

***** CAPITAL CASE *****

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

BILLY LEON KEARSE,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE FLORIDA SUPREME COURT

APPENDIX TO PETITION FOR WRIT OF CERTIORARI

VOLUME II

**DEATH WARRANT SIGNED
EXECUTION SET MARCH 3, 2026, AT 6:00 P.M.**

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INDEX TO APPENDIX

VOLUME I

- APPENDIX A:** *Billy Leon Kears* v. *State of Florida*, No. SC2026-0251 & SC2026-0250, 2026 WL 523132 (Fla. Feb. 25, 2026), Florida Supreme Court Opinion Affirming Denial of Postconviction Relief Under Warrant..... 1a
- APPENDIX B:** *State of Florida v. Billy Leon Kears*, Case No. 5611991CF000136A, Circuit Court of the Nineteenth Judicial Circuit in and for St. Lucie County, Florida, Order Denying Defendant’s Successive Motion for Postconviction Relief, Motion for Stay of Execution, and Motion to Declare § 921.137(4) Unconstitutional (unreported) 9a
- APPENDIX C:** *State of Florida v. Billy Leon Kears*, Case No. 5611991CF000136A, Circuit Court of the Nineteenth Judicial Circuit in and for St. Lucie County, Florida, Order Following Second Case Management Conference and Notice of Cancellation of February 13, 2026 Evidentiary Hearing (unreported) 32a

VOLUME II

- APPENDIX D:** Defendant’s Successive Motion to Vacate Judgments of Conviction and Sentence with Special Request for Leave to Amend and for Evidentiary Hearing, filed in the Circuit Court of the Nineteenth Judicial Circuit in and for St. Lucie County, Florida, Case No. 5611991CF000136A, February 9, 2026..... 40a

VOLUME III

- APPENDIX E:** Initial Brief of Appellant, filed in the Florida Supreme Court in *Billy Leon Kears v. State of Florida*, No. SC2026-0251, February 17, 2026 185a
- APPENDIX F:** Corrected Reply Brief of Appellant, filed in the Florida Supreme Court in *Billy Leon Kears v. State of Florida*, No. SC2026-0251, February 19, 2026 296a

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BILLY LEON KEARSE,

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APPENDIX D

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Defendant's Successive Motion to Vacate Judgments of Conviction and Sentence with Special Request for Leave to Amend and for Evidentiary Hearing, filed in the Circuit Court of the Nineteenth Judicial Circuit in and for St. Lucie County, Florida, Case No. 5611991CF000136A, February 9, 2026

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT,
IN AND FOR ST. LUCIE COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

v.

BILLY LEON KEARSE
Defendant.

CASE NO. 91-136-CF
EMERGENCY CAPITAL CASE,
DEATH WARRANT SIGNED;
EXECUTION SCHEDULED FOR
MARCH 3, 2026 AT 6:00 PM

DEFENDANT’S SUCCESSIVE MOTION TO VACATE JUDGMENTS OF
CONVICTION AND SENTENCE WITH REQUEST FOR LEAVE TO AMEND AND
FOR EVIDENTIARY HEARING

COMES NOW the Defendant, **BILLY LEON KEARSE**, by and through undersigned counsel, and pursuant to Fla. R. Crim. P. 3.851(e)(2), requests that this Court enter an order vacating his death sentence and ordering a new sentencing proceeding.

PROCEDURAL HISTORY¹

After Mr. Kearses death warrant was signed, the State filed a document entitled “Statement of Facts and Procedural History.” Mr. Kearses does not agree with the states recitation of “facts” it sets out but does agree with its recitation of the issues raised in his various appeals and the disposition of same. *See* Statement of Facts and Procedural History at 1-2; 8 n.4; 14 n.5; 15 n.7; 16; 17-18; 19 & n.10.²

¹ *See* (Attachment A, Judgments and Sentences).

² When the Florida Supreme Court affirmed his death sentence following resentencing, *Kearse v. State*, 770 So. 2d 1119 (Fla. 2000), the Court was split by the narrowest of 4-3 margins. The dissenting justices (Justices Anstead, Shaw, and Pariente) expressed “several concerns with the majority’s treatment of the issues, and especially with the conclusion that this is one of the most aggravated and least mitigated murders requiring that the eighteen-year-old defendant be executed.” *Id.* at 1135 (Anstead, J., dissenting). They also pointed out that “there is no evidence that Mr. Kearses set out that night intending to commit any crime, let alone murder.” *Id.* at 1136. Both retired Chief Justices of our highest court, Pariente and Anstead submitted letters to the clemency board for Mr. Kearses in November 2025, standing by their reasonings and conclusions. *See* (Attachment B).

On January 29, the Governor signed a warrant scheduling Mr. Kearsé's execution for March 3, 2026. This motion to vacate follows pursuant to the Court's scheduling orders.

CLAIM I – Mr. Kearsé Was Denied A Fair Resentencing Proceeding Because The Jury Was Subjected To Impermissible Influences Outside Of The Evidence That Tended To Subvert Its Purpose, In Violation Of The Sixth And Fourteenth Amendments To The United States Constitution.

The Supreme Court has repeatedly emphasized “the threat that a roomful of uniformed and armed policemen might pose to a defendant's chances of receiving a fair trial.” *Holbrook v. Flynn*, 475 U.S. 560, 570 (1986). “The Fourteenth Amendment incorporates the essence of the Sixth Amendment right to be tried ‘by a panel of impartial, ‘indifferent’ jurors [whose] verdict must be based upon the evidence developed at the trial.’” *Woods v. Dugger*, 923 F.2d 1454, 1456-57 (11th Cir. 1991) (citing *Irvin v. Dowd*, 366 U.S. 717, 722 (1961) (citations omitted)). To prevail on a claim of being denied a fair sentencing proceeding, Mr. Kearsé must show actual *or* inherent prejudice. *Id.* (citing *Holbrook*, 475 U.S. 560; *Irvin*, 366 U.S. 717). This claim is not susceptible to harmless error analysis,³ and although he is not required to show both actual *and* inherent prejudice, Mr. Kearsé can do both.

A. The Resentencing Record

Prior to jury selection at Mr. Kearsé's resentencing, counsel filed a Motion for Order Regulating Courtroom Spectators, arguing that Mr. Kearsé would be deprived of a fair resentencing as a result of the presence of uniformed officers in the courtroom during the first trial proceedings. (R2. 532-33).⁴ At a hearing on that motion, counsel argued:

Judge, the first time we tried this case five years ago, not in this courthouse because this courthouse is new, but Indian River County if you had come in here the seats

³ See *Woods*, 923 F.2d at 1460 (“denial of a fair trial can never be harmless because the right is so fundamental to our notion of due process”) (citing *Satterwhite v. Texas*, 486 U.S. 249, 256 (1988)).

⁴ Citations to the record: Direct Appeal (R1. ___); Resentencing Appeal (R2. ___) and transcripts (R2T. ___); Postconviction Record after Remand (PCR2. ___).

were full. I mean, it was a packed courthouse with nothing but law enforcement officers. Green shirts, blue shirt, FHP, brown shirts.

(R2T. 216-17) (emphasis added). The court deferred ruling “until counsel believes that the situation exists that requires their ruling and we can discuss that out of the presence of everybody.”

(R2T. 225)⁵

Claire Hamblin Matthews was a juror at Mr. Kearsse’s resentencing. (R2. 1112) During voir dire, Matthews acknowledged handling “some insurance matters” for one of the prosecutors, David Morgan, and had spoken with him and his family over the phone and in person. (R2T. 860) Matthews also acknowledged “vaguely remembering something” about Mr. Kearsse’s case from the media, stating “I feel like there might be something else I should add to that, I don’t know if this is the time or place to say it.” (R2T. 866) The following exchange occurred:

MR. UDELL: Okay. Is it something you learned about this case?

MS. MATTHEWS: No, sir.

MR. UDELL: Go on and tell us.

MS. MATTHEWS: Yes, it is, but I just – in conversations with a family member last night, learned of another family member who was coming into town for the holidays only because he has to testify in a trial where a cop was killed and I have a feeling, and I’m assuming that it’s possibly this trial, because I’m sure there aren’t many trials going on. I don’t know, I feel the need to tell you this.

MR. UDELL: Who’s that person?

MS. MATTHEWS: Should I give his name?

MR. UDELL: Please.

MS. MATTHEWS: I only know his father-in-law’s half brother and I haven’t seen him in three years. His first name is Leo and last name Raulerson. Leo may be a nickname and another reason I feel related is because he’s retired from the Fort

⁵ Based on counsel’s statement that the courtroom at Mr. Kearsse’s initial trial and sentencing proceeding was packed with uniformed police officers, Mr. Kearsse’s initial Rule 3.851 motion alleged that jury at his initial proceedings was subjected to improper influences. No evidentiary hearing was granted on the claim, and the Florida Supreme Court denied the claim as legally insufficient. *Kearsse v. State*, 969 So. 2d 976, 989 (Fla. 2007).

Pierce Police Department.

(R2T. 867-68).

Mr. Morgan explained there was a law enforcement witness named “Les Raulerson” (R2. 868), after which Matthews was asked to explain how the discussion about Raulerson arose (R2T. 868-69). After more discussion between Matthews and trial counsel, Matthews indicated she would not see Raulerson while he was in town for the Christmas holidays. (R2T. 870-71).

Matthews was again questioned about what she had learned about Mr. Kearsé’s case from sources outside of the courtroom when Mr. Kearsé was initially tried:

MS. MATTHEWS: Not in the last few days. I recall an incident that I think is this incident, I recall reading about it in the paper and hearing about it in media several years ago. I haven’t heard of anything recently. I’m sorry if I didn’t make that clear earlier.

* * *

I just remember it was a cop in Fort Pierce and what I remember was that he was shot about 14 times, and that one thing – and one other kind of sticks out in my mind and, again, I feel kind of stupid because I don’t know if it’s the same incident that he had – tried to crawl away after he was shot a couple times. There was like a trial where he tried to get away. Again, I don’t know if this is the same incident or not. Those two things stick out in my mind about the media.

(R2T. 1007-08). Matthews was “pretty definitive” about what she recalled about how the crime occurred: “Don’t ask me why the 14 stuck out, right or wrong.” (R2T. 1012). Notwithstanding whatever prior knowledge she recalled from reading media accounts, Matthews said she could be a fair juror. (R2T. 1015-16).

Trial counsel later moved to have Matthews be stricken for cause “based upon her knowledge of the facts of the case and other statements which would indicate she could not be fair and impartial.” (R2T. 1097). The court denied the cause challenge. (R2T. 1098). Later during the selection process, the defense noted it had used its allotted peremptory challenges and requested additional peremptory challenges in order to assert a peremptory against Matthews, among others (R2T. 1105, 1107-08). That request was denied and Matthews was selected as a juror. (R2T. 1112).

B. New Evidence Changes The Picture

The signing of Mr. Kearsse's death warrant on January 29, 2026, drew a great deal of attention in social media.⁶ A Facebook page "Slcscanner"⁷ made a post titled "*Widow of Sgt. Danny Parrish Wants Shared Credit Recognized in Long Fight for Justice.*" (Attachment C). The post outlined the efforts made by law enforcement agencies, the State Attorney, prosecutors, and Sgt. Parrish's widow to secure the signing of the death warrant for Mr. Kearsse. A comment to that post read as follows:

Claire Hamblin Matthews

I was a Juror at the second trial, for a possible resentencing of the young man that killed Danny. At the end of that 2nd trial, his death sentence remained. It was one of the hardest things I've ever done, but there was no doubt it was the right sentence. I'll never forget the respect and support shown to Danny in that courtroom. Every day, no matter how long the trial went, the back of the courtroom was filled with Leo's from every city and county in the state, so much support and respect from his fellow Leo's. They would stand there for several hours, never wavering. I remember silently hoping that his family and friends would know how much he was loved.

(Attachment C) (emphasis added). The post was made on February 3, 2026.⁸

As Matthews's voluntary social media post makes clear, she is indeed the Claire Hamblin

⁶ Indeed, it appears that one of the AAG's representing the State in this proceeding has posted public comments on a Facebook posting of a news article about the signing of Mr. Kearsse's death warrant. In responding to another post about the length of the appeals process in Mr. Kearsse's case, the AAG denigrated the criminal defense bar.

⁷ "Slcscanner" is a media/news company whose Facebook page, which posts news and other information about "what's going on in St. Lucie County," has some 142,000 followers.

⁸ A screenshot of Matthews's post was taken by Mr. Kearsse's legal team at 10:42 p.m. on February 3, 2026, and Matthews's comment was posted an hour before the screenshot was taken. Curiously, the post was subsequently deleted. Along with the instant Rule 3.851 motion, Mr. Kearsse is filing Rule 3.852 public records demands and a Motion to Interview Juror Matthews in order to "get the facts" surrounding Matthews's post, the information she possesses, and the circumstances that led to the subsequent deletion of her comment. *Compare Roberts v. State*, 840 So. 2d 962, 966 (Fla. 2002) (discussing Florida Supreme Court authorizing lower court to "get the facts" surrounding alleged ex parte communication between state and sentencing judge); *Marek v. State*, 14 So. 3d 985, 1001-02 (Fla. 2009) (affirming summary denial of motion to "get the facts" because record conclusively refuted alleged impropriety concerning judicial assignment).

Matthews who served on Mr. Kearsé’s resentencing jury. Her voluntary post also makes clear that “every day,” no matter “how long the trial went,” the “back of the courtroom was filled with Leo’s from every city and county in the state, so much support and respect from his fellow Leo’s.”⁹ Matthews’s voluntary post also specifically recalled that the law enforcement presence in the courtroom was “never wavering,” with officers standing there “for several hours.” The influence Matthews felt from the fact that the courtroom was “filled” with law enforcement officers “from every city and county in the state”¹⁰ is unequivocally expressed in her statement that she would “never forget the respect and support shown to Danny in that courtroom” and that she “remember[ed] silently hoping that his family and friends would know how much he was loved.”

1. Matthews’s Voluntary Social Media Revelations Could Not Have Been Previously Discovered By Mr. Kearsé’s Resentencing Or Postconviction Counsel

Matthews’s social media comments establish not just the presence of uniformed law enforcement officers “filling” the courtroom and showing their unwavering support for the victim during Mr. Kearsé’s resentencing but also that their presence created an atmosphere that prejudiced Mr. Kearsé. That the courtroom was “filled” with law enforcement officers “from every city and county in the state” and that at least one juror, Matthews, was influenced by their presence to such an extent that she would “never forget” it and was “silently hoping that [the victim’s] family and friends would know how much he was loved” is not information that exists in the extant record nor is there anything in the record of the resentencing proceeding that could have led reasonably

⁹ Presumably, the use of the term “Leo’s” is a reference to Law Enforcement Officers.

¹⁰ That Matthews was able to discern—and specifically remember decades later—that the law enforcement officers were members of departments from “every city and county in the state” means that the officers were uniformed. The law enforcement officers who wished to show support for the victim and his family could have attended the proceedings in civilian clothes but rather came in their uniforms to no doubt “send an implied message to the jury” that Mr. Kearsé should get the death penalty. *Long v. State*, 151 So. 3d 498, 502 (Fla. 1st DCA 2014).

diligent counsel to further investigate. Because the “the nature of the information” disclosed by Matthews in her social media post after Mr. Kearsse’s death warrant was signed could not have been discovered previously by Mr. Kearsse’s resentencing or postconviction counsel “absent voluntary disclosure from” Matthews herself, *Rivera v. State*, 2025 WL 3534064 at *2 (Fla. 2d DCA Dec. 10, 2025), this claim falls outside of the 1-year time bar in Rule 3.851(d)(2)(A) and is timely. *See, e.g., Martin v. State*, 322 So. 3d 25, 33-34 (Fla. 2021) (juror misconduct claim qualified as new evidence to surmount the 1-year time bar in Rule 3.851(d)(2)(A) because, as the State conceded, “Smith’s juvenile adjudication and grandfather’s murder were not discoverable absent voluntary disclosure from Smith himself or from the State”).

The State may argue that the instant claim is somehow procedurally barred but it would be wrong. As noted earlier, there is nothing in the extant record of Mr. Kearsse’s resentencing record to indicate that the courtroom was filled with uniformed officers from all over the state. While it is true that resentencing counsel lodged a pretrial objection to prospectively prevent the undue prejudicial influence of uniformed law enforcement officers in light of counsel’s experience at Mr. Kearsse’s initial trial, (R2T. 216-17), the court did not address the objection because there was no evidence to suggest, at that time, that there was a concern (R2T. 225). Should the State suggest that resentencing counsel could and should have later re-raised his objection once the testimony actually began, it may be that counsel “had no opportunity to object at the time the officers filed into the courtroom because he was unaware of what was occurring in the gallery behind him.” *Shootes v. State*, 20 So. 3d 434, 437 (Fla. 1st DCA 2009). Or it may be that counsel, in the midst of the testimonial phase of a complicated capital resentencing, simply was distracted. In any event, this type of error is fundamental, *id.* at 438-39, and to the extent the State may attempt to argue the instant claim is untimely by blaming resentencing counsel for not revisiting his pretrial objection

and/or putting on the record the nature and extent of the law enforcement presence in the courtroom, Mr. Kearsé received ineffective assistance of counsel. *Strickland v. Washington*, 466 U.S. 668 (1984). See *Ward v. State*, 105 So. 3d 3, 5 (Fla. 2d DCA 2012) (reversing summary denial of Rule 3.850 motion and remanding for evidentiary hearing because Ward’s allegations “raise a facially sufficient claim counsel was ineffective for failing to object to the presence of uniformed law enforcement officers”).

For these same reasons there can be no argument that this claim is barred because Mr. Kearsé did not raise it in prior postconviction challenges. Again, there is nothing in the record to suggest the presence of uniformed law enforcement officers from around the state in the courtroom during Mr. Kearsé’s resentencing, and there is no question that Matthews’s social media post contained information that could only be discovered by her own voluntary disclosure. Only Matthews had this information and it was solely within her power to choose if and when to disclose it. She chose to disclose it for the first time after Mr. Kearsé’s death warrant was signed, and there is nothing Mr. Kearsé or his collateral counsel could have done to cause them to learn of this information previously from Matthews because Mr. Kearsé’s counsel are prohibited from speaking to or interviewing jurors absent compelling justification and leave of court. See *Marshall v. State*, 854 So. 2d 1235, 1241-44 (Fla. 2003).

No adequate resolution of this claim (either on timeliness or the merits) can be made absent an evidentiary hearing. The information Matthews voluntarily disclosed in her social media post does not “inhere to the jury’s verdict” but rather shows that an “external influence” on the jury that “need[s] to be investigated.” *Pozo v. State*, 963 So. 2d 831, 834-35 (Fla. 4th DCA 2007) (reversing denial of motion to interview jurors where information did not “inhere to the jury’s verdict” but rather was evidence showing that “influences external to the evidence presented during the trial

may have influenced the verdict. Thus, this matter may be the subject of juror interview”). Matthews’s remarks showed her “consciousness of external influences on [the jury] and their potential for affecting the verdict.” *Id.* at 837.

2. Mr. Kearsse’s Resentencing Jury Was Subjected To Impermissible Influences That Tended To Subvert Its Purpose.

The Due Process Clause of the Fourteenth Amendment, which incorporates the Sixth Amendment right to be tried by “a panel of impartial, ‘indifferent’ jurors [whose] verdict must be based upon the evidence developed at trial,” *Irvin*, 366 U.S. at 722 (citations omitted), guarantees the right of state criminal defendants to be tried by an impartial jury. *Woods*, 923 F. 2d at 1456. Due process demands that courts safeguard against “the intrusion of factors into the trial process that tend to subvert its purpose.” *Estes v. Texas*, 381 U.S. 532, 552 (1965) (Warren, J., concurring).

The test for actual prejudice on this type of claim requires a defendant to establish “some indication or articulation by a juror or jurors that they were conscious of some prejudicial effect.” *Shootes v. State*, 20 So. 3d at 434, 438 (Fla. 1st DCA 2009). The test for inherent prejudice does not require a showing that “jurors actually articulated a consciousness of some prejudicial effect,” but rather “whether ‘an *unacceptable risk is presented* of impermissible factors coming into play.’” *Pozo*, 963 So. 2d at 837 (quoting *Holbrook*, 475 U.S. at 570) (emphasis added). The inherent prejudice test requires the court to consider two factors: 1) whether there is an “impermissible factor coming into play” and 2) whether it poses an “unacceptable risk.” *Id.* A risk becomes unacceptable when there is a “probability of deleterious effects,” *Estelle v. Williams*, 425 U.S. 501, 504 (1976), and “[w]hen such a claim is raised, a case-by-case approach is required to allow courts to consider the ‘totality of the circumstances.’” *Long v. State*, 151 So. 3d 498, 501 (Fla. 1st DCA 2014) (citing *Shootes*, 20 So.3d at 548 (quoting *Sheppard v. Maxwell*, 384 U.S. 333, 352 (1966))). This case-specific analysis must consider “[t]he prejudice [that] arises from the presence of

uniformed [law enforcement] officers in the context of a trial being held in the midst of an angry community.” *Woods*, 923 F.2d at 1459.

Mr. Kearsse can establish actual prejudice. By her own account, Matthews’s comments reveal far more than a mere “indication” or “articulation” of “consciousness of some prejudicial effect.” *Ward*, 105 So. 3d at 5; *Pozo*, 963 So. 2d at 837. She acknowledges a concrete awareness of the prejudicial effect: she would “never forget the respect and support shown to Danny in that courtroom,” there was “so much support and respect” from his fellow law enforcement officers, who would “stand there for several hours, never wavering,” and “remember[s] silently hoping that his family and friends would know how much she was loved.” (Attachment C). These statements demonstrate actual prejudice and go even further than a mere “indication” or “articulation” of “some prejudicial effect.”¹¹ *Shootes*, 20 So. 3d at 438.

As to inherent prejudice, that test, too, is easily met. Matthews’s comments demonstrate that “an unacceptable risk [of] impermissible factors [came] into play” at Mr. Kearsse’s resentencing, *Woods*, 923 F.2d at 1459 (quoting *Holbrook*, 475 U.S. at 570) (first alteration in original), and while “presumed prejudice rarely occurs and ‘is reserved for extreme situations,’” *id.* at 1459 (quoting *Bundy v. Dugger*, 850 F.2d 1402, 1424 (11th Cir. 1988)), Mr. Kearsse’s case “is one of those ‘extreme’ cases.” *Id.* Like in *Woods*, where “[v]irtually every seat was occupied,” “several people were standing in the back of the courtroom,” and “half of the spectators appear to

¹¹ In evaluating prejudice, Mr. Kearsse submits that the Court must also consider that the jurors were already subjected to a barrage of improper remarks by the prosecutor. For example, the Florida Supreme Court condemned the prosecutor’s statement in opening argument urging the jurors to show Mr. Kearsse “the same mercy he showed Officer Parrish.” *Kearsse*, 770 So. 2d at 1129-30. The prosecutor also improperly commented to the potential jurors in jury selection that the case was back for “a proceeding to recommend death.” *Id.* As to the “no mercy” argument made by the prosecutor during opening statement, the dissenting justices noted that the comments “set the course forth entire proceeding” and it was therefore “difficult to say that the prosecutor’s final words had no effect on the jurors’ minds.” *Id.* at 1144 (Anstead, J., dissenting).

be wearing prison guard uniforms,” *id.* at 1458, Matthews’s comments establish that the law enforcement presence at Mr. Kearsse’s resentencing was even more prejudicial than in *Woods*. Not only were there uniformed Fort Pierce Police present, “the back of the courtroom was filled with Leo’s from every city and county in the state.” (Attachment C). In addition to the number of uniformed officers, their conduct also made an impression: “They would stand there for several hours, never wavering.” There can be no question that the uniformed officers from around the state filled the courtroom at Mr. Kearsse’s resentencing “to send an implied message to the jury” that Mr. Kearsse should receive the death penalty. *Long*, 151 So. 3d at 502; *see also Woods*, 923 F.2d at 1459-60 (“The officers in this case were there for one reason: they hoped to show solidarity with the killed correctional officer. . . . The officers wanted a conviction followed by the imposition of the death penalty. The jury could not help but receive the message.”).

