WR-85,014-05
COURT OF CRIMINAL APPEALS
AUSTIN, TEXAS
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ABEL ACOSTA
CLERK

CAUSE NO. W380-81221-01-HC

EX PARTE	§	IN THE 380TH DISTRICT
	§	
	§	COURT OF
	§	
BRANDON KEITH SKILLMAN	§	COLLIN COUNTY, TEXAS

RECEIVED
COURT OF CRIMINAL APPEALS
5/13/2016
ABEL ACOSTA, CLERK

AFFIDAVIT AND CURRICULUM VITAE OF DR. GILDA KESSNER, PSY.D

Now comes BRANDON KEITH SKILLMAN, hereinafter called "Applicant", in the above styled and numbered cause, and files the attached Affidavit and Curriculum Vitae of Dr. Gilda Kessner, Psy.D.

Respectfully submitted,

/s/Scott Brown
SCOTT BROWN
State Bar Number: 03127100
One Museum Place
3100 West 7th Street, Suite 420
Fort Worth, Texas 76107
Phone: (817) 336-5600
Fax: (817) 336-5610
Attorney for Applicant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the attached affidavit and curriculum vitae has been delivered via email and first class United States Mail to Amy Murphy, Assistant District Attorney, Collin County District Attorney's Office, 2100 Bloomdale, Suite 100, McKinney, Texas, 75071, on this 9th day of May, 2016.

/sScott Brown
SCOTT BROWN

State of Texas)
)
County of Dallas)

Affidavit of Dr. Gilda Kessner, Psy.D.

1. My name is Gilda Kessner. I am a Psychologist licensed to practice in the State of Texas. A copy of my Curriculum Vitae is attached to this affidavit.

2. Mr. Don McDermitt retained me to evaluate Brandon Skillman after his sentencing hearing had been held. My notes indicate that I received a telephone call from Mr. McDermitt on May 14, 2003 indicating he was sending a retainer and asking me to see Brandon Skillman the next week. I remember talking by telephone to Mr. McDermitt about Brandon Skillman's case just a few days before May 14, 2003. Mr. McDermitt's next contacted me by telephone on May 19, 2003. He wanted to know when I could be at the jail and how much time would be required to complete an initial evaluation.

3. Mr. McDermitt forwarded a packet of materials for my review. The materials consisted of the Pre-sentence Investigation Report, a letter written by one of the alleged injured parties, a letter from Brandon Skillman's mother, a letter from his father, and a letter from Brandon Skillman. Mr. McDermitt requested that I do a complete evaluation of Brandon Skillman; however, a complete evaluation could not be completed in one meeting with Mr. Skillman.

4. I evaluated Brandon Skillman at the Collin County Jail on May 22, 2003. I administered several standardized psychological tests to Brandon Skillman. These tests included the Personality Assessment Inventory (PAI), Rotter Incomplete Sentences Blank – Adult (RISB-A), Wide Range Achievement Test, Third Edition (WRAT-3), and the Wechsler Abbreviated Scale of Intelligence (WASI). I completed a thorough interview with Brandon Skillman. I conducted lengthy telephone interviews with Brandon Skillman's mother and father.

5. The initial psychological testing indicated that Brandon Skillman has above average intelligence and was suffering from depression. He is insecure in relationships and unlikely to exhibit dominating behaviors. The results of my evaluation strongly suggested that Brandon Skillman was a young man who was immature in his ability to function socially with his peers. He felt more comfortable interacting with adults who he perceived as less critical. Brandon was very open to treatment as he recognized that he was unable to effectively manage many of the adolescent and young adult life changes.

6. In my opinion the conclusions of the Pre-sentence Investigation Report were not supported by accurate clinical information. I strongly disagree with the suggestion by the probation officer that Brandon Skillman could not benefit from therapy. My initial evaluation indicated that Brandon Skillman was a young person who despite his charges, possessed many positive characteristics and strengths that could help him benefit from appropriate psychological treatment. Based on the findings of my initial evaluation, it is my opinion that Brandon Skillman was a good candidate to benefit from treatment and the support of the probation department so that the probability existed that he could conform his behavior to the law and societal expectations.

