526.
16. Reisberg, D., McLean, J. and Goldfield, A. (1987). Easy to hear but hard to understand: A lip-reading advantage with intact auditory stimuli. In R. Campbell and B. Dodd (Eds.), *Hearing by Eye: The Psychology of Lip-Reading* (pp. 97-114). Hillsdale, N.J.: Erlbaum Associates.
17. Reisberg, D. (1987). External representations and the advantages of externalizing one's thought. In E. Hunt (Ed.), *The Ninth Annual Conference of the Cognitive Science Society* (pp. 281-293). Hillsdale, N.J.: Erlbaum Associates.
18. Reisberg, D. and Heuer, F. (1987). Commentary on "Image Psychology and the Empirical Method." *Journal of Mental Imagery*, 11, 120-129.
19. Reisberg, D., Heuer, F., McLean, J. and O'Shaughnessy, M. (1988). The quantity, not the quality, of affect predicts memory vividness. *Bulletin of the Psychonomic Society*, 26, 100-103.
20. Janata, P. and Reisberg, D. (1988). Response-time measures as a means of exploring tonal hierarchies. *Music Perception*, 6, 163-174.
21. Reisberg, D. and Heuer, F. (1988). Vividness, vagueness, and the quantification of visualizing. *Journal of Mental Imagery*, 12, 89-102.
22. Winters, L. and Reisberg, D. (1988). Mental practice or mental preparation: Why does imagined practice help? *Journal of Human Movement Studies*, 15, 279-290.
23. Reisberg, D. (1989). Review of Fred Dretske's *Explaining Behavior*. *American Scientist*, 77, 397.
24. Reisberg, D., Smith, D., Baxter, D. and Sonenshine, M. (1989). "Enacted" auditory images are ambiguous; "pure" auditory images are not. *Quarterly Journal of Experimental Psychology*, 41A, 619-641.
25. Heuer, F. and Reisberg, D. (1990). Vivid memories of emotional events: The accuracy of remembered minutiae. *Memory & Cognition*, 18, 496-506.
26. Reisberg, D. and Chambers, D. (1991). Neither pictures nor propositions: What can we learn from a mental image? *Canadian Journal of Psychology*, 45, 336-352.
27. Reisberg, D., Smith, J.D., and Wilson, M. (1991). Auditory imagery. In R. Logie and M. Denis (Eds.), *Mental images in human cognition* (pp. 59-81). Amsterdam: Elsevier.
28. Dodson, C. and Reisberg, D. (1991). Post-event misinformation has no impact on implicit memory. *Bulletin of the Psychonomic Society*, 29, 333-336.

**Publications** (continued; *books marked with **b***):

- b** 29. Schwartz, B. and Reisberg, D. (1991). *Learning and Memory*. New York: Norton.
30. Chambers, D. and Reisberg, D. (1992). What an image depicts depends on what an image means. *Cognitive Psychology*, 24, 145-174.
31. Smith, J.D., Wilson, M. and Reisberg, D. (1992). The role of inner speech in auditory imagery. In D. Reisberg (Ed.), *Auditory imagery* (pp. 95-119). Hillsdale, N.J.: Erlbaum Associates.
32. Burke, A., Heuer, F. and Reisberg, D. (1992). Remembering emotional events. *Memory & Cognition*, 20, 277-290.
33. Heuer, F. and Reisberg, D. (1992). Emotion, arousal and memory for detail. In S.-Å. Christianson (Ed.), *Handbook of Emotion and Memory* (pp. 151-180). Hillsdale, N.J.: Erlbaum Associates.
34. Reisberg, D. and Heuer, F. (1992). Flashbulbs and memory for detail from emotional events. In E. Winograd and U. Neisser (Eds.), *Affect and accuracy in recall: The problem of "flashbulb" memories* (pp. 162-190). New York: Cambridge University Press.
- b** 35. Reisberg, D., editor. (1992). *Auditory Imagery*. Hillsdale, N.J.: Erlbaum Associates.
36. Doenias, J., Langland, S. and Reisberg, D. (1992). A versatile, user-friendly tachistoscope for the Macintosh. *Behavior Research Methods, Instruments, & Computers*, 24, 434-438.
- [The software developed at Reed and described in this article was distributed nationally, and produced modest revenues for Reed. The software was listed on COMPSYCH, a national software listing for psychology software relevant to instruction or research, and was selected for the 1993 COMPSYCH Software Exposition. A demonstration version of this program was also selected by Apple Computer for inclusion on their CD-ROM demonstration package for the Humanities, Arts, and Social Sciences. The software was also selected for inclusion in the CTI Directory of Psychology Software, published by the *Computers in Teaching Initiative*, University of York.]
37. Reisberg, D. and Logie, R. (1993). The ins and outs of working memory. In M. Intons-Peterson, B. Roskos-Ewoldsen, R. Blake and K. Clayton (Eds.), *Imagery, creativity and discovery* (pp. 39-76). Hillsdale, N.J.: Erlbaum Associates.
38. Reisberg, D. (1993). The limits of mental imagery. *Computational Intelligence*, 9, 346-348.
39. Reisberg, D. (1994). "Visual imagery;" "Eyewitness testimony;" "Synesthesia;" and "Working memory." Entries in *Encyclopedia of Psychology*, 2<sup>nd</sup> Edition. N.Y.: John Wiley & Sons.
40. Reisberg, D. (1994). Equipotential recipes for unambiguous images: Comment on Rollins. *Philosophical Psychology*, 7, 359-366.

**Publications** (continued; *books marked with **b***):

41. Reisberg, D. (1994). Review of *The Imagery Debate*, by Michael Tye. *Philosophical Psychology*, 7, 512-515.
42. Reisberg, D. (1995). Emotion's multiple effects on memory. In J. L. McGaugh, N. Weinberger, and G. Lynch (Eds.), *Brain and Memory: Modulation and mediation of neuroplasticity* (pp. 84-92). New York: Oxford University Press.
43. Gallun, E. and Reisberg, D. (1995). On the perception of interleaved melodies. *Music Perception*, 12, 387-398.
- b** 44. Cornoldi, C., Logie, R., Brandimonte, M., Kaufmann, G. and Reisberg, D., Editors. (1996). *Stretching the imagination: Representation and transformation in mental imagery*. New York: Oxford University Press.
45. Reisberg, D. (1996). The non-ambiguity of mental images. In Cornoldi, C., Logie, R., Brandimonte, M., Kaufmann, G. and Reisberg, D. (Eds.), *Stretching the imagination: Representation and transformation in mental imagery* (pp. 119-172). New York: Oxford University Press.
46. Smith, J.D., Wilson, M. and Reisberg, D. (1996). The role of subvocalization in auditory imagery. *Neuropsychologia*, 33, 1433-1454.
- b** 47. Reisberg, D. (1997). *Cognition: Exploring the Science of the Mind*. New York: Norton
48. Heuer, F. and Reisberg, D. (1997). The memory effects of *thematically-induced* emotion. In Conrad, F. and Payne, D. (Eds.), *A synthesis of basic and applied approaches to human memory* (pp. 133-132). Hillsdale, NJ: Erlbaum Associates.
49. Porter, R. and Reisberg, D. (1997). Autobiography and memory. *Studies in Autobiography*, 13, 61-70.
50. Reisberg, D. (1997). "Learning." Entry in the *MIT Encyclopedia of the Cognitive Sciences*. Wilson, R. A. and Keil, F. C. (Eds.). Cambridge, MA: MIT Press.
51. Reisberg, D. (1998). Constraints on image-based discovery: A comment on Rouw et al. (1998). *Cognition*, 66, 95-102.
- b** 52. Gleitman, H., Fridlund, H. and Reisberg, D. (1999). *Psychology*, 5<sup>th</sup> edition. New York: Norton.
53. Wilson, M., Smith, J.D., and Reisberg, D. (2000). Interplay between the inner voice and inner ear. In Behrmann, M., M. Jeannerod and S. Kosslyn (Eds.), *The neuropsychology of mental imagery*, 2<sup>nd</sup> edition.
54. Reisberg, D. (2000). The detachment gain: The advantage of thinking out loud. In Landau, B., Sabini, J., Newport, E., and Jonides, J. (Eds.), *Perception, Cognition and Language: Essays in honor of Henry and Lila Gleitman*. Cambridge, MA: MIT Press.

