

Testing Death Row Inmates

The Roger Keith Coleman Case

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Imagine this scenario: You've finished a long day at work, perhaps already running a polygraph and completed all the paperwork accompanying it as well as many other duties. You've just arrived home from work and are getting ready to eat dinner with your family. The phone rings, which isn't all that unusual given your profession. However, the caller (the Superintendent of your entire police department) makes a most unusual request, starting a situation that is going to follow you and your department for the next decade: on the day that he is to be executed, run a death row inmate on polygraph to determine his truthfulness.

As a polygraph examiner, how do you handle this request?

In the criminal justice field, police officers, prosecutors, judges, sheriffs, police chiefs and, at times, even governors request polygraph examinations be conducted in cases that are not best suited for polygraph. So often, these individuals are not trained in polygraph, and so often they do not understand the highly technical aspects of what is required for a professional, successful polygraph examination. Admittedly, they are usually under professional or political pressures regarding the case at hand, but at the same time, their requests tend to cause undue stress on the polygraph examiners. It is difficult for an examiner to tell the agency head or, worse, the governor, that this particular case is not ideal for a polygraph test; it is even more difficult when a higher-up places inappropriate parameters on the testing itself. People who are unfamiliar with the workings of polygraph will inevitably ask for inappropriate questions to be asked at the wrong time in the worst manner; saying "no" to them is difficult. But in order for the polygraph to maintain its integrity and the examiners their credibility, it is imperative that the standards set forth for professional and appropriate examinations be maintained

in every situation, in every case. You never know how much scrutiny your polygraph testing will undergo.

This was the situation surrounding the Virginia criminal case of Roger Keith Coleman in 1992 and the focus of this article. Coleman had been convicted and sentenced to death for the 1981 rape and murder of his 19-year old sister-in-law. He was scheduled for execution on May 20, 1992, eleven years after the crime was committed. As his execution date drew near, attorneys for both sides agreed that Coleman could take a polygraph conducted by the Virginia State Police. On May 19, the day before the scheduled execution, the Governor of Virginia, L. Douglas Wilder, made a request of the Superintendent of the Virginia State Police, Colonel W. F. Corvello that they conduct a polygraph examination on Coleman the next day -- the day of his execution. I was the polygraph examiner who received the phone call that evening at my home after a long day's work. I had no idea at that time that this one phone call would be the beginning of my involvement in a case that would linger for over ten years.

To my knowledge, there had never been another polygraph test conducted in a situation like this. And after 31 years with the Virginia State Police and 18 years as a polygraph examiner, I had never conducted a polygraph under those circumstances. I was summoned that evening to the Superintendent's office at the VSP Administrative Headquarters in Chesterfield County, Virginia.

He instructed me to take my polygraph "machine" and travel to Greenville Correctional Center the following morning, May 20, 1992 and administer a polygraph test on Coleman. He also stated that the Governor had faxed a list of eleven questions he wanted me to ask Coleman on my machine. Now, as all polygraph examiners know, we do not work

on “machines”; we work on “instruments.” And we all know that in order to conduct a professional polygraph examination, we should conduct this examination like we conduct all other polygraph examinations and not vary from our normal procedures. Since the Superintendent was not a polygraph examiner and was obviously under pressure from a higher entity, I diplomatically explained to him that it absolutely was not a good idea to administer a polygraph examination on a death row inmate on the same day he was scheduled to be executed and also in the same area of the building as the electric chair was located. I requested Coleman be transported to the Virginia State Police First Division Headquarters the following morning, and I would conduct this examination in the manner I conduct all other polygraph examinations. The Superintendent agreed, and I went home. I spent the rest of the night planning for the test the next day.

However, during my meeting with the Superintendent, I did not attempt to explain the problem I anticipated having with Coleman’s “psychological set.” I did not know at that time if I could keep Coleman’s attention on the case at hand or whether or not he would be thinking about the planned execution he was scheduled for that same day. My plan was to go step-by-step during the test and attempt to determine whether or not his “psychological set” was in fact on the case being tested.

I was also concerned Coleman may have been coached by his attorneys to disregard my instructions, or to talk, move, or cough in order to cause the results to be inconclusive. If this occurred, I planned to give Coleman two warnings about following my instructions; if he failed to follow my instructions a third time, I would terminate the test and have him returned to Greenville Correctional Center. My determination of the polygraph examination would be “Test Terminated” due to lack of cooperation; I would not allow the test to continue under those circumstances. I was not going to have an “inconclusive” result simply due to him being uncooperative.

