

WEIGHT/HEIGHT RECORD

ト 31326

ACIS CASE NO: F 12295
CASE NO: SCR 36881
FSB 251881

JUDGE: WILLIAM PITT HYDE

DATE: 5/8/81 TIME: 8:30 AM

DEPT: I CLERK: JENNIFER DEARDORFF

COUNSEL: ROBIN BRAWLETT, DDA ✓

BAILIFF: ANTHONY JAIME

STANLEY MISHOOK *ppp*

REPORTER: ITA DIMMITT
CASE TITLE: PEOPLE VS. HOWARD, SAMUEL
DEF 001

Thomas Alderson ✓

COUNSEL FOR DEFENDANT

(PARTIES AND COUNSEL
CHECKED IF PRESENT)

ASST PROBATION OFFICER

NATURE OF PROCEEDINGS ☐ FILING OF: ☐ (A) INFORMATION ☐ (B) AMENDED INFORMATION
☐ (C) AMENDMENT TO INFORMATION ☐ (D) INDICTMENT ☐ (E) AMENDED INDICTMENT
☐ (F) AMENDMENT TO INDICTMENT. *Entry additional plea*
4 ☐ CHARGE(S):

1 ☐ (A) Information ordered filed ☐ (C) ordered filed.
145 ☐ Motion by
to be relieved as counsel ☐ (A) Granted ☐ (B) Denied ☐ (C) Submitted.
☐ After inquiry and advisal.
5 ☐ Public Defender appointed (appearing).
6 ☐ Attorney ☐ (A) Retained ☐ (B) Appointed
☐ (C) Present ☐ (D) Clerk to notify.

36 ☒ Plea of not guilty by reason of insanity entered: ☐ (A) As sole plea
☒ (B) With other plea(s).
37 ☒ (A) Plea entered by counsel ☒ (B) Plea entered by Defendant personally as
to Count(s) *Ch 1 and 2*

252 ☒ Medical Commission appointed per P.C. 1027. ☒ See Psychiatric letter
of appointment dated *5-5-81*. *Dr. Bunker and Dr. Lally*
113 ☐ Filing of medical reports confirmed.
151 ☐ (A) Medical reports in conflict ☐ (B) Third doctor is appointed
☐ See letter of Psychiatric appointment of this date:
☐ (C) Filing of report by third doctor confirmed.
127 ☐ Defendant remanded to Lower Court and ordered to appear on
at in Court in Division/Department for further proceeding.
188 ☐ Trial on issues raised by plea of not guilty ☐ (A) Proceeds to Court trial
☐ (B) Set for at in Court in Department

191 ☐ Defendant moves to withdraw plea of NGRI ☐ (A) Hearing set on
at in Court in Department ☐ (B) Motion denied.
☐ (C) Motion granted.
241 ☐ Trial on issues raised by plea of not guilty by reason of insanity ☐ (A) Set
on at in Court in Department ☐ (B) Continued
to at in Court in Department
166 ☐ (A) Jury waived ☐ (B) Court trial proceeds.
☐ Members of medical commission present, are duly sworn and testify.
☐ Defendant is duly sworn and testifies. ☐ Others duly sworn and testify:

2 ☒ Reports of commission received in evidence. ☐ Other exhibits
Hearing on Report of Medical Commission set with Pres. Judge
☐ Issues argued and submitted.
4 ☐ Court finds Defendant not guilty as to Count(s):
5 ☐ Court finds Defendant guilty as to Count(s):
260 ☐ Court finds: ☐ (A) Defendant not guilty by reason of insanity to
Count(s): ☐ (B) Defendant sane at time of
commission of the offense(s) alleged in Count(s):
20 ☐ (A) Matter referred to Probation Officer for investigation and report.
230 ☐ Defendant ordered to ☐ (A) Report to Probation Officer ☐ (B) Appear
on hearing date.

☐ Defendant granted phone calls at Defendant's expense.

☒ Existing dates confirmed. *(PT 5-28-81)*

☐ Vacate

☐ Defendant remanded to Lower Court and ordered to appear on
at in Court in Department/Division for further
proceedings.

