

**** NARRATIVE ****

POLYGRAPH EXAMINATION OF DEBORAH NOLAN
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ON OCTOBER 9, 1989 DAVID ENGER, A POLYGRAPH EXAMINER FOR THE PHOENIX POLICE EMPLOYMENT SERVICES BUREAU, PREPARED A MEMORANDUM REFERENCE HIS REVIEW OF A POLYGRAPH EXAMINATION CONDUCTED ON DEBORAH LUSTER (NOLAN). THE FOLLOWING IS A SUMMARY OF THAT MEMORANDUM WHICH WAS WRITTEN TO DETECTIVE FUGUA.

ON OCTOBER 5, 1989 DAVID ENGER WAS PRESENTED WITH COPIES OF A POLYGRAPH EXAMINATION WHICH WAS CONDUCTED ON DEBORAH LUSTER ON SEPTEMBER 29, 1989, IN RALEIGH, NORTH CAROLINA BY EXAMINER GARY BURKE. THESE CHARTS WERE REVIEWED AND NUMERICALLY EVALUATED BY BOTH MR. ENGER AND EXAMINER KELLY ANDREWS. BOTH EXAMINERS WERE IN CONCLURENCE THERE WAS DECEPTIVE INTENT ON CHARTS ONE AND TWO, PRIMARILY IN THE AREA OF KNOWLEDGE AND INVOLVEMENT, WHEN SHE WAS ASKED IF SHE HAD PLANNED OR KNEW WHO PLANNED TO KILL HER MOTHER. THE REMAINING THREE CHARTS INDICATED THERE WAS CONTROLLED BREATHING WHICH WAS LATER SUBSTANTIATED AFTER TALKING WITH EXAMINER BURKE, WHO ADVISED THE SUBJECT, DEBORAH LUSTER, TOLD HIM SHE WOULD BE CONTROLLING HER BREATHING. EXAMINER KELLY ANDREWS FEEL THAT THE LAST THREE CHARTS WOULD BE INCONCLUSIVE. IT IS MR. ENGER'S OPINION THAT THE LAST THREE CHARTS SHOW A TREND TOWARDS DECEPTIVENESS AND CONCUR THAT NUMERICAL EVALUATION WOULD BE IN THE INCONCLUSIVE RANGE, EACH CHART WEIGHED ON IT'S OWN MERIT. MR. ENGER LATER CONTACTED GARY BURKE, WITH THE RALEIGH POLICE DEPARTMENT, AND DISCUSSED HIS AND KELLY ANDREWS INTERPRETATION OF THE CHARTS WITH HIM. MR. BURKE CONCURRED THAT IT IS HIS OPINION THE FIRST TWO CHARTS WERE DEFINITELY DECEPTIVE, HOWEVER, HE EXPLAINED THAT DEBORAH LUSTER WAS NOT IN AN IDEAL STATE TO BE EXAMINED, EITHER EMOTIONALLY OR PHYSICALLY. HE EXPLAINED THAT SHE WAS VERY DISTRAUGHT, AND WOULD BE DOWN EVERY TIME HE WOULD ASK HER ANY QUESTIONS PERTAINING TO HER MOTHERS DEATH. HE EXPLAINED THAT THE TEST TOOK MOST OF THE DAY, AS THEY HAD TO BREAK SEVERAL TIMES FOR LONG PERIODS, ALLOWING DEBORAH LUSTER TO COMPOSE HERSELF. MR. BURKE'S RECOMMENDATION WOULD BE THAT DEBORAH LUSTER BE ADMINISTERED A REEXAMINATION ON THE ISSUES UNDER MORE FAVORABLE CIRCUMSTANCES.

IN SUMMARY, MR. ENGER INDICATED IN HIS REPORT HE AND KELLY ANDREWS OBJECTIVE OPINION IS, BASED SOLELY ON THE NUMERICAL EVALUATION OF MRS. LUSTER'S POLYGRAPH CHARTS, THERE IS DECEPTIVE INTENT ON HER PART. IT WOULD BE THEIR SUBJECTIVE OPINION SHE WAS DIRECTLY INVOLVED OR KNOWS FOR SURE WHO KILLED HER MOTHER. IT WOULD BE BOTH EXAMINER ANDREWS AND HIS RECOMMENDATION THAT DEBORAH LUSTER BE REEXAMINED, AND THE SPECIFIC ISSUES OF HER DIRECT INVOLVEMENT BE COVERED.