As in *Woods*, some of the uniformed law enforcement officers filling the courtroom may have been witnesses at Mr. Kearsse resentencing. However, Matthews’s social media post makes clear that there were uniformed law enforcement officers “from every city and county in the state.” In any event, “[t]he prejudice does not depend on whether the uniformed guards were witnesses or not. The prejudice arises from the presence of the uniformed corrections officers in the context of a trial being held in the midst of an angry community.” *Woods*, 923 F.2d at 1459.

Mr. Kearsse is entitled to a new sentencing proceeding free from improper influences on the jurors making a life-or-death decision. “A fair trial is, fundamentally, a trial free from ‘influence or domination by either a hostile or unfriendly mob. There is no room at any stage of judicial proceedings for such intervention; mob law is the very antithesis of due process.’” *Long*, 151 So. 3d at 502 (quoting *Cox v. Louisiana*, 379 U.S. 559, 562 (1965); *Frank v. Mangum*, 237 U.S. 309 (1915)). An evidentiary hearing and relief are warranted, as is a stay of execution.

CLAIM 2 – Newly Discovered Evidence Establishes That Mr. Kearsé Is Intellectually Disabled And That His Death Sentence Violates The Eighth And Fourteenth Amendments To The United States Constitution

On February 2, 2026, an assessment of Mr. Kearsé’s intellectual and cognitive abilities using the newest and most accurate instrument available demonstrated that his intellectual functioning is significantly subaverage. This newly discovered fact, coupled with his uncontroverted, lifelong deficits in adaptive functioning, establishes that he is intellectually disabled, an absolute bar to his execution under *Atkins v. Virginia*, 536 U.S. 304 (2002), and its progeny. Mr. Kearsé “must have a fair opportunity to show that the Constitution prohibits [his] execution,” *Hall v. Florida*, 572 U.S. 701, 724 (2014); *Evitts v. Lucey*, 469 U.S. 387, 401 (1985), before “the most irremediable and unfathomable of penalties” is unconstitutionally imposed. *Ford v. Wainwright*, 477 U.S. 399, 411 (1986). Mr. Kearsé requests a full and fair evidentiary hearing.¹²

A court shall provide relief to a person under sentence of death if newly discovered evidence would probably yield a less severe sentence on retrial. *Jones v. State*, 709 So. 2d 512, 521 (Fla. 1998) (*Jones II*); *Jones v. State*, 591 So. 2d 911, 915 (Fla. 1991) (*Jones I*). To obtain a new trial based on newly discovered evidence, a defendant must meet two requirements:

First, the evidence must not have been known by the trial court, the party, or counsel at the time of trial, and it must appear that [neither] the defendant [nor] defense counsel could . . . have known of [such evidence] by the use of diligence. Second, the newly discovered evidence must be of such a nature that it would probably produce an acquittal on retrial.

Swafford v. State, 125 So. 3d 760, 767 (Fla. 2013) (citing *Jones v. State*, 709 So. 2d 512, 521 (Fla.

¹² Robert H. Ouaou, Ph.D., would be available (with reasonable notice) to testify at an evidentiary hearing under oath to the facts alleged in this motion. Dr. Ouaou’s report is attached hereto as evidentiary support. This witness and document was not previously available because Mr. Kearsé was just administered the newly published Weschler Adult Intelligence Scale, Fifth Edition, on February 2, 2026, and this is his first opportunity to present the Court with the most accurate and reliable representation of his intellectual functioning. Counsel will provide this witness’s contact information if this Court’s grants an evidentiary hearing on this claim for relief.

1998) (*Jones II*). “If the defendant is seeking to vacate [his] sentence, the second prong requires that the newly discovered evidence would probably yield a less severe sentence.” *Id.* (citing *Jones I*, 591 So. 2d at 915).

This Court does not consider the newly discovered evidence at issue in a vacuum but “must consider the effect of the newly discovered evidence, in addition to all of the admissible evidence that could be introduced at a new trial.” *Taylor v. State*, 260 So. 3d 151, 158 (Fla. 2018) (quoting *Hildwin v. State*, 141 So. 3d 1178, 1184 (Fla. 2014) (internal citations omitted)). Indeed, “the court must conduct a cumulative analysis of all the evidence so that there is a ‘total picture’ of the case and ‘all the circumstances of the case,’” *Hildwin*, 141 So. 3d at 1184 (quoting *Swafford*, 125 So. 3d at 767). This, in turn, requires consideration of “testimony that was previously excluded as procedurally barred or presented in another proceeding in determining if there is a probability” of a less severe sentence.” *Swafford*, 125 So. 3d at 776 (citing *Lightbourne v. State*, 742 So. 2d 238, 247 (Fla. 1999)).

A. The Eighth Amendment To The United States Constitution Prohibits The Execution Of Mr. Kearshe Because He Is Intellectually Disabled.

The *Atkins* Court held that the Eighth Amendment categorically prohibits the execution of individuals with intellectual disability but left it “up to the states to determine who” is intellectually disabled under their respective laws. *Cherry v. State*, 959 So. 2d 702, 713 (Fla. 2007) (quoting *Zack v. State*, 911 So. 2d 1190, 1201 (Fla. 2005)). To protect this vulnerable class of defendants, *Atkins* mandated that capital sentencing procedures be consistent with the “evolving standards of decency that mark the progress of a maturing society,” 536 U.S. at 312; otherwise, they violate the Eighth Amendment, see *Woodson v. North Carolina*, 428 U.S. 280 (1976), *Roberts v. Louisiana*, 428 U.S. 325, 332-33 (1976), as do capital sentencing procedures that are inconsistent with the consensus of contemporary practice in the nation. *Beck v. Alabama*, 447 U.S. 625, 635 (1980).

Section 921.137(1), Florida Statutes (2013), provides a three-prong test for evaluating intellectual disability, requiring: “[1] significantly subaverage general intellectual functioning existing concurrently with [2] deficits in adaptive behavior and [3] manifested during the period from conception to age 18.” The first prong of the test “is defined by the statute as “performance that is two or more standard deviations from the mean score on a standardized intelligence test” § 921.137, Fla. Stat. (2013). Evidentiary development, considered under constitutional standards, will establish that Mr. Kearsse meets all of these criteria.

- i. Mr. Kearsse has significant deficits in intellectual functioning with IQ scores in the intellectually disabled range.*

An individually administered, comprehensive, standardized IQ test establishes that Mr. Kearsse has significant deficits in intellectual functioning consistent with being intellectually disabled. “Mild levels of intellectual disability . . . nevertheless remain intellectual disabilities,” and Florida “may not execute anyone in ‘the entire category of [intellectually disabled] offenders.’” *Moore v. Texas*, 581 U.S. 1, 18 (2017) (emphasis added) (quoting *Roper v. Simmons*, 543 U.S. 551, 563-64 (2005)) (alteration in original).

The first prong of the statute, “significantly subaverage general intellectual functioning,” is understood as performance that is two or more standard deviations from the mean score on a standardized intelligence test. Because the mean score of an IQ test is 100, a score of “approximately 70” is “consistent with intellectual disability: “[i]t is estimated that between 1 and 3 percent of the population has an IQ between 70 and 75 or lower, which is typically considered the cutoff IQ score for the intellectual function prong of the mental retardation definition.” *Atkins*, 536 U.S. at 308 n.3, 309 n.5. *Accord Hall v. State*, 201 So. 3d 628, 634-35 (Fla. 2016). Prevailing clinical standards require application of a five-point standard error of measurement (SEM) to the score due to the “statistical fact” that imprecision inherently exists in IQ testing; therefore, an IQ

score of 75 or below is consistent with a diagnosis of intellectual disability. *Atkins*, 536 U.S. at 309 n.5. *Accord Moore*, 581 U.S. at 14 (noting that the SEM “reflects the reality that an individual’s intellectual functioning cannot be reduced to a single numerical score”).

Florida law recognizes two tests to be used in consideration of whether someone is intellectually disabled, the Wechsler Adult Intelligence Scale (WAIS) and the Stanford-Binet Intelligence Scale. Fla. Admin. Code R. 65G-4.011(1) (2004). Mr. Kearse was administered a WAIS-R before his 1991 trial and obtained a full-scale IQ score of 79. Five years later, he was again administered the WAIS-R in anticipation of his resentencing and received similar scores. Because *Atkins* had not yet issued, trial counsel presented Mr. Kearse’s low IQ scores as non-statutory mitigation, which was found by the trial court. *See infra*, note 16.

Nearly two decades later, research revealed the WAIS-R was unreliable in testing intellectual deficits. Gordon E. Taub & Nicholas Benson, *Matters of Consequence: An Empirical Investigation of the WAIS III and WAIS IV and Implications for Addressing the Atkins Intelligence Criterion*, J. Forensic Psych. Practice, 13:27-48, 32 (2013). In addition, the WAIS-R was already 10 years old the first time Mr. Kearse took it, and its norms were even more obsolete at the time of his resentencing 5 years later. This is significant because as tests become outdated, they are less accurate in measuring intelligence as compared to the population. Intelligence tests must be re-normed and revised on a regular basis. One of the reasons is that the population’s intelligence increases over time. Kevin S. McGrew, *Norm Obsolescence: The Flynn Effect*, in *The Death Penalty and Intellectual Disability* 155, 158 (Edward Polloway ed., 2015). When a test taker is administered a test with outdated IQ norms, that individual’s performance is compared to a historical reference group as opposed to his contemporaries. Because of this, test takers obtain overly high scores. *See Jackson v. Payne*, 9. F 4th 646, 654 (8th Cir. 2021). This norm

obsolescence is known as the Flynn Effect. McGrew, *supra* at 158-59.

Published in 2008, the WAIS-IV was the first testing measure based on “current intelligence theory” and supported “by clinical research and factor analytic results,” which made it a more reliable and valid testing measure than other instruments. Taub & Benson, *supra* at 32. The WAIS-IV thus became the gold standard for assessing intellectual deficits following its release; however, given that the test was researched and published 18 years ago, its normative sample is now outdated, and it is no longer the most reliable choice for assessing an individual’s intellectual functioning and cognitive abilities.

Recognizing the increasing obsolescence of the WAIS-IV norms and requirement to account for population and demographic shifts, the test publisher began developing a new normative sample for the WAIS-5, which was released in late October 2024. Given the currentness of its normative data, “a full-scale IQ resulting from [a] proper and accurate administration of the WAIS-5 is [now] the best representation of an individual’s current intellectual functioning one can attain.” (Affidavit of Cecil R. Reynolds, PhD., Attachment D, at 5; *see also* CV, Attachment E).

While the publication of the WAIS-5 was a significant advancement in the assessment of intellectual functioning, practitioners did not immediately start using it in clinical or forensic evaluations as soon as the test was released—particularly in cases involving high-stakes decision-making in cognitive assessments like death penalty proceedings. This is because under the [American Psychological Association’s] professional and ethical standards, examiners are required to be competent in the administration of any test they use, which requires studying the applicable manual, as well as practicing both administering and scoring the test itself. While there is no set rule on how to acquire competency in IQ testing administration, it is imperative that any examiner practice multiple times in situations that lack any sort of legal, clinical, or practical consequences.

(Attachment D, at 4-5). As a result, “it took time for the WAIS-5 to be regularly administered” in the field. (Attachment D at 5).

Mr. Kears received a full-scale IQ score of 75 on the WAIS-5 administered on February 2, 2026, placing him in the 5th percentile of the population and “in the intellectual disability

range.” (Report of Robert H. Ouaou, Ph.D., Attachment F, at 7; *see also* CV, Attachment G). Taking the SEM into account, a full-scale score of 75 establishes that Mr. Kearsse has “significantly subaverage general intellectual functioning” and meets prong one.¹³

ii. Mr. Kearsse has deficits in adaptive functioning

Florida Rule of Criminal Procedure 3.203(b) provides that “[t]he term ‘adaptive behavior,’ for the purpose of this rule, means the effectiveness or degree with which an individual meets the standards of personal independence and social responsibility expected of his or her age, cultural group, and community.” *See also* American Psychological Association, Diagnostic and Statistical Manual of Mental Disorders 38 (5th ed. Text Rev. 2013) (1952) [hereinafter DSM-5]. The medical and scientific community describe adaptive behavior as “[t]he collection of conceptual, social, and practical skills that are learned and are performed by people in their everyday lives.” Defining Criteria for Intellectual Disabilities, American Association on Intellectual and Developmental Disabilities, <https://www.aaidd.org/intellectual-disability/definition> (last visited February 7, 2026) [hereinafter AAIDD]; *see also* DSM-5. Intellectually disabled individuals will show significant deficits in at least one of three areas:

- Conceptual skills—language and literacy; money, time, and number concepts; and self-direction.
- Social skills—interpersonal skills, social responsibility, self-esteem, gullibility, naïveté (i.e., wariness), social problem solving, and the ability to follow rules/obey laws and to avoid being victimized.
- Practical skills—activities of daily living (personal care), occupational skills, healthcare, travel/transportation, schedules/routines, safety, use of money, use

¹³ Dr. Ouaou notes that the consistency of Mr. Kearsse’s Flynn-adjusted scores on previous administrations of the WISC-R and WAIS-R (both 76), further buttresses the reliability of his WAIS-5 score. (Attachment F, at 7) (noting that “Mr. Kearsse has unequivocally suffered from lifelong diminished intelligence (i.e., an IQ score that has consistently been in the intellectually disabled range) and related cognitive impairments that have been present since childhood”). *See also infra*, note 16 (detailing the mitigating factors found by the resentencing court relating to Mr. Kearsse’s intellectual and adaptive deficits).

of the telephone.

AAIDD; *see also* DSM-5. When assessing this prong, the focus must be on the defendant's deficits not his strengths. *Moore*, 581 U.S. at 15 (recognizing “the medical community focuses the adaptive-functioning inquiry on adaptive *deficits*” and criticizing state court for “overemphasiz[ing] Moore’s perceived adaptive strengths” such as the fact that Moore “lived on the streets, mowed lawns, and played pool for money” (first alternation in original)).

Although the diagnostic criteria only require that Mr. Kearshe show significant deficits *in at least one* area, he exhibits deficits *in at least two*.

Uncontroverted evidence establishes that Mr. Kearshe has struggled with language and literacy since birth. He developed physically and emotionally later than his peers and had both slurred speech and trouble pronouncing words “like a child his age should have been able to do.” (R2. 1983). His school records are rife with evidence that he functioned below grade level starting in kindergarten, (PCR2. 4409-4994), and standardized testing from when he was in the second grade shows that he had difficulties with comprehension, reading, mathematics, handwriting, attention, and communication. When Mr. Kearshe was administered the Weschler Intelligence Scale for Children – Revised (WISC-R) in 1981, he attained a full-scale IQ score of 78, and his verbal IQ score of a 74 on the instrument placed him in the 5th percentile.

Administration of the Wide Range Achievement Test – Revised (WRAT-R) when Mr. Kearshe was in the eighth grade indicated that he was functioning below a third-grade level. He scored in the 2nd percentile for reading and was below the 1st percentile relative to his age and grade-matched peers. Mr. Kearshe’s scores on the Peabody Individual Achievement Test (PIAT) that same year also showed significant deficits in these areas.

Mr. Kearshe’s records are riddled with further notations of learning and emotional problems and show he was placed into special education classes as part of an emotionally handicapped

program at the Anglewood Center in St. Lucie County. Several of Mr. Kearsse's former teachers and counselors throughout his life have attested to his academic and developmental difficulties. It is beyond dispute that Mr. Kearsse has "chronic and significant deficits" in both the conceptual and social domains of adaptive behavior. (Attachment F, at 5).

iii. Mr. Kearsse's Intellectual Disability manifested during his developmental period, prior to age 18.

The third prong requires that an individual's significantly subaverage intellectual functioning and deficits in adaptive behavior have "manifested during the period from conception to 18." § 921.137(1), Fla. Stat.¹⁴ Mr. Kearsse's full-scale IQ score of 75 on the WAIS-5 and the evidence of his "chronic and significant deficits" in at least two domains of adaptive behavior unequivocally show that his intellectual disability manifested during that time period.¹⁵

Mr. Kearsse was barely 18 years old when the crime occurred, and deficits in his intellectual functioning and adaptive behavior were both observed and documented well before then. At both Mr. Kearsse's initial trial and resentencing, the court found mitigating evidence pertaining to Mr. Kearsse's IQ and cognitive abilities established by the greater weight of the evidence.¹⁶ (R1. 2726-

¹⁴ The statute does not require a diagnosis prior to age 18, only that the intellectual and adaptive deficits "manifested" prior to age 18. *See Oats v. State*, 181 So. 3d 457, 469 (Fla. 2015).

¹⁵ Mr. Kearsse's mother, Bertha, drank "beer and CC" "all the way up through pregnancy" with him "[j]ust about every day." (R2T. 1974, 1976) As noted in Dr. Ouaou's report, exposure to alcohol in utero "is the most common non-genetic cause of intellectual disability," which further supports the age-of-onset prong. (Attachment F, at 8).

¹⁶ The mitigating factors directly related to, or a byproduct of, Mr. Kearsse's intellectual deficits and low IQ that were found by the trial court at the 1996 resentencing include: "Low IQ, impulsive, and unable to reason abstractly"; "Impulsive person with memory problems and impaired social judgment"; "Difficulty attending to and concentrating on visual and auditory stimuli"; "Difficulty with perceptual organizational ability and poor verbal comprehension"; "Impaired problem solving"; "Impaired cognitive flexibility"; "Deficits in visual and motor performance"; "Lower verbal intelligence"; "Poor auditory short-term memory"; "Mildly retarded and functioned at a third or fourth grade level"; "Developmentally learning disabled"; "Slow learner and needed special assistance school"; "The Defendant was severely emotionally handicapped"; "Impaired memory"; "Impoverished academic skills"; "Mental, emotional, and learning

30); (R2. 708-09). Moreover, at the 1996 resentencing, the State’s own forensic neuropsychologist, Dan Martell, Ph.D., admitted that Mr. Kearsse’s “test results suggest that [he] has intellectual deficits and subnormal IQ.” *Kearsse*, 770 So. 2d at 1139 (Anstead J., dissenting); (R2T. 2384-85).

B. Mr. Kearsse’s Intellectual Disability Bars His Execution.

Conclusive evidence of Mr. Kearsse’s significantly subaverage intellectual functioning could not have been previously discovered at the time of trial through the use of diligence. As noted above, *Atkins* did not establish the categorical bar against executing the intellectually disabled until 2002 and left it “up to the states to determine who” met that criteria. *Cherry*, 959 So. 2d at 713. Florida then imposed a bright-line IQ score cutoff of 70 as a requirement to satisfy prong one of its intellectual disability statute. *Id.* The rigid cutoff made Florida an outlier in death penalty jurisprudence,¹⁷ and precluded relief for individuals like Mr. Kearsse whose full-scale IQ scores fell above the unforgiving cutoff of 70.

Although the WAIS-IV was the most reliable test at its time of publication, little was known about the WAIS-R’s inability to adequately assess intellectual deficits when the WAIS-IV was released. Thus, the release of the WAIS-IV did not signify that prior WAIS-R scores were invalid or unreliable. This fact was unknown until the mid-2010s. By then, several years had passed since the WAIS-IV’s original release, and its norming data was not as accurate. Using an outdated instrument created a grave risk that a court would have to assess Mr. Kearsse’s intellectual functioning while estimating for corrective factors.

disabilities”; “Delayed developmental milestones”; and “Severely emotionally disturbed child.” (R2. 591-92; 709). These findings supporting all 3 prongs of the current intellectual disability test.

¹⁷ Indeed, between the issuance of *Atkins* in 2002 and 2013, Florida courts had denied **every single** *Atkins* claim presented. John H. Blume et. al., *A Tale of Two (and Possibly Three) Atkins: Intellectual Disability and Capital Punishment Twelve Years After the Supreme Court’s Creation of A Categorical Bar*, 23 WM. & MARY BILL RTS. J. 393, 412 (2014) (noting that of the 24 intellectual disability cases identified, every single case had been denied on the merits).

Furthermore, Florida law did not recognize that IQ tests have “a ‘standard error of measurement[.]’ . . . A test’s SEM is a statistical fact, a reflection of the inherent imprecision of the test itself.” *Hall*, 572 U.S. at 713 (internal citations omitted). In other words, IQ tests do not reflect *actual* IQ but rather a *measured* IQ score reflecting a range in which an actual IQ somewhere lies. Finding that such rigidity did not comport with the medical and scientific standards, the Supreme Court noted in *Hall* that “[t]he professionals who design, administer, and interpret IQ tests have agreed, for years now, that IQ test scores should be read not as a single fixed number but as a range.” *Id.* at 712.

Florida law failed under the Eighth Amendment because it “used the test score as a fixed number, thus barring further consideration of other evidence bearing on the question of intellectual disability.” *Id.* at 702. *Cherry* therefore undermined the reliability of Florida’s capital sentencing scheme. In *Hall*, the Supreme Court reasoned that “Florida’s rule [was] in direct opposition to the views of those who design, administer, and interpret the IQ test. By failing to consider the standard error of measurement, Florida’s law not only contradict[ed] the test’s own design but also bar[red] an essential part of a sentencing court’s inquiry into adaptive functioning.” *Id.* at 724. Moreover, the *Hall* Court was concerned that in light of the mandatory cutoff, courts would not engage with “substantial and weighty” evidence of adaptive deficits. *Id.* at 712.

Against this backdrop, not only was the WAIS-R revealed to be an ineffective instrument which undermined the reliability of Mr. Kearsse’s 79 IQ score, the SEM was also rigidly absent from any legal assessment by Florida courts in intellectual disability cases.

With the recency of the WAIS-5 and established data obviating any Flynn effect concerns, this is Mr. Kearsse’s first opportunity to provide the Court with the most reliable assessment of his intellectual functioning. Mr. Kearsse’s full-scale IQ score of 75 on the WAIS-5 is derived from the

most accurate normative sample currently available, (Attachment D), and conclusively demonstrates that he has “significantly subaverage intellectual functioning” in accordance with prong one of Florida’s statute. This new evidence, in conjunction with his innumerable deficits in conceptual and social adaptive behaviors that manifested during the developmental period, many of which were already found by the resentencing court, establishes that Mr. Kearsé is intellectually disabled and categorically exempt from execution. (Attachment F, at 8). Because Mr. Kearsé’s intellectual disability renders him ineligible for the death penalty under the Eighth and Fourteenth Amendments, relief is warranted. This Court should stay Mr. Kearsé’s execution, hold an evidentiary hearing, and vacate his death sentence in accordance with *Atkins* and its progeny.¹⁸

CLAIM III – The Unreasonably Truncated And Surprise Nature Of The Warrant Process In Florida Has Denied Mr. Kearsé His Right To A Full, Fair, and Meaningful Postconviction Process In Violation Of The Fifth, Eighth, and Fourteenth Amendments.

The Supreme Court has repeatedly held “that the Eighth Amendment requires increased reliability of the process by which capital punishment may be imposed.” *Herrera v. Collins*, 506 U.S. 390 (1993); *McKoy v. North Carolina*, 494 U.S. 433 (1990); *Eddings v. Oklahoma*, 455 U.S. 104 (1982); *Lockett v. Ohio*, 438 U.S. 586, 604 (1978) (plurality). “If the Constitution renders the fact *or timing* of his execution contingent upon establishment of a further fact . . . then that fact must be determined with the high regard for truth that befits a decision affecting the life or death of a human being.” *Herrera*, 506 U.S. at 405-406 (quoting *Ford v. Wainwright*, 477 U.S. 399, 411 (1986)). Factual determinations related to the constitutionality of a person’s execution are “properly considered in proximity to the execution.” *Herrera*, 506 U.S. at 406. Whether the

¹⁸ A stay of execution to hold a hearing on Mr. Kearsé’s newly discovered evidence claim based on a result on a new IQ testing instrument is not unprecedented. *Johnston v. State*, SC10-356 (Fla. Mar. 4, 2010) (granting stay of execution and remanding for an evidentiary hearing on Johnston’s newly discovered evidence claim relating to mental retardation and the validity of score on the then-newly released WAIS-IV).

imposition of a death sentence violates the Eighth Amendment depends on the facts existing after a death warrant is signed and the determination of these facts requires *increased reliability*.

