

presentations.

BACKGROUND

On June 13, 1996, Angie Dodge was murdered in Idaho Falls, Idaho. She was found next to her air mattress, there was blood on her sheets, there was blood splatter above her mattress on the wall and her comforter was at her feet. There were 300 ml (10 oz.) of urine in her bladder and little or no defensive wounds. She was found partially disrobed, had been sexually assaulted and her killer left his DNA. Indications were Angie was attacked with a knife in her sleep, she had been pulled off and to the side of her air mattress. Two Idaho police profiles (Les Stimpson and Morgan Hendricks) predicted the killer was a sole perpetrator, a 'peeping Tom', a stranger to Angie, and he lived in the area. FBI criminal profile behavior specialists classify this type of sexual homicide as "disorganized."

On January 4, 1997, a friend of Angie's, Ben Hobbs, had been arrested in Ely, Nevada, for rape. He had controlled his victim with a knife. From that point on Ben Hobbs became the only suspect, at least until Hobbs' DNA did not match the crime DNA on January 17, 1997. Chris Tapp is also not a match for the crime scene DNA, that person is still at large.

Chris Tapp and Jeremy Sargis, good friends of Ben, became police targets to see if they had any information that might incriminate Ben Hobbs. At first, Jeremy Sargis and Chris Tapp were both cooperative. Sargis eventually told the police that they were foolish for thinking that Jeremy knew something about the crime. Chris Tapp was a different story; he trusted and believed in the police, especially Jared Fuhriman. In January of 1997 Chris Tapp was a 20 year-old high school drop-out who had known Officer Fuhriman when he was a school resource officer at Tapp's junior high.

On January 7, 1997, Sgt. Jared Fuhriman of the Idaho Falls Police department (IFPD) first interrogated Chris Tapp. Sergeant Fuhriman, a DARE officer who usually visited schools, interrogated Tapp because of their former acquaintance. Over a three and a half week period, from January 7 through February 1, 1997, Chris Tapp was interrogated nine times and he was examined seven (7) times by polygraph.

The polygraph examiner was Officer Steve Finn of the IFPD. Tapp's attorneys never involved themselves in, or witnessed, the polygraphs. All of Tapp's nine interrogations were videoed and/or transcribed. None of the seven polygraphs were transcribed and five were videoed. A key, and missing, video is from the January 15, 1997, polygraph.

At the end of his interrogations Chris Tapp stated that he, Ben Hobbs and a third person killed Angie Dodge. He stated the third person left his DNA, but Chris could not remember his name.

The judge, the jury, the prosecutors, and the defense attorney never saw the polygraph videos. Tapp gave six (6) separate and distinct statements during his interrogations. His first statement was that he had no knowledge of the crime and in the five subsequent statements his knowledge and involvement grew until he stated that he stabbed the victim. Each of the five story changes was preceded by a polygraph examination conducted by IFPD officer Steve Finn. Sergeant Jared Fuhriman involved himself directly in some of those polygraph examinations.

The United States Supreme Court has held that an out of court statement is not admissible against the accused if the defendant was coerced. A confession is deemed coercive if a defendant's 'free will was overborne' by 'psychological pressure.' See *Townsend v. Sain*, 372 US 293 (1963); also see *State v. Suriner*, 294 P.3d 1093, 1100 (Idaho Supreme Court 2013).

VIDEO SEGMENTS

1. 1/7/97 Day 1 interrogation. Denial of knowledge by Tapp of crime.

1.1s s-29:11, e-29:26

Tapp: "I am going to be straight up and truthful with you. If I did know anything about this, I would say. But I do not know. That's the honest truth. I'm not lying. I am not going to save his ass. I'm not even going to save my ass any more. I am just going to bring out the truth."

2. 1/10/97 Day 2 polygraph. Fuhriman tells Tapp that he is looking at a conspiracy charge.

2.7a.1 s-1:11:18, e-1:11:54

Fuhriman: "Right now Chris you can be charged with conspiracy, which means basically under Idaho law states, if you are convicted of conspiracy, if you are convicted of conspiracy, you take the same punishment, same fall as if you committed the crime. I'm telling you where you are at my friend. I am trying to be up front and honest with you..."

3. 1/10/97 Day 2 polygraph. Tapp buckles under pressure.

