

PAPER**PSYCHIATRY & BEHAVIORAL SCIENCE**

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The Value of Crime Scene and Site Visitation by Forensic Psychologists and Psychiatrists

ABSTRACT: Site visits and crime scene visitation by forensic psychologists and psychiatrists may enhance the accuracy and credibility of their forensic work in criminal, civil, and other important contexts. This ethically sound technique of after-the-fact data collection and verification offers numerous potential benefits to the forensic mental health professional: clarifying the subject's actions, assessing the reliability of witness reports, identifying contextual determinants of behavior, and more fully illuminating subject motivation and decision-making. Limitations and suggested guidelines for conducting site visits are offered. Guidelines include preplanning, arranging for an informed guide to accompany and narrate the visit, and conducting the site visit prior to forensic examinations.

KEYWORDS: forensic science, forensic psychology, forensic psychiatry, site visits, crime scene examination, forensic psychology data gathering, forensic mental health techniques

Forensic psychologists and psychiatrists provide psychological review, consultation, evaluation, and testimony for civil, criminal, administrative, and other important legal contexts. The accuracy, usefulness, and credibility of these critical activities—and indeed the expert—are dependent upon many factors, including the perceived thoroughness of the materials and information reviewed and relied upon by the forensic expert. Traditionally, these have included statements and interviews of the plaintiff or accused, collateral interviews of witnesses, victim statements, criminal history reviews, criminal investigative reports, photographs and recordings of the involved parties, available mental health and medical records, autopsy and injury reports, cyberspace and social networking data, depositions, and the reports of other experts. One source of information that has received scant attention and discussion by the forensic psychological and psychiatric community in the scholarly literature, but appears to have potentially significant value in many cases, is crime scene and site visitation.

Crime scene and site visitation refers to the time when the forensic psychological or psychiatric expert, as a component of his or her consultation on a case, goes to the location of the events in question with the purpose of better understanding the case by experientially anchoring it. Within the usual activities of a forensic psychologist or psychiatrist, such site visits, as a technique or method of collateral data collection, would ordinarily not be contemporaneous to the events, but take place at some time afterward. This stands in some contrast to how a forensic mental health professional might function in a more immediate operational consultation such as a hostage negotiation or an

unfolding investigation (1,2). This article will: (i) discuss the pragmatic, ethical, and scholarly basis of crime scene and site visitation; (ii) identify the forensic advantages of this practice; (iii) present potential limitations to consider within individual cases; (iv) review the various methods and protocols for conducting site visits; (v) provide case examples of these methods from past criminal and civil cases; and (iv), suggest guidelines for these techniques.

Pragmatic, Scholarly, and Ethical Basis

Within the arena of criminal and other investigations, the site visit by responding law enforcement professionals, prosecutors, and forensic specialist personnel is standard operating procedure that supports the pragmatic purpose of resolving the crime or issue at hand (such as the appropriateness of an officer's use of deadly force). Ordinarily, these investigative activities occur immediately after the situation has been discovered and rendered safe. Instant access to the site of events for these professionals enables the capture and memorialization of potentially useful information for solving and understanding the case and may identify key witnesses and evidence. When forensic psychologists and psychiatrists are consulted on cases, ultimately they are rendering opinions related to the behavior of subjects. While they are usually relying upon the information captured by on-site investigators, missing within these two-dimensional and often hearsay reports and materials is the experiential context of the behavior in question. This assessment technique addresses the fundamental attributional error that often occurs when observers diminish the influence of the environment when judging others' behavior and emphasize environmental influences when evaluating their own behavior. As noted by Rosenhan (3), trained mental health professionals are not immune to this effect. Even when video or other media have been employed to document this context, there are often subtle details relevant to the issues at hand that are not available with these traditional recording

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techniques. Site visits by retained forensic mental health professionals fill such a void and may help guard against type I and type II errors.