Unlike other death penalty states, Florida provides no structure to ensure that capital defendants receive due process and a meaningful opportunity to be heard in the final stage of litigation. This structure has resulted in a process that fails to conform with the requirements of the Fifth, Sixth, Eighth and Fourteenth Amendments facially and as applied to Mr. Kearsse. Due process requires “‘the opportunity to be heard’ . . . which must be granted at a *meaningful time* and in a *meaningful manner*.” *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965) (quoting *Grannis v. Ordean*, 234 U.S. 385, 394 (1914)). “[T]he process due in any given instance is determined by weighing the private interest that will be affected by the official action against the Government’s asserted interest, including the function involved and the burdens the Government would face in providing greater process.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004) (quoting *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976)). The State seeks to kill Billy Kearsse, who is “a living person and consequently has an interest in his life,” and his death sentence does not extinguish this interest. *Ohio Adult Parole Authority v. Woodard*, 523 U.S. 272, 288, 291 (1998) (O’Connor & Stevens, JJ. concurring). Mr. Kearsse is entitled to a full and fair hearing “to *substantiate a claim before it is rejected*.” *Ford v. Wainwright*, 477 U.S. 399, 411 (1986) (quoting *Solesbee v. Balkcom*, 339 U.S. 9, 23 (1950) (Frankfurter, J. dissenting)).

Although Mr. Kearsse’s warrant period is 33 days, he was required to file all claims in 5 business days. This timeframe is unnecessarily truncated. In Missouri, Texas, and California, the execution must be set for no earlier than 90 days from the signing of the warrant. Tex. Code Crim. Proc. Ann. art. 43.141(c) (2015); Mo. Sup. Ct. R. 29.08 (2014); Cal. Penal Code § 1193 (2024). The Missouri Supreme Court Rules provide a window of between 90-120 days for the warrant

period. Mo. Sup. Ct. R. 29.08. Oklahoma requires that an execution be set not be less than 60 days from the issuance of a warrant. Okla. Stat. Ann. tit. 22, §1001 (2025). Louisiana requires a minimum warrant period of 60 days and provides up to 90 days from the warrant being issued. La. Stat. 15:567(B) (2024). In Ohio, the Supreme Court sets the execution date between 2-3 years in advance, and there is no surprise and adequate time for stakeholders to conduct meaningful review.

The surprise nature of the warrant and limited length of the proceedings impacts counsel's ability to investigate the case, contact witnesses, and schedule meaningful client visits.¹⁹ The process is needlessly disruptive and unduly burdensome on all parties and the judicial system's limited resources.²⁰

Paul Kalil of the Capital Collateral Regional Counsel – South has been a member of Mr. Kears's legal team since the beginning of his postconviction proceedings and became lead counsel in approximately 2004. No other attorney with CCRC-South is as familiar with the facts of Mr. Kears's case or as versed in the procedural intricacies of the case.

Because of the difficulty and impact of working warrants, undersigned counsel has refrained from addressing personal matters during these proceedings and in prior warrants. However, Mr. Kalil's father has been hospitalized was very ill when Mr. Kears's death warrant

¹⁹ Counsel can only speak or see Mr. Kears during set weekday hours, and subject to availability due to the three overlapping warrants. Mr. Kears suffers from intellectual disability and from fetal alcohol effect, and limited phone calls impact counsel's ability to communicate effectively with Mr. Kears about the proceedings.

²⁰ Trial courts must quickly clear schedules to accommodate the emergency hearings. Additionally, this Court has never heard proceedings in this case, and is faced with the impossible task of becoming familiar in a matter of days with a case that spans decades, and includes thousands of pages of records throughout which Mr. Kears has presented detailed and compelling evidence undermining the reliability of his sentence. Counsel's constitutional and statutory duties to capital clients in late-stage proceedings is extensive, and the nature of warrant proceedings under this expedited schedule requires around the clock representation of just a single client; but counsel is not absolved from his ethical and constitutional obligations to other clients.

was signed. Mr. Kalil was at the hospital meeting with his father's care team to discuss hospice when Mr. Kears's warrant was signed. Because of the exigent nature of warrant proceedings, Mr. Kalil immediately left the hospital and went to the office and had been unable to be with his father and family since the warrant was signed. Mr. Kalil worked almost around the clock on Mr. Kears's case in order to meet the Court's scheduling deadlines. However, on February 5, 2026, counsel's father was admitted to hospice care for end-of-life care. Due to his specific health conditions, the family was prepared for counsel's father to pass quickly. With only a day left to file the instant motion, counsel sought a 72-hour extension. Counsel also moved for a modification of the Florida Supreme Court's Order to allow this Court to grant extra time, which was granted. This Court, however, shortened that time and permitted CCRC-South only 48 additional hours to prepare Mr. Kears's instant motion without lead counsel. Counsel's father passed on Sunday, February 7, 2025, again leaving a single day to work on Mr. Kears's case. Counsel's personal situation strains the bounds of his ethical obligations to ensure Mr. Kears receives due process and a meaningful review. Counsel cannot effectively represent Mr. Kears under these circumstances.

Fundamental notions of dignity and fairness demand that Mr. Kears be able to challenge his death sentence through meaningful collateral proceedings, and the current warrant process precludes Mr. Kears from doing so in a manner that meets constitutional scrutiny. While Mr. Kears may not receive relief from any court, the historical record will show that Florida extinguished any meaningful way to challenge imminent executions. History will view this time in Florida's Justice System with ignominy. *See* Austin Sarat, *In the World of Capital Punishment, Florida is Becoming the New Texas, The Hill* (Aug. 26, 2025), <https://thehill.com/opinion/criminal-justice/5469150-desantis-death-penalty-spike-executions/>.

Respectfully submitted,

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CERTIFICATE OF COUNSEL

I HEREBY CERTIFY that I am the attorney for the Defendant in the above-styled cause, that I have discussed the contents of the foregoing Defendant's Successive Motion to Vacate Judgments of Conviction and Sentence with Special Request for Leave to Amend and For Evidentiary Hearing fully with the Defendant, that I have complied with Rule 4-1.4 of the Rules of Professional Conduct, and that the foregoing motion is filed in good faith.

/s/ Suzanne Keffer
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by electronic service using the State of Florida E-Filing Portal, to the following this 9th day of February, 2026.

/s/ Courtney M. Hammer
COURTNEY M. HAMMER
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ATTACHMENT A

The Defendant in open Court was advised of the right to appeal from this Sentence by filing notice of appeal within 30 days from this date with the Clerk of this Court and the Defendant's right to the assistance of counsel in taking the appeal at the expense of the State on showing of indigency.

[Signature]
JUDGE

FINGERPRINTS OF DEFENDANT

1. Right Thumb	2. Right Index	3. Right Middle	4. Right Ring	5. Right Little
6. Left Thumb	7. Left Index	8. Left Middle	9. Left Ring	10. Left Little

Fingerprints taken by: *[Signature]* #536 Deputy / Bailiff
Name Title

I HEREBY CERTIFY that the above and foregoing fingerprints are the fingerprints of the Defendant, BILLY L. KEARSE and that they were placed thereon by said Defendant in my presence in open Court this date.

DONE AND ORDERED in open Court at Indian River ~~St. Lucie~~ County, Florida, this 24th day of March A.D., 1997.

[Signature]
JUDGE

- Violation of Probation, Previously Adjudged Guilty
- Violation of Community Control, Previously Adjudged Guilty
- Amended

Case Number 96-136-CF

OBTS Number 3723740

Defendant BILLY L. KEARSE

SENTENCE

(As to Count I)

The Defendant, being personally before this Court, accompanied by the Defendant's attorney of record, ROBERT UDELL, and having been adjudicated guilty herein, and the Court having given the Defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the Defendant should not be sentenced as provided by law, and no cause being shown

(Check one if applicable.)

- and the Court having on _____ (date) deferred imposition of sentence until this date.
- and the Court having previously entered a judgment in this case on _____ (date) now resentsences the Defendant.
- and the Court having placed the Defendant on Probation/Community Control and having subsequently revoked the Defendant's Probation/Community Control.

It Is The Sentence Of The Court that:

- The Defendant pay a fine of \$ _____, pursuant to section 775.083, Florida Statutes, plus \$ _____ as the 5% surcharge required by section 960.25, Florida Statutes.
- The Defendant pay to the Drug Trust Fund, a fine of \$ _____, plus \$ _____ as the 5% surcharge required by F.S. 893.16 and 893.165.
- The Defendant is hereby committed to the custody of the Department of Corrections.
- The Defendant is hereby committed to the custody of the Sheriff of St. Lucie _____ County, Florida.
- The Defendant is sentenced as a youthful offender in accordance with section 958.04, Florida Statutes.

To Be Imprisoned (Check one; unmarked sections are inapplicable.):

- DEATH BY ELECTROCUTION
- For a term of Natural Life.
- For a term of Natural Life with a 25 year mandatory minimum.
- For a term of _____
- Said SENTENCE SUSPENDED for a period of _____ subject to conditions set forth in this Order.

If "split" sentence, complete the appropriate paragraph.

- Followed by a period of _____ on Probation/Community Control under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered herein.
- However, after serving a period of _____ imprisonment in _____, the balance of the sentence shall be suspended and the Defendant shall be placed on Probation Community Control for a period of _____ under supervision of the Department of Corrections according to the terms and conditions of Probation Community Control set forth in a separate order entered herein.

In the event the Defendant is ordered to serve additional split sentences, all incarceration portions shall be satisfied before the Defendant begins service of the supervision terms.

703

Circuit Ct. Min. 72a ¹⁸⁶⁶

SPECIAL PROVISIONS

(As to Count I)

By appropriate notation, the following provisions apply to the sentence imposed:

Mandatory/Minimum Provisions:

- Firearm* It is further ordered that the 3-year minimum imprisonment provisions of section 775.087(2), Florida Statutes, is hereby imposed for the sentence specified in this count.
- Drug Trafficking* It is further ordered that the _____ mandatory minimum imprisonment provisions of section 893.135(1), Florida Statutes, is hereby imposed for the sentence specified in this count and pay fine \$ _____ plus \$ _____ as the 5% surcharge required.
- Controlled Substance Within 1,000 Feet of School* It is further ordered that the 3-year minimum imprisonment provisions of section 893.13(1)(e)1, Florida Statutes, is hereby imposed for the sentence specified in this count.
- Habitual Felony Offender* The Defendant is adjudicated a habitual felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(a), Florida Statutes. The requisite findings by the Court are set forth in a separate order or stated on the record in open Court.
- Habitual Violent Felony Offender* The Defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(b), Florida Statutes. A minimum term of _____ year(s) must be served prior to release. The requisite findings of the Court are set forth in a separate order or stated on the record in open Court.
- Law Enforcement Protection Act* It is further ordered that the Defendant shall serve a minimum of _____ year(s) before release in accordance with section 775.0823, Florida Statutes.
- Capital Offense* It is further ordered that the Defendant shall serve no less than 25 years in accordance with the provisions of section 775.082(1), Florida Statutes.
- Short-Barreled Rifle, Shotgun, Machine Gun* It is further ordered that 5-year minimum provisions of section 790.221(2), Florida Statutes, are hereby imposed for the sentence specified in this count.
- Continuing Criminal Enterprise* It is further ordered that the 25-year minimum sentence provisions of section 893.20, Florida Statutes, are hereby imposed for the sentence specified in this count.

Other Provisions:

- Jail Credit* It is further ordered that the Defendant shall be allowed a total of _____ days as credit for time incarcerated before imposition of this sentence.
- Prison Credit* It is further ordered that the Defendant be allowed day for day credit for all time previously served on this count in the Department of Corrections prior to resentencing.
- Consecutive/ Concurrent As To Other Counts* It is further ordered that the sentence imposed for this count shall run (check one) consecutive to concurrent with the sentence set forth in count _____ of this case.

Defendant BILLYV L. KEARSE

Case Number 91-136-CF

Other Provisions, continued:

Consecutive/Concurrent It is further ordered that the composite term of all sentences imposed for the counts specified in this order shall run
 As To Other Convictions (check one) consecutive to concurrent with the following:
 (check one)
 any active sentence being served.
 specific sentences: _____

Retention of Jurisdiction The court retains jurisdiction over the Defendant pursuant to section 947.16(3), Florida Statutes (1983).

In the event the above sentence is to the Department of Corrections, the Sheriff of St. Lucie _____ County, Florida, is hereby ordered and directed to deliver the Defendant to the Department of Corrections at the facility designated by the department together with a copy of this Judgment and Sentence and any other documents specified by Florida Statute.

The Defendant in open Court was advised of the right to appeal from this Sentence by filing notice of appeal within 30 days from this date with the Clerk of this Court and the Defendant's right to the assistance of counsel in taking the appeal at the expense of the State on showing of indigency.

In imposing the above sentence, the Court further recommends / orders _____

97 APR 25 PM 1 15
 JOANNE...
 CLERK CIRCUIT COURT

Indian River

DONE AND ORDERED in open Court at ~~St. Lucie~~ County, Florida, this 24 day of MARCH, 1997


 JUDGE

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR ST. LUCIE COUNTY, FLORIDA

STATE OF FLORIDA

v.

Case No. 91-136-CF

BILLY LEON KEARSE

Defendant

SENTENCE AND FINDINGS OF FACT

This cause came on to be heard March 12, 1997, for Determination of Sentence for Count 1, Murder in the First Degree, and the Court having presided over the Sentencing Hearing before the Jury, and having received its 12/0 Recommendation for the Death Penalty, and the Court having heard argument on March 12, 1997, and having considered the Memoranda submitted by the State and the Defendant, and notwithstanding the recommendation of the jury, the Court has made its own independent evaluation of the aggravating and mitigating circumstances as required by Chapter 921.141(3) Florida Statutes:

a. The crime for which the defendant is to be sentenced was committed while he was engaged in the commission of or during flight after committing or attempting to commit the crime of robbery, 921.141(5)(d):

The evidence shows that Defendant forcibly took Officer Parish's service pistol, turned that weapon on the officer and killed him. Even though the Defendant may have been motivated by his desire to avoid arrest when he took the gun, the incident still constituted a robbery under the definition of that offense. The taking was not incidental to the killing. The Supreme Court so ruled in the prior appeal and also found that this circumstance did not constitute doubling. The Court finds that this aggravator has been proven beyond a reasonable doubt. Its weight, however, is diminished somewhat as stealing the officer's pistol was not a planned activity such as occurs in a purse snatching or a holdup. While technically defendant's actions constituted robbery, the reality is that defendant took the weapon to effect the killing and then kept it to conceal the fingerprints and other evidentiary matters it presented.

b. The crime for which the defendant is to be sentenced was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from custody. 921.141(5)(e):

The evidence clearly shows that defendant's actions were taken for this purpose. There is no evidence that defendant carried any grudge against the officer, that the defendant planned the encounter, or that there was any reason to kill the officer other than the defendant's intention that he not be arrested. The Court finds that this aggravating factor has been proven beyond a reasonable doubt.

c. The crime for which the defendant is to be sentenced was committed to disrupt or hinder the lawful exercise of any governmental function or the enforcement of laws. 921.141(5)(g):

Effecting an arrest was the lawful exercise of a governmental function and the enforcement of laws. When the defendant killed the officer to prevent the arrest, this aggravating factor was established. The Court finds that this aggravating factor has been proven beyond a reasonable doubt.

d. The victim of the crime for which the defendant is to be sentenced was a law enforcement officer engaged in the performance of his official duties. 921.141(5)(j):

Again, there is no question but that Officer Parrish was a law enforcement officer and was acting within his official duties when he stopped the defendant and attempted to arrest him. The Court finds that this aggravating factor has been proven beyond a reasonable doubt.

The Court also finds that aggravating factors b, c, and d, above, are based upon a single aspect of the case and, accordingly, are considered as only one aggravating factor. This means that the Court has found a total of two aggravating factors, a, above, and the combined factors b, c, and d, proven beyond a reasonable doubt.

STATUTORY MITIGATING FACTORS

a. The capacity of the defendant to appreciate the criminality of his conduct or to conform his conduct to the requirements of the law was substantially impaired.

b. The capital felony was committed while the defendant was under the influence of extreme mental or emotional disturbance.

Each of these possible mitigating factors must be considered in two ways: first, on the basis of the extensive psychological evidence presented, and second, in the light of the evidence regarding the defendant's conduct at the time of the offense.

There is no doubt but that defendant grew up in bad circumstances. His childhood and early family training were horrible. The evidence does not establish that defendant has organic brain damage from any source including fetal alcohol syndrome. He obviously has some personality disorders and has indulged in bad conduct all of his life. While the experts who testified disagreed, the court finds that any mental or emotional disturbance was not "extreme."

The evidence shows that defendant exhibited a clear thinking process throughout the criminal episode. He lied to the officer about his name to the extent that the officer made several attempts to verify it in different forms. When this failed, defendant had presence of mind to take the officer's pistol. He fired fourteen shots in several groups with pauses in between during which the officer begged for his life. He then thought to keep the pistol with his fingerprints on it and to later hide it. He made an effort to conceal the automobile. When questioned after the offense, he led the officers on a wild goose chase for the pistol. This evidence shows defendant's ability to appreciate the criminality of his conduct, to make conscious choices about that conduct, and to purposely engage in the criminal activities. The Court finds that neither of these two statutory mitigating factors has been ^{ca}proven by the greater weight of the evidence.

c. The age of the defendant at the time of the crime.

Since there is no magic cutoff age under this factor, the Court must find that it has been established by the greater weight of the evidence. However, the evidence shows that defendant had already been through many stages of the criminal justice system including state prison time. Although eighteen years of age at the time, defendant exhibited sophistication rather than naiveté. The obvious intent of this statutory mitigator is to give consideration to a youth who acts from immaturity. This is just not the case here and the mitigator is entitled to some but not much weight.

NON-STATUTORY MITIGATING FACTORS

Defendant's attorney has listed forty such possible factors but with no written or oral argument at the penalty phase to support them. The Court has considered whether each of these has been established by the greater weight of the evidence.

Items 1 and 2 relate to lack of heightened premeditation and lack of being, heinous, atrocious, or cruel. This Court doubts that the absence of a statutory aggravating factor can become a non-statutory mitigating factor. Even if it could be, the evidence here, while not sufficient for aggravating factors, certainly does not disclose anything meritorious in the manner of this murder. The officer was hit by thirteen bullets, begged for his life, and was partially paralyzed before he died. The Court cannot find that the greater weight of this evidence establishes either of these suggested mitigating factors.

Item 3 is "Time between any decision to cause death and the shooting insufficient to allow cool and thoughtful consideration of conduct." For the reasons discussed in Items 1 & 2 above, the Court cannot find that this suggested mitigating factor has been established by the greater weight of the evidence.

Item 4 relates to defendant's cooperation with law enforcement, confession, and sincere remorse. The evidence shows that defendant initially did anything but cooperate and that even after he was confronted with evidence of his guilt, he blamed the conduct of the officer for the killing. While the Court must find that the defendant did confess, little weight should be given to this act under the circumstances and the Court cannot find from the greater weight of the evidence any true remorse.

Item 5. The Court finds that the defendant's behavior at the trial was acceptable and will give this some weight.

Items 6 through 39 are a laundry list of factors that essentially relate to defendant's difficult childhood and his psychological and emotional condition because of it. While the Court finds that the greater weight of the evidence does not establish fetal alcohol effect or organic brain damage, there was evidence regarding the remaining conditions and the Court has considered individually and will give some weight to each of these suggested factors.

Item 40 states "Defendant entered the adult penal system at a very early age." While this is true, the Court fails to see how this could be a mitigating factor. If it is, somehow, it is entitled to little weight.

CONCLUSION

In conclusion the Court finds beyond a reasonable doubt that the State has proven by very clear, convincing and credible evidence aggravating circumstances a, b, c, and d, above (which total only two) and that the statutory and nonstatutory mitigating circumstances found proven above are not individually or in toto substantial or sufficient to outweigh the aggravating circumstances.

Accordingly, after weighing all the aggravating and mitigating circumstances proven as established by the evidence in these proceedings, and the arguments presented during the penalty phase of this case, and the recommendation of the jury, the Court finds that there are sufficient aggravating circumstances beyond a reasonable doubt (and insufficient mitigating circumstances) to justify the imposition of the death penalty for Count 1, First Degree Murder.

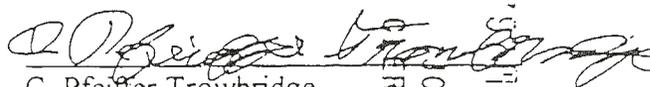
It is, therefore, ORDERED AND ADJUDGED that you, Billy Leon Kearse, are hereby sentenced to be put to death according to the law.

You have the automatic right to appeal this Sentence and to have the assistance of appointed counsel for this purpose.

May God have mercy upon your soul.

Done and ordered in open court in Vero Beach, Indian River County, Florida, this

24th day of March, 1997.


C. Pfeiffer Trowbridge
Senior Circuit Judge

DAVIDE HOLLAND
RK CIRCUIT COURT
MAR 25 PM 1 15

Copies furnished:
Bruce Colton, State Attorney
Robert G. Udell, Esq., Defense Attorney
Clerk, Indian River County Circuit Court

ATTACHMENT B

The Honorable Harry Lee Anstead
2411 Lola Dr.
Tallahassee, FL 32301

October 30, 2025

Florida Commission on Offender Review
4070 Esplanade Way
Tallahassee, FL 32399

Dear Members of the Clemency Board:

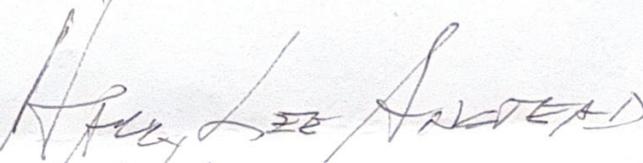
As a Justice of the Supreme Court of Florida, I authored a dissenting opinion in *Billy Leon Kears v. State of Florida*, Case No. SC90310, published on June 29, 2000. In that opinion, I expressed my view that the death sentence imposed in Mr. Kears's case was disproportionate when measured against sentences imposed in comparable cases.

As I wrote then:

“The bottom line is that this is clearly not a death case. It is not one of the most aggravated and least mitigated or among the worst of the worst for which we have reserved death as the only appropriate response. What eighteen-year-old Kears did was horrible—but his actions in light of the bizarre circumstances in this case do not warrant the ultimate penalty of death.”

I continue to stand by the reasoning and conclusions set forth in my dissenting opinion.

Respectfully submitted,

A handwritten signature in black ink that reads "Harry Lee Anstead". The signature is written in a cursive style with some capital letters.

Harry Lee Anstead
Chief Justice (Ret.)
Supreme Court of Florida

November 3, 2025

Florida Commission on Offender Review
4070 Esplanade Way
Tallahassee, FL 32399

Dear Members of the Clemency Board:

As a former Justice of the Supreme Court of Florida, I joined the dissenting opinion authored by Justice Harry Lee Anstead in *Billy Leon Kears*e v. *State of Florida*, Case No. SC90310 (Fla. June 29, 2000). That opinion expressed serious concerns regarding the proportionality of the death sentence imposed in Mr. Kearse's case when compared with sentences in similar cases.

Justice Anstead's analysis underscored that the circumstances surrounding Mr. Kearse's offense, while undeniably grave, did not meet the narrow class of cases for which the death penalty has been reserved under Florida law—those that are “among the most aggravated and least mitigated.”

