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**AFFIDAVIT OF GINA VITALE**

My name is Gina Vitale. I worked as a mitigation specialist in the capital murder trial of William Irvan. I was hired by Bob Loper & Marshall Arnold.

My investigation into the background of Mr. Irvan revealed a series of severe medical injuries during childhood and adolescence, adult mental health treatment, placement in special education classes, the birth of a child with Down Syndrome as well as a history of poor impulse control and hyperactivity.

Based on this information, it was my recommendation to trial attorneys that a Quantitative Electroencephalograph be performed. Quantitative Electroencephalograph (QEEG) is the measurement, using digital technology, of electrical patterns at the surface of the scalp which reflect cortical activity or "brainwaves". Brain wave activity is recorded and converted into numbers which are statistically analyzed and can be converted into a color map of brain functioning. The information generated can be used in the evaluation and diagnosis of neurological disorders, neuropsychological function and brain dysfunction. In addition to its use as a diagnostic tool, the QEEG results can also determine whether or not an individual will benefit from a psychotropic medication.

At the time I was consulted by Mr. Leitner, I recommend specifically that a neuropsychological evaluation and QEEG be performed. I made this recommendation based on the fact that Dr. Karen Gollaber who evaluated Mr. Irvan prior to trial is not a board certified



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neuropsychologist and only administered a very few neurological tests. It was my belief that a comprehensive neuropsychological evaluation would provide us with the necessary information to understand Mr. Irvan's behaviors and indicate whether QEEG findings would be likely.

It is my understanding that both a lack of time and a lack of funding prevented the administration of these tests at the time of trial.

Gina T. Vitale, LMSW