

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 17-cr-20037-JES-JEH
)	
BRENDT A. CHRISTENSEN,)	
)	
Defendant.)	

ORDER AND OPINION

Now before the Court is Defendant’s Response (Doc. 305) to the United States’ Notice of Penalty Phase Experts and Tests (Doc. 303). Defendant lays out the following objections to the United States’ proposed examination:

1. The Government’s Expert Should be Precluded from Administering the WAIS-IV Because of the Risk of Generating Artificially Inflated Scores Due to Practice Effects.

2. The Government’s Expert Should be Precluded from Administering the WCST Because of the Risk of Generating Artificially Inflated Scores Due to Practice Effects.

3. The Government’s Expert Should be Precluded from Administering the Connors’ Adult ADHD Rating Scale Because ADHD is Not a Differential Diagnosis of Schizophrenia Spectrum Disorder.

4. The Government Should be Required to Specify Which Validity Measures its Expert Proposes to Administer.

Defendant’s first and second objections are based on the same principle: people who take the Wechsler Adult Intelligence Scale – IV examination and the Wisconsin Card Sorting Test

perform better on those tests when they take them more than once, especially within less than 12 months of the initial administration. Doc. 305, at 2–4. Defendant cites no authority for precluding rebuttal experts from performing these tests after the defense experts have. The Court finds that Defendant is free to cross-examine the experts on potentially inflated performance and argue to the jury regarding those matters, but this is not a sufficient ground to prevent the rebuttal experts from administering these tests. Defendant’s first and second requests are therefore DENIED.

The Court directs the United States to file a Reply on Defendant’s third and fourth objections by Thursday, April 25, 2019 at noon. The Court further sets this matter for a hearing, if necessary, at 1:30 p.m. on Friday, April 26, 2019 in order to fully address it before the United States’ scheduled examination.

Signed on this 23rd day of April, 2019.

/s James E. Shadid
James E. Shadid
United States District Judge