I shared those concerns at the time, and my decision to join his dissent reflected my view that the death penalty was not an appropriate or proportionate sentence in Mr. Kearse's case. I continue to stand by the reasoning and conclusions set forth in my dissenting opinion.

Respectfully submitted,



Barbara Pariente

Chief Justice (Ret.)

Supreme Court of Florida

ATTACHMENT C



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2h · 



Widow of Sgt. Danny Parrish Wants Shared Credit Recognized in Long Fight for Justice

The widow of fallen Fort Pierce Police Sgt. Danny Parrish, Mirtha Busbin, reached out to our page with an important message following the signing of the death warrant in her husband's case: this outcome was not the work of one person, but the result of many people standing together and refusing to let the case be forgotten.

Busbin explained that after decades of delays and legal hurdles, she reached a point where the only path left was direct outreach to state leadership. She contacted everyone she believed could help amplify her voice and push the process forward.

Her intention, she says, is not to single out one individual or office—but to make sure everyone who helped is acknowledged.

Busbin asked that credit be shared with the following individuals for their roles and support throughout this process:

- Tom Bakkedahl, State Attorney
- Capt. Greg Kirk, Fort Pierce Police Department, Sgt. Parrish's former SWAT Captain, now retired from the Sheriff's Office
- Grace Parrish, Sgt. Parrish's sister
- Sheriff Richard Del Toro
- Former Sheriff Keith Pearson
- Mirtha Busbin, widow of Sgt. Danny Parrish

She also emphasized that persistence mattered.

In her words, staying on top of the process, continuing to push forward, and refusing to give up—combined with the support of those listed above—ultimately helped bring the case to this point.

- Former Sheriff Keith Pearson
- Mirtha Busbin, widow of Sgt. Danny Parrish

She also emphasized that persistence mattered.

In her words, staying on top of the process, continuing to push forward, and refusing to give up—combined with the support of those listed above—ultimately helped bring the case to this point.

Busbin wanted it made clear that this moment belongs to everyone who stood with her and kept Sgt. Parrish's name and sacrifice from being forgotten.





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force full time, and those keys were issued to me. Danny was a great colleague and friend and someone who I have always looked up to. I will always remember that sad day we all said goodbye to him. Thank you for the perseverance in achieving justice for this selfless public servant...

Reply  4  


Claire Hamblin Matthews · 1h

I was a Juror at the second trial, for a possible resentencing of the young man that killed Danny. At the end of that 2nd trial, his death sentence remained. It was one of the hardest things I've ever done, but there was no doubt it was the right sentence. I'll never forget the respect and support shown to Danny in that courtroom. Every day, no matter how long the trial went, the back of the courtroom was filled with Leo's from every city and county in the state, so much support and respect from his fellow Leo's. They would stand there for several hours, never wavering. I remember silently hoping that his family and friends would know how much he was loved.

Reply  3  

Reply  2  

Write a comment...



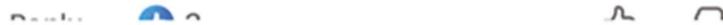
selfless public servant...

Reply  4



Claire Hamblin Matthews · 1h

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Add a Caption

Tuesday · Feb 3, 2026 · 10:42 PM

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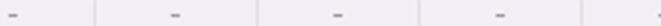
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[Add a location...](#)

ATTACHMENT D

STATE OF TEXAS)
) ss.
COUNTY OF TRAVIS)

AFFIDAVIT OF CECIL R. REYNOLDS, PH.D.

I, Cecil R. Reynolds, Ph.D., hereby affirm, under oath, as follows:

1. I am over the age of eighteen, mentally competent, and provide this affidavit based on my own personal knowledge, training, experience, and education.

I. Referral Question

2. I was contacted by postconviction counsel in *State of Florida v. Billy Leon Kearse*, St. Lucie County Circuit Court Case No. 561991CF000136A, as a consulting expert in neuropsychology, measurement sciences, and the assessment of intellectual functioning. I was specifically asked to provide my opinion on the Weschler Adult Intelligence Scale, Fifth Edition, and its degree of reliability in assessing intellectual deficits and cognitive abilities.

II. Qualifications

3. I am an Emeritus Professor of Educational Psychology, Professor of Neuroscience, and Distinguished Research Scholar at Texas A&M University. I was a Charter and organizing member of the Neuroscience Faculty at TAMU and served for many years on the credentials committee. I am the author of over 300 scholarly publications, author or editor of more than 50 books, including The Energetic Brain and the Handbook of Clinical Child Neuropsychology, and the creator of numerous widely used psychological and neuropsychological tests including the Behavior Assessment System for Children (the BASC, the most frequently administered test of its type in the English-speaking world), the Reynolds Intellectual Assessment Scales, the Test of Memory and Learning, the School Motivation and Learning Strategies Inventory, and more than

30 commercially published psychological and neuropsychological tests. I have been awarded 3 US Patents for my work in psychological testing.

4. Additionally, I am a past president of the National Academy of Neuropsychology (NAN) and the American Psychological Association Divisions 5, 16, and 40 (Evaluation, Measurement, and Statistics; School Psychology; and Clinical Neuropsychology, respectively), the American Board of Professional Neuropsychology, and the American Academy of Pediatric Neuropsychology. I serve on multiple editorial boards of recognized scholarly journals and am a former Editor-in-Chief of Applied Neuropsychology, Archives of Clinical Neuropsychology, and of the APA journals, Psychological Assessment and Archives of Scientific Psychology, and a former Associate Editor of School Psychology Quarterly. I am the current Editor-in-Chief of the Journal of Pediatric Neuropsychology (the official journal of the American Academy of Pediatric Neuropsychology).

5. I have received numerous awards for excellence in research (e.g., the Lightner Witmer Award, the Senior Scientist Award from the APA Division of School Psychology, and NAN's Distinguished Neuropsychologist Award, the Academy's highest award, the APA's Samuel Messick Award for Lifetime Contributions to Measurement Science, and the APA Division of Clinical Psychology Distinguished Assessment Psychologist Award) primarily in neuropsychology, the measurement sciences, and in psychological testing and assessment. My service to the profession and to the youth of America has been recognized through the President's Gold Medal for Service to NAN along with the Academy's Distinguished Service Award, as well as the UNC at Wilmington 50th Anniversary Razor Walker Award for Service to the Youth of America and the APA Division of School Psychology Jack Bardon Distinguished Service Award, and the Nadine M. Lambert Award (which, according to the APA web site, is "Given occasionally

(every 2-3 years), to an individual who has made long time contributions of unusual breadth and depth to the field in honor of and named after Nadine Murphy Lambert”) among others. A 2020 quantitative review of the impact on the field of neuropsychology published in the Oxford Handbook of the History of Clinical Neuropsychology ranked me as the 7th most influential person in the history of the field, and in 2021, I was noted on the Stanford list of the top 2% of scientists in the world based on quantitative analyses of the impact of my published works.

6. I maintained a clinical practice for more than 25 years where I primarily treated persons with traumatic and other brain injuries/illnesses as well as victims of physical and sexual assault.

7. For some years, I was Chief of Neuropsychology and Director of Psychology for Sandstone Hospital, a private psychiatric facility in Brazos County.

8. Several years ago, I was elected a Distinguished Fellow of the National Academies of Practice.

9. I currently practice forensic neuroscience out of Austin, Texas, and specialize in complex and high-stakes litigation involving any aspects of the central nervous system functions. I have consulted at both the trial and appellate levels on more than 150 capital felony cases where the death penalty was sought or imposed.

III. Assessment of Intellectual Functioning and the Weschler Adult Intelligence Scale, Fifth Edition

10. Intellectual functioning is a construct that incorporates (a) common characteristics of intelligence (reasoning, planning, problem solving, abstract thinking, understanding complex ideas, learning quickly, and learning from experience); (b) abilities measured by IQ tests (language skills, mathematical abilities, memory, and spatial visualization); and (c) the notion that cognitive functioning is influenced by other forms of human functioning and systems of support. There is

scientific consensus that intellectual functioning is best assessed using an individually administered, comprehensive, standardized IQ test with a contemporary and nationally recognized representative norm or reference sample. One of these tests is the Weschler Adult Intelligence Scale (WAIS), which is routinely administered to adults and late adolescents in clinical, educational, correctional, pharmaceutical, and government settings, and according to surveys of psychologists nationwide as well as anecdotal data, is the most frequently individually administered test of intelligence for the adult population of the United States.

11. Since its original publication in 1955, the WAIS has been re-normed and updated approximately every 10-15 years with contemporary data due to population and demographic shifts. This allows the resulting scores of each edition to reflect the most current and accurate normative sample. The structure and format of the test itself has also changed over time to more closely approximate current scientific conceptualizations of intelligence as a construct.

12. The most recent version of the WAIS is the Fifth Edition (WAIS-5), published by Pearson Clinical Assessments US in late October 2024. This was the first update to the testing instrument and normative sample since 2008 when its predecessor, the WAIS-IV, was released.

13. While the publication of the WAIS-5 was a significant advancement in the assessment of intellectual functioning, practitioners did not immediately start using it in clinical or forensic evaluations as soon as the test was released—particularly in cases involving high-stakes decision-making in cognitive assessments like death penalty proceedings. This is because under the APA’s professional and ethical standards, examiners are required to be competent in the administration of any test they use, which requires studying the applicable manual, as well as practicing both administering and scoring the test itself. While there is no set rule on how to acquire competency in IQ testing administration, it is imperative that any examiner practice multiple times

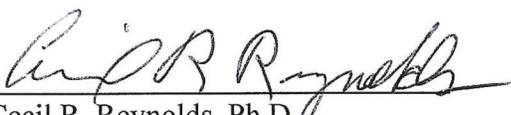
in situations that that lack any sort of legal, clinical, or other practical consequences. For these reasons, it took time for the WAIS-5 to be regularly administered.

14. The position of the APA and other preeminent organizations like the American Association on Intellectual and Developmental Disabilities is that a new testing instrument like the WAIS-5 is reliable so long as there is sufficient data to support it. It is my opinion that the data available from Pearson Assessments in the WAIS-5 Technical and Interpretive Manual is more than adequate and demonstrates that the norming was done properly according to the technical standards of the profession. In other words, the data support that there is no more accurate normative sample currently available for the assessment of intelligence and the accurate derivation of normative scores (the IQ) than the WAIS-5, and scores derived from the WAIS-5 are more accurate than those from testing instruments based on outdated norms.

IV. Summary of Conclusion

Based on my educational and professional experience described above, a full-scale IQ resulting from proper and accurate administration of the WAIS-5 is the best representation of an individual's current intellectual functioning one can attain due to the currentness of its normative data.

I declare under penalty of perjury of the laws of the State of Texas that the foregoing is true and correct to the best of my knowledge.


Cecil R. Reynolds, Ph.D.

ACKNOWLEDGEMENT

Before me, Courtney Pruitt Courtney the Pruitt
Cecil Reynolds a notary public, on this day personally appeared Cecil R. Reynolds, PhD., known to me to be the person whose name is subscribed to the foregoing instrument, who acknowledged to me that he executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office this 6th day of February, 2026.

Courtney Pruitt

Notary Public, State of Texas



ATTACHMENT E

Cecil R. Reynolds, PhD, ABN, ABPdN, earned his Doctoral Degree from the University of Georgia in 1978 under the tutelage of Dr. Alan S. Kaufman, with a major in School Psychology and minors in Statistics and in Clinical Neuropsychology. He subsequently served an internship working under Drs. Larry Hartlage and Patricia Hartlage at the Medical College of Georgia. He is the author of more than 300 scholarly publications and author or editor of over 50 books including The Energetic Brain and the Handbook of Clinical Child Neuropsychology. He is the author of more than 50 commercially published tests including the Behavior Assessment System for Children (the most widely used measure of its kind in the English-speaking world), the Reynolds Intellectual Assessment Scales, and the Test of Memory and Learning. His work in psychological testing has the unusual distinction of having been awarded 3 US Patents. Dr. Reynolds is a diplomate in Clinical Neuropsychology of the American Board of Professional Neuropsychology, a diplomate of the American Board of Pediatric Neuropsychology, and a Past President of both of these Boards, and was a diplomate in School Psychology of the American Board of Professional Psychology, prior to retiring this diplomate in 2004. He was elected a Distinguished Practitioner and Fellow of the National Academies of Practice in 2012. He maintained a clinical practice treating trauma victims and individuals with Traumatic Brain Injury for 25 years and served as Chief of the Neuropsychology Service at Sandstone Psychiatric Hospital before retiring from clinical work at the end of 2003 to extend his forensic practice and writing efforts.

Dr. Reynolds is a past president of the National Academy of Neuropsychology, APA Divisions 5 (Evaluation, Measurement, and Statistics), 40 (Clinical Neuropsychology), and 16 (School Psychology). He is a Fellow of APA Divisions 1, 5, 15, 16, 40, and 53. He served as Editor in Chief of Archives of Clinical Neuropsychology (1990-2002), Applied Neuropsychology (2004-2008), the prestigious APA journal Psychological Assessment (2009-2015), APA's open access journal, Archives of Scientific Psychology from 2015-2020, and is now Editor of the Journal of Pediatric Neuropsychology. Dr. Reynolds has received multiple national awards recognizing him for excellence in research and for service to the profession, including the Lightner Witmer Award, the Jack Bardon Award, and the Nadine Murphy Lambert Award (“given only periodically for distinguished contributions to the profession that are of unusual depth and breadth”), along with the APA Division 16 Senior Scientist Award, the Samuel A. Messick Award for Distinguished Contributions to Measurement Science, and the Distinguished Clinical Neuropsychologist as well as the President's Gold Medal Award both from the National Academy of Neuropsychology. He received the 50th anniversary Razor Walker Award from the U. of NC-Wilmington for Distinguished Service to the Youth of America. He is an Alumnus of the Year at both UNCW and the U. of Georgia, where he was also selected to the Academic Hall of Fame. A 2020 quantitative review of impact on the field of clinical neuropsychology published in the Oxford Handbook of the History of Clinical Neuropsychology ranked Dr. Reynolds as the 7th most influential person in the history of the field. In 2021, he was noted to be in the top half of the Stanford list of the top 2% of scientists in the world, based on quantitative analyses of the impact of their published works. He is Emeritus Professor of Educational Psychology, Professor of Neuroscience, and Distinguished Research Scholar at Texas A & M University, where he taught for 28 years and was a founding member of the neuroscience faculty. He continues to write and practices Forensic Neuroscience in Austin Texas where he specializes in complex and high stakes litigation involving any aspects of central nervous system functions and has worked on more than 150 death penalty cases over his career.

VITA

NAME: Cecil R. Reynolds, PhD
 Emeritus
 Professor of Educational Psychology
 Professor of Neuroscience
 Distinguished Research Scholar
 Texas A&M University

ADDRESS: 40 N Interstate 35 Apt 12B1
 Austin, TX 78701-4332
 Phone: (512) 656-5075

EDUCATION: BA, Psychology, 1975 University of North Carolina
 at Wilmington
 M Ed, Psychometrics, 1976 University of Georgia
 EdS, School Psychology, 1977 University of Georgia
 PhD, Educational Psychology, 1978 University of Georgia
 Major: School Psychology Minors: Statistics
 and Clinical Neuropsychology

DISSERTATION: Differential Validity of Several Preschool Assessment
 Instruments for Blacks, Whites, Males, and Females

Major Professor: Alan S. Kaufman, PhD
 Chair, Reading Committee: E. Paul Torrance, PhD

LICENSURE AND CERTIFICATION

Licensed Psychologist, Texas State Board of Examiners of Psychologists (1982-2004,
 Retired in good standing, February 29, 2004).

Certified Health Service Provider, Texas State Board of Examiners of Psychologists
 (1983-2004).

Diplomate, Clinical Neuropsychology, American Board of Professional Neuropsychology
 (ABPN), 1983, with special qualifications in Forensics, Developmental Disabilities,
 and in Pediatrics.

Diplomate, Pediatric Neuropsychology, American Board of Pediatric Neuropsychology,
 2011.

Listed, National Register of Health Service Providers in Psychology (1985-2003).
 Licensed Psychologist, Nebraska State Board of Examiners of Psychologists (1978-1994).
 Diplomate, School Psychology, American Board of Professional Psychology (ABPP),
 (1998, retired February 29, 2004).
 Diplomate, Forensic Examination, American Board of Forensic Examiners (ABFE),
 (1995- retired 2003).
 Certified Clinical Psychologist, Nebraska Department of Health (1981-1994).
 Professional School Psychologist, Texas Education Agency (1982).
 Professional School Psychologist 7, Nebraska Department of Education (1978).
 School Psychologist, Georgia Department of Education (1976).
 Certified Special Education Servicing Agency, State of Nebraska, Department of
 Special Education (1978-81).
 Frequent qualification as expert witness in clinical neuropsychology, psychology,
 education, tests and measurement, and child mental health in local, state, and
 federal district courts.
 Oral Examiner, Texas State Board of Examiners of Psychologists, 1987 (first year of oral
 exams in Texas)-2003.
 Oral Examiner, American Board of Professional Neuropsychology (1995-).
 Oral Examiner, American Board of Professional Psychology (2002-2003).

EXPERIENCE

Cecil R. Reynolds, Forensic Neuroscience	2008-	Private forensic consulting practice
Emeritus Professor	2008-	Texas A&M University, College Station, TX
Distinguished Research Scholar	1995-2008	Texas A&M University, College Station, TX
Professor of Neuroscience	1993-2008	Texas A&M University; College Station, TX (Charter member, Faculty of Neuroscience)
Professor of Educational Psychology	1985-2008	Texas A&M University; College Station, TX (tenured, 1984)
Director, Doctoral School Psychology Training Program (APA Accredited)	1982-1987	Texas A&M University; College Station, TX
Associate Professor	1981-1985	Texas A&M University; College Station, TX

Associate Director	1980-1981	Buros Institute of Mental Measurements
Acting Director	1979-1980	Buros Institute of Mental Measurements
Assistant Professor	1978-1981	University of Nebraska; Lincoln Nebraska (tenured, 1981)
Psychologist 1/2 time	1976-1978	Rutland Center; Athens, Georgia
Player	1969-1974	N.Y. Metropolitan Baseball Club; New York, NY

INTERNSHIP

One year of internship divided between the following two agencies: Clarke County Public Schools (Division of Exceptional Children, Rutland Center for Severely Emotionally Disturbed Children); and Medical College of Georgia, Pediatric and Adult Neuropsychology. Postdoctoral supervision in the Educational Psychology Clinic at the University of Nebraska-Lincoln.

PRIMARY CONSULTANTSHIPS

1996 - 2008	Neuropsychology and Education and Training Consultant to Medical Horizons Unlimited, San Antonio, TX.
1994 - 2004	Neuropsychology consultant to PBS, project to revise "The Brain."
1993 -	Reviewer, Grants and contracts, National Institute of Drug Abuse (NIDA).
1990 - 1992	Director of Psychology, Sandstone Hospital.
1987 - 1989	Sandstone Systems, Inc. and Sandstone Psychiatric Hospital, Neuropsychology Director.
1985 -	The Psychological Corporation, WPPSI Revision, WISC-III, Differential Ability Scales, and related projects.

- 1987 - 1991 Consultant to Texas Education Agency/Texas Department of Mental Health and Mental Retardation Task Force on Emotional Disturbance, a legislatively mandated task force.
- 1985 - 1987 Riverside Publishing Co., Training Consultant (Stanford-Binet Fourth Ed.)
- 1985 - 1993 Greenleaf Psychiatric Hospital, Bryan, TX, Psychological Consultant.
- 1984 - 1986 Brenham State School, Psychological Consultant.
- 1983 - 1985 Training Consultant, American Guidance Services.
- 1983 - Field Reader, United States Office of Education.
- 1981 - 1995 Consultant on psychology and education, Christian Law Association.
- 1978 - 1985 Research Consultant, American Guidance Services, Kaufman Assessment Battery for Children Project, Kaufman Adolescent and Adult Intelligence Test for Adolescents and Adults Project, Kaufman Assessment Battery for Children-Spanish Edition.
- 1980 - 1981 Psychometric Consultant, Project for the revision of Detroit Tests of Learning Aptitude, Bobbs-Merrill Pub. Co.
- 1978 - 1980 Psychological Consultant, Beatrice State Developmental Center; Beatrice, Nebraska.
- 1978 Research Consultant, N.E. Georgia Area Agency on Aging; Athens, Georgia.
- 1977 - 1978 Staff Development Consultant, N.E. Georgia Cooperative Educational Service Agency; Athens, Georgia.
- 1976 - 1978 Psychological Consultant, Department of Education, State of Georgia, Atlanta, Georgia.

CURRENT SPECIAL INTERESTS

- Major Areas: Individual Assessment and Diagnosis
Cultural Bias in Testing

Childhood Emotional Disturbance
 Neuropsychology
 Behavioral Assessment and Actuarial Classification

Minor Areas: Learning Disorders
 Personality Measurement
 Creativity

TEACHING

Graduate Courses Taught: Assessment of the Emotionally Disturbed
 Clinical Neuropsychology
 Field Practicum in Applied Research
 Foundations of Research
 Individual Assessment
 Individual Preschool Assessment
 Internship in School Psychology
 Neurodevelopmental and Genetic Disorders in Children
 Neuropsychological Assessment
 Neuropsychology of Low Incidence Handicaps
 Nonbiased Assessment of Special Populations
 Practicum in Assessment
 Practicum in School Psychology
 Psychopathology of Childhood and Adolescence
 Seminar in Neuropsychology
 Special Topics in Forensic Psychology

Undergraduate Courses Taught: None

UNIVERSITY AND PROFESSIONAL ORGANIZATIONS, HONORS

Professional Organizations (past and current)

American Association for the Advancement of Science
 American Creativity Association (Charter Member)
 American Educational Research Association
 American Psychological Association (Fellow of Divs. 1, 5, 15, 16, 40, 53)
 American Psychological Society (Fellow)
 Coalition of Clinical Practitioners in Neuropsychology
 Council of Directors of School Psychology Programs (1982-1987)
 International Neuropsychological Society
 National Academies of Practice (Distinguished Fellow)
 National Academy of Neuropsychology (Fellow)
 National Association of School Psychologists

National Council on Measurement in Education
 Reitan Society (Charter Member)
 Society for the Scientific Study of School Psychology (Charter member)
 Trainers of School Psychologists

Honor Societies

Honorary Listings

Phi Delta Kappa
 Phi Kappa Phi
 Kappa Delta Pi

Men of Achievement
Personalities of the West and Midwest
Outstanding Young Men of America (1980)
 Marquis' Who's Who in the Midwest
Dictionary of International Biography
 Marquis' Who's Who in the South and
Southwest
 Marquis' Who's Who in the Frontiers of
Science
 Others

Social Fraternity

Tau Kappa Epsilon

HONORS, AWARDS, AND DISTINCTIONS

- 2014 Samuel J. Messick Distinguished Scientific Contributions to Measurement Award, APA Division 5 (Evaluation, Measurement, and Statistics)
- 2014 Lifetime Award for as Distinguished Assessment Psychologist, APA Division 12 (Clinical Psychology) Section on Clinical Assessment
- 2011 Elected Distinguished Fellow of the National Academies of Practice.
- 2010 Jack Bardon Distinguished Service Award, Division of School Psychology of the American Psychological Association.
- 2009 Published interview as a "Legend in the Field," The International Journal of Creativity and Problem Solving, 19(1), 123-139.
- 2007 Distinguished Achievement Award for Research, TAMU Former Students Association. (University wide award). First two-time College of Education faculty member to receive this award in the history of TAMU.
- 2007 Lifetime Achievement Award for Distinguished Contributions, American Board of School Neuropsychology.
- 2006 Distinguished Reviewer of 2006, Buros Institute of Mental Measurements.