☒ Action continued to *5-26-81* at *8:30 am* in Court *100* in Department
for *Confirmation of filing of Medical Reports per P.C. 1026*

1549

ROUTE EACH COPY AS INDICATED BELOW
(Detailed instructions on back of form)

SIGNAL	FIRST COPY	SECOND COPY
Medical Records	<input type="checkbox"/> CNO <input type="checkbox"/> Ward No. _____	<input type="checkbox"/> Security <input type="checkbox"/> Industrial Therapy Office <input type="checkbox"/> Fire Marshal (if indicated) <input type="checkbox"/> Rehabilitation Department

CATEGORY	DESCRIPTION
SUICIDE RISK	ATT. HANGING IN JAIL AFTER ARREST
ESCAPE RISK	Escape from CO. Psych UNIT after ARREST Awd - PATTON 9/80
HOMICIDE	THREATS - MURDER WARRANT FROM NEVADA; Possibly one each in New York & Texas.
FIRESETTING TENDENCIES	None Known
ASSAULTIVE BEHAVIOR	
DRUG USE	LSO, cocaine, uppers
SEIZURES OR BLACKOUTS	
OTHER	

DESCRIPTION OF MEDICAL PROBLEMS	PERMANENT DISABILITIES OR LIMITATIONS
State of California Department of Mental Hygiene ATASCADERO STATE HOSPITAL ALERT FORM Form AT-2504 (Rev 4-71)	HOWARD, SAMUEL AT 031633-0 M SGL 2 PAT 12-12-80 SB PC 1370 3-13-49 NY PHOT 1 21326 CUM CO SB

ALERT FORM PROCEDURE

1. The Alert Form will be addressograph imprinted in TRIPLICATE in the admission unit and accompany the ward chart to the ward.
2. The Section Clerk will check the appropriate categories on the Alert Form, giving special attention to current status of patient, both as to dangerousness and medical problems.

ROUTING

3. The Section Clerk, after completing the Alert Form, will route the ORIGINAL to Medical Records File Room where it will be filed in Section I of the patient's record between the Face Sheet and the Blue Summary Sheet.

The FIRST COPY will be routed to CNO and from there returned to the ward where it will be filed just in front of the Criminal Identification and Investigation Report.

The SECOND COPY will be routed to Security, from there to the Industrial Therapy Office, Fire Marshal (if firesetting tendencies noted) and then to the Rehabilitation Department.

4. In the event that the use of the Alert Form is not necessary, the blank copies will be held in the ward chart until needed. If there is any change in the patient's status the Alert Form will be re-initiated.
5. Any other person may initiate Alert Form changes as appropriate.

GENERAL GUIDE LINES

SUICIDE RISK: Recent attempt, threats of suicide, preparation for suicide, preoccupation with death, unusual stresses (family, hospital recommendation, etc.) depressive reactions which indicate watching, any other factors such as anger or anxiety which relate to this risk.

ESCAPE RISK: Recent escapes or attempts, threats, plans, association with others who are escape risks. Any other related factors.

HOMICIDE: Any past homicides.

FIRESETTING TENDENCIES: Recent firesetting or attempts, preoccupation with fire or threats.

ASSAULTIVE BEHAVIOR: Recent assaults or threats, uncontrolled behavior, paranoid orientation with history of assaults, extreme anger, grudges, etc.

DRUG USE: History of drug use, evidence of use within the hospital, involvement in drug traffic, association with drug users within the hospital.

SEIZURES OR BLACKOUTS: Recent history; current episodes.

OTHER: Stealing, Advances to employees, involvement with contraband, homosexual episodes, etc.

CONDITION ON RELEASE: Mr. Howard was a model patient, and never showed evidence of hallucinations or delusions. His behavior was good under supervision, although he was seen as a callous individual, indifferent to the needs of others. He passed 1370 Activity and mock trial although he claimed to have no recollection of the events surrounding his arrest due to drug intoxication. His apparent apathy with regard to his future was not seen as related to any mental illness, and it was felt that if the patient does not cooperate in court, it most definitely would be by his own choice. Although questions of possible organic brain damage arose in Mr. Howard's treatment, prior records and examination here showed no evidence of organicity. Patient refused psychological testing.

