

## **Polygraph in a Complex Narcotics-Related Homicide Case: A Case History**

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Polygraph examiners deal with truth and deception on a level different than other investigators. We are fortunate to have a scientific tool to augment investigations so we can objectively verify our (or our colleagues') observations during interviews as to a subject's honesty. This tool also enables us to verify or disprove evidence gathered during the course of an investigation.

But how do we proceed when virtually everyone is lying to us in an investigation and the investigation is emotionally charged already? In an investigation in which everyone interviewed in regard to a crime is also involved in narcotics trafficking or usage, there is a strong possibility that everyone is going to lie about something. The difficulty begins when we attempt to determine if the deception is due to involvement in the crime at hand or in the peripheral crimes. This applies to interviews and interrogations as well as polygraph examinations.

There is no test topic more emotion-provoking or stigmatic than murder. In a true "whodunit" murder our role is as often helping narrow the field of suspects as it is determining a viable one. We must ensure that our tests help us clarify the investigation as opposed to blurring it.

In polygraph school we are taught how to conduct polygraph examinations. What may not be a topic of instruction in polygraph school is doing polygraph examinations under conditions which may not be considered ideal. There are occasions which will require us to step outside our comfort zone, not only with regard to environment, but also with what might be the most appropriate technique to

use. It may not be what we are used to or were specifically taught. To new examiners, a case like this will challenge us and, in my opinion, in the end, reinforce our faith and confidence in our new skill.

This case was one such occasion.

### **The Case**

On January 4th, 2010, a frozen body was found in a car parked at a fairgrounds building in Sioux Falls, South Dakota. The victim, Michael "Mikey" Stevens, had died several days before being discovered. Stevens had been reported missing days earlier. He had been shot three times. Inside the locked vehicle was a spent 20 gauge shotgun shell, which appeared to be a "sabot" round. A section of the sabot projectile was found lodged in Stevens' right arm.

In the small Midwestern city of Sioux Falls, South Dakota, where the annual murder rate is less than 4 per year, a homicide of this nature quickly garnered a great deal of local and regional media attention. The task of investigating the murder fell to the Minnehaha County Sheriff's Office, as the crime scene was located on county property. Substantial and invaluable assistance was provided by the South Dakota Division of Criminal Investigation, the Iowa Division of Criminal Investigation, the Iowa Division of Narcotics Enforcement, the Sioux Falls Police Department, the Milford (Iowa) Police Department, and the US ATF.

At the subsequent autopsy, which was conducted four days later because of the frozen condition of the body, the coroner found

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two rounds had entered Stevens' torso and one had penetrated his neck, severing the spine. The coroner declared that any of the three wounds would have been fatal. The autopsy confirmed that the rounds were 20 gauge sabot shotgun shells, which are used primarily to hunt deer in areas that require hunters to use shotguns. Northwestern Iowa is such an area.

"Mikey" Stevens was a small time drug dealer. As we interviewed his acquaintances and friends it became difficult to gauge anyone's honesty. Many of the people interviewed were lying about their relationship with Stevens. It took great effort to convince them that no one was trying to pin drug charges on them. It would have been impractical to conduct polygraph examinations on all of Stevens' acquaintances, a point that I and two other examiners had to be firm on. Only after breaking down their defensiveness to the drug issue did credible information begin to flow from the interviewees.

Using cell phone records, we determined an approximate time of death; we were certain of the date: December 30th, 2009. This fact alone put us 5 days behind at the time of the discovery of the body. As we examined cell phone records and compared information collected from interviews, we began to note that one subject, Samuel Lint, appeared to be lying about several issues. Detective Marc Wynia and South Dakota Division of Criminal Investigation Special Agent (SA) Jim Severson had originally gone to Milford, Iowa, on January 5th to interview Lint. Lint was originally identified from Stevens' cell phone incoming and outgoing call records.

Lint told Detective Wynia and SA Severson that he had never been in Stevens' car. He said he had been at a friend's house on December 29th, 2009, and left that friend's house and went home. Lint said he was never with Stevens during the time frame of the murder. Lint was living at his father's house with his girlfriend. Lint said he returned to that same friend's house the following morning to pick up his car. He and his girlfriend later that same day left South Dakota and went to Milford, Iowa, where Lint had family. Lint stated that he didn't know

what happened to Stevens and had no information to aid in the investigation.