- 2005 University of Georgia, Distinguished Alumnus Award for Lifetime Achievement. Also inducted into the College of Education “Hall of Fame.”
- 2003 National Association of School Psychologists, Neuropsychology Interest Group, Lifetime Achievement Award in Neuropsychology.
- 2002 Distinguished Visiting Professor, Wilford Hall, USAF showcase hospital and training facility, Lackland AF Base, San Antonio, TX.
- 2001 National Academy of Neuropsychology, Distinguished Service Award.
- 2000 National Academy of Neuropsychology, Distinguished Clinical Neuropsychologist Award
- 1999 American Psychological Association, Division 16, Senior Scientist Award
- 1998 Razor Walker Award for service to the youth of America, The University of North Carolina at Wilmington and CAPE. (50th Anniversary Award).
- 1997 President’s Gold Medal for service to the National Academy of Neuropsychology.
- 1995 Distinguished Research Scholar Award, Texas A&M University, COE.
- 1995 Faculty co-author of National Academy of Neuropsychology, Student Research Award, winning paper, 1995 NAN Annual Convention.
- 1994 Society for the Psychological Study of Social Issues (APA Division 9), Robert Chin Award for Distinguished Contributions (co-recipient).
- 1994 Faculty co-author of National Academy of Neuropsychology, Student Research Award, winning paper, 1994 NAN Annual Convention.
- 1988 Paper of the Year, Mid-South Educational Research Association, with A. Kaufman and J. McLean.
- 1987 Interviewed as an "Eminent School Psychologist" in the Communique, Official Newsletter of the 30,000 member National Association of School Psychologists.
- 1987 Encyclopedia of Special Education named by American Library Association as one of the Top 25 Reference Works in All Fields (Dr. Reynolds is senior editor of this work).

- 1986 Distinguished Achievement in Research, award from the Texas A&M University Former Students Association (University wide award). First College of Education faculty member to receive this award in the history of TAMU.
- 1984 Outstanding Alumnus of the Year, University of North Carolina at Wilmington (one chosen each year).
- 1984 Outstanding New Faculty Award, College of Education Development Council, Texas A&M University.
- 1983 American Psychological Association, Division of Educational Psychology (15), Early Career Award, with accompanying invited address to the annual meeting of the APA.
- 1983 Awarded Fellow status, American Psychological Association (first year of eligibility).
- 1983 Awarded Fellow status, National Academy of Neuropsychology (first year of eligibility).
- 1983 Earned Diplomate status, clinical neuropsychology, American Board of Professional Neuropsychology, by assembled examination process, and voluntarily re-examined through new written and oral examination process, 1993.
- 1983 Certificate of Research Achievement, Instructional Research Laboratory, College of Education, Texas A&M University.
- 1981 Invited by the Division of Evaluation and Measurement (5) of the American Psychological Association to deliver a special invited address as an Outstanding Contributor in First Ten Postdoctoral Years to the annual meeting of the APA.
- 1981 Appointed to the Graduate Faculty of Texas A&M University.
- 1980 American Psychological Association, Division of School Psychology (16) Lightner Witmer Award (awarded annually to the outstanding young school psychologist in the Association).
- 1979 Awarded Fellow status on the Graduate Faculty of the University of Nebraska.

- 1978 Kappa Delta Pi Award of Excellence for Outstanding Contributions to Education (awarded annually to the individual judged the most outstanding graduate student in a school of education in the state of Georgia).
- 1978 Paper of the Year, Gifted Child Quarterly (awarded annually by the National Association for Gifted Children, the professional sponsoring agent of Gifted Child Quarterly) with E. P. Torrance.
- 1977, 1978 Certificate of Recognition, National Association of School
1979, 1980 Psychologists.

OFFICES AND COMMITTEES

- 2015-2016 President, American Academy of Pediatric Neuropsychology.
- 2014 President-elect, American Academy of Pediatric Neuropsychology.
- 2015- Member, APA Task Force on Previously Published Material
- 2009- Member, APA Task Force on Violence Against Teachers.
- 2006- Member (SSSP Representative) of the School Psychology Specialty Council.
- 2005-2006 Chair, American Psychological Association Task Force on Zero Tolerance Policies in the Schools (final report published in American Psychologist).
- 2004 and 2005 President, American Psychological Association, Division of School Psychology.
- 2000-2002 Member-at-large, Executive Board of the Coalition of Clinical Practitioners in Neuropsychology.
- 1999-2005 Member-at-large, Executive Board of the National Academy of Neuropsychology.
- 2002-2003 Chair, National Academy of Neuropsychology, Long Term and Strategic Planning Task Force.
- 1999-2000 Immediate Past-President, APA Division 40 (Clinical Neuropsychology).
- 1998-1999 President, APA Division 40 (Clinical Neuropsychology).
- 1998-1999 Immediate Past President, APA Division 5 (Evaluation, Measurement,

- & Statistics.
- 2000-2008 Member-at-large, Executive Committee of the American Board of Professional Neuropsychology.
- 1998-2000 Immediate Past President, American Board of Professional Neuropsychology (ABN).
- 1999- Member, APA Division 40 Committee on Empirically Supported Practice.
- 1998-1999 Immediate Past-President, APA Division 5.
- 1997-1998 President, APA Division 5 (Evaluation, Measurement, & Statistics).
- 1997-1998 President-Elect, APA Division 40 (Clinical Neuropsychology)
- 1996-1997 President-Elect, APA Division 5 (Evaluation, Measurement, & Statistics)
- 1997- Member, Research Grants Committee, National Academy of Neuropsychology
- 1996-1998 President, American Board of Professional Neuropsychology (ABN)
- 1995-1996 President-Elect, American Board of Professional Neuropsychology (ABN)
- 1993-1995 Member-at-large, Executive Committee, American Board of Professional Neuropsychology.
- 1994-1995 Chair, Awards Committee, American Board of Professional Neuropsychology.
- 1994- Oral Examiner and Work Sample Reviewer, American Board of Professional Neuropsychology
- 1991-1992 Member, American Psychological Association, Board for the Advancement of Psychology in the Public Interest Working Group on the Use of Anatomically Detailed Dolls.
- 1991-1997 Member, Medical Advisory Council, JMA Head Injury Foundation, Inc., Washington, D.C.
- 1990- Member, Content Area Consultant Bank, National Research Center on the Gifted and Talented, a USOE Funded OERI Project.
- 1990 Chair, NAN Nominations Committee

- 1989 Chair, NAN Fellows Committee
- 1983-2000 Member, NAN Program Committee
- 1983-1999 Chair, NAN Site Selection Committee
- 1988-1991 Past-President, National Academy of Neuropsychology
- 1986-1988 President, National Academy of Neuropsychology, 2 year term (NAN)
- 1986-1988 Executive Board, Federation of Cognitive, Behavioral, and Social Sciences.
- 1986-1990 Member (BPA), Committee on Psychological Testing and Assessment, American Psychological Association.
- 1988 Chair, APA, Division 5 Program Committee
- 1986-1988 Member, American Psychological Association Task Force on Psychology in the Schools.
- 1987 Member, APA Div. of Evaluation and Measurement (Div. 5), Program Committee.
- 1985-1987 Member-at-large, Executive Board, Division of Clinical Neuropsychology (40) of the APA
- 1985 Chair, APA Division 16, Lightner Witmer Award Committee
- 1985 Member, United States Department of Education Special Education Programs, Task Force on Eligibility for Learning Disabilities
- 1984-1985 Member, Oral Examination Task Force, Texas State Board of Examiners of Psychologists
- 1984-1986 Member-at-large, Executive Board of the National Academy of Neuropsychology
- 1982-1988 Chair, APA Division 16 Committee on Testing Issues
- 1983-1984 Chair, United States Department of Education, Special Education Programs, Work Group on Measurement Issues in the Identification of Specific Learning Disabilities
- 1983-1986 APA, Division 16, Monitor for Scholarly Knowledge (1983-1984), Vice

- President for Education, Training, and Scientific Affairs (1985-1986)
- 1983-1985 NASP, West Central Regional Director
- 1983 Co-chair, APA Division 16 SIG - Preschool Children
- 1981-1984 Advisor to the APA, AERA, NCME Joint Committee to Revise the Standards for Educational and Psychological Tests
- 1981 Member, APA, BSERP Task Force to Prioritize APA's Response to the Needs of Children, Youth, and Families.
- 1980-1981 Chair, APA Division 16 Convention Program Committee.
- 1979-1980 Co-Chair, APA Division 16 Convention Program Committee.
- 1979-1981 Chair, Ethics Committee, Nebraska School Psychologists Association.
- 1978-1981 National Liaison and Executive Committee, National Future Problem Solving Program.
- 1978-1982 Member, APA, Division 16 Publications Committee.
- 1978-1979 Chair, Reference Committee, Nebraska School Psychologists Association.
- 1977-1978 Vice President, University of Georgia Phi Delta Kappa Chapter.
- 1977-1978 President, Graduate Student Organization.
- 1977-1978 Student Representative, Departmental Coordinating Committee.
- 1976-1978 Student Member, APA, Division 16 Committee on Learning Disabilities.
- 1975 President, SSH Jaycee Chapter

SCHOLARLY REVIEWING AND EDITING ACTIVITIES

- 2015-2021 Editor-in-Chief, Archives of Scientific Psychology, a journal of the American Psychological Association.
- 2009-2015 Editor-in-Chief, Psychological Assessment, a journal of the American Psychological Association (“incoming editor” calendar year 2009).
- 2015- Associate Editor, Journal of Pediatric Neuropsychology

- 2012-2015 Associate Editor for measurement and assessment, Archives of Scientific Psychology, an APA open access psychology journal.
- 2011-2014 Senior Scientist and Editorial Consultant, Journal of School Psychology.
- 2004-2008 Editor-in Chief, Applied Neuropsychology (A Lawrence Erlbaum Associates journal).
- 1991-2002 Editor-in-Chief, Archives of Clinical Neuropsychology (Official journal of the National Academy of Neuropsychology).
- 2008 Guest editor, Journal of Attention Disorders.
- 1990 Editor-Elect, Archives of Clinical Neuropsychology
- 1984-2004 Series Editor, Critical Issues in Neuropsychology, Plenum Pub. Co.
- 1981-2004 Series Editor, Perspectives on Individual Differences, Plenum Pub. Co.
- 1992-2001 Editorial Advisor, Child Assessment News
- 1995-1997 Associate Editor, School Psychology Quarterly
2002- 2007
- 1985-1992 Associate Editor, Journal of School Psychology
- 1985-1987 Associate Editor, Journal of Special Education
- 1986-1990 Associate Editor, Archives of Clinical Neuropsychology
- 1984-1986 Editor, K-ABC Information Edge (quarterly)
- 2014- Editorial Board, Child Development
- 2002-2003 Editorial Board, Applied Neuropsychology
- 1997-1999 Editorial Board, Psychological Assessment
2002-2008
- 1996-2005 Editorial Board, Journal of Forensic Neuropsychology
- 1996- Editorial Board, Learning Disability Quarterly
- 1996- Editorial Board, Neuropsychology Review

- 1994-1997 Editorial Board, Journal of Clinical Child Psychology
- 1993-1997 Editorial Board, Neuropsychology
- 1993- Editorial Board, Research in the Schools
- 1992 - Editorial Board, Canadian Journal of School Psychology
- 1988-1997 Editorial Board, Journal of Experimental Education
- 1986-1991 Editorial Board, Archives of Clinical Neuropsychology
- 1984-1989 Editorial Board, Professional School Psychology
- 1984- Editorial Board, Journal of Learning Disabilities
- 1984- Editorial Board, Computers in Human Behavior
- 1982-2001 Editorial Board, Journal of Psychoeducational Assessment
- 1982-1985 Editorial Board, Journal of Special Education
- 1980- Editorial Board, Educational and Psychological Measurement
- 1980-2008 Editorial Board, Journal of School Psychology
- 1980-1988 Editorial Board, Psychology in the Schools
- 1980- Editorial Board, Special Education Assessment Matrix
- 1979-1989 Editorial Board, School Psychology Review
- 2002 Guest Action Editor, American Psychologist
- 1983 Guest Editor, Special issue of Journal of Special Education on the K-ABC. (Fall, 1984 issue).
- 1980- Corresponding Commentator and Associate, Behavioral and Brain Sciences
- 1980-1984 Test Review Editor and Editorial Board, International Journal of Clinical Neuropsychology
- 2010- Ad Hoc Reviewer, Alberta Journal of Educational Research

- 2002- Ad Hoc Reviewer, Journal of Attention Disorders
- 2002- Ad Hoc Reviewer, British Journal of Developmental Psychology
- 1995- Ad Hoc Reviewer, Journal of Abnormal Child Psychology
- 1995- Ad Hoc Reviewer, Developmental Psychology
- 1993- Ad Hoc Reviewer, Assessment
- 1990- Ad Hoc Reviewer, Child Development
- 1990- Ad Hoc Reviewer, American Psychologist
- 1990 - Ad Hoc Reviewer, Journal of the American Association on Mental Retardation.
- 1987-1994 Ad Hoc Reviewer, Journal of Clinical Child Psychology
1998-
- 1987- Ad Hoc Reviewer, Educational Psychologist
- 1986- Ad Hoc Reviewer, Journal of Educational Measurement
- 1986- Ad Hoc Reviewer, Journal of Educational Statistics
- 1999- Ad Hoc Reviewer, Journal of the International Neuropsychological Society
- 1985- Ad Hoc Reviewer, Journal of Personality Assessment
- 1984- Ad Hoc Reviewer, Journal of Pediatric Psychology
- 1984- Ad Hoc Reviewer, American Educational Research Journal
- 1984- Ad Hoc Reviewer, Review of Educational Research
- 1982- Ad Hoc Reviewer, Personality and Individual Differences
- 1982- Ad Hoc Reviewer, The Southern Psychologist
- 1981- Ad Hoc Reviewer, Journal of Consulting and Clinical Psychology
- 1979- Ad Hoc Reviewer, Journal of Educational Psychology

- 1979- Ad Hoc Reviewer, Perceptual and Motor Skills
- 1979- Ad Hoc Reviewer, Psychological Reports
- 1980-1981 Ad Hoc Reviewer, School Psychology Monograph

Convention Paper Reviewing:

AERA, 1979, 1980, 1981, 1982, 1984, 1988, 1990, 1993, 1995-2001
 APA, 1980, 1981, 1982, 1983, 1984, 1986, 1987, 1996-2002.
 NAN, 1982, 1983, 1984, 1985.
 NCME, 1984, 1995-2005.

Other Reviewing

Publisher's reviewer for the 2nd edition of Assessment of Children's Intelligence by Jerry Sattler, 4th edition of Cronbach's Essentials of Psychological Testing, 3rd edition of Kerlinger's Foundations of Behavioral Research, and other major texts in the field.

Grant and contract review panels for National Institute on Drug Abuse, National Institutes of Mental Health, U.S. Department of Education, March of Dimes, and others.

Miscellaneous reviews of books and book proposals for academic publishing houses and university presses including Johns Hopkins University Press, Syracuse University Press, University of Texas Press, The University of Nebraska Press, Oxford University Press, and Cambridge University Press.

External reader of dissertations and theses for universities in India, Israel, Nigeria, and Malaysia.

External reviewer for promotion and tenure of faculty at more than 40 universities in the USA, Canada, Europe, and the Far East.

RESEARCH AND DEVELOPMENT FUNDING

Since 1978, funding for various research and development projects in excess of 5 million dollars from various agencies including the U.S. Department of Education (OSER), National Science Foundation, Texas Education Agency, Nebraska Development Foundation, American Guidance Service, The Psychological

Corporation, PRO-ED, Western Psychological Services, Nevada Department of Education, International Lead-Zinc Research Organization, Medical Horizons Unlimited, and John Wiley & Sons.

BOOKS

- Vannest, K.
Reynolds, C. R.
Kamphaus, R. W. (2015). Behavior intervention guide. Bloomington, MN: Pearson Clinical Assessment.
- Vannest, K.
Reynolds, C. R.
Kamphaus, R. W. (2015). Behavioral and emotional skill building guide. Bloomington, MN: Pearson Clinical Assessment.
- Saklosfke, D.
Reynolds, C. R.
Schwean, V.
(Eds.) (2013). The Oxford Handbook of Psychological Assessment of Children and Adolescents. NY: Oxford University Press.
- Reynolds, C. R.
Vannest, K.
Fletcher-Janzen, E.
(Eds.) (2013). Encyclopedia of special education, 4th Ed. (4 vols), NY: Wiley-Interscience.
- Reynolds, C. R.
Livingston, R. B. (2012). Mastering modern psychological testing: Theory and methods. Boston: Pearson Higher Education.
- Reynolds, C. R.
Vannest, K.
Harrison, J. (2012). The Energetic Brain: Understanding and Managing ADHD. San Francisco: Jossey-Bass.
- Reynolds, C.R.
Horton, A.
(Eds.) (2012). Detection of Malingering During Head Injury Litigation. 2nd edition. NY: Springer.
- Vannest, K.
Stroud, K.
Reynolds, C. R. (2011). Strategies for academic success: An instructional handbook for teaching K-12 students how to study, learn, and take tests. Los Angeles: Western Psychological Services.
- Goldstein, S.
Reynolds, C. R.
(Eds.) (2010). Handbook of neurodevelopmental and genetic disorders in children. 2nd Edition. NY: Guilford Publications.

- Vannest, K. J.
Reynolds, C. R.
Kamphaus, R. W. (2009). Classroom guide to interventions for behavioral and emotional issues. Vols. 1 and 2. Bloomington, MN: Pearson Assessments.
- Reynolds, C.R.
Fletcher-Janzen, E.
(Eds.) (2009). Handbook of Clinical Child Neuropsychology, 3rd Edition. NY: Plenum.
- Adams, W.
Reynolds, C. R. (2009). Essentials of WRAML2 and TOMAL-2 assessment. NY: Wiley.
- Reynolds, C.R
Livingston, R. L
Willson, V.L. (2009). Applications of measurement and assessment in the classroom. Second edition. Boston: Pearson Education.
- Gutkin, T. B.
Reynolds, C. R.
(Eds.) (2009). The Handbook of School Psychology, 4th Edition. NY: John Wiley & Sons.
- Vannest, K. J.
Reynolds, C. R.
Kamphaus, R. W. (2008). Intervention guide for behavioral and emotional issues. Bloomington, MN: Pearson Assessments.
- Fletcher-Janzen, E.
Reynolds, C. R.
(Eds.) (2008). Neuropsychological perspectives on learning disabilities in the era of RTI: Recommendations for diagnosis and intervention. NY: Wiley.
- Reynolds, C. R.
Fletcher-Janzen, E.
(Eds.) (2007). Encyclopedia of special education, 3rd Ed. (3 vols), NY: Wiley-Interscience.
- Homack, S.
Reynolds, C. R. (2007). Essentials of assessment with brief intelligence tests. NY: Wiley.
- Reynolds, C.R
Livingston, R. L
Willson, V.L. (2006). Applications of measurement and assessment in the classroom. Boston: Pearson Education.
- Reynolds, C. R.
Fletcher-Janzen, E.
(Eds.) (2006). Special education almanac. NY: Wiley..
- Frisby, C.
Reynolds, C. R. (2005). Comprehensive handbook of multicultural school psychology. NY: John Wiley & Sons.

- Goldstein, S.
Reynolds, C. R.
(Eds.) (2005). Handbook of neurodevelopmental and genetic disorders in adults. NY: Guilford Publications.
- D'Amato, R.
Fletcher-Janzen, E.
Reynolds, C. R.
(Eds.) (2005). Handbook of school neuropsychology. NY: John Wiley & Sons.
- Reynolds, C.R.
Kamphaus, R.W.
(Eds.) (2003). Handbook of psychological and educational assessment of children: Vol. 1, Intelligence and achievement. 2nd ed. New York: The Guilford Press.
- Reynolds, C.R.
Kamphaus, R.W.
(Eds.) (2003). Handbook of psychological and educational assessment of children: Vol. 2, Personality, behavior, and context. 2nd ed. New York: The Guilford Press.
- Fletcher-Janzen, E.
Reynolds, C. R.
(Eds.) (2003). Diagnostic reference manual of childhood disorders. New York: John Wiley & Sons.
- Reynolds, C. R.
Kamphaus, R. W. (2002). The clinician's guide to the Behavioral Assessment System for Children: BASC. NY: Guilford Publications.
- Ramsay, M
Reynolds, C. R.
Kamphaus, R. W. (2002). Essentials of behavioral assessment. NY: John Wiley and Sons.
- Reynolds, C. R.
Fletcher-Janzen, E.
(Eds.) (2002). Concise encyclopedia of special education, 2ndEd. NY: Wiley-Interscience.
- Riccio, C. A.
Reynolds, C. R.
Lowe, P. A. (2001). Clinical applications of continuous performance tests: Measuring attention and impulsive responding in children and adults. NY: John Wiley and Sons.
- Reynolds, C. R.
Fletcher-Janzen, E.
(Eds.) (2000). Encyclopedia of special education, 2ndEd. (3 vols), NY: Wiley-Interscience.
- Fletcher-Janzen, E.
Strickland, T.
Reynolds, C. R.
(Eds.) (2000). Handbook of cross-cultural neuropsychology. NY: Plenum.

- Goldstein, S.
Reynolds, C.R.
(Eds.) (1999). Handbook of Neurodevelopmental and Genetic Disorders in Children. NY: Guilford Publications.
- Reynolds, C.R.
(Ed.) (1999). Assessment. Volume 4 of M. Hersen & A. Bellack (Eds.), Comprehensive Clinical Psychology. Oxford: Elsevier Science.
- Reynolds, C.R.
Gutkin, T.B.
(Eds.) (1999). The Handbook of School Psychology, 3rd Edition. NY: John Wiley & Sons.
- Reynolds, C.R.
(Ed.) (1998). Detection of Malingering During Head Injury Litigation. NY: Plenum.
- Reynolds, C.R.
Fletcher-Janzen, E.
(Eds.) (1997). Handbook of Clinical Child Neuropsychology, 2nd Edition. NY: Plenum.
- Reynolds, C.R.
(Ed.) (1994). Cognitive assessment: An interdisciplinary perspective. New York: Plenum Publishing Company.
- Reynolds, C.R.
Kamphaus, R.W.
(Eds.) (1990). Handbook of psychological and educational assessment of children: Vol. 1, Intelligence and achievement. New York: The Guilford Press.
- Reynolds, C.R.
Kamphaus, R.W.
(Eds.) (1990). Handbook of psychological and educational assessment of children: Vol. 2, Personality, behavior, and context. New York: The Guilford Press.
- Gutkin, T.B.
Reynolds, C.R. (1990). The handbook of school psychology. 2nd edition. New York: John Wiley & Sons.
- Reynolds, C.R.
Fletcher-Janzen, E. (1990). Concise encyclopedia of special education. New York: Wiley-Interscience.
- Reynolds, C.R.
Fletcher-Janzen,
E. (Eds.) (1989). Handbook of clinical child neuropsychology. New York: Plenum Publishing Co.