7. After my initial evaluation of Brandon Skillman I communicated my preliminary results to Mr. McDermitt. He indicated he wanted me to pursue additional evaluation of Brandon Skillman and that he would be in making arrangements for that to proceed. I was not able to complete the evaluation as Mr. McDermitt did not follow-up with me and did not then respond to my numerous attempts to contact him. I officially kept the case open until December of 2003 when I sent Mr. McDermitt a final invoice a statement of balance due for the work I had completed.

I swear and affirm that the foregoing information in paragraphs one through seven is true and correct to the best of my knowledge.

Gilda Kessner, Psy.D.

Sworn to and subscribed before me on this 14th day of March, 2005.



GILDA KESSNER, PSY.D.

PO Box 224812 • Dallas, Texas 75222-4812
Phone: 214/455-7692

EDUCATION

Doctor of Psychology, Clinical Psychology, 1996, Baylor University, Waco, Texas (APA accredited)
M.S., Human Relations and Business, 1987, Amber University, Dallas Texas
B.S., Social Work, 1974, Abilene Christian University, Abilene, Texas

LICENSED PSYCHOLOGIST (Texas No. 26886)

CURRENT PRACTICE

Clinical Psychologist - Private Practice
(Dallas, Texas) July 1998 - present

General and forensic psychology consultation services to public agencies and private clients. Services offered include:

- Adult criminal forensic psychological evaluations and consultations
- Forensic psychological evaluations for county juvenile systems
- Psychological consultation and training for schools
- Pre-employment evaluations and staff development for law enforcement agencies
- General forensic psychology consultations to private individuals and organizations

EXPERIENCE

Director of Treatment - Correctional Services Corporation - Dallas Youth Academy
(Dallas, Texas) August 1998 - March 1999

Directed the implementation of a treatment program (Dallas County Model) for court-ordered juvenile offenders. Responsibilities included:

- Hiring and supervision of clinical staff
- Development of policies and procedures for the program
- Training of direct care staff
- Expert witness testimony
- Consulted with attorneys and county juvenile administrators regarding treatment recommendations
- Provision of direct clinical service

Coordinator - Detention Center Psychology Services - Dallas County Juvenile Services
(Dallas, Texas) November 1997 - June 1998

Developed and coordinated psychotherapeutic services for detained juvenile offenders, including design and management of a pilot project for treatment and rehabilitation of juveniles with significant criminal histories. Project approved by Dallas County Juvenile Board and Dallas County Commissioners for full implementation.

- Chaired teams of administrators, detention managers and probation officers to review progress of youths in pilot-project

- Wrote manuals and designed treatment materials for pilot program
- Made recommendations regarding staffing of pilot program
- Consulted with attorneys, administrators and probation officers on juveniles' mental status and treatment recommendations
- Conducted psychological evaluations for pre-adjudication disposition planning by the courts
- Provided expert witness testimony
- Participated in multi-agency planning and treatment team meetings for complex multi-jurisdiction cases
- Supervised and trained masters level staff, detention staff and doctoral and masters psychology trainees

Associate Clinical Psychologist IV - Texas Youth Commission
(San Saba State School, San Saba, Texas and Hamilton State School, Bryan, Texas) September 1996 - October 1997

Developed and provided a range of consulting and psychological services in maximum-security juvenile prison system. Was instrumental in establishing psychology department in start-up of Texas' largest juvenile prison.