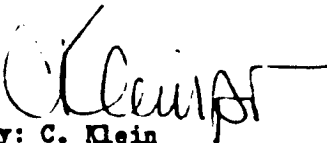
MEDICATIONS ON RELEASE: Patient was discharged to court without medication.


POST-HOSPITAL PLAN: Mr. Howard was interviewed (by Marsha Houston, M.S.W.) for continuing care, following discharge from this hospital should the court determine that an additional incarceration period is indicated. Mr. Howard states that he has no preference concerning where he spends the time.

In the event that this man is released to the community, it is advisable that the patient receive one-to-one psychotherapy and vocational counseling. The patient appears apathetic and is extremely non-committal in relating feelings or opinion regarding his immediate future. Extensive post-hospital planning therefore is impossible, due to Mr. Howard's attitude and lack of concern. It is doubtful that the patient would seek psychiatric services on his own if out in the community.

Mr. Howard is not on psychotropic medication at this time, therefore probably would not utilize psychiatric services to his advantage while in jail. Nevertheless, such services should at least be offered to the patient while awaiting his court trial. Upon discharge from this hospital, the patient will be referred to Dr. Christensen from the Out-patient Forensic Program of San Bernardino County Mental Health. That address is 700 East Gilbert, San Bernardino, California 92415, (714) 383-2436.

DISPOSITION: Return to court under Section 1372 of the Penal Code, not on psychotropic medication.


Prepared by: C. Klein
Psychiatric Technician


Robert D. Pittenger
Program II Director


Jack E. McDougal, M.D.
Consultant Psychiatrist

Continued on Page _____

Page 2

SUMMARY

R: 5-18-81

T: 6-25-81

IRW

- ☐ INITIAL PLANNING
- ☐ SEMI-ANNUAL PLAN REVIEW
- ☐ ANNUAL PLANNING CONFERENCE
- ☐ RELEASE

☒ OTHER DISCHARGE SUMMARY

NAME: HOWARD, SAMUEL

FILE NO: AT 03 16 38

FACILITY: Atascadero State Hospital

Confidential Client/Patient Information
See M & I Code 5128

PH 1927 (9/76)

AA003130

DATE	ACTION
	TRANSFERED IN FROM PATTON STATE HOSPITAL
12-16-80	DIAGNOSES: Axis I - (S) V65.20 - Malingering. Axis II - (P) 301.70 - Antisocial personality disorder. Axis III - - No diagnosis. Axis IV - 1 - No apparent psychosocial stressors. Axis V - 4 - Fair adaptive functioning.
1-23-81	STAFF: For Review and Disposition. DECISION: Return to court under Section 1372 of the Penal Code, not on psychotropic medications.
FEB 5 1981	Court letter mailed
4-7-81	Definite Leave of Absence-Court.
10-20-81	DISCHARGED while on Definite Leave of Absence-Court. (Ct. order 4-15-81 found competent criminal proceedings resumed.)
11-5-87	Photocopied records sent to John J. Graves, Jr., Attorney at Law, 601 South Sixth Street, Las Vegas, NV 89101 in response to a signed Authorization for Release of Information.

STATE OF CALIFORNIA
DEPARTMENT OF HEALTH

ATASCADERO STATE HOSPITAL

SUMMARY SHEET

FORM AT-2667 (Rev. 7-77)

HOWARD, SAMUEL

AT 031633-0

12-12-80 SB

CUM CO SB

M SGL 2

PC 1370

PAT

8-18-49

NY

PHOT

F 51326

D

MH NO.

AT NO.