**Publications** (continued; *books marked with **b***):

- b** 55. Gleitman, H., Fridlund, H. and Reisberg, D. (2000). *Basic Psychology*, 5<sup>th</sup> edition. New York: Norton.
- b** 56. Reisberg, D. (2001). *Cognition: Exploring the Science of the Mind*, 2<sup>nd</sup> edition. New York: Norton.
57. Reisberg, D. and Reed's Multimedia Lab (2001). In the ear of the beholder – Some tutorial demonstrations in music perception. Available on line at:  
<http://academic.reed.edu/psychology/projects/music/tutorial.html>
58. Reisberg, D., Pearson, D., and Kosslyn, S. (2003). Intuitions and introspections about imagery: The role of *imagery experience* in shaping an investigator's theoretical views. *Applied Cognitive Psychology*, 17, 147-160.
59. Laney, C., Heuer, F. and Reisberg, D. (2003). Thematically-induced arousal in naturally-occurring emotional memories. *Applied Cognitive Psychology*, 17, 995-1004.
- b** 60. Gleitman, H., Fridlund, H. and Reisberg, D. (2004). *Psychology*, 6<sup>th</sup> edition. New York: Norton.
- b** (Also published in Portuguese: *Psicologia*, published in Lisbon by Fundacao Calouste Gulbenkian. then re-issued, in a new edition, in 2009)
- b** 61. Reisberg, D. and Hertel, P., Editors (2004). *Memory and emotion*. New York: Oxford University Press. (This edited volume is part of Oxford's series in Affective Science; the series editors are Richard Davidson, Klaus Scherer, and Paul Ekman.)
62. Reisberg, D. and Heuer, F. (2004). Remembering emotional events. In Reisberg, D. and Hertel, P. (Eds.), *Memory and emotion* (pp. 3-41). New York: Oxford University Press.
63. Laney, C., Campbell, H., Heuer, F. and Reisberg, D. (2005). Memory for thematically-arousing events. *Memory & Cognition*, 32, 1149-1159.
64. Heuer, F. and Reisberg, D. (2005). Visuospatial imagery. In A. Miyake and P. Shah (Eds.), *Handbook of visuospatial thinking* (pp. 35-80). New York: Cambridge University Press.
- b** 65. Reisberg, D. (2005). *Cognition: Exploring the Science of the Mind*, 3<sup>rd</sup> edition. New York: Norton.
66. Reisberg, D. (2006) Memory for emotional episodes: The strengths and limits of arousal-based accounts. (pp. 15-36) In Uttl, B., Ohta, N. & Siegenthaler, A. (Eds.), *Memory and Emotion: Interdisciplinary Perspectives*. N.Y.: Blackwell.



**Publications** (continued; *books marked with **b***):

67. Kosslyn, S., Reisberg, D. and Behrman, M. (2006). Introspection and mechanism in mental imagery. In Harrington, A. & Zajonc, A. (eds). *The Dalai Lama at MIT* (pp. 79-114). Cambridge, MA: Harvard University Press.  
(*This book reports on the 2003 two-day meeting between 13 western researchers and Tenzin Gyatso, His Holiness the Fourteenth Dalai Lama.*)
- b** 68. Reisberg, D. (2007). *Cognition: Exploring the Science of the Mind, Media edition*. New York: Norton.
69. Heuer, F. and Reisberg, D. (2007). The memory effects of emotion, stress and trauma. In Ross, D., Toglia, M., Lindsay, R. and Read, D. (Eds.), *Handbook of Eyewitness Psychology: Volume 1 – Memory for Events* (pp. 81-116). Mahwah, NJ: Erlbaum Associates.
70. Reisberg, D. (2007). How big is a stimulus? Learning about imagery by studying perception. In Peterson, M., Gillam, B. and Sedgwick, H. (Eds.), *In the mind's eye: Julian Hochberg on the perception of pictures, film and the world* (pp. 467-472). New York: Oxford University Press.
- b** 71. Gleitman, H., Reisberg, D. and Gross, J. (2007). *Psychology, 7<sup>th</sup> edition*. New York: Norton.
- b** (Also published in Portuguese: *Psicologia*, published in Sao Paulo by *artmed*.)
- b** 72. Reisberg, D. (2010). *Cognition: Exploring the Science of the Mind, 4<sup>th</sup> edition*. New York: Norton.
- b** 73. Reisberg, D. (2010). *The Cognition Workbook: Essays, Demonstrations & Explorations*. New York: Norton.
- b** 74. Gleitman, H., Gross, J. & Reisberg, D. (2010). *Psychology, 8<sup>th</sup> edition*. New York: Norton.
75. Reisberg, D. (2011). Auditory Imagery. In Goldstein, B. (Ed.), *Encyclopedia of Perception*. Thousand Oaks, CA: SAGE Publications.
76. Reisberg, D., Scheiber, R. & Potemken, L. (2011). Eye position and the control of auditory attention. In Proctor, R. & Read, L. (Eds.), *Attention*. London: Sage Publications. (This is a reprint of a 1981 article, published in a volume that brings together “key articles by leading figures in the field.”)
77. Reisberg, D. (2011). Visual imagery. In Pashler, H. (Ed.), *Encyclopedia of the Mind*. Thousand Oaks, CA: SAGE Publications.
- b** 78. Reisberg, D. (2013). *Cognition: Exploring the Science of the Mind, 5<sup>th</sup> edition*. New York: Norton.
- b** 79. Reisberg, D. (2013). *The Cognition Workbook: Essays, Demonstrations & Explorations, to accompany the 5<sup>th</sup> edition*. New York: Norton.