2.7a.1l s-1:14:28, e-1:14:32

Tapp: "He told me he did her."

4. 1/10/97 Day 2 polygraph. Tapp is crying, sniffing, Fuhriman constructs plan.

2.7a.q s-1:31:12, e-1:31:48

Fuhriman: "What we need to do Chris, we need to help construct a plan for Chris Tapp. See what we can do to help you. ... We can't help you. We can't help you..."

Tapp: "unless I help myself."

5. 1/11/97 Day 3 Tapp arrested. Fuhriman wants to drop kick Ben Hobbs through the goal posts of life.

3.2.1a s-06:28, e-06:47

Fuhriman: "Bottom line." Tapp: "If I woulda done this earlier." Fuhriman: "Not only that, but I seriously want you to think about what I told you in the car okay? That little extra bit you got, we are gonna be able to take Ben and drop kick him through the goalposts of life. Okay? I'm serious as a heart attack."

6. 1/13/97 Ben Hobbs interrogated in Ely, Nevada. Ben denies involvement, DNA will prove it.

BH #2 s-32:01, e-32:09

Ben Hobbs: "Was she raped the night she was killed?" Ken Brown: "You tell me, was she raped?" Hobbs: "I don't know. That's why I'm askin' you, cuz if she was my DNA will prove my innocence right there."

7. 1/14/97 Jeremy Sargis calls Fuhriman a fool, Fuhriman explodes.

JS2 s-40:36, e-40:48

Fuhriman: "Excuse me! I'm making a fool of myself?" Sargis: "Yeah, cause I didn't do shit." Fuhriman: "Holy nuts." Sargis: "I don't know shit." Fuhriman: "I'm making a fool out of myself?" Sargis: "I think you are." Fuhriman: "I think you had better stand up and look in the flipping mirror Bub." (Door slams shut.)

8. 1/15/97 Day 4 interrogation. Immunity Agreement (IA) in place. Ken Brown denies putting Tapp at scene.

4.2.2q s-1:39:52, e-1:40:06

Tapp: "I wasn't there." Brown: "... would just be horrible." Tapp: "I wasn't there you know." Brown: "And I'm not, I'm not saying you were." Tapp: "Okay that's ..."
Brown: "Okay? I'm not ..."
Tapp: "The way it was sounding to me is that ..."
Brown: "No, no I'm not ..."
Tapp: "You're trying to put me there."

9. 1/15/97 Day 4 interrogation. IA in place. Tapp is "picturing" himself at scene, no memory.

4.2.2s s-1:43:19, e-1:43:38

(Brown is telling Tapp to get relief from his pain he has to get this stuff out.) Tapp: "And see that's my problem. I don't know if my pain is because I'm just picturing myself there, ya know, when you was telling those stories, uh, if I picture myself there or if I was downstairs. I just don't know. My, even in my mind, ya know, I just don't remember that." Brown: "Let's, let's just ..."
Tapp: "God, I wish I could."

10. 1/17/97 Day 5 interrogation. Fuhriman and Brown break protocol, show crime scene photos to Tapp.

5.3o s-3:03:04, e-3:03:37

Brown: "What we are going to do now, really throw some cards on the table."
Fuhriman: "I know (looking at Brown) where you are going with this." Brown: "Probably going to be a little traumatic for you. We are going to show pictures, pictures of the crime scene. I want you to tell me if that's how you remember it. How you don't remember it. It's gonna jog some memories for ya, and we're gonna go from there."

11. 1/17/97 Day 5 interrogation. Fuhriman plants Jeremy Sargis at crime scene, just learned DNA does not match Hobbs or Tapp, Tapp has no memory of Sargis being there."

5.3w s-3:29:52, e-3:30:09

Fuhriman: "It looks like Jer was probably there, at one time." Tapp: "How could he have been there? I would remember Jer being there wouldn't I?" Fuhriman: "I would think."

12. 1/17/97 Day 5 interrogation ends. "We know Ben, Chris and Jeremy are there."

5.3jj s-3:43:04, e-3:43:13

Fuhriman: "There's a third party involved. We know Ben, know Chris, got Jer there."

13. 1/18/97 Day 6 polygraph. Was Ben, Chris and Jeremy at crime scene?