TITLE

1925		Problem List	
1926		Objectives and Plans	
5701		Identification/Admission Note and Nursing Assessment Update	(Pilot)
2343		Identification/Admission Note and Nursing Assessment	(Pilot)
1281		Utilization Review Checklist	
1279		Medicare Certification and Recertification	
1713		Medicare Evaluation	
MC-180		Medi-Cal - Request for Extension	

	2667	Summary Sheet (Blue)	
1944		Continuing Care Plan	
	2820	Medication Abstract	
1927	2554	Summaries (All Summaries on 1927 and 2554 filed together with latest date on top)	

Atascadero State Hospital
ORDER OF FILING
SECTION I

PROBLEM LIST / OBJECTIVES AND PLANS

NURSING ASSESSMENTS

MEDICARE / MEDI-CAL

SUMMARIES

AT-2326 (Rev. 2-24-81)

HOWARD, SAMUEL

AT 031638-0

12-12-80 SB

COM CO SB

M SGL 2

PC 1370

PAT

R-13-49

NY

PRIT

31324

D

MH NO.

AT NO.

TITLE

1992

Physician's Progress Notes (Current - 2 to 3 - Others under
Physician's Orders, Section IV)ASSESSMENT/EVALUATION TOOLS

2934

Activity Sheet

Program Initiated Forms, i.e.,
 Problem Check List
 Core Behavior Rating
 Assertive Group Check List
 Assertive Training Treatment Evaluation
 (etc.)

1705

Grounds Privilege Report

2551

Grounds Privilege Evaluation Form

CORRESPONDENCE

2805

Letter Entries

Visitor's Card (Reception Desk until Discharge)

2611

Next of Kin Card

Correspondence (Non-legal - See Legal Section V for correspondence
 regarding courts and attorneys)

Atascadero State Hospital
 ORDER OF FILING
 SECTION III

ASSESSMENT / EVALUATION TOOLS
 CORRESPONDENCE

AT-2328 (Rev. 2-24-81)

HOWARD, SAMUEL

AT 031639-0 M SGL 2
 12-12-80 SB PC 1370

COM CO SB

PAT
 8-18-49
 NY
 PROT
 P 31326

MH NO.

AT NO.

TITLE

EVALUATIONS

1713		Psychiatric
1713		Neurological
1713		EENT
1713		Dental
1713		Education
1713		Developmental
1713		Medical
1713		Readmission Note by Physician
1713		Nutritional
1713		Physical Therapy
1713		Psychological
		Rehabilitation
1713		Social
1713		Speech
1713		Other
		Podiatry, etc.
		Specialized Program Evaluations
	2354.16	A. A. Activity
	2847	Evaluation, Employment, Recreation History
	2834	Work Progress Report

MR NO.	AT NO.	TITLE
--------	--------	-------

REQUESTS AND REPORTS

1714		X-ray Request and Report
1742		Electroencephalogram Request and Report
1743		Electrocardiogram Request and Report
1744		Audiogram Request and Report

CONSULTATIONS: (Grouped together with latest date on top)

1713		Medical/Surgical Clinic
1713		Psychiatric
1713		Medication Review by Outside Consultants
1713		Neurological
1713		EEG
1713		Dental
1713		Developmental
		Education
1713		Medical
		Nutritional
1713		Physical Therapy (Consult and Treatment)
1713		Psychological
		Rehabilitation
		Social
		Speech
		Other - (Podiatry, Surgical, etc.)

NO.

AT NO.

TITLE

PHYSICAL EXAMINATION

5507		Medical History and Review of Systems (Pilot - Replaces Form 2502)
5630		Physical Examination and Annual Exam (Pilot - Replaces Form 1730a)
	2605.1	Annual Medical Check-up (Replaced with Form MH 5507 - Same as on admission)
	2605.2	Annual Physical Examination (Replaced with Form MH 5630 - same as on admission)

OPERATIVE REPORTS

1735a	Anesthesia Record
1735b	Surgery Record
1735c	Post Anesthesia Record
1735d	Pathology Report (Kirschner Surgical Pathology Report)

OTHER

Anamnesis

Community Services Section Reports and Correspondence

Current Reports of Treatment Outside Atascadero State Hospital, i.e., X-ray, Surgery, etc.