**Publications** (continued; *books marked with **b***):

- b** 80. Reisberg, D., Editor (2013). *The Oxford Handbook of Cognitive Psychology*. New York: Oxford University Press. (In press; this is the companion volume for Kosslyn, S. & Ochsner, K. (Eds.), *Handbook of Cognitive Neuroscience*. New York: Oxford University Press.)  
As editor of this volume, I am also the author of Chapter 1 (*Introduction to the Handbook*) and Chapter 64 (*Epilogue: Looking Forward*).  
[The paperback edition of this volume was released in January 2014.]
81. Reisberg, D. (2013). Visual imagery, spatial imagery. In Reisberg, D. (Ed.), *The Oxford Handbook of Cognitive Psychology*. New York: Oxford University Press.
82. Porter, D., Moss, A. & Reisberg, D. (2014). The impact of the appearance-change instruction on identification accuracy for same-race and cross-race identifications. *Applied Cognitive Psychology*, 28, 151-160.
- b** 83. Reisberg, D. (2014). *The science of perception and memory: A pragmatic guide for the justice system*. New York: Oxford University Press. [Available in print or as an eBook readable on almost any electronic device.]
- b** 84. Reisberg, D. (2015). *Cognition: Exploring the Science of the Mind*, 6<sup>th</sup> edition. New York: Norton. [Available in print or as an eBook.]
85. Reisberg, D., Simons, D., & Fournier, L., *Editors*. (2016). Are we there yet? A special forum assessing when and whether psychological research is ready for use in the justice system. *Journal of Applied Research in Memory and Cognition*, 5, 233-317.
86. Reisberg, D., Simons, D., & Fournier, L. (2016). An introduction to the JARMAC forum. *Journal of Applied Research in Memory and Cognition*, 5, 233-235.
- b** 87. Reisberg, D. (2019). *Cognition: Exploring the Science of the Mind*, 7<sup>th</sup> edition. New York: Norton.
88. Reisberg, D. & Davis, D. (2019). The psychologist as courtroom educator. In Stein, C.T. & Youngren, J.N. (Eds.) *Forensic Psychology in Military Courts-Martial* (pp. 143-174). Washington, D.C.: APA Press.
89. Davis, D. & Reisberg, D. (2019). The psychologist as military trial consultant. In Stein, C.T. & Youngren, J.N. (Eds.) *Forensic Psychology in Military Courts-Martial* (pp. 125-141). Washington, D.C.: APA Press.
90. Reisberg, D. & Heuer, F. (2020). Emotion's (varied) impact on memory for sexual misconduct. In Pozzulo, J., Pica, E., & Sheahan, C. (Eds.) *Memory and sexual misconduct: Psychological research for criminal justice* (pp. 7-41). NY: Taylor & Francis.
91. Pezdek, K., Nguyen, T.B., Abed, E. & Reisberg, D. (2020). Marijuana affects the accuracy of eyewitness memory and the confidence-accuracy relationship too. *Journal of Applied Research in Memory & Cognition*, 9, 60-67.

**Publications** (continued; *books marked with **b***):

92. Kenchel, J.M., Greenspan, R.L., Reisberg, D., & Dodson, C.S. (2021). "In your own words, how certain are you?" Post-identification feedback distorts verbal and numeric expressions of eyewitness confidence. *Applied Cognitive Psychology*, 35, 1405-1417.
- b** 93. Reisberg, D. (2021). *Cognition: Exploring the Science of the Mind*, 8<sup>th</sup> edition. New York: Norton.
94. Reisberg, D. (2021) From my perspective: Improving the legal system through psychological science. In Bartol, C.R. & Bartol, A.M. (2021), *Introduction to Forensic Psychology*. N.Y.: Sage.
95. Reisberg, D. (2021) *Memory 101*. Fifteen-part Learn25 audio course. [www.learn25.com](http://www.learn25.com). [Also available through Audible.com and other outlets.]
96. Pezdek, K. & Reisberg, D. (2022). Myths regarding cognitive processing of law enforcement officers: How should scientists respond. *Journal of Applied Research in Memory and Cognition*, 11, 143-156.
97. Reisberg, D. & Pezdek, K. (2022). Myths about evidence in the legal system: Some clarifications. *Journal of Applied Research in Memory and Cognition*, 11, 185-187.
98. Reisberg, D. & Pezdek, K. (2024). Police officers have no advantage over civilians when making identifications. *Applied Cognitive Psychology*, 38, 1-7.
99. Reisberg, D. & Pezdek, K. (2024). Memory for traumatic events. *The Champion*. [ In press. ]
- b** 100. Reisberg, D. (2024). *Cognition: Exploring the Science of the Mind*, 9<sup>th</sup> edition. New York: Norton. [ In press. ]
101. Marsh, B., Reisberg, D., & Pezdek, K. (2024). Does the Cross-Race Effect persist for repeatedly viewed faces? [ Manuscript under review. ]
102. Pezdek, D. & Reisberg, D. (2024). The complexities of video recorded evidence in the legal system. *The Champion*. [ In press. ]
103. Suresh, S., Reisberg, D., & Pezdek, K. (2024). Is the Appearance Change Instruction ever helpful for eyewitness identification? [ Manuscript under review. ]
104. Pezdek, D. & Reisberg, D. (2024). Yes, eyewitness confidence is diagnostic of eyewitness accuracy. *The Champion*. [ In press. ]

**Papers presented at scientific meetings:**

- Reisberg, D. Preselective processing: Does an identification stage exist? Paper presented at the meetings of the Eastern Psychological Association, New York, April 1975.
- Chambers, D. and Reisberg, D. Can images have alternate interpretations? Paper presented at the meetings of the Eastern Psychological Association, Baltimore, April 1984.
- McLean, J., Goldfield, A. and Reisberg, D. Lipreading with fully audible stimuli: Speech perception is an amodal process. Paper presented at the meetings of the Eastern Psychological Association, Baltimore, April 1984.
- Reisberg, D., Heuer, F. and O'Shaughnessy, M. Predicting the vividness of autobiographical memories. Paper presented at the meetings of the Psychonomic Society, San Antonio, Texas, November 1984.
- Winters, L. and Reisberg, D. Mental practice. Paper presented at the meetings of the Eastern Psychological Association, Boston, March 1985.  
(Also published as: Does imagined practice help in learning a motor skill? *Resources in Education*, Document #SP026624, 1986.)
- O'Shaughnessy, M., Winters, L. and Reisberg, D. The cognitive component of perception. Paper presented at the meetings of the Eastern Psychological Association, Boston, March 1985.
- Reisberg, D. and Chambers, D. Images, pictures and percepts. Paper presented at the meetings of the Society for Philosophy and Psychology, Toronto, May 1985.
- Reisberg, D. and Heuer, F. Imagery vividness reliably (but negatively!) predicts visual memory. Paper presented at the meetings of the Psychonomic Society, Boston, November 1985.
- Reisberg, D., Smith, J.D. and Sonenshine, M. Can subjects detect ambiguity in auditory imagery? Paper presented at the meetings of the Eastern Psychological Association, New York, April 1986.
- Chambers, D. and Reisberg, D. What governs the phenomenal appearance of mental images? Paper presented at the meetings of the Eastern Psychological Association, New York, April 1986.
- Reisberg, D. and Chambers, D. The intensionality of mental images. Paper presented at the meetings of the Cognitive Science Society, Amherst, August 1986.
- Reisberg, D., Chambers, D. and Rueger, W. Mental images as mental representations: What does an image *resemble*? Paper presented at the meetings of the Psychonomic Society, New Orleans, November 1986.
- Reisberg, D. External representations and the advantages of externalizing one's thought. Paper presented at the meetings of the Cognitive Science Society, Seattle, August 1987.

