

Psychologist testifies in case against sheriff

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Staff Writer

NEWFANE — “How can you sue somebody if they’re not the cause of the action?”

That’s what the man standing in the jury box wanted to know at the end of the day yesterday. It is a question that attorney Bradley Myerson will have to answer today.

Myerson’s client, an East Dorset woman, is suing the Bennington County Sheriff’s Office and Sheriff Gary Forrest. She is claiming damages for depression she suffered after Forrest’s brother Richard Forrest, an on-duty deputy, forced her to perform oral sex on him while she worked at the East Dorset General Store in 1997.

Myerson would not say how much his client is suing for, but Pietro Lynn, an attorney for the sheriff, said the amount was “hundreds of thousands of dollars” during questioning Wednesday.

The man, with the question did not hear an answer, but judge Karen Carroli promised she would explain today when the jury in the woman’s lawsuit gets a chance to decide the case.

Myerson said he was concerned to hear the man’s question, but also said it is helpful to have an idea of what a jury is thinking. In his closing argument today, much as he has each trial day since Monday, he will need to show that the sheriff’s department aided Deputy Forrest in his indiscretions.

He will also need to show that his client has suffered from the attack. She, along with family members, took the stand Monday and Tuesday. But Wednesday’s long testimony consisted solely of



Zachary P. Stephens

Dr. Philip Kinsler, a clinical psychologist, testifies in court, Wednesday morning, during the sheriff’s department trial, at the Newfane County Courthouse.

questions for Dr. Philip Kinsler, a clinical psychologist who examined the woman.

Saying he was quite confident in his diagnosis, Kinsler testified that the woman is suffering from post-traumatic stress disorder — once known as combat neurosis — and major depressive disorder.

“I believe the producing cause of her condition is the rape by Richard Forrest,” Kinsler said, but testified that other stressful situations could worsen her condition.

“My opinion is that she is going to be coping with this for the rest of her life,” he said. Treatment would help, he said, but will not cure her of the condition. Kinsler testified that the woman is more depressed than 99 percent of the population. Post-traumatic stress

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Sheff's lawyer points out inconsistencies in woman's psychological history

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disorder, he said, "changes how we look at the world forever," just before mentioning possible mental damage to concentration camp or tsunami survivors.

Kinsler, who was hired by Myerson to testify, was questioned by the lawyer for just under three hours. But Lynn questioned the doctor for a half-hour longer than that. Cross-examination became so intense that at one point Kinsler threw a document down in frustration.

"Excuse me. Can we address each other in a civil tone?" Kinsler would later ask Lynn when questions became loud and accusatory.

Lynn's questions attempted to show that statements the woman made to police differed from ones she would make later when being interviewed by Kinsler. He used a police interview transcript with the woman that Kinsler did not view before coming to court to suggest that Kinsler had ignored or neglected to review important information.

"If a patient misremembers information in a pattern that is consistently to her benefit, doesn't that raise a concern about (lying)?" Lynn asked.

He also had Kinsler review reports written by other doctors who examined the woman, pointing out that the woman did not mention the incident with Forrest in many visits within a year after the attack. Kinsler did mention

that one of the visits to the doctor was because the woman had a dislocated finger.

Results from some tests Kinsler used to make his diagnosis, shown on a large projector screen, placed the woman's depression and post-traumatic stress disorder ratings at relatively normal ratings. Kinsler, who often accused Lynn of "inaccurate characterization" was not buying it.

"Actually, this is why lawyers shouldn't interpret psychological tests," he said.

The two fell into semantic arguments many times, with Carroll once instructing them to take a breath and resume questioning.

But semantics will be key today when lawyers argue over the exact wording of instructions that will be given to the jury to direct it in its deliberations.

Sheriff Forrest, representing his department, has sat through each day's proceedings. He testified briefly on Monday. Richard Forrest has not appeared in court. He pleaded no contest to lewd and lascivious conduct in 1998.

The trial is being held at Windham County Superior Court in Newfane, although it technically occurs in Bennington County Superior Court. Carroll allowed in July for the case to be moved to Newfane, saying that a Bennington jury may not want to find against the sheriff's department for fear of seeing their taxes increase.

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