During the investigation several mutual acquaintances said Lint and Stevens left the party together in Stevens' car. As cell phone records were analyzed, it became apparent that Lint had not only been the last person to have a phone conversation with Stevens, but cell phone tower data placed Lint near the crime scene. Perhaps the most interesting piece of evidence was the discovery of a Sioux Falls Police officer's in-car camera from the early morning hours of the believed date of death. Approximately 100 minutes after the last phone call on the victim's phone, the officer came upon Lint walking on a street about one-half mile from the crime scene. The officer contacted him because of the extreme weather conditions. Local weather records show that it was 16 degrees with 14 mph winds, making the wind chill temperature approximately zero degrees Fahrenheit at 3 a.m. Lint had snow up to his mid-thighs, clearly visible on the camera.

Investigators believed Lint was hiding the fact that he had been with Stevens the night of the murder because he witnessed the crime and was afraid of the murderer. There was no serious discussion about Lint being the killer, an assumption made perhaps due to a lack of criminal history on the 18 year-old, who was also very small in stature (5'5" 125 lbs). Since Lint had left Sioux Falls and was staying in Milford, about 100 miles away, two detectives (Marc Wynia and myself, a relatively new polygraph examiner) traveled to Milford on Thursday, January 6th to re-interview Lint and potentially conduct a polygraph examination. I brought a Lafayette LX4000 with recently installed updates. In my department polygraph office I use a Lafayette polygraph chair with movement sensors. It wasn't feasible to transport the chair, but I was, in a sense, relying on the knowledge that Lint had no foreknowledge that he would be undergoing a polygraph exam, reducing the threat of countermeasures.

Lint agreed to go to the Iowa Highway Patrol headquarters in Spencer, about 10 miles from Milford, for an interview. Detective Wynia interviewed Lint under the premise that Lint was a potential witness to the crime or at

least knew the identity of the shooter. He confronted Lint with evidence contrary to his previous statements. As Detective Wynia challenged the discrepancies Lint began to change his story. When shown a photograph clipped from the officer's in-car camera and challenged with witness statements placing him with Stevens, Lint admitted to leaving the party with Stevens in Stevens' car on the morning of the murder. Lint claimed that there was a third person in the car.

Lint said he was in the car with Stevens and the third subject, introduced to him as "Panda." Panda was in the front passenger seat. Lint wanted Stevens to drive to an apartment building, about one mile from the crime scene, where Lint would take a bag of marijuana to sell inside and then return to the car with the proceeds. Lint said that once he was in the apartment building he decided to "rip" Stevens off. He stated that he ran out a different door and ran home. He gave that as a reason why he was walking in the area of the crime scene. Lint told Detective Wynia that he felt responsible for Stevens' death because he had ripped him off and Panda, being Stevens' drug supplier, must have gotten angry and killed him.

### **The Examination**

Lint agreed to undergo a polygraph exam and was introduced to me. By this time it was around 8 p.m. Lint said he hadn't eaten in several days, so I arranged for him to eat a meal while we spoke. Lint and I reviewed his statements to Detective Wynia, and he repeated that he felt afraid of Panda and felt responsible for the murder because of his own actions.

The room available for the polygraph examination was far from ideal. On the second floor of the Highway Patrol headquarters was a squad room, with desks, computers, snacks, other distractions, and windows. Moreover, there wasn't a camera that normally operated in the room. Iowa DCI agents set up a camera on a tripod. This particular camera was limited in that it only recorded 30 minutes at a time on small discs. This led to numerous interruptions. My only remedy was to time the on-instrument testing portion with the disc changeover. I placed the examinee chair facing the nearest wall without any distractions and

emptied the second floor of people to reduce outside noise.

Operating under the theory that Lint was a potential witness to the crime or had knowledge of the identity of the murderer, I reviewed questions for a Backster S-K-Y Test and a single issue Zone Comparison Test (ZCT) with Lint. The relevant questions on the S-K-Y Test were:

- Do you know for sure who killed Mikey?
- Did you end Mikey's life?
- Regarding Mikey, were you present when he died?