AFTER REVIEWING MR. ENGER'S MEMORANDUM, I THEN EXAMINED THE POLYGRAPH EXAMINATION REPORT PREPARED BY DETECTIVE GREG BURKE, OF THE RALEIGH POLICE DEPARTMENT. THIS REPORT LISTED DETECTIVE GREG BURKE AS THE EXAMINER, AND DEBORAH ANN NOLAN LUSTER, AS THE EXAMINEE. THIS POLYGRAPH EXAMINATION HAD

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WAS REQUESTED BY DETECTIVE RICHARD FUGUA OF THE PHOENIX POLICE DEPARTMENT. THE TEST WAS ADMINISTERED ON SEPTEMBER 29, 1989. IN THE PRE-TEST INTERVIEW OF DEBORAH NOLAN, SHE ADVISED THE EXAMINER SHE HAD FEELINGS OF ANGER, FEAR AND HUMILIATION BECAUSE SHE WAS BEING PUT THROUGH SUCH A THING AS TO HAVING TO TAKE A POLYGRAPH TEST. SHE HAD TO BE CALMED DOWN BY DETECTIVE FUGUA PRIOR TO THE ADMINISTRATION OF THE TEST. THE EXAMINER TALKED WITH MRS. LUSTER UNTIL SHE WAS ABLE TO GET HERSELF UNDER CONTROL. THE VERY FIRST TIME THE INTERVIEW MOVED TOWARDS HER MOTHER, SHE BEGAN SOBING. SHE WOULD CALM DOWN AND THEN SAID, "I'LL TELL YOU WHY THIS GETS TO ME SO MUCH". SHE BEGAN TALKING ABOUT A SITUATION THAT OCCURRED ABOUT SEVEN OR EIGHT MONTHS BEFORE HER MOTHER WAS KILLED. SHE SAID THAT A MAN WHO IDENTIFIED HIMSELF AS GORDON PHILLIPS, AND A REPORTER WITH TIME MAGAZINE, KEPT BUGGING HER MOTHER FOR AN INTERVIEW. HE CALLED HER IN BOTH PHOENIX AND CALIFORNIA, WHERE SHE WAS VACATIONING. DEBBIE WAS WITH HER MOTHER WHEN SHE FINALLY AGREED TO THE INTERVIEW. IT WAS LATER DETERMINED THAT PHILLIPS WAS A FRAUD. DEBBIE SAID SHE FREAKED OUT. SHE WARNED HER MOTHER SHE NEEDED TO HIRE A BODYGUARD, BUT HER MOTHER WOULD NOT HEAR OF IT. SHE SAID HER MOTHER HAD CALLED ONE OF THE STEPCHILDREN AND TOLD HIM/HER THAT SHE KNEW WHAT THEY WERE DOING, AND TO STOP IT. (IN PREVIOUS INTERVIEWS WITH DEBBIE NOLAN, THIS HAD NOT BEEN MENTIONED)

DURING THIS SAME STORY, DEBBIE STATED WHEN SHE VISITED HER MOTHER IN PHOENIX, SHE WOULD SLEEP WITH HER. SHE SAID SHE WAS NOT ABLE TO SLEEP BECAUSE SHE KEPT HEARING NOISES LIKE SOMEONE WAS TRYING TO BREAK INTO THE HOUSE. SHE SAID SHE WAS JUST IMAGINING THIS BUT SHE INDICATED SHE FEARED FOR HER MOTHER'S LIFE AND WARNED HER OF THIS. THEN WHEN SHE GOT WORD FROM BEAUFORT THAT HER MOTHER HAD BEEN MURDERED AND THE MANNER IN WHICH IT HAD HAPPENED, SHE JUST WENT BESEKK BECAUSE IT WAS LIKE SHE HAD IMAGINED. WHEN DETECTIVE BURKE ASKED HER IF SHE WOULD DESCRIBE THIS AS A PREMONITION, SHE RESPONDED, "NO". SHE SAID IT WAS ALL DRAWN FROM CONFLICTS THAT HAVE OCCURRED WITH THE STEPCHILDREN, AND A MEETING WITH THE ALLEGED TIME'S REPORTER. SHE ALSO INDICATED SHE HAD A VIVID IMAGINATION AND WATCHED TOO MUCH TELEVISION. DEBBIE INDICATED SHE DID NOT KNOW FOR SURE WHO WAS INVOLVED WITH HER MOTHER'S MURDER, BUT SHE SUSPECTS IT WAS ONE OF THE STEPCHILDREN. SHE SPOKE BRIEFLY ABOUT EACH OF THE THREE CHILDREN.