- Glover, J.A.
Ronning, R.R.
Reynolds, C.R.
(Eds.) (1989). Handbook of creativity. New York: Plenum Publishing Co.
- Kamphaus, R.W.
Reynolds, C.R. (1987). Clinical and research applications of the K-ABC. Circle Pines, MN: American Guidance Service.
- Reynolds, C.R.
Mann, L.
(Eds.) (1987). Encyclopedia of special education, 3 vols. New York: John Wiley & Sons.
- Reynolds, C.R.
Willson, V.L.
(Eds.) (1986). Methodological and statistical advances in the study of individual differences. New York: Plenum Publishing Co.
- Brown, R.T.
Reynolds, C.R.
(Eds.) (1986). Psychological perspectives on childhood exceptionalty: A Handbook. New York: Wiley-Interscience.
- Reynolds, C.R.
Gutkin, T.B.
Elliott, S.N.
Witt, J.C. (1986). School Psychology: Essentials of Theory and Practice. New York: John Wiley & Sons.
- Reynolds, C.R.
Brown, R.T.
(Eds.) (1984). Perspectives on bias in mental testing. New York: Plenum Publishing Co.
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Reynolds, C.R. (1984). Group problem solving. In R. J. Corsini (Ed.), Encyclopedia of psychology. New York: John Wiley and Sons.
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- Reynolds, C.R.
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- Reynolds, C.R. (1983). Measurement in psychology and education. Chapter prepared for G. W. Hynd (Ed.), The school psychologist: Contemporary perspectives. Syracuse: Syracuse University Press.
- Kaufman, A.S.
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- Reynolds, C.R. (1982). Methods for detecting construct and predictive bias. Chapter prepared for R.A. Berk (Ed.), Handbook of methods for detecting test bias. Baltimore: John Hopkins University Press.
- Reynolds, C.R. (1982). The problem of bias in psychological assessment. Chapter preparation for C.R. Reynolds and T. B. Gutkin (Eds.), The handbook of school psychology. New York: John Wiley.
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Clark, J.H. (1982). Cognitive assessment of the preschool child. Chapter prepared for K. Paget and B. Bracken (Eds.), Psychoeducational assessment of the preschool child. New York: Grune & Stratton.
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COMPUTER PROGRAMS

- Szasz, C. (2012). *Scoring and interpretive software for the TOMAL-senior edition*. Austin, TX: Pro-Ed.
- Reynolds, C. R.
Voress, J. A.
- Szasz, C. (2008). *Scoring and interpretive software for the TOMAL-2*. Austin, TX: Pro-Ed.
- Reynolds, C. R.
Voress, J. A.

- Reynolds, C. R. (2007). *Reynolds intellectual assessment scales-Interpretive report system (RIAS-IR)*. Lutz, FL: Psychological Assessment Resources.
- Kamphaus, R. W.
- Stanton, H.A. (1995). PRO-SCORE for the Test of Memory and Learning.
 Reynolds, C.R. Austin, TX: PRO-ED.
 Bigler, E.D.
 Smith, E.
- Stanton, H.A. (1994). BASC Plus. Circle Pines, MN: American Guidance
 Reynolds, C.R. Service.
 Kamphaus, R.W.
- Reynolds, C.R. (1993). BASC Enhanced Assist. Circle Pines, MN: American
 Kamphaus, R.W. Guidance Service.
 Stanton, H.A.
- Reynolds, C.R. (1986). Severe Discrepancy Analysis: SDA-II. Philadelphia,
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PUBLISHED REVIEWS OF BOOKS, TESTS, AND OTHER MATERIALS

- Reynolds, C. R. (2010). Review of the Principles of adult mentoring inventory.
 In the Twelfth Measurements Yearbook. Lincoln: Buros Institute.
- Reynolds, C. R. (2010). Review of the Learning styles inventory-3.
 In the Twelfth Measurements Yearbook. Lincoln: Buros Institute.
- Reynolds, C.R. (2001). Review of the General Health Questionnaire. In
Eleventh Mental Measurements Yearbook. Lincoln: Buros
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- Reynolds, C.R. (2001). Review of the Positive and Negative Syndrome
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 Buros Institute.
- Reynolds, C.R. (1991). Review of Millon Clinical Multiaxial Inventory-II.
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- Reynolds, C.R. (1987). Review of Essentials of Neuropsychological Assessment. Archives of Clinical Neuropsychology, 2, 393-395.
- Reynolds, C.R. (1986). Review of Vineland Adaptive Behavior Scales. Journal of Educational Measurement, 23, 389-391.
- Reynolds, C.R. (1986). Review of Wide Range Achievement Test-Revised (WRAT-R). Journal of Counseling and Development, 64, 540-541.
- Reynolds, C.R. (1985). Review of Personality Inventory for Children. In J. V. Mitchell (Ed.), Ninth Mental Measurements Yearbook. Lincoln: University of Nebraska Press.
- Reynolds, C.R. (1985). Review of System of Multicultural Pluralistic Assessment (SOMPA). Ninth Mental Measurements Yearbook. Lincoln: University of Nebraska.
- Reynolds, C.R. (1984). Psychoeducational Assessment: Myth, lore, and tradition die hard. Contemporary Psychology, 29, 432-433.
- Reynolds, C.R. (1984). Review of Diagnosing Learning Problems, 3rd Ed., by Bush and Waugh. School Psychology Review, 13, 410-411.
- Reynolds, C.R. (1984). Review of Psychoeducational Assessment: Integrating concepts and techniques by Helton, Workman, and Matuszek. School Psychology Review, 13, 411-412.
- Reynolds, C.R. (1984). Review of Dyslexia Research and Its Applications to Education by Pavlidis & Miles. School Psychology Review, 13, 254.
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- Reynolds, C.R. (1984). The Boder Test of Reading-Spelling Patterns: Take one giant step backwards. School Psychology Review, 13, 526-529.
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- Reynolds, C.R. (1983). Dys' and dat' lexia: Diagnosing 'Diagnosing learning problems.' Contemporary Psychology, 28, 452-453.
- Clark, J.H.
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- Reynolds, C.R. (1982). Review of Advances in School Psychology, Vol. 1, by Tom Kratochwill. Journal of School Psychology, 20, 346-347.
- Reynolds, C.R. (1982). Advances and declines in school psychology. Contemporary Psychology, 27, 544-546.
- Reynolds, C.R. (1982). Review of Applied Psychometrics by R. M. Thorndike. Educational and Psychological Measurement, 42, 1307-1308.
- Reynolds, C.R. (1982). Review of Developmental Psychometrics by Fadely and Hosler. Educational and Psychological Measurement, 42, 1305-1306.
- Reynolds, C.R. (1981). Review of the Tardor Interpretive Scoring System for the WISC-R. Measurement and Evaluation in Guidance, 14, 46-48.
- Reynolds, C.R. (1981). Review of Bias in Mental Testing by Arthur Jensen. Clinical Neuropsychology, 3, 42-43.
- Carlson, L.C.
Reynolds, C.R. (1981). Review of LAD: Test of Lateral Awareness and Directionality. Clinical Neuropsychology, 3, 1-2.
- Reynolds, C.R. (1980). Two commercial interpretive systems for the WISC-R. School Psychology Review, 9, 385-386.
- Reynolds, C.R. (1980). Review of Food Additives and Hyperactive Children by Keith Conners. Clinical Neuropsychology, 2, 203-204.

PAPERS PRESENTED AT PROFESSIONAL MEETINGS (I lost track after 1995 but still present 4-5 papers per year)

- Mayfield, J.W. Factor Analytic Investigation of Ethnic Bias on the Test of

- Reynolds, C.R. Memory and Learning (TOMAL). Paper presented at the annual meeting of the National Association of School Psychologists, Chicago, March, 1995.
- Reynolds, C.R. Factor Structure, Factor Indexes, and Other Useful Statistics for Interpretation of the Test of Memory and Learning (TOMAL). Bigler, E.D. Paper presented at the annual meeting of the National Academy of Neuropsychology, November 1994, Orlando.
- James, E.M. Juvenile Parkinson's Disease: Symptoms, Etiologies, and Henington, C. Treatments. Paper presented at the annual meeting of the Reynolds, C.R. National Association of School Psychologists, March 1994, Seattle.
- James, E.M. Serving Children with Brain Injury in the Public Schools. Paper Reynolds, C.R. presented at the annual meeting of the National Association of School Psychologists, March 1994, Seattle.
- Palomares, R.S. Comparison of Factor Invariance Methods: Pearson Correlation, Reynolds, C.R. Coefficient of Congruence, and Salient Variable Similarity Index. Paper presented at the annual meeting of the Southwest Educational Research Association, January 1994, San Antonio.
- Farrell, D. Neuropsychological Status of Extremely Low Birth weight Infants Robinson, C. at Early School Ages. Paper presented at the annual meeting of Orozco, S. the American Psychological Association, August 1992, Reynolds, C.R. Washington, D.C.
- Kamphaus, R.W. Exploratory Factor Analysis of the Parent and Teacher Rating Smith, K.H. Scales of the BASC. Paper presented at National Association of Reynolds, C.R. School Psychologists, March 1991, Dallas. Matazow, G.S.
- Reynolds, C.R. Technical characteristics of the Texas Features of Emotional Disturbance. Paper presented at National Association of School Psychologists, March 1991, Dallas.
- Palomares, R.S. Characteristics of normal, LD, ED, and ADHD/ADD children: Thompson, B. A behavioral assessment. Paper presented at National Association Reynolds, C.R. of School Psychologists, March 1991, Dallas.
- Reynolds, C.R. Myths and meaning in the measurement of intelligence. All day invited training session at annual meeting of National Association of School Psychologists, April 1990, San Francisco.

- McLean, J.E.
Kaufman, A.S.
Reynolds, C.R. (1988). What role does formal education play in the IQ-age relationship across the adult life span. Paper presented at the meeting of the Mid-South Educational Research Association, Louisville, KY. Mid-South Educational Researcher, 17(1), 6-8, 13-18.
- Reynolds, C.R. The Golden Rule decision: CPTA takes a position. Paper presented to the annual meeting of the American Psychological Association, New York, August, 1987.
- Reynolds, C.R. Invited discussant. Symposium on marketing school psychological services at the annual meeting of the American Psychological Association, New York, August, 1987.
- Hickman, J.A.
Reynolds, C.R. Barriers to school consultation in head injury cases. Paper presented to the American Psychological Association, New York, August, 1987.
- Reynolds, C.R.
Kamphaus, R.W. Factor structure of the Stanford-Binet Fourth Edition at 18 age levels. Paper presented to the annual meeting of the American Psychological Association, New York, August, 1987.
- Reynolds, C.R. Diagnosing learning disabilities. Invited presentation to the annual meeting of the National Academy of Neuropsychologists, Las Vegas, October, 1986.
- Reynolds, C.R. Invited discussant. Symposium on the development of a system on test user qualifications at the annual meeting of the American Educational Research Association, Washington, D.C., April, 1986.
- Clark, J.H.
Reynolds, C.R. An experimental test of Harrington's hypothesis of race differences. Paper presented to the annual meeting of the American Psychological Association, Los Angeles, August, 1985.
- Scholwinski, E.
Reynolds, C.R. Race differences in patterns of adult intellectual ability independent of "g." Paper presented to the annual meeting of the American Psychological Association, Los Angeles, August, 1985.
- Chastain, R.
Reynolds, C.R. Test scatter on the WAIS-R. Paper presented to the annual meeting of the American Psychological Association, Los Angeles, August, 1985.
- Reynolds, C.R. Assessment research: The state of the art. Invited address to the annual meeting of the American Psychological Association, Los Angeles, August, 1985.

- Reynolds, C.R. Perspectives on the National Academy of Science report on testing in special education. Invited address to the annual meeting of the American Psychological Association, Los Angeles, August, 1985.
- Reynolds, C.R. K-ABC and controversy. Invited discussant at the annual meeting of the American Psychological Association, Los Angeles, August, 1985.
- Reynolds, C.R. Sex differences on the WISC-R. Paper presented to the annual meeting of the National Association of School Psychologists, Las Vegas, April, 1985.
- Kaiser, S.A.
Reynolds, C.R. Sex differences on the WPPSI. Paper presented to the annual meeting of the National Association of School Psychologists, Las Vegas, April, 1985.
- Reynolds, C.R. Practical applications of neuropsychology in a school setting. A case study. Paper presented to the annual meeting of the National Association of School Psychologists, Las Vegas, April, 1985.
- Reynolds, C.R. Standard practice of today, malpractice of tomorrow. Keynote address to the annual spring conference of the Georgia Association of School Psychologists, Jekyll Island, April, 1985.
- Reynolds, C.R. Fundamentals of intelligent testing with the Kaufman Assessment Battery for Children. Invited address to the annual meeting of the Association for Children and Adults with Learning Disabilities, San Francisco, February, 1985.
- Reynolds, C.R. Diagnostic and remedial implications of the Kaufman Assessment Battery for Children. Paper presented to the annual meeting of the Association for Children and Adults with Learning Disabilities, San Francisco, February, 1985.
- Reynolds, C.R. New conceptions of intelligence measurement. Invited address to the annual meeting of the National Association for Gifted Children, St. Louis, November, 1984.
- Reynolds, C.R.
Clark, J.H. Profile analysis of intelligence test performance of very high IQ children. Paper presented to the annual meeting of the National Association for Gifted Children, St. Louis, November, 1984.

- Reynolds, C.R. Evaluating subscale performance on the Adaptive Behavior Inventory for Children. Presented at the annual meeting of the American Psychological Association, Toronto, August, 1984.
- Reynolds, C.R. Invited participant in the annual Great Debate series. Annual meeting of the National Association for Gifted Children, St. Louis, November, 1984.
- Reynolds, C.R. Introduction to neuropsychological applications of the Kaufman Assessment Battery for Children. Invited presentation to the annual meeting of the National Academy of Neuropsychologists, San Diego, October, 1984.
- Reynolds, C.R.
Clark, J.H. Profile analysis of standardized test performance of low functioning individuals. Presented at the annual meeting of the American Psychological Association, Toronto, August, 1984.
- Chastain, R.
Reynolds, C.R. Analyzing WAIS-R performance by sample stratification variables used during standardization. Presented at the annual meeting of the American Psychological Association, Toronto, August, 1984.
- Reynolds, C.R. Chair, Symposium on measurement issues in learning disabilities diagnosis. Presented at the annual meeting of the American Psychological Association, Toronto, August, 1984.
- Reynolds, C.R. Problems in neuropsychological assessment of educational disorders. Paper presented to the annual meeting of the National Association of School Psychologists, Philadelphia, April, 1984.
- Reynolds, C.R. Evaluating aptitude achievement discrepancies in LD diagnosis. Paper presented to the annual meeting of the National Association of School Psychologists, Philadelphia, April, 1984.
- Ash, M.J.
Reynolds, C.R. A shoplifting diversion program for adolescents. Paper presented to the annual meeting of the American Educational Research Association, New Orleans, April, 1984.
- Reynolds, C.R.
Willson, V.L. Consistency of sequential and simultaneous processing for Blacks and Whites. Paper presented to the annual meeting of the American Educational Research Association, New Orleans, April, 1984.

- Reynolds, C.R.
Willson, V.L. Black-White differences in sequential and simultaneous processing independent of "g." Paper presented to the annual meeting of the American Educational Research Association, New Orleans, April, 1984.
- Willson, V.L.
Reynolds, C.R. Another look at evaluating aptitude-achievement discrepancies in diagnosis of learning disabilities. National Council on Measurement in Education, New Orleans, April, 1984.
- Reynolds, C.R.
Willson, V.L. Selz and Reitan Scatter on the WAIS-R: National Normative Data. Paper presented to the annual meeting of the National Academy of Neuropsychologists, Houston, October, 1983.
- Reynolds, C.R.
Barona, A. Predicting premorbid intelligence on the WAIS-R: National Normative Data. Paper presented to the annual meeting of the National Academy of Neuropsychologists, Houston, October, 1983.
- Reynolds, C.R. Clinical acumen, psychometric naiveté, and traditional psychometric concepts in neuropsychological assessment. Invited address to the annual meeting of the National Academy of Neuropsychologists, Houston, October, 1983.
- Reynolds, C.R. Changing conceptualizations of race differences in intelligence. Invited address to the annual meeting of the American Psychological Association, Anaheim, August, 1983.
- Reynolds, C.R. Clinical acumen but psychometric naiveté in neuropsychological research and practice. Paper presented to the annual meeting of the American Psychological Association, Anaheim, August, 1983.
- Reynolds, C.R.
Milam, D.A. Measurement concept complexity in educational psychology versus other disciplines. Paper presented to the annual meeting of the American Psychological Association, Anaheim, August, 1983.
- Brown, R.T.
Reynolds, C.R. Experimentum crucis in psychology. Paper presented to the annual meeting of the American Psychological Association, Anaheim, August, 1983.
- Willson, V.L.
Reynolds, C.R.
Chatman, S.P. Regression analyses of bias on the Kaufman Assessment Battery for Children. Paper presented to the annual meeting of the American Psychological Association, Anaheim, August, 1983.

- Chatman, S.P.
Reynolds, C.R.
Willson, V.L. Test scatter on the K-ABC. Paper presented to the annual meeting of the American Psychological Association, Anaheim, August, 1983.
- Reynolds, C.R.
Willson, V.L.
Chatman, S.P. Age and raw score increases on the K-ABC. Paper presented to the annual meeting of the National Association of School Psychologists, Detroit, April, 1983.
- Willson, V.L.
Reynolds, C.R.
Chatman, S.P.
Kaufman, A.S. Confirmatory analysis of simultaneous and sequential factors on the K-ABC. Paper presented to the annual meeting of the National Association of School Psychologists, Detroit, April, 1983.
- Reynolds, C.R. Invited discussant to the symposium "Development of a new apperception test for children." Paper presented to the annual meeting of the National Association of School Psychologists, Detroit, April, 1983.
- Reynolds, C.R.
Willson, V.L. Item bias on the 1981 revision of the PPVT using a new method of detecting bias. Paper presented to the annual meeting of the American Educational Research Association, Detroit, April, 1983.
- Reynolds, C.R.
Willson, V.L. Standardized grade equivalents. Really! no, well, sort of, but they lead to the valley of the shadow of misinterpretation and confusion. Paper presented to the annual meeting of the Southwestern Educational Research Association, New Orleans, February, 1983.
- Reynolds, C.R.
Willson, V.L.
Clark, P.L. A four-test short form of the WAIS-R for clinical screening. Paper presented to the annual meeting of the National Academy of Neuropsychologists, Atlanta, October, 1982.
- Willson, V.L.
Reynolds, C.R. Methodological and statistical problems in determining membership in clinical populations. Paper presented to the annual meeting of the National Academy of Neuropsychologists, Atlanta, October, 1982.
- Reynolds, C.R.
Scholwinski, E. Dimensions of anxiety among high IQ children. Paper presented to the annual meeting of the National Association for Gifted Children, New Orleans, October, 1982.
- Reynolds, C.R. Convergent and divergent validity of the Revised Children's Manifest Anxiety Scale. Paper presented to the annual meeting of

- the American Psychological Association, Washington, August, 1982.
- Reynolds, C.R. Regression analyses of race and sex bias in seven preschool tests. Paper presented to the annual meeting of the American Psychological Association, Washington, August, 1982.
- Reynolds, C.R. Strength models of remediation in behavioral neuropsychology. Paper presented to the annual meeting of the American Psychological Association, Washington, August, 1982.
- Reynolds, C.R.
Harding, R.E. Outcome in studies of factorial similarity under six methods of comparison. Paper presented to the annual meeting of the American Psychological Association, Washington, August, 1982.
- Reynolds, C.R.
Willson, V.L. Intellectual differences among Mexican-Americans, Papagos, and Whites independent of "g." Paper presented to the annual meeting of the American Psychological Association, Washington, August, 1982.
- Paget, K.D.
Reynolds, C.R. Dimensions and level of anxiety among learning disabled children. Paper presented to the annual meeting of the American Psychological Association, Washington, August, 1982.
- Reynolds, C.R. Issues of cultural bias in the assessment of minority handicapped children. Paper presented to the Nebraska National Conference on Assessment and Programming for Children with Low Incidence Handicaps, Lincoln, June, 1982.
- Jean, P.J.
Reynolds, C.R. Sex and attitude distortion: The faking of liberal and traditional attitudes about changing sex roles. Paper presented to the annual meeting of the American Educational Research Association, New York, March, 1982.
- Reynolds, C.R.
Plake, B.S.
Harding, R.E. Group by item interaction in the assessment of children's anxiety levels: Effects of race and sex on item responses. Paper presented to the annual meeting of the American Educational Research Association, New York, March, 1982.
- Reynolds, C.R.
Elliott, S.N. Trends in test development and test publishing. Paper presented to the annual meeting of the National Council on Measurement in Education, New York, March, 1982.
- Plake, B.S. The influence of ethnic group membership on the measurement

- Piersel, W.C.
Harding, R.E.
Reynolds, C.R. and meaning of attitudes towards reading. Paper presented to the annual meeting of the National Council on Measurement in Education, New York, March, 1982.
- Reynolds, C.R. Revised Children's Manifest Anxiety Scale - Its clinical use and interpretation. Invited discussant, annual meeting of the National Association of School Psychologists, Toronto, March, 1982.
- Gutkin, T.B.
Galvin, G.A.
Reynolds, C.R. Factor analysis of the WAIS-R standardization sample. Paper presented to the annual meeting of the National Association of School Psychologists, Toronto, March, 1982.
- Reynolds, C.R.
Paget, K.D. National normative data for the Revised Children's Manifest Anxiety Scale. Paper presented to the annual meeting of the National Association of School Psychologists, Toronto, March, 1982.
- Reynolds, C.R.
Bradley, M. Emotional stability of gifted children as estimated by chronic anxiety levels. Paper presented to the annual meeting of the Southwestern Educational Research Association, Austin, February, 1982.
- Reynolds, C.R.
Struer, J.A. Use of the WAIS-R with emotionally disturbed children. Paper presented to the annual Midwestern Conference on Psychology in the Schools, Omaha, October, 1981.
- Reynolds, C.R. Test bias: In God we trust, all others must have data. Invited address to Division 5 at the annual meeting of the American Psychological Association, Los Angeles, August, 1981.
- Reynolds, C.R.
Gutkin, T.B. Patterns of WPPSI scatter: Normative analyses of the standardization sample. Paper presented to the annual meeting of the American Psychological Association, Los Angeles, August, 1981.
- Leigh, C.J.
Reynolds, C.R. Morning versus afternoon administration and children's intelligence test performance. Paper presented to the annual meeting of the American Psychological Association, Los Angeles, August, 1981.

- Clark, J.H.
Reynolds, C.R. Trends in school psychology research: 1974-1980. Paper presented to the annual meeting of the American Psychological Association, Los Angeles, August, 1981.
- Reynolds, C.R. Human mental abilities: A health psychology perspective. Paper presented to the annual meeting of the American Psychological Association, Los Angeles, August, 1981.
- Reynolds, C.R.
Struer, J. Factor structure of the WISC-R for emotionally disturbed children. Paper presented to the annual meeting of the National Association of School Psychologists, Houston, April, 1981.
- Carlson, L.C.
Reynolds, C.R.
Gutkin, T.B. Comparative WISC-R factor analysis for upper and lower SES groups. Paper presented to the annual meeting of the National Association of School Psychologists, Houston, April, 1981.
- Reynolds, C.R.
Piersel, W.C. A regression analysis of bias in the predictive validity of the Boehm Test of Basic Concepts (Forms A & B) for White and Mexican-American children. Paper presented to the annual meeting of the American Educational Research Association, Los Angeles, April, 1981.
- Reynolds, C.R. Internal validity of the WISC-R as a measure of intelligence for Blacks, Whites, Males, and Females. Paper presented to the annual meeting of the National Council on Measurement in Education, Los Angeles, April, 1981.
- Reynolds, C.R. The McCarthy Screening Test: Is it valid? Invited discussant, annual meeting of the National Council on Measurement in Education, Los Angeles, April, 1981.
- Hynd, G.W.
Reynolds, C.R. Neuropsychological assessment of the school-aged child. Paper presented to the annual meeting of the Southwestern Psychological Association, Houston, April, 1981.
- Piersel, W.C.
Plake, B.S.
Reynolds, C.R.
Harding, R.D. Conceptual development and ethnic group membership: Item bias on the Boehm Test of Basic Concepts. Paper presented to the annual meeting of the Iowa Educational Research Association, Iowa City, December, 1980.
- Reynolds, C.R. The fallacy of grade equivalents and an alternative statistical approach to diagnosing specific learning disabilities. Paper

- presented at the Annual Midwestern Conference on Psychology in the Schools, Omaha, October, 1980.
- Reynolds, C.R. The importance of norms and other psychometric concepts to assessment in clinical neuropsychology. Invited address to NATO/ASI International Conference on Neuropsychology and Cognition, Augusta, GA, September, 1980.
- Reynolds, C.R. Jensen, A.R. Patterns of intellectual ability between Blacks and Whites matched on "g." Paper presented at the annual meeting of the American Psychological Association, Montreal, September, 1980.
- Reynolds, C.R. Wright, D. Wilkinson, W.A. Incremental validity of two common preschool screening measures. Paper presented at the annual meeting of the American Psychological Association, Montreal, September, 1980.
- Gutkin, T.B. Reynolds, C.R. WISC-R factor equivalence across race: Examining the standardization sample. Paper presented at the annual meeting of the American Psychological Association, Montreal, September, 1980.
- Piersel, W.C. Reynolds, C.R. Factorial validity of the Boehm Test of Basic Concepts. Paper presented at the annual meeting of the American Psychological Association, Montreal, September, 1980.
- Reynolds, C.R. Gutkin, T.B. WISC-R performance of blacks and whites matched on four demographic variables. Paper presented at the annual meeting of the American Psychological Association, Montreal, September, 1980.
- Carlson, L.C. Reynolds, C.R. Specific variance of the WPPSI subtests at six age levels. Paper presented at the annual meeting of the American Psychological Association, Montreal, September, 1980.
- Plake, B.S. Reynolds, C.R. Gutkin, T.B. Comparing profile variance across independent groups. Paper presented at the annual meeting of the American Psychological Association, Montreal, September, 1980.
- Reynolds, C.R. Gutkin, T.B. Normative data for interpreting Reitan's index of Wechsler subtest scatter. Paper presented at the annual meeting of the American Psychological Association, Montreal, September, 1980.