**Papers presented at scientific meetings (continued):**

- Heuer, F. and Reisberg, D. Vivid memories of emotional events: The accuracy of remembered minutiae. Paper presented at the meetings of the Psychonomic Society, Seattle, November 1987.
- Chambers, D. and Reisberg, D. Images are not everywhere dense: An image of a duck does not include a rabbit's nose. Paper presented at the meetings of the Eastern Psychological Association, Buffalo, N.Y., April 1988.
- Baxter, D. and Reisberg, D. Auditory imagery is not ambiguous. Paper presented at the meetings of the Western Psychological Association, San Francisco, April 1988.
- Wilson, M. and Reisberg, D. Two species of auditory imagery. Paper presented at the meetings of the Western Psychological Association, San Francisco, April 1988.
- Reisberg, D., Smith, D. and Baxter, D. "Pure" and "enacted" auditory images. Paper presented at the meetings of the Psychonomic Society, Chicago, November 1988.
- Chambers, D. and Reisberg, D. What an image includes depends on what an image means. Paper presented at the meetings of the Psychonomic Society, Chicago, November 1988.
- Dodson, C. and Reisberg, D. Does post-event misleading information erase prior memories? Paper presented at the meetings of the Oregon Academy of Sciences, Portland, February 1989.
- Reisberg, D. and Heuer, F. The consequences of vivid imagery: An empirical handle on the function of phenomenal states? Paper presented at the meetings of the Society for Philosophy and Psychology, Tucson, April 1989.
- Reisberg, D., Lenoir, G. and Heuer, F. Anticipations and after-thoughts: How far does the "present" extend? Paper presented at the meetings of the Psychonomic Society, Atlanta, November 1989.
- Reisberg, D. Do laboratory studies of imagery bear on what we call "being imaginative"? Paper presented at the meetings of the Society for Philosophy and Psychology, College Park, Maryland, June 1990.
- Reisberg, D. Shades of Watson: Auditory imagery and its relation to inner speech. Distinguished Guest Lecture delivered at the Workshop on Imagery and Cognition, Aberdeen Scotland, August 1990.
- Reisberg, D., Smith, J. David, and Wilson, M. Subvocalization and auditory imagery: Interactions between the "inner ear" and the "inner voice." Paper presented at the meetings of the Psychonomic Society, New Orleans, November 1990.
- Reisberg, D. and Logie, R. The ins and outs of working memory. Paper presented at the conference on Imagery, Creativity, and Discovery, Nashville, May 1991.
- Reisberg, D. and Chambers, D. Images depict, images describe. Paper presented at the meetings of the Society for Philosophy and Psychology, San Francisco, June 1991.

**Papers presented at scientific meetings (continued):**

- Logie, R. and Reisberg, D. The nature of rehearsal in working memory. Paper presented at the International Conference on Memory, Lancaster, England, July 1991.
- Reisberg, D. and Gossett, D. Some subjects are not influenced by how a problem is framed. Paper presented at the meetings of the Psychonomic Society, San Francisco, November 1991.
- Karbo, W. and Reisberg, D. Post-event misinformation about actions: Remembering actions that never occurred. Paper presented at the meetings of the Oregon Academy of Sciences, February 1992.
- Reisberg, D. Voices, music and hallucinations: What is auditory imagery? Invited address presented at the meetings of the Western Psychological Association, Portland, May 1992.
- Reisberg, D. Emotion and learning. Invited paper presented at the Fifth Conference on the Neurobiology of Learning and Memory, University of California, Irvine, October 1992.
- Logie, R. and Reisberg, D. Inner eyes and inner scribes: A partnership in visual working memory. Paper presented at the Fourth European Workshop in Imagery and Cognition, Tenerife, December 1992.
- Reisberg, D. What is contained within an image? Evidence from massive failures to make discoveries from imagery. Paper presented at the Seventh International Conference on Event Perception and Action, Vancouver, B.C., August 1993.
- Reisberg, D., Karbo, W., and Scully, J. The laboratory creation of false memories: How generalizable? Paper presented at the annual meetings of the Psychonomic Society, Washington D.C., November 1993.
- Reisberg, D. and Heuer, F. The complex interaction between memory and emotion. Paper presented at the Practical Aspects of Memory Conference, College Park, Maryland, July 1994.
- Canseco-Gonzales, E., Hutchinson, M., Reisberg, D., Robinson, S., and Vigileos, A. Arithmetic and bilingualism: Why can't I add in Spanish? Paper presented at the meetings of the Oregon Academy of Science, February 1995.
- Koch, Z. and Reisberg, D. Motoric support for visual imagery: Is imagery visual, spatial, or movement-based? Paper presented at the meetings of the Oregon Academy of Science, February 1995.
- Porter, R. and Reisberg, D. Autobiography and memory. Paper presented at the meetings of the Modern Languages Association, Chicago, December 1995.
- Reisberg, D. and Koch, Z. A role for motoric support in (so-called) visual imagery. Paper presented at the meetings of the Psychonomic Society, Los Angeles, November 1995.
- Reisberg, D. and Usui, V. The role of subvocalization in auditory imagery and working memory. Paper presented at the meetings of the Psychonomic Society, Chicago, November 1996.

**Papers presented at scientific meetings (continued):**

- Reisberg, D. Cognition: Where is the state of the art? Invited paper presented at the meetings of the National Institute for the Teaching of Psychology, Tampa, FL, January 1997.
- Schwartzreich, E. and Reisberg, D. Individual differences in perception: The relationship between Inattentional Blindness and Spearman's *g*. Poster presented at the 4th Annual Meeting of the Cognitive Science Association for Interdisciplinary Learning, Hood River, OR, August 1997.
- Reisberg, D. What do we know about emotion's effects on memory? Paper presented at special conference, "Memory Overwhelmed: Interdisciplinary Approaches to Trauma." Atlanta, GA, October 1997.
- Reisberg, D. Mental imagery for musical timbre. Paper presented at the 5th Annual Meeting of the Cognitive Science Association for Interdisciplinary Learning, Hood River, OR, August 1998.
- Miner, N., Boelter, D., and Reisberg, D., Verbal overshadowing of face memory: When *doesn't* it occur? Paper presented at the Annual Meetings of the Society for Applied Research in Memory and Cognition (SARMAC), Boulder, CO, July 1999.
- Reisberg, D. Imagery: The state of the art. Keynote address presented at the meetings of the British Psychological Society, York, England, September 1999.
- Reisberg, D. Internal representations, external representations, and the intensionality of mental imagery. Invited paper presented at *Intensionality and the Natural Mind*, Washington University in St. Louis, March 19-20, 1999.
- Reisberg, D., Heuer, F., and Laney, C. Memory and emotion: Comparing memory for visually-arousing and thematically-arousing events. Paper presented at the meetings of the Psychonomic Society, New Orleans, November 2000.
- Reisberg, D. Thinking out loud: The contrasts between stimulus-based and imagery-based discovery. Keynote address presented at the meetings of the meetings of the NorthWest Cognition and Memory (NoWCaM) Society, Vancouver, B.C., May, 2001.
- Goard, M. and Reisberg, D. Retrieval-induced forgetting in the recall of complex episodes. Paper presented at the meetings of the Psychonomic Society, Orlando, FL, November 2001.
- Laney, C., Heuer, F. and Reisberg, D. Thematic-arousal, visual-arousal, and memory for emotional events. Paper presented at the meetings of the Society for Applied Research in Memory and Cognition (SARMAC), Aberdeen, Scotland, July, 2003.
- Reisberg, D. and Heuer, F. Remembering emotional events. Paper presented at the meetings of the annual Cognitive Science And Interdisciplinary Learning (CSAIL) meeting, Hood River, Oregon, July, 2003.

**Papers presented at scientific meetings (continued):**

Reisberg, D. Presentation as part of “*The 10<sup>th</sup> Mind and Life Conference: Exchanges between Buddhism and Biobehavioral Science with His Holiness the XIV<sup>th</sup> Dalai Lama*,” Massachusetts Institute of Technology, September, 2003.

*This event featured candid discussions between the Buddhist and scientific communities about the nature of mental imagery (that is the session in which I was participating), emotion, and the nature of attention and concentration. The Dalai Lama was a central participant in all of the discussions. Recordings of this meeting are available on video, and a 2006 book provides a broad summary of our discussions.*

Weingarten, E. and Reisberg, D. What makes a police photo line-up *suggestive*? Paper presented at the annual meetings of the Psychonomic Society, Vancouver, B.C., November, 2003.