Reports of Prior Treatment (Outside Physician Reports, Hospitals, Veteran Administration Hospitals, etc.)

Atascadero State Hospital
ORDER OF FILING
SECTION VI

DATA BASE

AT 2331-D (Rev. 2-24-81)

NOTARD, SAMUEL

AT 031638-0 M SGL 2
12-12-80 SB PC 1370

CON CO SB

PAT
8-18-49
NY
PROT
P 31326

FBI NO.

AT NO.

TITLE

IDENTIFICATION

1720

Face Sheet

Hospitalization History

1727

Discharge Summary

Fingerprint Card and Photograph

Criminal Identification and Investigation Report

1753

Admission Questionnaire

2504

Alert Form

CLINICAL LAB

1740

Laboratory Reports

1740a

Urinalysis

1740b

Chemistry

1740c

Microbiology

1740d

Gastric Analysis

1740e

Hematology

1740f

Spinal Fluid

1740g

Miscellaneous

1740h

Serology

1740k

Sensitivities

1740m

Blood Matching

MF NO. AT NO. TITLE

LEGAL SECTION: (Latest on Top)

1775 Record Review Log

2058 Injury, Patient Claim

BID-4 Notice of Registration Requirement (290 PC)

1750 Certificate of Discharge (Direct LPS)

2665 Release Form (Original)

2580 Receipt for Warrant

New Warrants, Detainers, Holds

1771 Authorization for Release of Information

Conversatorship papers, letters to court, reports to court, writs, subpoenas, court orders, Community Trip Request, etc.

Court order committing patient to Atascadero State Hospital; Probation Officer's Report; Court Examining Psychiatrists' Reports; Arrest Report; Transfer-in Documents

1757a Consent for Treatment

1757b Consent for Surgery

1757c Voluntary Patients' Request for Release Against Medical Advice

1715 Consent for Photograph (See MH 1757a)

1716 Volunteer Patients' Consent to Specified Medications

Withdrawal of Consent to Specified Medication

Research Project Forms

2824 Record of Denial of Patients' Rights

2825 Record of Notification re Patients' Rights and Response to Complaint of Violation

1755 Receipt for Transporting Patient

B3 1208 Receipt and Record of Patients' Valuables (Original to Trust Office - Copy to Unit Record on Discharge)

Material Written by Patient

HOLD

Atascadero State Hospital
ORDER OF FILING
SECTION V

ADMINISTRATIVE / LEGAL

AT-2330 (Rev. 2-24-81)

HOTARD, SAMUEL
AT 031633-0 M SGL 2
12-12-80 SB PC 1370
COM CO SB

PAT
8-18-49
NY
PROT
P 31325

MII NO.	AT NO.	TITLE
---------	--------	-------

1760		Physician's Orders
1992		Physician's Progress Notes (See Section III)
1762		Medication Record
	2927	Medication Review
	2878	Vital Signs Record
1733		Diabetic Record
1022		Seizure Record
1764		Weight/Height Record
	2724.7	Nutritional Record
	2724.4	Patient Nutritional Questionnaire (File after Discharge)
1763		Graphic Chart
	2893	Fluid Intake/Output Record
1767		Immunization and Allergy Record
1766		Behavioral Restraint Record
1748		Seclusion Record
	2660	Seclusion Observation Sheet

Atascadero State Hospital
ORDER OF FILING
SECTION IV

CARE, TREATMENT, DEVELOPMENT & MAINTENANCE

AT-2329 (Rev. 2-24-81)

CLARK, SAMUEL
AT 031632-0 W SGL 2
12-12-80 SB PC 1370
COM CO SB

PAT
R-18-49
NY
PRAT
P 31426

ACIS CASE NO: P-0012295
CASE NO: SCR-36621
FSP-251391
DEPT: 1*JUDGE: RICHARD C. GARNER
CLERK: JENNIFER DEARDORFF
BAILIFF: ANTHONY JAIMEDATE: 07/23/61
COUNSEL: CHRISTY, S.D. MISHOCK, S.D.