- Designed protocol used to review status of youths entering and exiting the Hamilton facility
- Served on team that reviewed case histories and determined treatment needs for juveniles admitted to the facility
- Advised management on personnel issues and interviewed professional applicants
- Psychological evaluations of adolescent male offenders
- Developed specialized management programs
- Made pre-release recommendations
- Rotated as Active Duty Officer (management responsibility) of San Saba facility
- Provided staff development and clinical supervision of caseworkers and Juvenile Correctional Officers

Psychology Doctoral Intern - Arkansas Division of Mental Health Services
(Little Rock, Arkansas) August 1995 - August 1996
Completed American Psychological Association accredited pre-doctoral internship by serving rotations in six clinical settings:

1. **Arkansas State Hospital, Forensic Services, Two Rotations:** Conducted court-ordered psychological evaluations of forensic inpatients to address questions of competency and criminal responsibility. Provided clinical supervision. Provided individual and group psychotherapy with patients acquitted by reason of mental illness or defect.

2. **Arkansas State Hospital, Acute Inpatient Rotation:** Designed and managed specialized programs for patients with extensive histories of inpatient treatment and community placement disruption. Presented proposal for specialized programs to hospital administration, professional staff and representatives of participating community agencies. Trained staff for implementation of specialized treatment programs. Conducted psychological evaluations of patients with acute and chronic mental illness.

3. **University of Arkansas for Medical Sciences, Arkansas Cancer Research Center, Behavioral Medicine Rotation:** Consulted with physicians and treatment teams, primarily on Bone Marrow Transplant inpatient unit, regarding psychological issues and advance directives (withholding or withdrawal of life-sustaining treatment). Conducted psychological evaluations of gestational surrogate and egg donor candidates.

4. **Little Rock Community Mental Health Center Rotation:** Served on multi-disciplinary treatment team. Provided short-term and longer-term individual psychotherapy with adults. Conducted psychological evaluations of adults.

5. **Arkansas State Hospital, Adolescent Inpatient Unit Rotation:** Designed and managed the implementation of behavior modification plans. Conducted psychological evaluations and group psychotherapy for patients ages 13-18.

6. **University of Arkansas for Medical Sciences, Child Study Center, Outpatient Clinic Rotation:** Evaluated and provided psychotherapeutic services to children and adolescents (4-18) and families.

Psychology Doctoral Trainee - Baylor University, Clinical Psychology Doctoral Program Practica
(Waco, Texas) July 1992 - July 1995 (APA accredited)
Completed three years of applied doctoral training by serving in three clinical settings:

1. **Department of Veterans Affairs Medical Center, Waco, Texas,** July 1994 – July 1995
Completed clinical practicum of three rotations with patients ranging from WW1 era to Desert Storm veterans, including Posttraumatic Stress Disorder Inpatient and Outpatient Units, Acute Inpatient Psychiatric Unit, Extended Care Unit.

2. **Heart of Texas Mental-Health Mental-Retardation, Outpatient Program,** July 1993 - June 1994
Conducted evaluations of applicants for county law enforcement positions and consulted with county sheriff's department representatives regarding the findings and selections. Conducted intake interviews and psychological assessments of adults in a community mental health setting and presented findings to clinical staff.

3. **Baylor University Counseling Services,** July 1992 - June 1993
Provided crisis intervention and emergency services as well as individual assessment and counseling to university students. Developed and taught course in test anxiety for undergraduate students.

TRAINING PRESENTATIONS

Association of Threat Assessment Professionals
(Arlington, Texas) Texas Chapter, April 2001, "Assessing Dangerousness from a Psychological Perspective"
First Annual Texas Capital Defense Conference
(West Columbia, Texas) March 2001, "Risk Assessment and Future Dangerousness"
Texas Association of Sex Crimes Investigators
(Fort Worth, Texas) Annual Conference, June 1999, "Juvenile Sex Offenders"
Little Rock Police Department
(Little Rock, Arkansas) Law Enforcement Instructor/Police Recruit Training, 1996, "Police Stress and Suicide"

TRAINING AND WORKSHOPS ATTENDED

Forensic Discussion Group, 1997-present (monthly), Southern Methodist University, School of Law, Dallas, Texas
Young Offenders, Mental Disorders, and Immaturity: Challenges for Lawyers and Mental Health Professionals, The Institute for Behavioral Sciences and the Law, January 2005, Ft. Lauderdale, Florida