Reisberg, D. Memory for emotional events – The need for some distinctions. Invited Distinguished Speaker address delivered at the meetings of the Sixth Tsukuba International Conference on Memory: Memory and Emotion, Tsukuba, Japan, March 2005.

Reisberg, D. Remembering emotional events – Getting beyond a simple “arousal model.” Invited address delivered at the meetings of the Western Psychological Association, Portland, Oregon, April 2005.

Getz, S. and Reisberg, D. The effects of training on imagery skills. Paper presented at the Mind and Life Summer Research Institute, Garrison, NY, June 2005.

Ogle, C. and Reisberg, D. A comparison of elimination, sequential and simultaneous lineup procedures. Paper presented at the meetings of the Association for Psychological Science, New York, NY, May 2006.

Kushlev, K. and Reisberg, D. The effects of mindfulness on the emotional experience of choosing. Paper presented at the meetings of the Western Psychological Association, Portland, OR, April 2009.

Houston, M. and Reisberg, D. Do jurors trust their own eyes over the expert when presented with finger print evidence? Paper presented at the meetings of the American Psychology-Law Society, New Orleans, LA, March 2014.

Newirth, K. et al. Out of the lab and into the courtroom: How and why eyewitness experts are important in criminal cases. Full day workshop presented at the meetings of the American Psychology-Law Society, Atlanta, GA, March 2016.

Kenchel, J. & Reisberg, D. Eyewitness confidence: Post-identification feedback affects both verbal and numerical expressions. Paper presented at the meetings of the NorthWest Cognition and Memory Association, Vancouver, BC, May 2016.

Kenchel, J., Reisberg, D., & Dodson, C.S. “In your own words, how certain are you?” Post-identification feedback powerfully distorts verbal expressions of witness confidence. Paper presented at the meetings of the American Psychology-Law Society, Seattle, WA, March 2017.



**Papers presented at scientific meetings (continued):**

- Reisberg, D. Invited discussant: Symposium on 'Why memory matters: Errors (and solutions) in criminal investigations.' Paper presented at the meetings of the American Psychology-Law Society, Memphis, TN, March 2018.
- Suresh, S., Pezdek, K., & Reisberg, D. The Appearance Change Instruction is not beneficial even under novel and favorable circumstances. Paper presented at the meetings of the American Psychology-Law Society, Los Angeles, March 2024.

**Extramural activities / Community Service (partial list):**

- Committee of Examiners for the Graduate Record Examination (GRE) Psychology Test, Educational Testing Service, 1992-1998.
- Director and organizer, Reed College's Second Annual Conference on Music and the Liberal Arts: *In the ear of the beholder – The psychology of music perception*. (February, 2000).
- Presentation at the Multnomah Athletic Club as part of Reed College's Luncheon Seminars: *Eyewitness Testimony and the Fallibility of Memory: Implications for the Criminal Justice System*. (March, 2000).
- Presentation for the Detective Division, Portland Bureau of Police: *Using the science of memory to improve police work*. (September, 2000).
- Presentation for the Reed College Board of Trustees: *The Fallibility of Memory*. (October, 2000).
- Presentation for the Oregon State Bar, Continuing Legal Education (CLE) Program: *The science of memory and eyewitness testimony*. (Portland, OR; October, 2000).
- Presentation for the Multnomah County District Attorney's Office, Continuing Legal Education (CLE) Program: *Expert witnesses on eyewitness memory*. (Portland, OR; January, 2001).
- Member, Advisory Board for the City of Portland's Bureau of Police Long-Term Training and Development Action Plan (2001 - 2002)
- Presentation for Reed College's 'Reed on the Road' series: Eyewitness testimony and The Fallibility of Human Memory. (San Francisco; March, 2002).
- Presentation for the annual meeting of the National Defender Investigator Association: *Detecting false memories*. (Portland, OR; April, 2002).

**Extramural activities / Community Service** (*partial list; continued*):

- Presentation for the Federal Public Defender's Office, Continuing Legal Education (CLE) Program: *Eyewitness identification: When is it likely to be reliable, and when not?* (Portland, OR; May, 2003).
- Presentation for Metropolitan Public Defenders, Continuing Legal Education (CLE) Program: *Evaluating eyewitness identifications*. (Portland, OR; July 2003).
- Two-part presentation for the Oregon Criminal Defense Lawyers Association Program (CLE). *Eyewitness identifications: How accurate are they?* and *False memories: Remembering things that never happened*. (Portland, OR; December 2003).
- Presentation for Congregation Neveh Shalom. *When and how should religious beliefs evolve? Possible lessons from the Tibetan Buddhists*. (Portland, OR, February 2004.)
- Presentation for the American Inn of Court. *Questioning a witness: Scientific, legal and professional issues*. (Portland, OR, March 2004.)
- Presentation for the Oregon Society for Clinical Hypnosis. *From the laboratory to the Dalai Lama: What do know about visualization skill?* (Portland, OR: February 2006).
- Presentation for the Oregon Criminal Defense Lawyers Association, as part of their Juvenile Law Seminar: *Allegations of Sexual Abuse* (CLE). (Newport, OR; April 2006).
- Interview for *Viewpoints*, a nationally-syndicated weekly radio broadcast, highlighting current affairs, and featured on over 340 stations. *Eyewitness testimony: Can we trust it?* (March 2007).
- Member, Advisory Panel for the American Psychological Association's Board of Scientific Affairs, reviewing the *National Standards for High School Psychology Curricula*, July 2007.
- Two part presentation for the King County (WA) Prosecutor's office (CLE). Scientific research on eyewitness memory: Is it probative? Is it prejudicial? Is it useful? Part 1: Identification procedures; Part 2: Eyewitness narratives & the problem of false memories. (Seattle, WA: September 2007).
- Presentation for the 12th Annual Insurance Fraud Conference, a year meeting sponsored by the insurance industry's International Association of Special Investigation Units (IASIU). *Witness Interview Techniques*. (Portland, OR: October 2007).

**Extramural activities / Community Service** (*partial list; continued*):

- Two part presentation for Detective Division, Portland Bureau of Police, co-presented with Sergeant Wayne Svilar. Can we use what we know about memory to improve interview procedures? and Improving identification procedures. (Portland, OR: October 2007).  
[This presentation was over-subscribed in advance, and, when given, was very well received. Therefore, we offered an ‘encore’ performance in November 2007.]
- Presentation for fraud investigators, SAIF corporation. Interviewing witnesses: A scientific perspective. (Salem, OR: October 2008).
- Presentation for Premium Auditors Training, SAIF corporation. *Detecting lies, and getting complete information: What can a scientific perspective tell us about interviewing?* (Salem, OR: October 2008).
- Presentation for the 29th annual meeting of the Oregon Paralegal Association. What can you learn from witnesses; what can’t you learn? (Bend, OR: October 2008).
- Presentation for the Oregon Criminal Defense Lawyers Association, as part of their Juvenile Law Seminar: Working with younger children (CLE). Interviewing young children: The view from the laboratory. (Newport, OR; April 2009).
- Presentation for Premium Auditors Training, SAIF corporation. *Getting the best interview you can – Worries about honesty and memory accuracy.* (Kelso, WA: April 2009).
- Presentation for “OTIS” – the “Old Timers Investigator Society” (a group of investigators working for attorneys). Evaluating Witness I.D.’s. (Portland, OR: June 2009).
- Presentation for Metropolitan Public Defenders (CLE). *Getting the best of, and the most from, witness narratives.* (Portland, OR: October 2009).
- Presentation for the National Association of Paralegals. *Preparing witnesses, learning from witnesses.* (Portland, OR: October 2009).
- Presentation for the Oregon Criminal Defense Lawyers Association (CLE): *Mastering & controlling the trial venue: A new perspective.* (Co-presented with Laura Graser; Portland OR: December 2010). *This presentation focused on the effects of pre-trial publicity, building on what we know about jurors’ memory and judgment processes. How (and when) does pre-trial publicity influence a jury? How effective are the standard “remedies” to pre-trial publicity’s impact?*
- Interview on Oregon Public Radio’s *Think Out Loud* program: “Changing the Child Sex-Crime Law.” Broadcast March 28, 2011.
- Presentation for the Oregon Criminal Defense Lawyers Association (CLE): *Using and choosing expert witnesses.* (Co-presented with Sara Snyder; Newport, OR: September 2011).