THE YOUNGEST, PRISCILLA, WAS ONE SHE SUSPECTED THE MOST. SHE SAID PRISCILLA WAS HEAVY INTO DRUGS AND HAD A CHILD SHE CLAIMED WAS A REINCARNATION OF HER FATHER. CRICKET, THE OLDEST, STOLE HER FATHER'S ASHES FROM THE FUNERAL HOME BY POSING AS MRS. IOVREA. DEBBIE SAID SHE AND HAPPY, THE MALE STEPCHILD, HAD GOTTEN ALONG GOOD AT ONE TIME. SHE WAS INTO SAILING AND HAD TRAVELLED TO ANNAPOLIS, MARYLAND FOR A SAILING OUTING THAT DEBBIE HAD ARRANGED. DEBBIE WAS LIVING THERE AT THE TIME. HAPPY HAD NOT CALLED OR COME BY WHILE SHE WAS THERE. DEBBIE SAID THE STEPCHILDREN WERE UNDER THE IMPRESSION THEIR FATHER HAD BEEN WORTH ABOUT THIRTY MILLION DOLLARS AND THEY WANTED TO COLLECT THEIR SHARE. THEY SAID THEY WERE AWARE OF ONE TRUST FUND CONTROLLED BY HER MOTHER. THEY FELT IT WAS WORTH THIRTY MILLION DOLLARS, BUT IT TURNED OUT TO BE ONLY THREE OR FOUR MILLION. AT LEAST TWICE DURING THE PRE-TEST INTERVIEW DEBBIE BECAME EMOTIONAL TO THE POINT OF SOBING. AT ONE TIME DETECTIVE BURKE SUGGESTED THAT SHE AND HER HUSBAND GO FOR A RIDE AND COME BACK LATER IN THE AFTERNOON. SHE STATED IT

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WOULD NOT HELP. SHE INSISTED THAT SHE WANTED TO GET IT OVER WITH NOW. UNDER NORMAL CIRCUMSTANCES DETECTIVE BURKE WOULD NOT HAVE TESTED DEBBIE BECAUSE OF HER EMOTIONAL AND MENTAL STATE, BUT BECAUSE OF THE TRAVEL INVOLVED BY DETECTIVE FURUA AND DEBBIE, AND HER INSISTENCE THAT THE TEST BE GIVEN, DETECTIVE BURKE PROCEEDED WITH THE TEST.

DETECTIVE BURKE ASKED THREE RELEVANT TEST QUESTIONS AS FOLLOWS:

QUESTION #1 - "WERE YOU KNOWINGLY INVOLVED WITH A PLAN TO KILL YOUR MOTHER?"

QUESTION #2 - "DO YOU KNOW FOR SURE WHO KILLED YOUR MOTHER?"

DEBBIE STATED SHE WOULD HAVE NO PROBLEMS ANSWERING NO TO QUESTIONS ONE AND TWO. SHE INITIALLY INDICATED THAT DETECTIVE BURKE MIGHT SEE SOME REACTION TO QUESTION NUMBER TWO BECAUSE OF HER STRONG SUSPICIONS THAT THE STEPCHILDREN WERE INVOLVED. WHEN THEY DISCUSSED THE QUESTION FURTHER SHE STATED, "NO SHE DID NOT KNOW FOR SURE WHO KILLED HER MOTHER".

RELEVANT QUESTION #3 WAS:

"HAVE YOU DELIBERATELY WITHHELD IMPORTANT INFORMATION FROM DETECTIVE FURUA REFERENCE THE DEATH OF YOUR MOTHER?"

THE ANSWER TO QUESTION #3 WAS NOT LISTED IN MR. BURKE'S REPORT. DETECTIVE BURKE NOTED THAT IT WAS HIS OPINION AND HIS OBSERVATIONS THAT NUMERICAL SCORING OF THE CHARTS INDICATES DECEPTION TO THE OVERALL ISSUE. THE MOST SIGNIFICANT DECEPTIVE RESPONSES WERE FOUND TO THE QUESTION, "WERE YOU KNOWINGLY INVOLVED WITH A PLAN TO KILL YOUR MOTHER?"

DETECTIVE BURKE FEELS THAT THE POLYGRAPH RESULTS HAVE BEEN SEVERELY TAINED, BECAUSE OF DEBBIE'S MENTAL AND EMOTIONAL STATE IMMEDIATELY PRIOR TO THE ADMINISTERING OF THE TEST. IT IS DETECTIVE BURKE'S OPINION THAT DEBBIE WAS NOT A SUITABLE CANDIDATE FOR THE TEST ON THIS DATE. DUE TO THESE CONDITIONS IT IS DETECTIVE BURKE'S OVERALL OPINION THAT THE TEST ON DEBBIE LUSTER IS INCONCLUSIVE. DETECTIVE BURKE WAS SOMEWHAT SUSPICIOUS OF DEBBIE'S STATEMENTS AND ACTIONS. SHE DESCRIBED IMAGINING HER MOTHER BEING MURDERED VERY SIMILAR TO THE WAY SHE ACTUALLY WAS. SHE SAID SHE HAD WARNED HER MOTHER OF HER FEARS. DEBBIE ALSO SEEMED TO BE IN CONTROL OF HER EMOTIONAL OUTBURSTS. SHE COULD BE LAUGHING AND ACTING NORMAL ONE MOMENT AND THEN ALMOST IMMEDIATELY TEARS WOULD FLOW. THIS REPORT IS SIGNED BY GREN BURKE, POLYGRAPH EXAMINER FOR THE RALEIGH POLICE DEPARTMENT.

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