Conducting Forensic Evaluations in Capital Cases, Capacity for Justice, January 2005, Dallas, Texas
A Closer Look at Evaluating Juveniles for the Courts, Capacity for Justice, May 2004, Tyler, Texas
Severe Emotional Trauma: Neuropsychological Effects, Texas Psychological Association, November 2003, Dallas, Texas
Mild Traumatic Brain Injury: Neuropsychological Evaluation and Treatment, Texas Psychological Association, November 2003, Dallas, Texas
Threat Management Conference, Association of Threat Assessment Professionals, August, 2003, Anaheim, California
Psychological Evaluations at Capital Sentencing, Texas Psychological Association, November 2003, Dallas, Texas
Evaluating Trial Competency Under the New Law, Capacity for Justice, July 2003, Austin, Texas
Advanced Intensive Workshop, American Academy of Forensic Psychology, March 2003, Dallas, Texas
Psychopharmacology: Clinical Skills and Business Aspects, September 2002, Texas Psychological Association, Dallas, Texas
Forensic Psychology Workshop: Current Issues in Assessing and Managing Risk of Violence, December 2001, Sam Houston State University, Huntsville, Texas
Mental Health and the Law in Texas, August 2001, Dallas, Texas
First Annual Texas Capital Defense Conference, March 2001, West Columbia, Texas
Contemporary Issues in Forensic Psychology, American Academy of Forensic Psychology, February 2001, San Antonio, Texas
Homicide and Sexual Violence Seminar, Texas Police Association, October 2000, Weslaco, Texas
Advanced Criminal Law Course, State Bar of Texas, July 2000, San Antonio, Texas
Assessing Psychopathy: Clinical and Forensic Applications of the Hare Psychopathy Checklist – Revised (PCL-R), April 2000, Dallas, Texas
School Violence Prevention, March 2000, Dallas, Texas
Texas Association of Sex Crimes Investigators Annual Spring Conference, February/March 2000, Fort Worth, Texas
A Closer Look: Mental Health Issues in Criminal Cases, December 1999, Austin, Texas
Forensic Psychology Workshop: Assessment of Sex Offenders, October 1999, Sam Houston State University, Huntsville, Texas
False Allegations and Pedophiles, June 1999, Fort Worth, Texas
Psychosocial and Behavioral Health in Geriatric Settings, May 1999, Dallas, Texas
Dual and Multiple Addictions, February 1999, Arlington, Texas
Sexually Violent Offender and Advanced Sexual Offender Profiler Course, October 1998, Fort Worth, Texas
Forensic Psychology Workshop: Evaluating Criminal Competencies and Criminal Responsibility, May 1998, Sam Houston State University, Huntsville, Texas
Risk Assessment of Sexual Offenders, March 1998, Dallas, Texas
Hare Psychopathy Checklist - Revised, Inter-rater Training, August 1997, Federal Bureau of Prisons, Bastrop, Texas
Introduction to the Early Memories Procedure, June 1997, Federal Bureau of Prisons, Bastrop, Texas
The Clinical and Forensic Use of the Hare Psychopathy Checklist-Revised, May 1997, Federal Bureau of Prisons, Bastrop, Texas
Violence and Criminality: A Gathering of Leading Experts, August 1996, San Diego, California
Sixth Annual Texas Forensic Mental Health Conference, April 1996, Vernon State Hospital, Vernon, Texas
Third Annual Arkansas Forensic Conference, March 1996, North Little Rock, Arkansas
Contemporary Issues in Forensic Psychology, February 1996, San Antonio, Texas
Forensic Certification Training, November 1995, Little Rock, Arkansas

PROFESSIONAL ASSOCIATION MEMBERSHIPS

American Psychological Association
Texas Psychological Association
American Association on Mental Retardation