REPORTER: MARY ANN CHRISTENSEN

CASE TITLE: PEOPLE VS HOWARD JR. SAMUEL
DEF 001(PARTIES AND COUNSEL
CHECKED IF PRESENT)

ASST. PROBATION OFFICER

COUNSEL FOR DEFENDANT

NATURE OF PROCEEDINGS

☒ DEFENDANT'S☐ PEOPLE'S

- ☐ MOTION TO DISMISS PER SEC. 995 P.C. ☐ PRE-TRIAL CALENDAR/CONFERENCE
☒ MOTION TO SUPPRESS EVIDENCE PER SEC. 1538.5 P.C. ☐ ASSIGNMENT CALENDAR
☐ OTHER

441 ☐ On motion of
Trial is ☐ (A) Trained to be ☐ (B) Recalled on _____ at
_____ in Court _____ in Department _____

- 2 ☐ Defendant waives statutory time for ☐ (A) Trial ☐ (B) Sentencing.
☐ Action assigned to commence on _____ at _____ in Court
_____ in Department _____ for jury trial ☐ (A) Court trial.
1 ☐ Witness
instructed to return on _____

☒ Witnesses sworn and testify: Michael Robert Connolly, Ray Campos,
☐ Exhibits: _____

53 ☐ Motions off calendar - no briefs filed. 44 ☐ (E) Without prejudice ☐ (F) With
44 ☒ Motion of Defendant to suppress evidence.
☒ (A) Granted ☐ (B) Denied ☐ (C) Submitted

17 ☐ Motion made by _____ to consolidate with file no. _____
☐ (A) Granted ☐ (B) Denied. ☐ (C) Without prejudice ☐ (D) With prejudice
70 ☐ Motion made by _____ to sever as to _____
☐ (A) Granted ☐ (B) Denied. ☐ (C) Without prejudice ☐ (D) With prejudice
445 ☐ Motion pursuant to Section 995 P.C. ☐ (A) Granted ☐ (B) Denied
☐ (C) Withdrawn ☐ (D) Continued to _____ at _____ in Court
_____ in Department ☐ (E) Without prejudice ☐ (F) With
449 ☒ Motion pursuant to Section 1538.5 P.C. ☐ (A) Granted ☒ (B) Denied ☐ (C) Withdrawn ☐ (D) Continued to _____ at _____ in Court
_____ in Department ☐ (E) Without prejudice ☐ (F) With prejudice

2 ☐ On motion of the District Attorney,
dismissed ☐ (A) In the furtherance of justice ☐ (B) Per plea
bargain ☐ (C) Pursuant to insufficient evidence to prosecute
☐ (D)

2308 ☐ Defendant ordered to be present. ☐ Defendant granted _____ phone calls
at Defendant's expense.

144 ☒ Existing dates confirmed.
VACAT ☐ Vacate _____

127 ☐ Defendant remanded to Lower Court and ordered to appear on _____
at _____ in Court _____ in Department/Division _____ for further
proceedings.
☐ Action continued to _____ at _____ in Court _____ in Department
for _____

1500

ACIS CASE NO: F-001229E
CASE NO: SCR-36551
FSB-251881
DEPT: 1

JUDGE: WILLIAM PITT EYDE
CLERK: JENNIFER DEARDORFF
BAILIFF: ANTHONY JAIME

DATE: 06/23/81 TIME: 08:30 AM
COUNSEL: CHRISTY
S D MISHOOK, *sdm*

REPORTER: ITA F. DIMMITT
CASE TITLE: PEOPLE VS EDWARD JR SAMUEL
DEF 001

(PARTIES AND COUNSEL
CHECKED IF PRESENT)

J. A. CRO...
ASST PROBATION OFFICER

COUNSEL FOR DEFENDANT

NATURE OF PROCEEDINGS ☒ FILING OF: ☒ (A) INFORMATION ☐ (B) AMENDED INFORMATION
☐ (C) AMENDMENT TO INFORMATION ☐ (D) INDICTMENT ☐ (E) AMENDED INDICTMENT
☐ (F) AMENDMENT TO INDICTMENT