**Extramural activities / Community Service** (*partial list; continued*):

- Interview on Oregon Public Radio's *Think Out Loud* program: "Memory and Eyewitness Evidence." Broadcast November 2, 2011.
- Presentation for the Oregon Criminal Defense Lawyers Association (CLE): *Evaluating (and improving) eye-witness identifications*. (Portland, OR: December 2011).
- Invited testimony before a joint meeting of the House and Senate Judiciary Committees: The Science of Eyewitness I.D.'s. (Salem, OR: May 2012).
- Interview on KATU television news, re: "Witnesses can be wrong; task force to look at how." (Portland, OR: May 2012).
- Presentation for the Oregon Criminal Defense Lawyers Association (CLE): *Oregon's new 2012 Interviewing Guidelines*. (Co-presented with Dr. Wendy Bourg and Lisa Maxfield; Newport, OR: April 2013).
- Presentation for the Oregon Criminal Defense Lawyers Association (CLE): *Classen, Lawson and Eyewitness Law: The scientific evaluation of eyewitness identifications*. (Bend, OR: June 2013).
- Presentation at the Center for Advanced Study in the Behavioral Sciences, Second Annual Behavioral Science Summit, on *Creativity & Innovation*. (Palo Alto, CA: July 2013).
- Chair, External Evaluators Committee for the Psychology Department at Whitman College. (Walla Walla, WA: September 2013).
- Presentation for Lewis & Clark Amnesty International Chapter: Wrongful Conviction: The Troy Davis Case. (Portland, OR: April 2014).
- Presentation for the Oregon Criminal Defense Lawyers Association (CLE): *Oregon's New Protocol for Collecting Identification Evidence*. (Eugene, OR: January 2015; also broadcast statewide as a "webinar").
- Interview on WWL radio on "The Think Tank," hosted by Garland Robinette, re: "People confess to crimes they didn't actually commit." (New Orleans, LA: February 2015).
- Interview on National Public Radio on "Philosophy Talk," hosted by John Perry and Ken Taylor, re: "Your Lying Eyes: Memory, Perception, and Justice." Recorded before a live audience October 2015; broadcast November 2015.
- Presentation for the Oregon Innocence Project (CLE): *The courts' view of psychological science: The sequential lineup as a 'case study'*. (Portland, OR: February 2016).
- Two part presentation for the APA Division 42 Forensic Assessment Conference: *Perception and memory in forensic settings: Current controversies*, and *Detecting Liars: Separating science and pseudo-science*. (Pasadena, CA: April 2016).

**Extramural activities / Community Service** (*partial list; continued*):

- Presentation for the Idaho Association of Criminal Defense Lawyers: *The scientific assessment of I.D. evidence: Moving beyond Manson*. (Sun Valley, ID: March 2017).
- Presentation for Metropolitan Public Defenders: *Detecting Lies and Liars: Update on the State of the Art*. (Hillsboro, OR: August 2017, and Portland, OR: October 2017).
- Invited testimony before the Oregon State Legislature's Joint Interim Task Force on Testing of Sexual Assault Forensic Evidence Kits. (Salem, OR: June 2018).
- Appearance on the Netflix series, *American Vandal*, season 2; cast as "James Milbank, Professor of Psychology." (September 2018.)
- Appearance on KGW news, "Our memories are far from perfect: Expert explains the science of accurate memories." [Background discussion for reporting on sexual assault accusation against Supreme Court nominee.] (October 2018.)
- Presentation for the American Inn of Court. *Perception and memory: Strengths and weaknesses*. (Medford, OR, May 2019.)
- Invited panelist at the annual Quattrone Center Spring Symposium, "Transparency in Criminal Justice: A 2020 Vision." Philadelphia: Quattrone Center for the Fair Administration of Justice, Penn Law School. (*Postponed because of COVID.*)
- Two part presentation for the Alaska Association of Criminal Defense Lawyers: *Litigating confession cases: The Reid Technique and beyond*, and also *ID evidence: Basic findings, and some new insights*. (Anchorage, AK: Sept 2021).

Presentation for King County (WA) Department of Public Defense: *Evaluating Witness Identification Evidence*. (Seattle, WA: April 2022).

Presentation for King County (WA) Department of Public Defense: *Litigating confession cases*. (Seattle, WA: June 2022).

Presentation for King County (WA) Department of Public Defense: *How reliable is children's memory?* (Seattle, WA. January 2023).

Presentation for CARES NW Continuing Education Program: *Children's memories*. (Portland, OR. November 2023).

Consultant and expert witness in judicial proceedings.

My courtroom testimony spans a range of issues, all focused on the scientific examination of how people perceive the world, remember what they have perceived, and think about what they remember. (These are central concerns in cognitive psychology.) Specific topics for testimony have included the proper procedures for eliciting children's memories; eyewitness identifications and also their narrative reports on crimes; earwitness identifications of someone's voice; memory for conversations; the evaluation of confession evidence; and *jurors'* memory for pretrial publicity. I have been recognized as an expert (and allowed to testify) in Alaska, California, Colorado, Idaho, Illinois, Montana, Nevada, New Hampshire, Oregon, Virginia, and Washington, and also in several jurisdictions in federal court. I have also consulted on civil, criminal, administrative and military cases in many other jurisdictions.

**Professional activities (partial list):**

Service as Editor:

<i>Cognitive Science</i>	(Editorial board, 1990-1998)
<i>Memory &amp; Cognition</i>	(Consulting editor, 1993-1998)
<i>Journal of General Psychology</i>	(Consulting editor, 1984-2000)
<i>Psychological Bulletin</i>	(Associate Editor, 2000-2002)
<i>Psychological Science</i>	(Editorial Board, 1998- 2006)
<i>Journal of Mental Imagery</i>	(Associate Editor, 1988- 2009)
<i>Applied Cognitive Psychology</i>	(Editorial board, 2004-2010)
<i>Review of General Psychology</i>	(Editorial Board, 2006-2011)
<i>The Behavioral Scientist</i>	(Appointed as Founding Columnist, 2017)
<i>The PsychReport</i>	(Board of Scientific Advisors, 2013- 2017)
<i>Philosophical Psychology</i>	(Editorial Advisory Board, 1990-2021)

*Emerging Trends in the Social & Behavioral Sciences:*

<i>Interdisciplinary Directions</i>	(Consulting editor, 2012- )
<i>Journal of Applied Research in Memory &amp; Cognition</i>	(Associate Editor, 2015-2020; then re-elected in 2020 for another 5 years)

Service as Reviewer (partial list):