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Roger Keith Coleman’s death penalty case had already stretched on for over ten years. It started on the night of March 10, 1981 in Grundy, VA. Nineteen year old Wanda Fay McCoy was raped and murdered in her home. Her husband, Brad McCoy, returned home from working in the coal mines and found his wife lying on the floor in a pool of blood. Her sweater was hiked up around her neck and her underpants were shoved down around her left foot. She had been stabbed twice in her chest and slashed across her neck with such force that the gash, four inches wide and about two inches deep almost cut her spinal cord.

Her husband, Brad, described his wife Wanda as being shy and reclusive, and who had been jittery since receiving a series of obscene phone calls the year before. She kept all doors and windows locked. There was no indication of forced entry at the time. She would only open her door to three men in the town of Grundy. The police questioned all three men and quickly determined that Wanda’s brother-in-law, Roger Keith Coleman, was the suspect. Coleman had served time in prison from 1977 to 1979, two years prior to this crime, for attempted rape and he was lacking a convincing alibi for this particular evening.

A month later, Roger Coleman was arrested and charged with the murder and rape of Wanda McCoy. A year later there was a four day trial; after three hours of deliberations, Coleman was found guilty of rape and murder and sentenced to death.

Eleven years after this murder and on the eve of his execution, why did the governor of Virginia request that a polygraph examination be conducted in this criminal case?

From 1981, when Coleman was convicted of this crime, to 1992, every day, every moment Coleman was awake, he steadfastly maintained his innocence. He and his legal team launched a public relations blitz to convey his story. He convinced people in Virginia, the United States, and around the world that he was innocent of this crime. The Governor’s office was swamped with over 13,000 calls from people around the world, pressuring him not to execute Coleman for

this crime. Hollywood celebrities weighed in. *Time* had Coleman's picture on its cover in 1992. Mother Teresa and Pope John Paul pleaded for his life. In the last few days of his life, Coleman was interviewed on television by Bryant Gumbel, Larry King, and Phil Donohue.

On May 20, 1992, Coleman was transported to the Virginia State Police Headquarters in Richmond for the polygraph examination, arriving one hour earlier than scheduled. I met with Coleman, and told him I would be the examiner and that I would start the examination as soon as I could. I pointed out to him he was an hour early. I asked Coleman if I could do anything for him or if he had any request; he asked if I would call his attorney in Washington, DC to see if she was going to attend the polygraph examination. He stated he had not heard from her. He gave me her telephone number and I returned to my office and called her.

A woman answered the telephone and identified herself as Coleman's attorney. I identified myself and asked her if she was going to attend the polygraph examination and she replied she has no intentions of attending. I then asked if she had any message for Coleman; she hesitated for a few seconds and then said to tell Coleman "Good luck."

During the pre-test interview with Coleman, he repeated the same statements to me as he did in his original interview with Special Agent Jack Davidson, the case agent. He stated he did not kill Wanda McCoy; he was not there when she was killed, he was not involved in her death in any manner, and he had never had sexual intercourse with her in his lifetime. He answered each question without hesitation.

After talking with him for short period of time, I could tell he was very intelligent. He covered each piece of evidence the Commonwealth's Attorney used in court to convict him. He explained how each piece of evidence could not have pertained to him. He had excellent eye contact, he was friendly, cooperative and, much to my surprise, he followed each one of my instructions without hesitation. He was very convincing, and after

a lifetime in law enforcement, I am not one to be easily convinced.

The Governor's Office had requested via the Superintendent that I ask Coleman eleven specific questions during the polygraph. Unfortunately, these questions did not meet the standard protocol that polygraph examiners are trained to follow. The eleven questions that the Governor's Office wanted me to ask were:

1. Do you know a Duncan E. Chester who you went to high school with?
2. Did you go bowling about a week before Wanda Faye McCoy was murdered with Duncan Chester, George Lester, Stanley Stacy and your wife, Patricia?
3. While at the bowling alley did you show Duncan Chester a large knife?
4. Was that the murder weapon?
5. Did you throw that knife in the river?
6. The night of the murder, did you go to the house of Wanda Faye McCoy?
7. Did you think that Wanda Faye McCoy was flirting with you?
8. Did this make you think that she "wanted it?"
9. Did things then get out of control?
10. Did Wanda Faye McCoy try to stop you?
11. Did you then kill Wanda Faye McCoy because you did not want to go back to prison?

An optional question was to be: Did you tell George Lester in 1982 that you had raped and murdered Wanda Faye McCoy?

As all trained polygraph examiners can see from this list, these are not appropriate questions for the test.

For this exam, I used a Stoelting Ultrascibe analog instrument with three pens. The Backster specific issue test was used, with two relevant questions and three control/comparison questions. Three charts were run.

The two relevant questions were:

1. Did you inflict any of the injuries that resulted in the death of Wanda McCoy?

2. Regarding the death of Wanda McCoy, did you, yourself, inflict any of those fatal injuries?

The control/comparison question was: "Ever remember hurting anyone?"