I didn't believe that a single-issue exam with the relevant questions focusing on knowledge of the identity of the murderer would serve the investigation best. Whether Lint had killed Stevens or if he simply knew the killer's identity would have caused reactions in either case. I felt that the single issue exam must focus on whether Lint had killed Stevens, which I felt would give us a direction to focus upon in the subsequent interview. The relevant questions on the ZCT were:

- Did you fire the shot that ended Mikey's life?
- Regarding Mikey, did you fire the gun that killed him?

I conducted the S-K-Y question series twice (See Figures 1a and b, and Figures 2a and b), and while there were reactions to all three relevant questions, the most significant was to "Did you end Mikey's life?" (See corresponding charts.) I conducted the ZCT question series three times, and the evaluation of the resulting charts was unequivocal: Lint was deceptive in answering those relevant questions. (See Figures 3a and b, 4a and b, and 5a and b.) I also utilized both Objective Scoring System Version 3 and PolyScore to confirm my manual evaluation of the charts. The results were "Significant Reactions" and "Deception Indicated" respectively.

I was surprised at the magnitude of the reactions. Even though the examination took place seven days after the crime was committed, I was worried that knowledge, guilt complex, or the high emotionality of the

crime could have caused a false positive test. I recognized that Lint's reasoning that he felt responsible in part for Stevens' death may have caused some of the reactions on the exam. (In other words, I didn't do as I was instructed in school: trust my charts.) I expressed my concerns to all involved, but told them I wanted to try something.

I had recently installed LX software updates on my laptop. After installation I had perused the question templates and noticed a "Polygraph Validation Test" in a folder labeled "ASIT." This Academy for Scientific Investigative Training test is similar to what I had been taught as a Probing Peak of Tension test, and the template consisted of the following eight questions:

- Did you fail your polygraph test because you were tired?
- Did you fail your polygraph test because you were afraid I would ask a question we did not review?
- Did you fail your polygraph test because you did not understand the questions?
- Did you fail your polygraph test because you lied to a question in the test unrelated to the homicide?
- Did you fail your polygraph test because you lied to the questions about whether you did the crime?
- Did you fail your polygraph test because (reason examinee gave for failing)?
- Did you fail your polygraph test because you do not believe the polygraph works?
- Did you fail your polygraph test because you were nervous?

I advised the other investigators that I wanted to try this exam. I didn't want to evaluate the Polygraph Validation Test for deception or truthfulness, I simply wanted to give the benefit of the doubt to Lint or rectify in my own mind the results of the single issue test. I asked Lint to take this exam so that I could be sure of the results and he agreed to submit to the test. While reviewing the questions, Lint provided his reason for failing the test (question #6) as "you think Mikey's death is your fault" and agreed to answer "yes" to that question. To the others, Lint agreed to answer "no."

I conducted this question series twice and then asked Lint to answer "no" to the question #6, in which he gave his reason for failing the test, for the third test. I conducted a total of three charts with the question series (See Figures 6a and 6b, 7a and 7b, and 8a and 8b).

I found the resulting charts to be difficult to evaluate. The charts showed significant reaction to question #5 on all three charts. Additionally, on the first two charts, there was reaction to question #6, which Lint had provided. On the final chart there was less reaction on that question. This did for me what the test name implies, validated the ZCT exam. PolyScore's Rank feature corroborated my evaluation of those three charts.

I finally reverted back to trusting the charts. Although I knew the Polygraph Validation Test is not evaluated for truth or deception, I felt that using it in conjunction with the Zone Comparison Test provided me with important information.

I conducted a post test interview. It lasted several hours, during which a search warrant was prepared for samples of Lint's hair, blood, and saliva. Lint was a difficult interview subject, and I believe he is "ego-dominant" as described by Kinesic Interview expert (and APA member) Stan Walters. Lint's mother and girlfriend related to me during subsequent interviews that Lint was fond of saying "I'm Sam f-----g Lint, I can do whatever I want." Lint felt as though he was teaching me about the drug world during this interview (I led him down that path in an effort to establish rapport. I worked Narcotics for 6 years and didn't really need the education.) With that attitude, the overriding impression I perceived, as I pointed out discrepancies, evidence, and facts, was Lint believed he could explain away anything. In short, although I presented Lint with several themes and minimizations, he did not confess.

