

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA	§	
	§	4:08-cr-596
vs.	§	(Judge Roger Vinson)
	§	
SAMUEL KENT	§	

JUDGE KENT'S MOTION
TO ADMIT POLYGRAPH EVIDENCE

JUDGE SAMUEL KENT, DEFENDANT, files this Motion to Admit Polygraph Evidence and attached Memorandum in Support of his Motion to Admit Polygraph Evidence. Judge Kent shows the Court as follows:

- 1. Judge Kent passed two polygraph examinations** administered by licensed examiner John Swartz, formerly a Federal Examiner with the United States Department of Justice. During the examinations (report attached), Judge Kent denied Cathy McBroom's allegations of sexual misconduct.
- 2. Judge Kent's polygraph examinations are admissible in the Fifth Circuit** for the purpose offered. Stated simply, Judge Kent seeks to offer the limited expert testimony of polygraph examiner John Swartz that the results of Judge Kent's polygraph failed to reveal physiological responses indicative of deception with regard to the relevant questions. Judge Kent does *not* seek to offer any testimony as to the personal opinion of John Swartz that Judge Kent was telling the truth. Judge Kent seeks to admit this evidence to supplement the jury's observation and interpretation of his *outward* demeanor, with physiological evidence enabling the jury to observe and interpret his *inward* demeanor.

WHEREFORE, PREMISES AND ATTACHED MEMORANDUM CONSIDERED,
Judge Kent respectfully requests that the Court allow admission of his polygraph evidence for
the limited purpose stated.

Respectfully submitted,

DeGUERIN & DICKSON

/s/ Dick DeGuerin

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Co-Counsel for Defendant

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Co-Counsel for Defendant

CERTIFICATE OF CONFERENCE

Counsel for the Government have expressed that they are OPPOSED to the filing of this
Motion.

/s/ Dick DeGuerin

Dick DeGuerin

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of **Judge Kent's Motion to Admit Polygraph Evidence** has been filed via the ECF System and served on the following:

Peter J. Ainsworth, Senior Deputy Chief
AnnaLou T. Tirol
United States Department of Justice
Public Integrity Section
Criminal Division
Facsimile: 202-514-3003

/s/ Dick DeGuerin

Dick DeGuerin

Dated: October 30, 2008