6.7a.2f s-16:44, e-17:03

IFPD Officer Steve Finn: "Was Ben Hobbs, Jeremy Sargis and yourself at Angie Dodge's apartment when she was killed, not died, when she was killed?" Tapp: "I'm speculating that Jer was there, so I'm a 'yes' on that."

14. 1/18/97 Day 6 polygraph. Finn: "You are 100% telling the truth."

6.7a.2g s-24:40, e-24:57

Finn: "I want you to look at something. There's a question, 'Was Ben Hobbs, Jeremy Sargis and yourself at Angie Dodge's apartment when she was killed?' You are telling the truth, you finally are telling 100% of the truth on that part."

15. 1/18/97 Day 6 polygraph. Finn telling Tapp what happened in crime, per charts, IA sticks.

6.7a.2k s-51:20, e-51:37

Finn: "You were not right there when she died. Okay, and you, yourself, were not involved in the actual stabbing of Angie. That part there is no doubt in my mind. So you got nothing to worry about there. The agreement still sticks."

16. 1/18/97 Day 6 polygraph. Finn telling Tapp he is telling the truth per polygraph jargon.

6.7a.2m s-1:03:25, e-1:03:32

Finn: "... movement here, 'stigmatic' quality. You are telling the truth."

17. 1/18/97 Day 6 interrogation. Both Ben and Jeremy raped.

6.4.y s-38:27, e-38:34

Fuhriman has asked Tapp who raped Angie, Ben or Jeremy. Tapp: "I guess a little of both." Fuhriman: "Okay, ... they were both doing her? I believe that ..."

18. 1/18/97 Day 6 interrogation. Fuhriman directs porn movie.

6.4.z s-38:45, e-40:01

Fuhriman: "Okay so when one is on top of her, how did they rape her? Was it vaginally? Are they doing it anally?" Tapp: "A little of both." Fuhriman: "A little of both. Who was doing her from behind?" Tapp: "Jer." Fuhriman: "Okay, Jer was doing her from behind. Who was doing her in the front then?" Tapp: "Ben." Fuhriman: "Ben was doing her from the front. Who tried to have her do the oral sex? To have her give them

a blow job?” Tapp: “Jer.” Fuhriman: “Jer. So Jer was forcing her to give him a blow job. Is that correct? Okay. At some point in time was one of them forcing her to give them a hand job? Do you recall that?” Tapp: “No.” Fuhriman: “Do you recall any of them ejaculating on her?” Tapp: “No.”

19. 1/29/97 Day 7 interrogation. IA is rescinded. Tapp is screwing with police, lying about Jeremy being there.

7.5.z s-10:08, e-10:30

Fuhriman: “Chris, you told us Jeremy Sargis was there. You not only told us he was there, but he took an active part in it. Now we’re finding out that Sargis probably wasn’t there and that you were screwing with us.”

20. 1/29/97 Day 7 interrogation. Tapp claims he passed lie detector.

7.5.l s-04:19, e-04:27

Tapp: “Right. But why would I pass the lie detector test, then, Jared?” Fuhriman: “You didn’t. You have not passed the lie detector test.” Tapp: “I passed the last one.” Fuhriman: “No. You did not pass the last one.”

21. 1/29/97 Day 7 interrogation. Tapp’s story is bogus.

7.5.bb s-10:55, e-11:05

Fuhriman: “So when Chris Tapp tells us things, we think, great, cool, that sounds pretty good. I think he may be tellin’ us the truth this time. We go check it out and it’s bogus.”

22. 1/29/97 Day 7 interrogation. Ken Brown is ticked because Tapp screwed us big time.

7.5.ff s-12:34, e-12:43

Fuhriman: “Ken Brown is pretty ticked right now. Ya know. Everybody’s kinda hammered at Chris Tapp right now because we felt we got screwed big time.”

23. 1/30/97 Day 8 polygraph. Finn tells Tapp he is getting the death penalty or life with no parole.

8.7b.1e s-04:04, e-04:28

Finn: “You are already there. You’re already looking at being charged with Murder one. Max penalty is death or middling penalty is life in prison with no parole.”

24. 1/30/97 Day 8 polygraph. Finn tells Tapp he could get a lower charge if he was afraid for his life.