- Reynolds, C.R.
Hartlage, L.C.
Haak, R.A. Lateral preference as determined by neuropsychological performance and aptitude/achievement discrepancies. Paper presented at the annual meeting of the American Psychological Association, Montreal, September, 1980.
- Reynolds, C.R.
Bradley, M.
Steele, C. The objective measurement of anxiety with kindergarten children. Paper presented to the annual meeting of the National Association of School Psychologists, Washington, April, 1980.
- Reynolds, C.R. Differential predictive validity of a preschool battery across race and sex. Paper presented to the annual meeting of the American Educational Research Association, Boston, April, 1980.
- Reynolds, C.R. Predictive validity of the WISC-R for White and Mexican-American children. Paper presented to the annual meeting of the American Educational Research Association, Boston, April, 1980.
- Reynolds, C.R.
Bossard, M.D.
Gutkin, T.B. A regression analysis of test bias on the Stanford-Binet Intelligence Scale. Paper presented to the annual meeting of the American Educational Research Association, Boston, April, 1980.
- Reynolds, C.R. Development of a measurement consultation service through the Buros Institute of Mental Measurements. Paper presented to the Annual Midwestern Conference on Psychology in the Schools, Boys Town Center for the Study of Youth Development, October, 1979.
- Reynolds, C.R. Critical issues in the identification of gifted children. Paper presented to the annual meeting of the Nebraska Council for Exceptional Children, Lincoln, October, 1979.
- Reynolds, C.R. Factor stability of the MRT across race and sex. Paper presented to the annual meeting of the American Psychological Association, New York, September, 1979.
- Reynolds, C.R.
Gutkin, T.B. Statistical aids to interpreting the Peabody Individual Achievement Test. Paper presented to the annual meeting of the American Psychological Association, New York, September, 1979.
- Gutkin, T.B. WISC-R factor structures for Whites and Chicanos referred

- Reynolds, C.R. to psychological services. Paper presented to the annual meeting of the American Psychological Association, New York, September, 1979.
- Jean, P.J.
Reynolds, C.R. The Bias in Attitudes Survey. A female/male role questionnaire. Paper presented to the annual meeting of the Nebraska Academy of Sciences, Lincoln, April, 1979.
- Reynolds, C.R. Referral and consultation with the pediatric neurologist. Paper presented to the annual meeting of the National Association of School Psychologists, San Diego, March, 1979.
- Reynolds, C.R.
McBride, R.D.
Gibson, L.J. Black-White IQ discrepancies may be related to differences in hemisphericity. Paper presented to the annual meeting of the National Association of School Psychologists, San Diego, March, 1979.
- Reynolds, C.R. Understanding your style of learning and thinking. Paper presented to the 25th Jubilee Annual Creative Problem Solving Institute, Buffalo, June, 1979.
- Reynolds, C.R. A children's form of "Your Style of Learning and Thinking:" Preliminary data. Paper presented to the 25th Jubilee Annual Creative Problem Solving Institute, Buffalo, June, 1979.
- Reynolds, C.R. Modifying styles of learning and thinking (hemisphericity). Paper presented to the 25th Jubilee Annual Creative Problem Solving Institute, Buffalo, June, 1979.
- Reynolds, C.R. Your style of learning and other R/L matters. Invited prize paper address to the annual meeting of the National Association for Gifted Children, Houston, November 1978.
- Reynolds, C.R. Styles of learning and thinking. Invited discussant to the annual meeting of the National Association for Gifted Children, Houston, November, 1978.
- Reynolds, C.R. Problems in preschool assessment. Invited address to the fall meeting of the Nebraska Association of School Psychologists, Lincoln, September, 1978.
- Reynolds, C.R.
Richmond, B.O. Factor structure and construct validity of the Revised Children's Manifest Anxiety Scale. Presented to annual meeting of the American Psychological Association, Toronto, August, 1978.

- Reynolds, C.R. Factor structure of the Peabody Individual Achievement Test. Presented to annual meeting of the National Association of School Psychologists, New York, March, 1978.
- Reynolds, C.R. Conjugate lateral eye movements in preschool and primary
Kaufman, A.S. grade children. Presented to annual meeting of the Southeastern Psychological Association, Atlanta, March, 1978.
- Reynolds, C.R. Comparison of WISC and WISC-R racial regression lines for
Hartlage, L.C. academic prediction. Presented to annual meeting of the Southeastern Psychological Association, Atlanta, March, 1978.
- Reynolds, C.R. Educating the split-brain: A review of research on hemispheric
specialization and its implications for special education. Presented to first joint meeting of the Georgia Association of School Psychologists and Georgia Council for Exceptional Children, Atlanta, October, 1977.
- Reynolds, C.R. The normative approach to interpreting test scatter: The WISC-R
example. Presented to annual meeting of the Georgia Association of School Psychologists, Atlanta, May, 1977.
- Reynolds, C.R. The Revised Children's Manifest Anxiety Scale: A potential
Richmond, B.O. screening and clinical tool for the school psychologist. Presented to annual meeting of the National Association of School Psychologists, Cincinnati, March, 1977.
- Reynolds, C.R. Effective psychological communication within a school
McBride, R.D. setting with a note on writing recommendations. Presented to annual meeting of the National Association of School Psychologists, Cincinnati, March, 1977.
- Reynolds, C.R. Use of the McCarthy drawing tests as a group screening
instrument. Presented to annual meeting of the National Association of School Psychologists, Cincinnati, March, 1977.
- Reynolds, C.R. The role of the school psychologist and its relation to pediatric
neurology. Invited address to Medical College of Georgia Conference on Pediatric Neurology, Augusta, GA, June, 1977.

INVITED PRESENTATIONS TO STATE AND REGIONAL ASSOCIATIONS (and related organizations)

Annual Midwestern Conference on Psychology in the Schools
 APA, Division of School Psychology (Preconvention Institute)
 Arizona Association of School Psychologists
 Arkansas Department of Education
 Arkansas Counselors Association
 California Association of School Psychologists
 Children's National Mental Health Conference (First Annual, Seattle)
 Cleveland Area Association of School Psychologists
 Colorado Association of School Psychologists
 Creative Problem Solving Institute (CPSI, Buffalo, NY)
 Dallas-Ft. Worth Regional Association of School Psychologists
 Developmental Therapy Institute
 Florida Association of School Psychologists
 Georgia Association of School Psychologists
 Georgia Council for Exceptional Children
 Illinois Psychological Association
 Illinois School Psychologists Association
 Idaho Psychological Association
 Indiana Association of School Psychologists
 Kansas School Psychologists Association
 Louisiana School Psychologists Association
 Louisiana Educational Diagnosticians Association
 Maryland Association of School Psychologists
 The Mayo Clinic (Grand Rounds, Rochester)
 Montana Association of School Psychologists
 NATO/ASI International Conference on Neuropsychology and Cognition
 National Conference on Assessment and Programming for Children with Low Incidence
 Handicaps
 Nebraska Association of School Psychologists
 Nevada Alliance on Special Education
 Nevada Association of School Psychologists
 Nevada Personnel and Guidance Association
 New Hampshire Association of School Psychologists
 New Jersey Association of School Psychologists
 New Jersey Neuropsychological Association
 New Mexico Association of School Psychologists
 New York Association of School Psychologists
 North Carolina Association of School Psychologists
 Penn State University School Psychology Conference
 Oklahoma School Psychologists Association
 Ontario Psychological Association
 Psi Chi (University of North Carolina at Wilmington Chapter)
 Rocky Mountain Educational Research Association
 Saskatchewan Educational Psychologists Association
 Tennessee Psychological Association

Texas Association of School Psychologists
 Texas Bar Association Capital Defense Project Conference
 Texas Criminal District Attorneys Association
 Texas Educational Diagnosticians Association (Hou-Met Chapter)
 Texas Educational Diagnosticians Association (State)
 Wisconsin Conference on Assessment and Programming for Exceptional
 Students
 Wyoming Association of School Psychologists

WORKSHOPS AND COLLOQUIA: MORE THAN 700 SINCE AUGUST 1982.

- Reynolds, C.R. Design and follow through in the assessment process. Invited workshop for Educational Service Center #6, Huntsville, TX: August, 1982.
- Reynolds, C.R. Conference coordinator. Nebraska Conference on Assessment and Programming for Children with Low Incidence Handicaps, Lincoln, NE: June, 1982.
- Reynolds, C.R. Neuropsychological appraisal of the young handicapped child. Invited workshop for Nebraska Diagnostic Resource Center, Cozad, NE: March, 1982.
- Hartlage, L.C.
- Reynolds, C.R. Objective evaluation of emotional disorder of children. Invited workshop for Nebraska Diagnostic Resource Center, Cozad, NE: April, 1982.
- Reynolds, C.R. Individual assessment of preschool handicapped children. Invited workshop for Nebraska Department of Education, Lincoln, NE: June, 1981 (repeated 7/81, 10/81 and 7/82).
- Reynolds, C.R. Preschool assessment with the McCarthy Scales. Invited workshop for Texas Association of Educational Diagnosticians, Hou-Met, Houston, TX: October, 1981.
- Reynolds, C.R. Design of a nonbiased assessment process. Invited address to the Sixth Annual Conference on Personality Assessment for the School Age Child, Glassboro, NJ: May, 1981.
- Reynolds, C.R. Neuropsychological assessment of school-aged children. Invited full day workshops for the Florida Association of School Psychologists, Tallahassee, Tampa, and Ft. Lauderdale, FL: May, 1981.

- Reynolds, C.R. Effects of test bias on minority groups. Invited colloquium for Dean's Inquiry Session at Texas A&M University, College Station, TX: April, 1981.
- Reynolds, C.R. Empirical assessment of bias in mental tests. Invited colloquium presented to the Ontario Institute for Studies in Education, Toronto, Canada: April, 1981.
- Reynolds, C.R. Assessment of the preschool child. Invited workshop for the Nebraska Diagnostic Resource Center, Cozad, NE: April, 1981.
- Reynolds, C.R. The problem of bias in psychological and educational tests. Invited address to the Cleveland Area Association of School Psychologists, Cleveland, OH: January, 1981.
- Reynolds, C.R. Applying brain-behavior research to teaching and learning in the classroom. Invited conference leader to Utah State University, Logan, UT: July, 1980.
- Reynolds, C.R. Empirical evaluation of the cultural test bias hypothesis. Invited colloquium presented to the Department of Psychology, North Carolina State University, Raleigh, NC: February, 1980.
- Reynolds, C.R. Accurate identification of preschool handicapped children. Invited presentation to Lincoln Public Schools, Psychological Services Division, Lincoln, NE: October, 1979.
- Reynolds, C.R. Problems and practices in the early identification of gifted and creative children. Invited presentation to the Parent's Advisory Council on Gifted Programs, Lincoln Public School, Lincoln, NE: March, 1979.
- Reynolds, C.R. Comprehensive evaluation of the preschool child. Invited workshop for Omaha Public Schools, Psychological Services Division, Omaha, NE: February, 1979.
- Reynolds, C.R. Early evaluation of the severely mentally impaired. Invited workshop for Beatrice State Developmental Center, Psychology Division, Beatrice, NE: March, 1979.
- Reynolds, C.R. Application of the McCarthy Scales with the severely and profoundly retarded. Invited workshop for Beatrice State Developmental Center, Psychology Division, Beatrice, NE: April, 1979.

- Reynolds, C.R. Psychological aspects of epilepsy and other common neurological problems of childhood. Invited workshop for Beatrice State Developmental Center, Psychology Division, Beatrice, NE: May, 1979.
- Reynolds, C.R. Presentation of psychological data in the schools. Invited workshop for Lincoln Public Schools, Lincoln, NE: November, 1978.
- Reynolds, C.R. Current conceptualizations of hemisphericity. Invited colloquium, University of Texas-Austin, Austin, TX: April, 1978.
- Reynolds, C.R. Lateral dominance, cerebral specialization, and interhemispheric integration for information processing. Invited colloquium, University of Nebraska-Lincoln, Lincoln, NE: April, 1978.
- Reynolds, C.R. Preschool assessment with the McCarthy Scales. Workshop presented at the Developmental Therapy Institute Training Seminar, Wilmington, NC: January, 1978.
- Reynolds, C.R.
Spivack, G.S. Developing self-concept and self-awareness in the elementary school child. Invited workshop for Statham Schools, Statham, GA: October, 1977.
- Reynolds, C.R. Relating test interpretation to educational programming. Invited workshop for Griffin Cooperative Educational Service Agency, Griffin, GA: September, 1977.
- Reynolds, C.R.
Spivack, G.S. Self-concept in elementary school children. Workshop presented to Barrow County School District, Winder, GA: July, 1977.
- Reynolds, C.R. Administration and scoring of the AAMD Adaptive Behavior Scale. Workshop presented to Clarke County Schools, Division of Exceptional Children, Athens, GA: November, 1976.

Technical Reports, Limited Distribution Papers, and Non-Refereed Publications:

- Koocher, G.P.
Goodman, G.S.
White, S.
Freidrich, W.N.
Sivan, A.B. (1994). Psychological science and the use of anatomically detailed dolls in sexual abuse assessments. Report of the Anatomical Doll Task Force to American Psychological Association Council of Representatives, February.

- Reynolds, C.R.
- Reynolds, C.R. (1991). Post-concussion syndrome. Perspectives: A newsletter for survivors, 1(1).
- Reynolds, C.R. (1986). K-TEA terrific! Information/Edge, 2(1), 1, 4. Bensalem, PA: Buttonwood Farms.
- Reynolds, C.R. et al. Critical measurement issues in assessment of learning disabilities. Report of the U.S. Dept. of Education, Special Education Programs Work Group on Measurement Issues in Learning Disabilities, February, 1984.
- Reynolds, C.R. The ethical forum. A regular column appearing in each issue of the official newsletter of the Nebraska School Psychologists Association (1980-1981).
- Mitchell, J.V.
Reynolds, C.R.
Elliott, S.N. Test news. A regular column appearing twice yearly in "Measurement News," an official publication of the National Council on Measurement in Education (1980-1981).
- Reynolds, C.R. Proposal for the transfer and operation of the National Future Problem Solving Bowl Program by the University of Nebraska-Lincoln. Report prepared for the office of the Vice Chancellor for Academic Affairs, Fall, 1979.
- Reynolds, C.R. Proposal for the takeover, transfer, reorganization, and operation of the Buros Institute of Mental Measurements by the University of Nebraska-Lincoln. Report prepared for the UN Board of Regents and the UNL office of the Vice Chancellor for Academic Affairs, May, 1979. (Funded: \$672,000).
- Reynolds, C.R. Movement of the Buros Institute to the University of Nebraska-Lincoln. Article in the Newsletter of the Nebraska School Psychologists Association, Fall, 1979.
- Reynolds, C.R. A change of hands. Educational Researcher, 1979, 8, 22-23.
- Reynolds, C.R. Buros MMY update. The School Psychologist. Newsletter of the Division of School Psychology of APA. 1979 Volume 33, no. 6.
- Reynolds, C.R. Buros Institute of Mental Measurements moves to UN-Lincoln. Communique. Newsletter of the National Association of School Psychologists, October, 1979.

- Reynolds, C.R.
Andrews, L.K. The Buros Institute of Mental Measurements. Interview on the University Report. A production of the Nebraska Educational Television Network and the University Office of Information, October, 1979.
- Reynolds, C.R.
Carlson, L. A visual-Gestalt task for the measurement of simultaneous information processing strategies. Technical report prepared for American Guidance Services, Kaufman Assessment Battery for Children Project, 1979.
- Torrance, E.P.
Reynolds, C.R.
Jones, B.
Gibbs, S.
Hornig, R.Y.
Torrance, P. Evaluation of the 1977 career awareness component of the Georgia Governor's Honors Program. Prepared for Georgia State Department of Education, Athens, GA: Department of Educational Psychology, 1978.
- Reynolds, C.R.
Riegel, T.R.
Torrance, E.P.
Ball, O.E. A bibliography for interdisciplinary research on lateral cerebral specialization and interhemispheric integration and processing of information. (First Revision). Athens, GA: Georgia Studies of Creative Behavior, 1978.
- Reynolds, C.R. Equivalent forms reliability of "Your style of learning and thinking:" College/Adult and High School forms. SOLAT Research Report 77-21, Athens, GA: Georgia Studies of Creative Behavior, 1977.
- Torrance, E.P.
Reynolds, C.R.
Ball, O.E. Pre-program assessment of needs: 1977 Governor's honors program, career awareness component. Prepared for Georgia State Department of Education. Athens, GA: Department of Educational Psychology, 1977.
- Torrance, E.P.
Reynolds, C.R. Evaluation of immediate outcome of the 1977 career awareness component of the Georgia Governor's Honors Program. Prepared for Georgia State Department of Education. Athens, GA: Department of Educational Psychology, 1977.

ATTACHMENT F



Naples Neuropsychology, P.A.

Robert H. Ouaou, Ph.D.

Neuropsychological Assessment

Clinical and Forensic Psychology

INTELLECTUAL EVALUATION

NAME: Billy Kearse
DATE OF BIRTH: 10/26/1972
AGE: 53

DATE OF EXAM: 02/02/2026
DATE OF REPORT: 02/08/2026

IDENTIFYING INFORMATION

Billy Kearse is a 53-year-old male convicted of committing a capital offense. The purpose of this evaluation was to review relevant records and conduct intelligence testing. The examinee was made aware of the nature of this evaluation. He understood that he was waiving his rights to confidentiality, and that I have been authorized to provide an evaluation, not treatment. The examinee was evaluated on 02/02/2026 at the Florida State Prison in private exam room that was free from visual or auditory distractions.

PROFESSIONAL QUALIFICATIONS

I am a clinical and forensic neuropsychologist with over 25 years of experience. I have been a licensed clinician since earning my Ph.D. at Palo Alto University in 1999. Palo Alto University is associated with Stanford University. I have been president of Naples Neuropsychology, P.A., in Santa Fe, New Mexico (formally in Naples, Florida) since 2008 and have extensive research and clinical experience with various psychiatric and neurological disorders as well as traumatic brain injuries. I have published in the field of intellectual disability and have been a long-standing member of multiple professional organizations, including the American Association on Intellectual and Developmental Disabilities (AAIDD), American Psychological Association (APA), and American Academy of Clinical Neuropsychology (AACN).

CLINICAL FRAMEWORK FOR EVALUATING INTELLECTUAL DISABILITY

The assessment of intellectual disability requires the administration of individualized assessments of intellectual and cognitive functioning, adaptive behavior, and a determination made through review of documents and interviews with relevant observers that the disability was present during the developmental

period. The accepted standard in neuropsychology for diagnosing intellectual disability (intellectual developmental disorder) is found in the DSM-5-TR. The DSM-5-TR defines Intellectual Disability as follows:

Intellectual disability (intellectual developmental disorder) is a disorder with onset during the developmental period that includes both intellectual and adaptive functioning deficits in conceptual, social, and practical domains. The following three criteria must be met:

- A. Deficits in intellectual functions, such as reasoning, problem solving, planning, abstract thinking, judgment, academic learning, and learning from experience, confirmed by both clinical assessment and individualized, standardized intelligence testing.
- B. Deficits in adaptive functioning that result in failure to meet developmental and sociocultural standards for personal independence and social responsibility. Without ongoing support, the adaptive deficits limit functioning in one or more activities of daily life, such as communication, social participation, and independent living, across multiple environments, such as home, school, work, and community.
- C. Onset of intellectual and adaptive deficits during the developmental period.

(DSM-5-TR, p. 37).

Criterion A

Criterion A refers to intellectual functions that involve reasoning, problem solving, planning, abstract thinking, judgment, learning from instruction and experience, and practical understanding. Critical components include verbal comprehension, working memory, perceptual reasoning, quantitative reasoning, abstract thought, and cognitive efficacy." (DSM-5-TR, p. 39).

Intellectual functioning is assessed using standardized intelligence testing. Individuals with intellectual disability have scores of approximately two standard deviations or more below the population mean, including a margin for measurement error (generally +/- 5 points). Specifically, an individual is considered to have significantly subaverage intellectual functioning if they obtain an IQ score of around 70 +/- 5. The DSM-5-TR counsels against relying solely on a single IQ score to determine intellectual functioning. Instead, "clinical training and judgment are required to interpret test results and assess intellectual performance." (DSM-5-TR, p. 41).

In addition to measuring intellectual functioning, which is comprised of solving problems, thinking abstractly, and comprehending complex ideas, it is important to assess an individual's general cognitive functioning, which, like intellectual functioning, is assessed using standardized testing. The DSM-5-TR acknowledges as much, explaining that "individual cognitive profiles based on neuropsychological testing as well as cross-battery intellectual assessment (using multiple IQ or other cognitive tests to create a profile) are more useful for understanding intellectual abilities than a single IQ score." (DSM-5-TR, p. 41).

Cognitive functioning includes skills such as attention, concentration, memory, spatial praxis and executive functions like planning. At a basic level, intellectual functioning is a subset of cognitive functioning, and therefore the WAIS-IV test results contribute to an understanding of an individual's cognitive functioning. However, beyond IQ, it is important to measure general cognitive functioning because the presence of cognitive deficits, such as problems with learning and retaining new information, planning for the future, and mental flexibility, are normally found in patients with developmental disabilities like intellectual disability. An evaluation of cognitive functioning is obtained by neuropsychologist – a psychologist with the specialized training required to competently administer and interpret neuropsychological tests.

Finally, intellectual functioning must be assessed in conjunction with adaptive functioning (discussed further below). The DSM-5-TR explains:

IQ test scores are approximations of conceptual functioning but may be insufficient to assess reasoning in real-life situations and mastery of practical tasks. For example, a person with deficits in intellectual functioning whose IQ score is somewhat above 65–75 may nevertheless have such substantial adaptive behavior problems in social judgment or other areas of adaptive functioning that the person's actual functioning is clinically comparable to that of individuals with a lower IQ score. Thus, clinical judgment is important in interpreting the results of IQ tests, and using them as the sole criteria for the diagnosis of an intellectual developmental disorder is insufficient.

(DSM-5-TR, p. 42).

Criterion B

Adaptive functioning refers to how well a person meets community standards of personal independence and social responsibility. Adaptive functioning is categorized into three domains: conceptual (e.g., memory, language, problem solving), social (e.g., empathy, communication, social judgment, ability to form friendships), and practical (e.g., personal care, money management, task/school organization). Adaptive deficits limit functioning in one or more activities of daily

life, such as communication, social participation, and independent living in environments such as home, school, work, and community.