4 ☒ CHARGE(S): *Robbery PC 211 w/ use alleg. PC 12022.5, C.F. 1st Unlawful Driving On Intng Of A Vehicle, CVC 10754, 1st 2, 3rd*

1 ☒ (A) Information ordered filed ☐ (C) ordered filed.
145 ☐ Motion by to be relieved as counsel ☐ (A) Granted ☐ (B) Denied ☐ (C) Submitted.
5 ☒ After inquiry and advisal. ☒ Public Defender appointed (*S. Mishook* appearing).
☐ Attorney ☐ (A) Retained ☐ (B) Appointed
☐ (C) Present ☐ (D) Clerk to notify.

7 ☐ (A) Defendant arraigned ☒ (B) Formal Arraignment waived.
8 ☐ (A) Information read ☒ (B) Reading of Information waived ☐ (C) Indictment read ☐ (D) Reading of Indictment waived.

☐ The Defendant is informed of the elements of the charge(s). ☐ Factual basis established.
☐ The Court finds Boykin and Tahl Rules complied with.

11 ☒ (A) Defendant pleads not guilty to *1st 2nd 3rd*
☐ (B) Defendant pleads not guilty by reason of insanity.
☐ (C) Defendant pleads not guilty and not guilty by reason of insanity.
☐ (D) Defendant pleads once in jeopardy to

39 ☐ Defendant admits ☐ (A) Prior(s) ☐ (B) Armed allegation(s) ☐ (C) Overt Act(s) ☐ (D) Special allegation(s).
40 ☒ Defendant denies ☐ (A) Prior(s) ☐ (B) Armed allegation(s) ☐ (C) Overt Act(s) ☒ (D) Special Allegation(s).

38 ☐ Defendant stands mute to Prior(s)/Allegation(s)/Overt Act(s) (Court enters denial in his behalf).

18 ☒ Motions: ☐ (A) 1538.5 P.C. ☐ (B) 995 P.C. ☒ (C) Reserved ☐ (D) Set on *7-22-81* at *8:30 am* in Court *100* in Department *1* Points and Authorities due: Defendant *7-10-81* District Attorney *7-24-81*

13 ☒ Jury trial set for *8-17-81* at *8:30 am* in Court *100* in Department *5*
212 ☒ Assignment Calendar set *8-14-81* at *8:30 am* in Court *100* in Department *5*

15 ☐ Defendant waives statutory time for ☐ (A) Trial ☐ (B) Sentencing.
222 ☒ Pre-trial Conference set *8-6-81* at *1:30 pm* in Court *100* in Department *6*

1 ☐ Previous order forfeiting bail vacated ☐ (A) Bail reinstated.
3 ☐ Defendant's motion for release on O.R. ☐ (A) Granted ☐ (B) Denied ☐ (C) Submitted. 33 ☐ Defendant's motion for reduction of bail ☐ (A) Granted ☐ (B) Denied ☐ (C) Submitted.

☐ Referred to Own Recognizance Officer/Probation Officer for report.

29 ☐ Bail set at \$ ☐ (A) Bail remains set at \$ ☐ (B) Released ☐ (C) On bail ☐ (D) On Own Recognizance ☐ (F) On Own Recognizance upon filing a signed agreement to appear.

30 ☐ (E) Bail/Bond exonerated. 30 ☐ Defendant: ☐ (A) Remanded ☐ (B) Released ☐ (C) On bail ☐ (D) On Own Recognizance ☐ (F) On Own Recognizance upon filing a signed agreement to appear.

230B ☐ Defendant ordered to be present. ☐ Defendant granted phone calls
144 ☐ Existing dates confirmed. ☐ at Defendant's expense.

VACAT ☐ Vacate
RESET ☐ Defendant remanded to Lower Court and ordered to appear on *72*
127 ☐ at *72* in Court *72* in Department/Division *72* for further proceedings.