There are few references to site visitation in the literature. The first author (4) discussed the technique as an empirically based method for civil cases related to officer-involved shootings, observing that it is “useful to visit the scene of the incident for a formal walk-through, particularly while having it narrated by the responding officer(s). Often primary involved officers will provide information not present in the initial reports, and first-hand observations of locations will usually provide an appreciation for issues not gleaned by simply reviewing two-dimensional materials” (p. 256).

McPherson (5), while discussing mitigation defenses in criminal responsibility evaluations, regards crime scene data as generally valid, reliable, objective, and highly relevant ancillary source and third-party information. However, her emphasis was upon this information originating from police and investigators, with its reliability dependent upon the procedural integrity of the documentation. Direct visit to the site or sites in question might be one method for the forensic mental health professional to assess the reliability of the documentation provided by investigators, as well as a technique to access directly the benefits of this rich data source.

Multidisciplinary law enforcement treatises on violent crime analysis often discuss the contribution of crime scene evidence to offender behavioral analysis (6,7). The emphasis of these publications, however, has been on how aspects of the crime scene itself reveal characteristics of the offender and his or her motivations. The application of crime scene analysis or visitation by forensic mental health professionals is not directly discussed.

The forensic ethical codes and guidelines that respectively apply to psychologists and psychiatrists appear consistent with these collateral evaluative techniques. The Specialty Guidelines for Forensic Psychology (8) has two specific sections that appear relevant. Within Section 9.01, Use of Appropriate Methods, it is noted that “Forensic practitioners strive to utilize appropriate methods and procedures in their work. When performing examinations, treatment, consultation, educational activities or scholarly investigations, forensic practitioners seek to maintain integrity by examining the issue or problem at hand from all reasonable perspectives and seek information that will differentially test plausible rival hypotheses” (8, p. 12). Section 9.02, Use of Multiple Sources of Information, states that “Forensic practitioners ordinarily avoid relying solely on one source of data, and corroborate important data whenever feasible (American Educational Research Association, American Psychological Association, & National Council on Measurement in Education, in press)” (8, p. 12). Regarding the first section, certain unique contextual information might only become evident by an actual visit to the site of an event. The site visit may in fact be the only appropriate method to understand a subject’s behavior and what purpose or meaning it may have had, examine an issue quite literally from another perspective (that of the actual location with all of its nuances and subtleties), and provide an ultimate test of certain plausible rival hypotheses. Visiting the location of an occurrence is similarly consistent with the second referenced section, affording the forensic professional a distinct alternate source of data which is transparently relevant to the trier of fact, along with an experiential or real-world context within which to corroborate—or not support—important data.

The forensic ethical guidelines that apply to psychiatrists also encourage consideration of all available data. As noted under

Section IV, Honesty and Striving for Objectivity: “Psychiatrists practicing in a forensic role enhance the honesty and objectivity of their work by basing their forensic opinions, forensic reports and forensic testimony on all available data” (9, p. 3). Certainly, visiting the actual location of a crime or other occurrence in furtherance of strengthening the basis of forensic work comports with this recommended practice guideline.

Forensic Advantages of Site Visitation

Forensic psychologists and psychiatrists engage in a multitude of activities that may be enhanced by site visitation: mental state at the time of the offense and criminal responsibility evaluations, evaluations of malingering, assessments of claimed injuries in civil litigation, expert opinions about the appropriateness of particular strategies employed by law enforcement in use of force cases with mentally ill or suicidal subjects, and mitigation-related evaluations for sentencing, including capital murder cases. Site visits offer the opportunity to clarify issues that are unclear from discovery including what actually occurred, understand more fully a defendant’s behavior and level of impairment at the scene and time of an offense, reduce the dilution effects of reliance upon hearsay, provide the opportunity to challenge or assess the credibility of eyewitnesses, test alternative hypotheses that account for subject behavior, and identify and document overlooked factors that may not have been deemed relevant to investigators and other forensic specialists, but are essential to the psychologist or psychiatrist’s understanding of behavior and circumstances. These factors may, in turn, influence perceptions of the trier of fact as well as other examinees of the expert’s thoroughness and credibility and distinguish his or her work from opposing experts who did not go that extra length to more fully comprehend the case.