A short conference call was made while Lint waited in the squad room. Detective Wynia, our sergeant, our captain, the Iowa agents, and I reviewed not only the S-K-Y, ZCT, and Polygraph Validation tests, but also the basics of "Detective 101": Lint lied about his association, was the last person known to be with Stevens, was seen in the area

approximately 100 minutes after the believed time of death, had fled the state, had been emotionally distraught since the murder (not eating), and had changed his story numerous issues.

Several subjects nicknamed "Panda" were interviewed. One had gone to high school with Lint's girlfriend, and he matched the description Lint provided. Records indicated he was incarcerated at the time of the homicide.

We began to focus on Lint as the primary suspect in the homicide. Search warrants were executed on the residence where he was staying, but very little evidence was found.

### **The Arrest**

Detective Wynia and I managed to return to Sioux Falls after snow forced us to remain in the Milford area for two days. Upon our return to Sioux Falls, we joined the other investigators in focusing our efforts on Lint. We continued to compile circumstantial evidence and corroborated evidence we had already obtained. On Saturday, January 9th, Iowa DCI Special Agent Nate Ewalt received a tip that the person Lint was staying with in Milford dumps his household trash in a dumpster across the street at a gas station. He and fellow investigators searched the dumpster and called with case-changing news. They discovered a bag of garbage with mail from Lint's address along with a purple bag containing two spent 20 gauge sabot shotgun rounds mixed with five unfired rounds.

Any remaining doubts about false positive results, guilt complex, or Lint simply being a witness to the crime were ejected from my mind.

Six investigators, an ATF agent, and I headed back to Milford the following morning. We rounded up Lint, his girlfriend, the person he was staying with, and a second friend he was close with. The subsequent interviews provided more damning information and evidence. The man he was staying with admitted that Lint showed him a sawed-off shotgun weeks earlier and offered to kill two drug dealers to whom his friend owed money.

He also admitted to throwing the bag with the shotgun shells in the dumpster on instructions from Lint. His girlfriend slammed the case shut. She said Lint told her he "smoked" someone and buried the shotgun in a snow bank at the fairgrounds. This information helped us understand why Lint had snow on his pants up to his mid-thighs when contacted by the officer early in the morning. (A brief note about the shotgun: Sioux Falls had a three day blizzard over Christmas. The snow was more than a foot deep in areas without snow banks, and the snow banks were up to six feet tall where the parking areas in the fairgrounds had been plowed. The area to be searched was about one-and-a-half miles square. The searchers found the shotgun in 45 minutes.)

I was fortunate to be present in Milford when Lint was arrested on January 10th at about 2 a.m. on local drug charges while the South Dakota warrant was being prepared. I was also present when he was formally arrested later that day for the South Dakota homicide warrant by Iowa DCI Special Agent Ewalt, who dug the shotgun shells from the dumpster.

After his arrest Lint made numerous admissions on recorded jail telephone calls during which he admitted to shooting Stevens. He attempted to make it seem as if it were self-defense, but robbing Stevens of his money, marijuana, and more than 30 Ecstasy pills ruined that theme. We made assumptions about Lint without knowing he was a major drug dealer who had flaunted guns and talked about committing murder and robbery with them.

On July 19th, 2010, Lint pled guilty to 2nd Degree Murder and was sentenced to life imprisonment without the possibility of parole, thereby avoiding the death penalty. He admitted to shooting Stevens three times with a sawed off shotgun.

### **Conclusion**

I submit that the polygraph is a major reason this case was solved. It focused the investigation toward the correct suspect. The conditions were far from ideal, but polygraph examiners may be called upon to conduct tests in those conditions.

As a new examiner, I felt like I needed to be sure of my results before strenuously accusing someone of murder. This led me to go beyond what I would normally do in a polygraph exam.

The willingness to try something new in this case and be open-minded about tests other than those in which I was originally trained, confirmed to me that no single technique has a monopoly on accuracy or usefulness. It would be naïve to think that examiners aren't going to be biased toward one technique or another, but there is room in each of us to understand that all validated

techniques have something to offer. I believe we have a duty to the polygraph profession as a whole to be correct in our evaluations and verify them if possible. To the prosecutors, agencies, and investigators who receive our work product this is far more important than school loyalty.

As a relatively new examiner conducting exams ranging from pre-employment to shoplifting to homicide, it is helpful to know that I can find resources from all techniques to aid in my cases. Having more tools available can only enhance our dedication to truth.



