*Applied Cognitive Psychology*  
*Behavioral and Brain Sciences*  
*Cognition & Emotion*  
*Cognitive Psychology*  
*Current Directions in Psychological Science*  
*Emotion*  
*Experimental Neurology*  
*European Journal of Cognitive Psychology*  
*International Journal of Psychology*  
*Journal of Applied Developmental Psychology*  
*Journal of Experimental Child Psychology*  
*Journal of Experimental Psychology: General*  
*Journal of Experimental Psychology: Human Perception & Performance*  
*Journal of Experimental Psychology: Learning, Memory and Cognition*  
*Journal of Memory and Language*  
*Journal of Police and Criminal Psychology*  
*Law and Human Behavior*  
*Legal and Criminological Psychology*  
*Memory*  
*Memory & Cognition*  
*Neurobiology of Learning & Memory*  
*Perception & Psychophysics*  
*Psychological Bulletin*  
*Quarterly Journal of Experimental Psychology: Human Experimental Psychology*

**Professional activities** (*partial list, continued*):

Member or former member:

American Psychological Association (Member, Division 3)

*Elected Fellow of Division 3 in 1999*

American Psychology-Law Society

Association for Psychological Science

Oregon Academy of Science

Psychonomic Society

Society for Applied Research in Memory and Cognition

Society for Philosophy and Psychology

*Executive Committee, 1989-1992, 1996 - 1999*

Western Psychological Association

*Elected Fellow in 1995*

*Program Review Committee, 1999, 2000, 2003, 2004.*



# DANIEL REISBERG

*Patricia and Clifford Lunneborg Professor of Psychology, Emeritus  
Reed College*

*mailing address*

9220 SW Barbur Blvd  
Ste. 119 / # 192  
Portland, OR 97219

*email*

reisberg@reed.edu

*telephone*

503.770.0636

*fax (direct to Reisberg)*

503.914.0477

8 October 2025

Venetia Mayhew, Attorney at Law  
333 SW Taylor St. #300  
Portland, OR 97204

Re: Diane Downs

Dear Ms. Mayhew:

As you requested, I am writing with my assessment of the above-referenced case. Specifically, I have focused on the apparent “improvement” in Christie Down’s memory, with Christie apparently remembering more about the shooting after some months had passed. In what follows, I will refer to Christie as “C.D.”, and refer to her mother, your client, as “D.D.”

**My background.** I am a research psychologist with a Ph.D. in Experimental Psychology from the University of Pennsylvania (1980). “Research psychology” refers to the scientific arm of psychology – an enterprise that asks systematic questions about behavior, emotion, and cognition, using the standard tools of science.

I have worked as an active member of the scientific community for the last several decades. For much of that time (more than 30 years), I was on the faculty at Reed College, in Portland; I retired from Reed in 2019. In 2013, the college had honored me with an endowed chair (the academic world’s highest rank), and so my formal title is now the *Patricia and Clifford Lunneborg Professor of Psychology, Emeritus*.

While at Reed (and before), I worked in (and continue to work in) the area of cognitive psychology – the scientific study of how people perceive the world, how they remember what they have perceived, and how they think about information they have gained. Within this broad domain, my work has focused on the completeness and accuracy of memory. My professional activities include my own data collection and also extensive writing about perception and memory, which requires me to maintain current and complete knowledge of other researchers’ work in my field of study.

Details of my professional work are described in my CV, which I have provided for you. As you can see, I have a many-year history of publishing research articles in peer-reviewed scientific journals; I am also the author or editor of ten books. One of the books – a university textbook in cognitive psychology – is moving into its ninth edition; I hope the longevity of this text (which depends on my colleagues’ evaluation of each successive edition) provides information about my colleagues’ assessment of the completeness and accuracy of my professional knowledge.

**Nature of this report.** In this (or any) report, I rely on scientific research that can help us understand how perception and memory function. I emphasize, though, that the research outcomes are, in virtually all cases, framed in terms of *probabilities*. In



other words, research allows us to identify factors that can *increase the risk* of perceptual or memory inaccuracy, and also factors that can *decrease the risk*. I hope it is clear, though, that being at risk of error is distinct from actually making an error – and, of course, there are circumstances in which the risk of error is high but someone’s perception- and memory-based report is nonetheless accurate.

I emphasize, then, that scientific research provides no basis for indicating whether a particular report is accurate or not. I can, for a specific memory, identify factors that finders of fact might want to consider in forming their own assessment of the risk of error. Whether the finders of fact use this information is, of course, not up to me. More importantly, the ultimate decision – about whether a risk of error did indeed produce an error – is up to the finders of fact, and not something for which I can provide a scientific view.

### **THE INSTANT CASE**

**The base facts.** In what follows, I list facts of the case as I understand them. There is obviously more information in the case than is listed here; I list only the facts that I believe might be relevant to my assessment.

- On 5/19/83, D.D. drove to the hospital with her three children, all suffering from gunshot wounds. The youngest child, Danny, was three years old at the time, and as far as I know has been unable to provide reliable information about what happened that day. A second child, Cheryl, was seven years old at the time, and died from her wounds. The third child, C.D., was 8 years old and arrived in the emergency department with no blood pressure and (according to the medical records) bleeding at an “alarming rate.” Her body had been in a state of hypoxia (inadequate oxygen) for an unknown amount of time. She also apparently suffered a stroke.
- At the hospital, a representative from the DA’s office asked C.D. if she knew what had happened to her, and apparently C.D. shook her head “no.”
- Roughly a week later, on 5/27/83, there was another attempt at talking to C.D. When asked if she knew what had happened to her, she again shook her head “no.” Likewise, when asked if she knew what had happened to her brother and sister, she shook her head “no,” and gave the same response when asked if she knew how she got hurt.
- Roughly a month later, on 6/16/83, C.D. was again questioned. As far as I can discern, C.D. again provided little information. Asked if she knew who did the shooting, the records indicate that she responded, “I don’t know... I think... I think...”
- C.D. continued to receive medical treatment and therapy. A half year after the shooting, in December of 1983, Dr. Peterson (a child psychologist) offered statements about C.D.’s “emerging memories.”
- Then in January of 1984, C.D. apparently indicated in a therapy session that D.D. had been the shooter. In late January, 1984, C.D. testified in front of a grand jury,

and then said she was able to see who shot her siblings, and that it was her mother.

## **ASSESSMENT**

Taken at face value, C.D. initially had little or even no memory of the events of 5/19, and so she provided no information about who had shot her and her siblings. Roughly a half-year later, however, she did seem to recall what had happened, and asserted that her mother was the shooter. How should we think about this apparent memory improvement? I begin with the explanation that is most plausible, based on a scientific understanding of memory; I then turn to two other notions, and explain why those notions seem unlikely.

***The importance of memory consolidation.*** The moment anyone encounters some new bit of information, that information can be (and often is) represented in their brain. If I can use a simple example, if I announce to you that my favorite color is forest green, that fact about me is now represented in your brain, and you can draw on this information if I ask you, after a moment's delay, to name my favorite color.

However, the initial representation in memory for this (or any) information is extremely fragile. In order to create a longer-lasting representation in the brain, a further process is needed – a process that takes place in the several hours *after* an experience, a process referred to as *memory consolidation*. Consolidation literally involves the creation of new neural connections, so that we can sensibly speak of the brain going through a process – again: extending over hours – of “rewiring.” Consolidation does not require any attention or mental effort, or any further thought about the target events. Consolidation does, however, require a stable and well-functioning biological environment. If, therefore, the person is under enormously high stress, or not receiving adequate oxygen, or suffering from a diminished blood supply, the process of consolidation cannot go forward, and so no enduring memory is established. In that situation, there is no prospect of “recovering” the memory later, because there is no memory to be recovered. If I can put this metaphorically, the “seeds of memory” have been washed away before they had a chance to take root.