Adaptive functioning is assessed using both clinical evaluation, including certain of the tests I administered here, and clinical, psychometrically sound measures, including standardized tests given to “knowledgeable informants” such as relatives, who can assess the subject’s functioning that occurred during the developmental period. To satisfy the diagnostic criteria for intellectual disability, an individual is considered to have adaptive deficits when at least one of the three domains of adaptive functioning is sufficiently impaired such that ongoing support is needed in one or more life settings, such as at school, home, or work.

The American Association on Intellectual and Developmental Disabilities (AAIDD) publishes a manual: Schalock, R., Luckasson, R., & Tasse, M. J. (2021). *Intellectual Disability: Definition, Diagnosis, Classification, and Systems of Supports* (12th ed.). (the “AAIDD Manual”), which neuropsychologists regularly rely on to assist in diagnosing Intellectual Disability. The AAIDD manual counsels that, “within an individual, limitations often coexist with strengths.” Put another way, the fact that an individual has a relative strength (or lack of deficits) in one area does not negate the existence of deficits in other areas. For example, an individual with relatively strong social skills but deficits in the conceptual domain can still satisfy Criterion B. An individual with mild intellectual disability should not be expected to show deficiencies in all aspects of adaptive behavior.

Criterion C

The DSM-5-TR requires that the onset of Intellectual Disability occur during the developmental period but does not provide a definition of the developmental period. The previous edition of the AAIDD manual defined the developmental period as “before the individual attains age 18.” AAIDD Ad Hoc Committee on Terminology and Classification (2010), *Intellectual Disability: Definition, Diagnosis, Classification, and Systems of Supports* (11th ed.). This understanding is reflected in relevant Alabama case law. However, the 12th Edition of the AAIDD manual, published in 2021, defines that period “operationally as before the individual attains age 22,” based on research showing that brain development continues well into an individual’s twenties. (AAIDD Manual at 32).

Notwithstanding these evolving standards, my assessment of Mr. Kearse and associated review of records indicates that his intellectual and adaptive deficits were present before the age of 18.

RECORDS REVIEWED

- Trial Testimony
 - Danny Dye, 1996
 - Pam Baker, 1991 & 1996
 - Dr. Aneline Desai, 1991
 - Kurt Kraft, 1996
 - Sharon Kraft, 1996
 - Dr. Fred Petrilla, 1996
 - Dr. Barry Crown, 2003

- Deposition Transcripts
 - Barbara Slaga, 1996

- Prior Evaluations
 - Dr. Fred Petrilla, 1996 & 1991
 - Dr. Aneline Desai, 1982
 - Dr. Barry Crown, 2002
 - Dr. Johnathan J. Lipman, 1996

- Education Records

A review of voluminous records related to Mr. Kearse's educational history revealed that he was functioned well below expected levels beginning in kindergarten academically and on standardized testing, thus demonstrating chronic and significant deficits in the conceptual domain of adaptive behavior during the developmental period.

Testing during the 2nd grade indicated that he was having difficulties with comprehension, reading, mathematics, handwriting, attention, and communication. He was administered the Wechsler Intelligence Scale for Children – Revised (WISC-R) and achieved a verbal IQ score of 74, a performance IQ score of 86, and a full scale score of 78. He was noted to have learning deficits and emotional problems and placed into special education in the emotionally handicapped program.

During the 8th grade, Mr. Kearse completed the Wide Range Achievement Test - Revised (WRAT-R), which revealed that he was functioning well below the 3rd grade at that time. His score in reading was at the 2nd percentile, and spelling and arithmetic were both below the first percentile relative to age and grade matched peers. He was also administered The Peabody Individual Achievement Test (PIAT) during the 8th grade, which revealed significant deficits consistent with other testing and the impressions of teachers and family members.

There are many examples of conceptual and social adaptive behavior deficits in his education records. A Communication Skills Checklist addressing minimum standards that was administered during multiple school years showed significant deficits across multiple domains of adaptive functioning.

Prior testimony contained many examples of the adaptive deficits that Mr. Kearse experienced during the developmental period. Pam Baker, who holds a bachelor's degree in mental retardation, as well as a master's degree in mental health counseling was Mr. Kearse's teacher from 1981 until 1988 in the special education program. She reviewed school records and testified in 1991 and 1996 that Billy began to be retained in school in kindergarten and the first grade. She stated that he was "slow" and attested to his profoundly deficient functional academic abilities. Ms. Baker's husband, Steven, also taught Mr. Kearse and believed that Billy was placed in a schoolroom that was "operating at the retarded" level. This was also stated in the testimony of Kurt Kraft, who was a teacher of Billy's at Anglewood Center. Mr. Kraft testified that he could was functioning within the classroom at a "retarded" level. For example, Danny Dye, who was a teacher and dean at St. Lucie School when Mr. Kearse was 13, testified that Billy was put into the school because he was severely emotionally handicapped. This was also the case at Anglewood Center, as was stated by Barbara Slaga, who served as the dean of that school when he attended from 10 to 13 years old. Betty Jean Butler, Mr. Kearse's aunt, also provided testimony in 1996 that he had significant cognitive, motoric, and behavioral delays as a child.

Mr. Kearse underwent neuropsychological testing with Dr. Crown in 2002. Dr. Crown did not administer an IQ test that was acceptable for diagnosis ID but did note, based on a battery of neuropsychological tests, that Mr. Kearse exhibited "limited intellectual efficiency".

INTELLECTUAL FUNCTIONING TESTING AND RESULTS

To re-assess Mr. Kearse's general intelligence, I first administered the Rey 15 item test, a measure of performance validity to ensure that he was putting forth satisfactory effort. He presented honestly and gave good effort on exam. Thus, the current evaluation is considered to be a valid profile of the examinee's intellectual functioning.

I then administered the Wechsler Adult Intelligence Scale – 5th Edition (WAIS5), from which Mr. Kearse's IQ score was derived. The WAIS5 is an individually administered clinical instrument designed to assess intelligence of adolescents and adults ages 16 through 90 years. It was published in late 2024 and represents the most recent revision of the Wechsler Adult Intelligence Scale (4th ed.; WAIS-IV; Wechsler, 2008). Significant revisions are incorporated into this edition, including updated norms, several new subtests that provide a more

advanced evaluation of cognitive functioning, an updated test framework, new index scores, and major changes to score terminology.¹

The WAIS5 provides information about overall level of intellectual functioning and the presence or absence of significant intellectual disability. Mr. Kearse's full scale IQ score was as follows:

	Scaled Score	Percentile Score
WAIS5 Full Scale IQ	75	5

The WAIS5 FSIQ is derived from a sum of 7 subtests scaled scores and usually considered the score that is most representative of general intellectual functioning. His full scale IQ score fell in the intellectually disabled range.

PRIOR AND CURRENT IQ EVALUATIONS

A summary of his full scale IQ scores, confidence intervals², and Flynn corrected IQ scores³ are listed below:

Year	Test Name	IQ Score	Flynn Corrected IQ
1981	WISC-R	78	76
1991	WAIS-R	79	76
2025	WAIS-5	75	75

Mr. Kearse was tested in 1996 by Dr. Fred Petrilla. Although Dr. Petrilla did not provide a full scale IQ score, I reviewed the raw data from Mr. Kearse's WAIS-R administration. Based on my review of the raw data, the 1996 WAIS-R full scale IQ score was consistent with Mr. Kearse's current and prior intelligence testing.

My review of the records and results of the current neuropsychological testing demonstrate that Mr. Kearse unequivocally suffers from lifelong diminished intelligence (i.e., an IQ score that has consistently been in the intellectually disabled range) and related cognitive impairments that have been present since childhood. In general, an individual with his level of intelligence experiences significant challenges in areas such as reasoning, problem-solving, abstract thinking, and academic learning. While academic achievement may be limited,

¹ WAIS5 Technical and Interpretive Manual (2024)

² The Confidence Interval indicates that if the test were administered repeatedly, we would be 95% confident that the true IQ score would fall within this range.

³ The "Flynn effect" refers to the observed rise over time in standardized intelligence test scores, documented in a study on IQ score gains in the standardization samples of successive versions of Stanford-Binet and Wechsler intelligence tests. A test will overestimate an individual's IQ score by an average of about 0.3 points per year between the year in which the test was normed and the year in which the test was administered. The ramifications of this effect are especially pertinent to the diagnosis of intellectual disability.

they can acquire essential practical skills such as telling time, handling money for simple transactions, or following routines. Many individuals with this IQ level can use spoken language for basic needs and social interactions, but may have difficulty with more complex conversations, understanding subtleties like sarcasm or idioms, or expressing nuanced thoughts. They are capable of performing basic self-care tasks like dressing, bathing, and eating independently but might need help with more complex tasks, such as managing finances, understanding legal documents, or navigating unfamiliar environments. They may excel in jobs with repetitive tasks, clear instructions, and minimal need for independent problem-solving. Examples include positions in food service, janitorial work, or assembly lines.

FORMULATION

Billy Kearse is a 53-year-old male who underwent IQ testing on 02/02/2026 at the Florida State Prison. Mr. Kearse's IQ is within the intellectually disabled (ID) range. Intellectual functioning was assessed using standardized intelligence testing (WAIS5). Individuals with intellectual disability have scores of approximately two standard deviations or more below the population mean, including a margin for measurement error (generally +/- 5 points). Specifically, an individual is considered to have significantly subaverage intellectual functioning if they obtain an I.Q. score of around 70 +/- 5. His testing was consistent with previous testing during the developmental period. Additionally, a review of the records revealed that he suffered adaptive behavior deficits in more than one domain. Further supporting a diagnosis of ID is Dr. Lipman's report and affidavit from 1996 that indicated Mr. Kearse was exposed to alcohol in utero, which is the most common non-genetic cause of intellectual disability. In fact, Bertha Kearse, Billy's mother, testified in 1996 that she consume excessive amounts of alcohol while pregnant with her son when she was 15 years old.

Given these findings, it is my professional opinion that Mr. Kearse suffers from intellectual disability in accordance with the standards of the American Association on Intellectual and Developmental Disabilities (AAIDD – formerly the American Association on Mental Retardation), the American Psychiatric Association DSM-V criteria, and the state of Florida code.

In addition to suffering from ID at the time of the offense 1991, Billy Kearse was 18 years old and was neurodevelopmentally immature. A healthy human brain does not reach full maturation until approximately ages 23 to 25. During this "developmental period" important neurophysiological changes occur, as the balance between the prefrontal cortex (thinking area) and limbic system (emotional area) is established. The limbic system composition includes the amygdala, the hippocampus, and hypothalamus. These brain regions are more primitive than higher reasoning areas of the brain, such as the prefrontal cortex, and are involved in the expression of emotions and impulses that are related to survival. The limbic area is the seat of fear, anger, and the fight or flight

response. Younger individuals are more prone to behave emotionally or impulsively. This is because they rely more heavily on the emotional regions of the brain than a less developed prefrontal cortex, which cause challenges in making logical and appropriate decisions. An understanding of this neurodevelopmental balance (or imbalance) has provided an explanation for the behaviors that occur with a not fully developed CNS: quickness to anger, intense mood swings, making decisions based on “gut” feelings, diminished consideration of consequences, and poor self-control. As the prefrontal cortex area of a healthy brain develops to maturity, individuals reason better, develop more impulse control, and make better judgments. Thus, “executive functions” develop. At the time of the offense, Billy Kearse had not reached full neurodevelopmental maturity, further compromising his actions in the presence of diminished intellect.

These opinions are given within a reasonable degree of neuropsychological certainty. I reserve the right to amend this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert H. Ouaou, Ph.D.", written in a cursive style.

Robert H. Ouaou, Ph.D.
Clinical Neuropsychology

ATTACHMENT G

ROBERT H. OUAOU, Ph.D.

Naples Neuropsychology, P.A.
222 E. Marcy Street, Suite 9
Santa Fe, NM 87501
Phone: (505) 265-2123
neuropsych@icloud.com

EDUCATION AND TRAINING

- Ph.D., Clinical Psychology Palo Alto University (APA Accredited), August 1999
Specialization Program in Neuropsychological Assessment
Dissertation Chair: William Froming, Ph.D.
Stanford University – Palo Alto University Consortium
Dissertation: Development of Prosocial Reasoning
- Predoctoral Internship VA Maryland Health Care System (APA Approved), August 1999
Department of Veteran Affairs Medical Center, Baltimore, MD.
- Postdoctoral Fellowship Clinical Neuropsychology, September 2001
VA Maryland Health Care System
Supervisor: Robert Kane, Ph.D., ABPP-CN
University of Maryland Medical Center, Baltimore, MD
- B.A., Psychology Temple University, Philadelphia, August 1990
- M.S., Psychology Palo Alto University, Palo Alto, August 1996
- Other Training Includes: Forensic Examiners Training, Forensic Evaluation and Juvenile Justice
Guardianship Evaluations
The Department of Mental Health Law and Policy of the Louis de La Parte
University of South Florida

Association of State and Provincial Board (ASPPB) Member

Licensed Psychologist in New Mexico and Florida, Interjurisdictional Practice Certificate

PROFESSIONAL AFFILIATIONS

National Academy of Neuropsychology (NAN)
The International Neuropsychological Society (INS)
American Academy of Clinical Neuropsychology (AACN)
American Psychological Association (APA)
 Division 40 – Society for Clinical Neuropsychology
 Division 41 – American Psychology-Law Society
 Division 56 – Trauma Psychology
American Association on Intellectual and Developmental Disabilities (AAIDD)
New Mexico Psychological Association

PROFESSIONAL

- 2008 – Present **President**, Naples Neuropsychology, P.A., Santa Fe, NM, which provides clinical and forensic services. Provide diagnosis, disease staging, and treatment planning for various etiologies of cognitive dysfunction. Provide diagnostic workups for traumatic brain injuries, sports related concussion, intellectual disability, learning disabilities and other neurodevelopmental disorders, psychiatric disorders, and malingering in adults and adolescents. Expert testimony includes psychological and neuropsychological evaluations in adult and juvenile cases, competency and insanity examinations, and sentencing mitigation, in state and federal criminal and civil court. Provide evaluations for workers compensation and guardianship evaluation. Contracted with the National Football League (NFL) to perform neuropsychological evaluations.
- 2009 – 2012 **Board of Directors**, Vice Chair, Medical Advisory Committee, Alzheimer’s Association
- 2006 – 2008 **Neuropsychologist**, Neuropsychiatric Associates of Southwest Florida, Fort Myers, FL. Evaluated brain functioning by providing brief and detailed assessments of neurocognitive functioning in adolescent through geriatric patients. Supervised training in forensic neuropsychology/psychology with a board certified forensic psychiatrist, Fredrick W. Schaerf, M.D. Co-investigator on several clinical research trials in Alzheimer’s disease, bipolar disorder, ADHD, and other psychiatric syndromes.
- 2004 – 2006 **Neuropsychologist** Collier Neurologic Specialists, Naples, FL. Lead neuropsychologist in a private neurology group practice.
- 2004 – 2006 **Medical Staff, Clinical Neuropsychologist, Naples Community Hospital and North Collier Hospital, Naples, FL.** Inpatient neuropsychological service provided to all units of hospital including stroke rehabilitation, psychiatry, and others. Served on Institutional Review Board of medical center reviewing proposed research.
- 1999 – 2003 **Staff Psychologist, Neuropsychology Service, VA Maryland Health Care System, Department of Veteran Affairs Medical Center, University of Maryland School of Medicine.** Provided inpatient and outpatient services throughout the medical centers to neurology, psychiatry, primary care, and substance abuse populations. Both traditional and computerized based testing is employed to assess presence, lateralization, etiology, and prognosis of cerebral dysfunction and psychiatric disturbance in patients. Supervised and coordinated clinical and research functions in Memory Disorders Clinic.
- 1999 – 2001 **Postdoctoral Fellow in Clinical Neuropsychology and Faculty, Veteran Affairs Maryland Health Care System, Baltimore VA Medical Center, University of Maryland Medical School.** Supervisor: Robert L. Kane, Ph.D., ABPP. Neuropsychological consultation to patients and professionals throughout all areas of the hospitals. Conducted research that included a Department of Defense project examining the effects of depleted uranium on Gulf War era soldiers. Managed operations of Dementia Clinic. Advanced training in neuroanatomy, neuropathology, & neurosciences. Provided supervision to neuropsychology trainees within the department.

- 1997 – 1998 **Sub-investigator, Wyeth-Ayerst Pharmaceutical Corporation, San Francisco.**
Coordinated and administered neuropsychological assessments in multi-site clinical trial at University of California at San Francisco. The study examined the effects of pharmacological treatment of hyponatremia on cognitive functioning.
- 1995-1998 **Research Assistant, University of California at San Francisco,** Department of Psychiatry, Langley Porter Psychiatric Institute, San Francisco Treatment Research Center. Assistant on NIDA-funded project developing an anger management group treatment protocol.
- Anger Management Group Treatment Co-Leader, Department of Veterans Affairs Medical Center, San Francisco.** The group consists of a 12-week cognitive-behavioral structured intervention aimed at preventing aggressive behaviors and substance use.
- 1996 – 1997 **Adjunct Instructor in Psychology, Department of Psychology, Holy Names College,** Oakland, CA. Taught two semester-long undergraduate courses in Research Methods in Psychology and Statistical Methods.
- 1992 **Counselor, Gladman Psychiatric Facility, Oakland, CA.**
Provided treatment in a locked inpatient psychiatric hospital. Provided treatment on violent men's unit including crisis intervention and management of aggressive behavior.
- 1987-1988 **Technician, Department of Cognitive Remediation, Mediplex Rehab-Camden, Traumatic Brain Injury Rehabilitation Facility, Cooper Hospital/University Medical Center, the clinical campus of the University of Medicine and Dentistry of New Jersey/Robert Wood Johnson Medical School at Camden.** Assisted inpatient and outpatient clients in improving skills in orientation, mnemonics, problem solving, academics, and social/interpersonal behavior. Collected and analyzed patient data.
- 1988-1990 **Training Assistant, The Institute of Brain Injury Research and Training, Mediplex Rehab-Camden, Cooper Hospital/University Medical Center, the clinical campus of the University of Medicine and Dentistry of New Jersey/Robert Wood Johnson Medical School at Camden.** Assisted in the planning and development of professional training programs including fellowships, internships and continuing education activities.

CLINICAL EXPERIENCE

- 1998 – 1999 **Predoctoral Internship (APA Approved), Psychology Department, Baltimore VA Medical Center.** Completed rotations in Neuropsychology, Primary Care, and Geriatrics. Conducted individual and group psychotherapy, as well as groups in pain management and anger management. Attended rounds in geriatric medicine, neuroradiology, inpatient psychiatry, and neurology.
- 1994 - 1995 **Clinical Practicum, Neuropsychology Unit, Department of Medicine and Surgery, Veterans Affairs Medical Center, San Francisco, CA.**
- 1993-1994 **Clinical Practicum, Psychotherapy, Haight Ashbury Clinic, San Francisco, CA.**

OTHER

- 2017 **Behavioral and Cognitive Neurology**, Gregory P. Lee, Ph.D.
Professor of Neuropsychology & Director of Training Barrow Neurological Institute
Phoenix, AZ (National Academy of Neuropsychology Distance Learning)
- 1993 – 1994 **Graduate Teaching Assistant, Pacific Graduate School of Psychology, Research and Statistical Methods Sequence**, William J. Froming, Ph.D., Professor.
- 1989-1990 **Teaching Assistant, Widener University, Chester, PA**, Neuropsychotherapy & Neuropsychological Assessment Sequence, David W. Ellis, Ph.D., Associate Professor.
- 1987 - 1988 **Assistant to Program Director, Medplex Rehab-Camden, Brain Injury Rehabilitation Hospital**.

PUBLICATIONS

Li, J. L., **Ouaou, R. H.**, Wu, J. (2024). A Possible Case of CTE? A Case Report on Mitigation Evidence Used in a Capital Murder Trial. Behavioral Science & The Law. Submitted

Russell, M. S., & **Ouaou, R. H.** (2022). Dementia and Criminal Practice. ABA Book Publishing.

Russell, M. S., Miller, A., & **Ouaou, R. H.** (2020). Intellectual Disability and the Death Penalty: Florida's Wrongs Should be Made Right. Nova Law Review, 45(1), 1-34.

Shopshire, M.S., Reilly, P.M., & **Ouaou, R.H.** (1997). Anger management strategies associated with decreased anger in substance abuse patients. In L.S. Harris (Ed.), Problems of Drug Dependence; 1996: Proceedings of the 58th Annual Scientific Meeting of the College on Problems of Drug Dependence, Inc. NIDA: Washington, DC.

Reilly, P.M., Shopshire, M.S., Clark, H.W., Campbell, T.A., **Ouaou, R.H.**, & Llanes, S.J. (1997). Substance use associated with decreased anger across a 12-week cognitive-behavioral anger-management treatment. In L.S. Harris (Ed.), Problems of Drug Dependence; 1996: Proceedings of the 58th Annual Scientific Meeting of the College on Problems of Drug Dependence, Inc. NIDA: Washington, DC.

GRANTS FUNDED AND RESEARCH PROGRAMS

Co-PI and coordinator, Neurocognitive & Functional Abilities in Geriatric Patients, University of Maryland protocol #0400232

Co-investigator, Remote Neuropsychological Assessment, University of Maryland protocol #0300231

OTHER

Lasher, E. E., **Ouaou, R. H.**, Cernich, A.N., Kabat, M.H., Lonser, K.A., & Kane, R.L. (November, 2005). Cognitive Predictors of Functional Status in Dementia Clinic Outpatients, presented at the 2005 Annual Conference of the National Academy of Neuropsychology, Tampa.

Ouaou, R., Short, P., Cernich, A., & Kane, R. (November, 2002). Understanding Neurocognitive and

Functional Impairment in a Dementia Clinic Sample, Presented to the 2002 Annual Conference of NAN

Ouaou, R., Kabat, M., Kane, R., Johnson, J. (November, 2000). Predicting functional independence in dementia patients, Poster presented at the 2000 Annual Conference of the National Academy of Neuropsychology, Orlando.

Kane, R., Kabat, M, **Ouaou, R.**, Wilken, J. (June, 2002). Assessing history, mood, and intellectual functioning over the intranet. The Annual Meeting of the American Telemedicine Association, Los Angeles.

Inscore, A., Kabat, M., Kane, R., Short, P., **Ouaou, R.**, Hauser, P., Kling, M. (February, 2002). Neurocognitive sequelae of interferon-alpha treatment in patients with hepatitis C, Paper presented at the 2000 Annual Conference of the International Neuropsychological Society, Toronto.

Short, P., Kabat, M., Kane, R., **Ouaou, R.**, Inscore, A. (November, 2001). Comparative efficiency of clinical estimates of baseline neurocognitive functioning, Poster presented at the 2001 Annual Conference of the National Academy of Neuropsychology, San Francisco.

Froming, W. J., **Ouaou, R. H.**, Baugnon, M. (August, 1995). Accessibility of prosocial reasoning and the development of self-schematic self-regulation, Poster presented at the 1995 Annual Convention of the American Psychological Association, New York City.

Froming, W. J., Baugnon, M. **Ouaou, R. H.** & Schwartz, K. (March, 1995). Self-schemata, self-awareness, and prosocial reasoning, Poster presented at the Annual Meeting of the Society for Research in Child Development, Indianapolis.

Froming, W. J., **Ouaou, R. H.**, & Baugnon, M, & Schwartz, K. (August, 1994). Donating behaviors of schematic and non-schematic Children, Poster presented at the 1994 Annual Convention of the American Psychological Association, Los Angeles.

Froming, W. J., Schwartz, K., Baugnon, M, & **Ouaou, R. H.** (August, 1994). The development of self-schema and affect regulation, Poster presented at the 1994 Annual Convention of the American Psychological Association, Los Angeles.

OTHER

2023 - Present Ski Instructor, Adaptive Sports Program New Mexico. Assist school age individuals with neurodevelopmental disorders and veterans with disabilities.