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Book Review

Sleepwalking, Criminal Behavior, and Reliable Scientific Evidence. A Guide for Expert Witnesses, Mark R. Pressman. American psychological Association, Washington, DC (2018).

I read with interest and pleasure Dr. Mark Pressman's stimulating book, "Sleep Walking, Criminal Behavior, and Reliable Scientific Evidence" [1] Dr. Pressman is a nationally acknowledged expert in this rarefied area of sleep medicine, making his insights and experience especially valuable.

The book includes a review of sleep disorders, sleep physiology and parasomnias for the non-sleep specialist. Especially interesting was a discussion of the legal cases which define the criteria for acceptance of an expert witness and the difficulties applying these criteria in practice. The author includes valuable chapters on pre-trial assessment and behavioral analyses for sleepwalking defenses in which he clearly enumerates the essential steps for evaluating such cases. However, the most fascinating chapters include detailed forensic analyses of 11 actual cases in the U.S., Canada and Britain spanning the years from 1878 to 2010, for some of which the author provided expert testimony. These descriptions include the well-known Parks case in Canada and the Falater case in Arizona. It is clear from reading these accounts that giving expert testimony in sleepwalking cases is not for the faint hearted and is perhaps best left to those very experienced in the area! Even then, recognized experts often hold contradictory opinions.

Dr. Pressman does not steer away from controversies. He believes that polysomnography should play a minor role in forensic assessments of possible sleepwalking, as it is impossible to reconstruct the environment in which the event occurred. He maintains that there is an absence of higher level cognitive function during episodes of sleep walking. However, there are clearly grades of diminished cognition with sometimes complex learned automatic behaviors occurring. Driving while asleep is controversial, yet it seems generally accepted that occasional patients can do so. Can they select the correct key from a bunch to open a specific door? Can they pull out and fire a gun? Can they recognize familiar faces? Dr. Pressman (together with other experts) believes that alcohol does not precipitate sleep walking and that alcohol intoxication is incompatible with the diagnosis. However, absence of evidence is not the same as evidence of absence, and perhaps the issue can best be summarized by the old Scottish verdict of "not proven".

As in many books, there are occasional errors and inconsistent usages. Conventions for citing references in the text vary between listing a single author followed by "et al", and providing long lists of authors, with no obvious system in place. In his criteria for minimum qualifications of sleep specialist, the author omits certification in Sleep Medicine by the American Board of Psychiatry and Neurology, the American Board of Pediatrics, and several other boards (page 27, [1]). Sleepwalking is stated to be "one of the few sleep disorders listed in the International Classification of Sleep Disorders in which a diagnostic sleep study is not recommended" (page 100, [1]) which is clearly inaccurate as sleep studies are not indicated for many sleep disorders in ICSD 3.

This will be a book of great appeal to sleep specialists interested in parasomnias, prosecutors and defense attorneys faced with cases of possible sleepwalking, and anyone interested in the fascinating interface between neuropsychiatry and the law. For those contemplating serving as expert witnesses in this area, the book should be considered essential reading.

Conflict of interest

The ICMJE Uniform Disclosure Form for Potential Conflicts of Interest associated with this article can be viewed by clicking on the following link: <https://doi.org/10.1016/j.sleep.2019.02.011>.

Reference

- [1] Pressman M. Sleepwalking, criminal behavior, and reliable scientific evidence. A guide for expert witnesses. Washington, DC: American Psychological Association; 2018.

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