Clarification is exemplified by the following case where litigation was brought against a police department after a subject, armed with a handgun, was shot approximately 14 times. The plaintiffs alleged excessive force and specified the number of rounds fired as a primary justification for the tort. The reports and statements from the involved officers and witnesses indicated that the subject pointed his gun, ran, and continued to point his weapon. However, a visit to the scene with the involved officers clarified that the shooting was not one event, but rather an unfolding, dynamic event with at least five distinct phases when the subject engaged in apparently threatening behavior, which each time resulted in the officers discharging their weapons in separate volleys. Absent a site visit, these antecedents of the officers’ perceptions would not have been fully appreciated. Solely relying upon a record review, videotape of a “walk-through,” and photographs would have missed this key information.

It was also noted in this case by plaintiffs’ attorneys that there were discrepancies between officers’ recall of events, officers’ descriptions of fellow officers’ behavior (including whether they had fired their weapons) and statements (commands directed toward the suspect), and independent witness descriptions of subject and officer behavior, which raised important potential credibility and reliability problems. The site visit in this case helped reduce the negative effects of reliance upon such hearsay by providing the forensic psychologist a direct appreciation of where various witnesses were positioned during approximate intervals within the unfolding, dynamic event. Ultimately, it became clear that witness (both involved officers and independent civilian) positions and perspectives very much influenced

what they saw and heard. These site visit findings accounted for most discrepancies, better anchored discreet behaviors sequentially during specific points of the event, ruled out at least one alternative hypothesis (officers or witnesses lying), and verified assumptions about these matters that otherwise may have been deemed speculation by a potential trier of fact.

Crime scene visitation may further the understanding of a defendant's motivations and actions, particularly in cases where their mental state is at issue. Inherent in the crime scene are real-world situations and circumstances that the subject must navigate, and viewing these experientially may move the forensic mental health professional's opinions toward greater certainty. Consider the case where an alleged mentally ill subject burglarized an unoccupied house, located and utilized the available firearms, barricaded himself near a fireplace, and then ultimately murdered a first-responding police officer. At issue in this case was whether the subject was mentally ill at the time of the crime, and incapable of understanding the nature and quality of his violent acts, or appreciating the moral wrongfulness of his alleged actions. A visit to the site of the crime elicited some very important issues: (i) the geographic isolation of the breached dwelling; (ii) the amount of effort that was required to locate the firearms that were used by the subject; (iii) the fact that the stronghold occupied by the subject offered the greatest amount of cover and concealment within the residence; and (iv), that at the time of day the murder occurred, the shadow of the officer would have preceded his entry into the room where he was shot, affording the subject the opportunity to anticipate and more effectively ambush the victim. While the suspect's mental illness and appreciation of wrongfulness could still arguably be at issue, the site visit provided strong verification of the fact that the subject's decisions were very consistent with understanding the nature and quality of the homicidal actions he was accused of, and that he took steps to minimize his own lethality risk.

In another case involving attempted murder and arson, and a plea of insanity, a visit to the crime scene months later revealed the burned-out shell of the home located on a well-lit street in a small rural town. A question that remained unanswered was the place where the defendant had changed his clothes to a complete black outfit with ski mask when he entered the home. Visiting the crime scene at the same time late in the evening as the crime had occurred revealed that the defendant had parked around the corner where it was dark, and there were no street lights to change his clothes, indicating a desire to conceal his behavior from neighbors and awareness of the wrongfulness of what he was about to do.

The site visit may shed light on offender motivation and behavior in other important ways, as demonstrated by the case of a serial sexual homicide suspect who raped and strangled multiple women, leaving the victims in various populated areas where they were quickly discovered. Visiting the sites of these crimes illuminated the risk-taking and thrill-seeking nature of the subject, and the shock value he apparently sought by inflicting his violence secondarily through vicarious traumatization of first responders and the world at large. At the same time, the fact that he was stealthy enough to elude detection within this urban milieu spoke to his awareness of wrongfulness, criminal presence of mind, and self-control. When he was eventually captured due to scientific technological developments, these factors were introduced as important issues to consider related to mitigation and aggravation.

