

# EXHIBIT B

DECLARATION OF LARRY POHLSCHNEIDER

I, LARRY POHLSCHNEIDER, hereby declare as follows:

1. I am the petitioner in this case. I am currently incarcerated at the California Institute for Men at Chino, California. I was convicted in 2001 of molesting my biological daughter and my two stepchildren. I am innocent of all of the charges.
2. The children's mother and I discovered that they had been sexually molested by Albert Harris, the biological father of my stepchildren. We learned this after developing film that contained a sexually suggestive photograph of Ashley, my stepdaughter. When we confronted Ashley about the photograph, she told us that Albert had been hurting her and the other children. The children all told us about the sexual molestation after we spoke to Ashley.
3. I contacted the police to report what the children told us, which resulted in the investigation, arrest, and eventual conviction of Albert Harris for the crimes.
4. At some point, after they had medical examinations, the children were questioned again and eventually told police that I had also molested them. I have since learned that they were pressured to say those things about me by police and people working for the prosecution. Those accusations were all false.
5. I was arrested immediately after those false accusations and have never been out of custody since.

L.P.

1  
Larry Pohlschneider

4-6-15

6. The children all told the truth at trial when they said that I had never touched any of them in a sexual way.
7. They have each, at different times since I was convicted, wrote to me how terrible they feel that I was wrongfully convicted. The two girls have told me that they feel it was their fault, since they gave in to the pressure, and they knew they should never have made the false accusations.
8. My court-appointed attorney spent very little time with me preparing for trial. To the best of my recollection, he only visited me in the jail once. I mostly only got to talk to him before or after court appearances in the courthouse.
9. I specifically remember him complaining after the children testified that, because they had recanted their accusations, now he "would have to stay up all night preparing" the cross-examinations. He had apparently not expected them to testify the way they did at trial, despite learning that they had already taken back their false accusations. I told him many, many times that I was innocent and that I knew the children would not come to court and falsely testify that I had molested them.
10. My lawyer told me that I should waive a preliminary hearing. I don't know why he suggested that but I believed that I would be acquitted because the children had already recanted their false accusations and I believed that they would also tell the truth at trial. I knew that I was innocent and simply expected that the jury would be able to tell that from the children's testimony. I had no idea of anything about the prosecutor's

L.P.

2

Larry Pohlschneider

4-6-15

other witnesses. My lawyer never talked to me about any other kind of experts that he could have called to help in my defense.

11. I am indigent and have had no way to conduct any kind of investigation or search for experts on my own. I had no awareness of the false nature of the medical testimony until lawyers from the Northern California Innocence Project (NCIP) told me what they had learned. I also knew nothing about Child Sexual Abuse Accommodation Syndrome (CSAAS) and did not know that my lawyer should have been consulting with an expert about that.

12. In 2000, I was undergoing treatment for testicular cancer. The side effects of the chemotherapy were very intense and made me very sick and weak. I testified about that, and asked my lawyer to call my doctor to trial as well, but my lawyer told me he would not call a doctor to corroborate my symptoms because the doctor would still probably say that I was capable of getting an erection. My lawyer never asked any doctor to speak to me or Ceandy about my medical condition.

13. I reached out to NCIP when I learned about innocence projects and they have visited me several times, interviewed the children, read my trial transcripts, consulted with and retained experts, and prepared this habeas corpus petition on my behalf. I cannot afford to retain counsel and request that the court appoint NCIP to represent me throughout the remainder of these proceedings.

*F.P.*

14. I am completely innocent. I never sexually abused any child in my life. I never so much as touched any of these children in any way that could be thought of as sexual by anyone. I am horrified at what Albert Harris did to them, and I am haunted by the fact that they feel so guilty about my wrongful conviction.

I declare that the foregoing is true and correct under penalty of perjury under the laws of the State of California.

Executed on 4-6-15, at Chino, California.  
[Date]

  
LARRY POHLSCHNEIDER  
CDC No. T09806