There is no question that injuries like C.D.'s would likely have interrupted the process of consolidation. On this basis, it is not at all surprising that, in the months after the shooting, C.D. had no memory for the events of 5/19/83. That is precisely what we would expect, given the nature and extent of her injuries, injuries that would likely have disrupted consolidation, leaving her with no enduring memory for the horrible events she experienced.

***Ribot's Law.*** Before pressing on, I should note that these claims about consolidation are entirely consistent with the scientific and clinical evidence showing that, in some cases, a degree of recovery is possible after someone has suffered a period of amnesia (as, apparently, C.D. did), caused by some insult to the brain. We have known this fact about recovery for many years; I believe that one of the classic statements of this point comes from a 1967 paper by Benson and Geschwind, transparently titled “Shrinking retrograde amnesia.” Many studies since then have confirmed this point.

Here I emphasize, though, that the best we can say is that this recovery is “possible.” In most cases, recovery does not occur, and I would add that recovery is much less likely if the medical insult to the brain is severe – as it certainly was with C.D. Therefore, her case seems one in which recovery is highly unlikely. But, in addition, in those cases in which

memory recovery, after amnesia, does occur, the recovery shows a “temporal gradient,” often termed “Ribot’s Law” (after a 19<sup>th</sup> century French researcher). The key here is that the likelihood of memory recovery is linked to how close-in-time the target events were to the injury that caused the amnesia. To put the point in concrete terms, the person is more likely to recover memories for events that happened an *hour* before the injury, compared to (the lower likelihood of recovery for) events that happened *moments* before the injury. Likewise, the person is more likely to recover memories for events that happened *multiple hours* before the injury, compared to events that happened just a *single hour* before the injury, and so on.

The pattern of Ribot’s Law is just what we would expect in light of a scientific understanding of consolidation. There has been no opportunity for consolidation for experiences just before the injury; therefore, memory for these experiences is maximally vulnerable, and least likely to recover. For experiences that took place, say, an hour before the injury, some consolidation has taken place, so there will be some amount of enduring storage, and so some chance of recovering (parts of) the memory. For experiences that took place, say, a half day before the injury, most of the consolidation process will have taken place, so the memory will likely be adequately established and so there is some chance of recovering the memory.

Note, then, several things. First, I emphasize once more that C.D.’s injuries were substantial, demanding the notion that these injuries would disrupt consolidation. Second, the pattern of Ribot’s Law can be taken as confirmation of how consolidation operates. Third, the pattern of Ribot’s Law tells us that the memories that C.D. is least likely to recover would be memories for the shooting itself (and the moments just before).

**Delayed disclosure.** Are there other ways we might think about C.D.’s apparent lack of memory? As one possible option, we know that, in some circumstances, people who have gone through traumatic experiences remember these experiments in detail, but choose not to describe what they remember. Later on, however, the person becomes willing to report – and so offers what is called a “delayed disclosure.” Likewise, sometimes the person decides to say a bit about what happened (perhaps to see how it feels to be talking about the trauma, or perhaps to gauge how others react), and then later decides to say more; this leads to a pattern called “incremental disclosure.” We need to be clear, however, that what is changing in delayed or incremental disclosure is not what the person actually remembers. Instead what is changing is the person’s willingness to talk about what they remember.

Could C.D.’s increasing recall be understood as an instance of delayed or incremental disclosure? I regard this possibility as unlikely largely because of C.D.’s medical circumstances: Her medical trauma, I repeat, would have made a disruption of consolidation highly likely and, on that basis, no memory was established. In this context, C.D. could not have offered a delayed or incremental description of what she remembered because there was no memory to be reported.

In addition, others will have to decide whether C.D. had reason to delay her report. Here I emphasize that delayed or incremental report is the result of a person’s deliberate choice not to report. Claims about delayed or incremental report only make sense, therefore, if we can establish some motivation that would have persuaded the person to choose this path. Moreover, it is my understanding that there were repeated efforts in this case (e.g., by Dr. Peterson) to encourage C.D. to remember the shooting. If C.D. had simply chosen not to report what she remembered, it seems likely that these repeated efforts might have persuaded her to change this stance, and thus to report what she knew. The fact that this

did not happen for many weeks adds to the reasons not to accept this proposal for C.D.'s lack of report.

**Self-protection.** At D.D.'s trial, the prosecution suggested a different explanation for C.D.'s late-arriving memory. They suggested that "she needed to feel safe before she could remember what happened." Taken at face value, this is a claim that C.D., initially not feeling safe, had somehow blocked or suppressed the threatening memories and so, for a period of time, had no conscious recollection of what had happened. However, the threatening memories were not erased; instead they were somehow hidden or sequestered, so that C.D. could recover these memories once she did feel safe.

The notion at stake here – that people can, as an act of self-protection, block or suppress painful memories – is widely endorsed in commonsense discussions of memory. In sharp contrast, scientists who carefully and systematically study memory are deeply skeptical about this notion. Many lines of evidence are relevant here, but perhaps the best evidence comes from cases in which people have suffered through some sort of horrible trauma. We can then ask whether people somehow block or suppress the memory of this trauma, or instead have long lasting and detailed memories of the traumatic experience. The scientific evidence overwhelmingly favors the latter claim – exactly the opposite of what we might expect if people could protect themselves from painful thoughts and memories. In fact, we can go one step further: Rather than blocking or suppressing these memories, people who have experienced some trauma often complain about having "too much" memory, and express a fervent wish that they could somehow remember less about what happened to them. Again, this is the opposite of the pattern that the prosecution seems to be endorsing. In other words, the prosecution's view might have some commonsense appeal, but the view is contrary to how memory actually functions, and so cannot be accepted as a likely account of the sequence in C.D.'s recall.

**Suggestibility.** As I have tried to make clear here, I believe the most plausible account of C.D.'s initial lack of memory is disrupted consolidation, caused by her undeniably serious injuries. On this basis, as I have said, there is no prospect for genuine memory recovery, because (again) there is no memory to recover. How therefore should we think about C.D.'s later reports, in which she says she did know who shot her and her siblings?

The 1984 trial contained some testimony about the possibility that memories can be amplified, or enlarged, or distorted, by information that is received only after the target events. (Transparently, research on this topic is referred to as research on "post-event information," and how that information can alter a memory.) On these points, there were a number of assertions in the trial that are contrary to the actual science. In closing argument, for example, the state argued that it is "not easy to tamper with memory in general," and that "long range memory is hard to change." I am not sure exactly what these assertions mean, and I also find it difficult to reconcile these claims either with the science available in 1984 or with the current science. There was also a suggestion that memory distortions are primarily demonstrated in college students who have been "intentionally misled." These claims, too, are inconsistent with the facts.

Most important, we know that just a single question can cause significant distortion in how someone thinks about, and remembers, an event. We also know that once a memory has been influenced in some fashion, it is difficult to 'peel back' this influence. To use the common expression, this is a domain in which it is difficult to un-ring the bell, or to un-scramble the egg.

In the instant case, we know that C.D. was repeatedly asked if she could remember the shooting, and was encouraged to remember the shooting. This questioning, by Dr. Peterson and others, is likely to have been exactly the type of influence that could easily have led C.D. to create an after-the-fact reconstruction of what (she believes) happened in the shooting, and she may well have accepted this reconstruction as a “memory.”

I hope this provides you with the information you need.

Sincerely,

/ Submitted electronically /  
/ Please call or email if /  
/ verification is required. /

Daniel Reisberg, Ph.D.

*Patricia & Clifford Lunneborg Professor, Emeritus  
Reed College*