Directly visiting the site of an occurrence also enables the expert to identify and document factors that may have been

overlooked by initial investigators. Consider the case of a subject killed by police after he apparently provoked a confrontation, which included advancing on the police officer while apparently reaching for a weapon. The site visit in this case resulted in identifying two overlooked and important issues: first, that the subject, if escape had been a motivation as claimed by plaintiff's counsel, had multiple routes of escape of which he did not avail himself. Second, the environment was urban, densely populated, with heavy traffic and multiple businesses. This information helped underscore concerns about the subject's potential danger to himself while running erratically into the street, and to multiple potential victims should he have decided to redirect his attention away from the police. Further, it clarified the reason why retreat by the officers might not have been a realistic option for managing his destructive impulses.

In another case, a man was charged with the homicide and sexual assault of a woman in his trailer—she was found with her skirt up above her knees, but there was no physical evidence of sexual assault. Yet, the prosecution alleged vaginal rape during the killing as a “special circumstance” that warranted the death penalty. The trailer had subsequently caught on fire when reclaimed and transported by the defendant's father to the latter's property, but was able to be visited by the second author. It was clear from the physical dimensions of the very small kitchen where the victim was found on the floor—per the crime scene photographs—that it would have been impossible to vaginally rape the woman when she was killed. The dimensions of the tiny kitchen were never taken nor described by any investigators, and this inconsistency between the prosecutor's allegations and the impossibility of such an act in the relevant physical space went unnoticed.

In another civil case, it was alleged by a young woman that she had been vaginally raped while standing by her store manager inside the dumpster walls behind the establishment after her shift ended. The store manager asserted that the sex was consensual, and he was only guilty of fraternizing with staff, and not a sex crime. Inspection of the dumpster walls months later by the second author revealed that two people could have had sex in this private, but not very hospitable space, but interview of the defendant in the civil case indicated that he was eight inches shorter than the woman making the allegations. Two further sources of information were sought: the male defendant provided the length of his penis when erect; and several nationally known forensic experts on rape were polled to see if they had ever encountered a case where a woman was vaginally raped by a man's penis while standing. None of them had ever seen or heard of such a case. Given the mechanical impossibility of a rape occurring—his erect penis was five inches long—and the stronger likelihood that she voluntarily squatted to have vaginal intercourse with him, the case was immediately settled by the plaintiff and defendant. However, the second author was attacked unmercifully during his deposition for not having a degree in human anatomy or biomechanics.

The fact that a forensic mental health professional has been to the location of events may enhance credibility to the trier of fact, the retaining party, and even the examinees or subjects of review. The experience derived from a site visit by the forensic psychologist or psychiatrist establishes a direct and personal connection with some of the most relevant facts of the case, namely the environment and context of the occurrences. Even if there is only a remote possibility of a site visit being accomplished, it should still be formally requested. The attempt to visit, even if not accomplished, will also enhance credibility.

Limitations

Site and crime scene visitation may have some limitations as a data collection technique for forensic mental health professionals. It may not always be an available option due to excessive costs for an expert to travel to a location (out of town expert issue), refusal of the property owner or manager to allow access, safety hazards, and changes in the topography that have rendered the site inaccessible or no longer in existence.

Crime scene visitation while intuitively relevant to many forensic cases has not been tested as an "assessment" technique. On the other hand, it may be more appropriate to consider it a methodology of evidence review and data analysis, which affords the forensic evaluator or consultant the opportunity to corroborate and validate the other case data, which they have been provided. It also erodes the perception of the expert witness as a detached intellectual or academic, typically office-bound, and one who is not willing to test his assumptions with his five senses, the basis of all percipient witness testimony.