Using the Backster technique, in order to reach a determination of "Deception Indicated", there must be a numerical evaluation of -13 or more points with three charts using two relevant questions. The numerical evaluation of the three charts was -15.

The determination of this test was "Deception Indicated."

In reviewing and grading the three charts, I could see Coleman reacted in a timely manner to each relevant question and also reacted somewhat to each control/comparison question. Whenever any individual is tested who has a long history of committing crimes, problems can develop with control/comparison questions. However, I was absolutely convinced his psychological set was, in fact, on the murder of Wanda McCoy, not on the other event that was planned for him later that day. Two other Virginia State Police polygraph examiners also graded the charts after I did and came to the same conclusions.

I had been instructed by the Superintendent not to discuss the results of the test with Coleman. When the examination had concluded, I explained to Coleman that I had finished and he would then be returning to Greenville. He never asked if he passed or failed the test. I found this to be highly unusual.

Coleman was executed a few hours after he returned to Greenville Correctional Center. His final statement, which was broadcast on news stations and published in newspapers across the nation, was:

"An innocent man is going to be murdered tonight. When my innocence is proven, I hope America will realize the injustice of the death penalty as all other civilized countries have."

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Even though my polygraph examination was completed, the governor's decision was made, and Coleman was executed, this case did not go away. This case had been closely watched by opponents of the death penalty, and for years was often cited as an example of a man murdered for a crime he may not have committed. His final statement galvanized many in the anti-death penalty movement. The book *May God Have Mercy*, published in 1998, portrays Coleman as being innocent, stating that Coleman was given a polygraph test on the same day he was executed and he was emotionally upset and crying at the time, implying that this was a very improper polygraph test. Readers of this book, as well as viewers of all the additional media coverage and publicity, were persuaded of Coleman's innocence and could not understand why Virginia had executed an "innocent" man.

As time passed and DNA testing improved and moved to the forefront of law enforcement investigation, the Coleman case emerged as a prime example of how new scientific testing could prove an executed man to be innocent, and possibly thwart the death penalty, not only in Virginia but throughout the nation, for good.

Dr. Edward T. Blake, a scientist in California who had been hired by Coleman's legal team in the 1980s, still had a sample of the genetic material extracted for DNA testing. Obviously, DNA testing in the 1980's was not as advanced as it is today. Dr. Blake stated he had his work product locked in his freezer; there was never any issue with regard to "chain of custody" of his work product. Different parties petitioned courts at both the state level and the federal level to have this sample tested by modern DNA testing techniques. All courts rejected their petitions, stating they did not have proper standing to make such a request.

In January 2006, a few days before he left office, Virginia Governor Mark Warner (D) ordered DNA testing on the work product of Dr. Blake. The sample was tested at Ontario's Center of Forensics Laboratory in Canada. Subsequently, the media rehashed their coverage of the Coleman case, from beginning to end. Investigators, witnesses, family members, and judges were all interviewed and

old wounds were reopened. Much was made in the press of the so-called “last minute polygraph.” I was now retired and had moved on to a second career in polygraph consulting, but I steadfastly stood by my examination from a decade earlier. I knew that I had conducted my exam according to accepted standards and that it had been accurate; two other examiners had agreed with me on my chart reading that very day. Many people involved in this case, however, had to endure again prolonged, pointed questioning from all directions; in many ways, it was like the crime had been committed all over again.

Later that month, the DNA testing results showed that only one person in nineteen million people could have committed this crime. That one person was Roger Keith Coleman.

Unfortunately, the re-examination of this case, ten years later, caused undue hardship on all the parties involved. Even though I was comfortable in my confidence in my polygraph results, I dreaded turning on the evening news during that time to see what angle of the case was being dredged up again.

My story is an important one to remember in the life of today’s law

enforcement and polygraph examiner; you never know what case is going to be sensationalized. You usually don’t have time to anticipate this situation; it springs up unexpectedly.

My recommendation to all polygraph examiners is: regardless of the assignment, regardless of the person making the request, you must follow your professional training and your normal operating procedure and not vary from either. Throughout your career as a polygraph examiner, there will be many times where you must diplomatically and convincingly explain the procedures and techniques to those who don’t understand them in order to do your job correctly and professionally. You can not let outsiders take over your examination in any way. The integrity of your examination, your professional reputation, and quite possibly the outcome of the case will all be compromised if that happens. The case at hand may be resolved the very day of your examination and you may never hear another mention of it again; or, it may drag out for a decade, as this one did. Your examinations must be impeccable, thorough, and by-the-book each and every time. You never know how much scrutiny you and your polygraph will undergo.