8.7b.1h s-06:17, e-06:37

Finn: “... or if you were forced to do it for fear of your own life, that’s a different story. Now we’re talking, that you either did it or die, you were forced into it. So we could go with a different charge rather than life imprisonment or death.”

25. 1/30/97 Day 8 polygraph. Tapp denies Ben Hobbs threatened him.

8.7b.1n s-52:59, e-53:11

Finn: "Did Ben make you cut Angie Dodge with a knife?" Tapp: "No."

26. 1/30/97 Day 8 polygraph. Finn instructs Tapp that Ben threatened to kill him unless Tapp stabbed her.

8.7b.1o s-53:22, e-53:38

Finn: "What I'm talkin' about, let me clarify soon. You can't get a 'truthful.' I'm talking about Ben Hobbs actually giving you the knife and saying, 'Cut her, stab her or I'll kill you.'"

27. 1/30/97 Day 8 polygraph. Finn tells Tapp he has to save his life.

8.7b.1w s-58:58, e-59:55

Finn: "... I'm a cop. I shouldn't be saying this. But I am close to you. You're not an asshole, you're not one of these crumbs that could go out and do that to someone. But you got to protect, you gotta save your life, period. You gotta save your life. I assure you got deeply involved, you got forced into something you did not want to do. You're worried about going in for life. What your hope is right now is to get it out, get it approved. Hey, I didn't want to, my God I'm stuck here, two guys are gonna hurt me, they're gonna kill me. That's why I was afraid for my life, while she was dying. I did this. Don't protect them just for that fact. I'm not talking about ..." (Last 7 seconds Tapp is wiping tears away and sniffing.)

28. 1/30/97 Day 8 polygraph. Finn explains advantages of confessing to Tapp.

8.7b.1x s-1:00:16, e-1:01:04

Finn: "We can say Chris Tapp is reliable. He told us everything. He was very cooperative. Sure he may have to serve more time, but you tell me which is best. Serving quite a long time, and I can't tell you how much it could be, two years, it could be five years, twenty-five years, but it is better than life or death. One of them I guarantee you is life and the other is gonna be death. Protect your own ass. And that's between you and I because, like I said, I wouldn't say this but you're not a cold blooded killer. You got trapped." (Tapp takes a deep breath at end, as if capitulating.)

29. 1/30/97 Day 8 polygraph. Finn gives Tapp his solemn promise to convince PA of lower charge.

8.7b.1y s-1:03:19, e-1:03:52

Tapp: "... this is trying to help me out." Finn: "That's all I'm doing, to help you. I gave you my solemn promise. I can't promise you they will reduce it, but I will do everything I can possibly do. Get with your attorney, prosecutor, to help you from getting life." Tapp: "Don't get life." Finn: "I can't promise it whatsoever, all I can do is promise you."

30. 1/30/97 Day 8 polygraph. Tapp answers 'yes' to polygraph question of 'did he stab Angie because Ben threatened to kill him.'

8.7b.1z s-1:06:08, e-1:06:20

Finn: "Did Ben Hobbs force you to cut Angie Dodge across the right breast with a knife or he said he would kill you?" Tapp: "Yes."

31. 1/30/97 Day 8 polygraph. Finn shakes Tapp's right hand.

8.7b.1cc s-1:12:00, e-1:12:07

Finn: "Okay." Tapp: "Did I do it?" (wants to know if he passed) Finn: "Give me your hand." (In actual polygraph reports Finn reports Tapp was deceptive.)

32. 1/30/97 Day 8 interrogation by Det. Stacey. Tapp tells Stacey Ben threatened him unless he cut her.

8.6.1j s-35:49, e-36:10

Tapp: "Okay." Stacey: "What I'm thinking is, Ben's cut her, Ben's raped her, Mike's raped her. I'm thinking maybe, did these guys threaten you to do something so that you're a full part of the crime?" Tapp: "Yes sir." Stacey: "And who does that threat?" Tapp: "It's Ben." Stacey: "What does Ben say to Mike and Chris?" Tapp: "He, he says, do, cut her, do something to her, because I guess they wanted me to inflict some (unintelligible) with them. Ya know, I wasn't really up for it anyway, but ..."

This document and the accompanying video clips were prepared by Judges for Justice in June of 2015.

END