Some professionals may be uncomfortable, if not opposed and completely resistant to the idea of crime scene or site visitation. A variety of issues may be contributing to this discomfort, and it is likely useful for professionals to self-reflect and determine whether they have a rational basis for their position. Emotional resistance might include professional identity: "I'm not a cop." It might suggest the comfort of habit: "I work at a desk and read reports." It could also reflect anxiety concerning intrusion on another professional's tasks as indicated by the complaint, "that's somebody else's job." Laziness might also be a factor—"this is inconvenient." Financial resentments can similarly influence resistance—"I'm not getting paid enough." It seems imperative that a forensic mental health professional's primary commitment should be to obtaining the most accurate information, whatever the reasonable means might be to obtain it.

Other limitations seem to be a function of the manner in which the expert performs the site visit. Multiple factors could interfere with the efficacy of these techniques: (i) lack of planning; (ii) poor timing; (iii) failure to understand the relevant facts prior to conducting the visit; (iv) not involving key players in the process; and (v) lack of cooperation by individuals or entities in facilitating the visit. Some suggested guidelines to enhance the efficacy and usefulness of crime scene and site visitation for forensic psychologists and psychiatrists to consider are offered below.

Suggested Guidelines for Site Visitations

Crime scene and site visitation as a method of data collection may be enhanced by following certain guidelines (see Table 1). It is essential to preplan the site visit so that it is productive. One should identify issues to be vetted, questions to be addressed, and specific locations to be visited. Review important information and key facts prior to conducting the visit. This allows familiarity with the issues, all subjects, and overall event dynamics that could be elaborated and understood better from being at the location. Toward this end, if possible, have someone familiar with the case facts accompany and narrate the site visit. It is imperative that this person have intimate knowledge of the known facts, as well as facts in dispute, either from their firsthand knowledge or because they have extensively reviewed the case from all angles. Legal counsel, investigators, or first-responding officers often are productive narrators for such a walk-through. However, it is important to keep in mind any

TABLE 1—Suggested guidelines for crime scene and site visits.

Preplan the visit.
Review important information and key facts prior.
Have someone well-versed with the case facts accompany and narrate the visit.
Identify positions of key witnesses and participants from prior reports.
Determine status of potentially important variables from time of events.
If possible, schedule site visit to mirror circumstances of the case.
Consider proceeding from a big picture view of the environment(s) to more specific observations.
Assess changes that may have occurred to topography.
Document visit as may be appropriate or required.
Identify information obtained or validated from visit.
Comply with discovery expectations that may apply to any and all information, including newly identified facts.
Obtain appropriate consents for the visits. Be considerate of individuals who may still be traumatized by the events in question.
Take into account safety considerations and precautions.
Be prepared to address inquiries by third parties who might be present while site visit is in progress.
When possible, precede interviews of forensic examinees with site visit.
Limit inferences and observations to one's area of competence.

biases they may bring to the equation and consider asking questions that elicit discrepancies or alternate but realistic perspectives.

As one proceeds to the actual visit, attempt to determine where key witnesses and participants were physically positioned as documented within reports. Note relevant consistencies or inconsistencies as to what they realistically could have witnessed or experienced. Clarification questions may reduce apparent inconsistencies—for example, where an officer did not see a suspect in possession of a firearm during one point in an incident, but information revealed during the site visit highlights that his or her position was changing and the vantage point was not consistent throughout the event.

If feasible, in advance of the site visit, attempt to determine the status of general variables independent of the event's occurrence, which nevertheless were salient at the time of the event, such as weather, temperature, time of day, lighting, season, population density, demographics, presence of witnesses, date, day of week, or other potentially relevant variables that could impact the findings of the visit. It will enhance the visit if one chooses time and other circumstances that mirror the circumstances of the case. This adjustment was helpful in the case of the murdered police officer discussed earlier in this article. It enabled the discovery of the shadow effect that was likely used by the suspect to anticipate the movements of the police officer prior to killing him.

During the site visit, be deductive: proceed from a big picture view of the environmental and situational factors surrounding the event to more specific observations of the fact patterns related to the event. Is the environment rural, urban or suburban, densely or sparsely populated, rugged or relatively navigable? Is it typically cold, extremely hot, or mild in temperature? Is it dry or humid? Is the environment noisy, quiet, or well-lit? Understanding these kinds of variables often leads to important discoveries about the decision-making, motivation, problem-solving, and behavior of the parties. In cases where the mental state of an offender might be at issue, for example, the fact that the offender had to survive a difficult terrain in an inhospitable climate, could have potential relevance to his actual level of impairment.

Determine what if any changes have occurred to the topography—use photographs, maps, and videotapes if necessary. These

changes represent adjustments the forensic expert must make regarding the assessment and conclusions derived from the visit. This is imperative. In one case, for example, a tree that had provided substantial shade and reduced lighting had been removed and replaced with a small tree, giving the mistaken impression of an unobstructed view by a witness who had observed the events from that vantage point. In another case, the exact location where a homicide victim had been dumped had been replaced by a freeway and was no longer available for most significant observations (other than the fact it had been in an urban, densely populated environment).

The forensic mental health professional should document the site visit. Full disclosure in any written reports or testimony is critical. It may also be helpful and will enhance detailed recall to document in notes or the body of a report such specific, relevant observations. Documentation should be detailed enough to provide foundation for any conclusions drawn and to comply with any relevant discovery obligations. In particular, it may be useful to identify information obtained or validated only from the visit. Any and all information, including newly identified facts, could be potentially discoverable.

When conducting crime scene and site visitation, it is often necessary to obtain appropriate consents and permissions for the visits. Some of the events may have taken place on private property, others within public buildings or other locations that require such permissions. The retaining attorney or court may have to seek those permissions informally or through court orders and arrange the logistics on behalf of the expert. Be considerate of individuals who live, work, or attend the locations in question as they may still be traumatized or have other strong feelings that could be triggered by visitors related to the case. Take into account safety considerations and precautions. The events may have occurred in a high-crime area, involve physically risky access dangers, or the setting may involve high-risk individuals (such as custodial or inpatient psychiatric hospital settings). In one research-based scenario, both authors approached a subject for a video interview in the library of Pelican Bay State Prison, a supermax facility in Northern California, and immediately found themselves surrounded by a dozen other inmates without any correctional officers present.

Anticipate that third parties, related and unrelated to the investigation (the latter simply being curious bystanders), might ask questions about what is occurring as the site visit is unfolding. Consider ahead of time how to respectfully answer or defer any questions by these third parties while the site visit is occurring. It is important to be respectful of those impacted by intrusions to avoid embarrassing courtroom comments by these potential witnesses to your site visit.

When possible, precede interviews of forensic examinees with the site visit. Information gleaned from the site visit may very well identify issues to inquire directly of the examinee; help generate more specific questions for defendants, plaintiffs, or witnesses; bring into focus important inconsistencies for clarification; and

convey to the subject a degree of preparation that may enhance their willingness to disclose.

Finally, the forensic psychologist or psychiatrist should limit inferences and observations to their areas of competence. It may be tempting to weigh in, for example, on issues of evidence collection and chain of custody in criminal cases or police procedure in police use of force cases. However, the forensic mental health professional should limit the use of the crime scene or site visit to extending his or her specific content-based expertise.

Discussion

The authors are not suggesting that forensic psychologists and psychiatrists engage in “ambulance chasing” or first responding related to their usual forensic roles. Rather, we are suggesting that site visits and crime scene visitation after the fact—even months or many years later—with appropriate safeguards to strive for acceptable reliability and validity, may be useful data gathering techniques that can lead to the discovery of perspectives not previously considered. With clear guidelines and methods, which we have offered as suggestions, site visits and crime scene visitation may improve accuracy of the important consultations provided by forensic psychologists and psychiatrists.

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