9 ☐ Action continued to *72* at *72* in Court *72* in Department *72*

44 ☒ Motion of Defendant to Represent Himself in Absent

DATE

ACIS 00-1

Court Order: Date 10-20-80 No. SCR 36881County San Bernardino

Criminal Offense (Penal Code and sex offender admissions only)

211 PC (Fel) 200 BCS10851 VC (Fel) 570 BCS

PREVIOUS HOSPITALIZATIONS

Facility and Address	Date Admitted	Date Discharged	Remarks
Patton State Hospital #134310-2	7-17-80	12-12-80	
			Continued on back <input type="checkbox"/>

DIAGNOSIS

Psychiatric	Somatic
12-16-80 Axis I - (8) V65.20 - Malingering. Axis II - (P) 301.70 - Antisocial personality disorder. Axis III - - No diagnosis. Axis IV - 1 - No apparent psychosocial stressors. Axis V - 4 - Fair adaptive functioning.	
Continued on back <input type="checkbox"/>	
Operations, post operative complications, allergies and sensitivities, infections, etc.	
Continued on back <input type="checkbox"/>	
HT: _____ Medi-Cal No. _____ WT: _____ Medicare No. _____ Client's SSN: <u>422-68-3398</u> Alien reg. no. _____ Address: <u>153-26 Foch Blvd</u> <u>Jamaica, New York 11434</u> Correspondent, relative, conservator Name: <u>Mr. Samuel Howard Sr.</u> Address: <u>153-26 Foch Blvd</u> <u>Jamaica, New York 11434</u> Telephone: _____ Relationship: <u>father</u>	

Date Discharged or released: October 20, 1981
Deceased ☐ Coroner's case ☐
Autopsy: Hospital ☐ Coroner ☐
Transferred or referred to: _____
Condition on discharge: Discharged while on Definite
Leave of Absence-Court.

FACE SHEET

Confidential Client/Patient Information

See California W&I Code
Section 5328

MH 1/70 (7/78)

NAME:

FILE NO.:

FACILITY:

HOWARD, SAMUEL

AT 031658-0

12-12-80 SB

CUM CU 88

M SGL 2

PC 1370

D

PAT

0-13-49

NV

PMUT

F 01326

SPECIAL NOTE ON REVERSE SIDE

ATASCADERO STATE HOSPITAL

DEPARTMENT OF MENTAL HEALTH

P.O. BOX A

ATASCADERO 93423

(805) 461-2000

ATSS 8-690-0111



AFFIDAVIT OF CUSTODIAN MEDICAL RECORDS

RE: HOWARD, Samuel


AT: 031633-0

Photocopies sent to John J. Graves, Jr.
Attorney at Law, 601 South Sixth Street,
Los Vegas, Nevada 89101 (255 pages).

Virginia Padgett, Medical Record Officer and Custodian of Records of Atascadero State Hospital, Atascadero, California, being duly sworn, deposes and says as follows:

- a) That affiant is duly authorized Custodian of the Medical Records of Atascadero State Hospital and has authority to certify said records, and
- b) That the copy of the Medical Records attached to this Affidavit is a true copy of all the records described in the subpoena duces tecum, and
- c) That the records were prepared by the personnel of the hospital, staff physicians, or persons acting under the control of either, in the ordinary course of hospital business at or near the time of the act, condition, or event.

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


(Signature of Affiant)
Virginia Padgett, ART

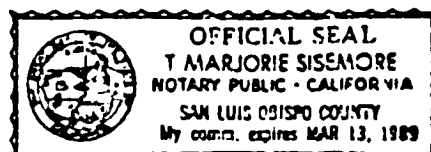
STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO) ss.

Subscribed and sworn before me

this 5th day of
December 19 87



We routinely remove Correspondence,
Trust Office material and Anamnesis per:



"CONFIDENTIAL PATIENT INFORMATION:
SEE CALIFORNIA WELFARE AND
INSTITUTIONS CODE SECTION 5328"

AT 2925.1

AA003144

JOHN J. GRAVES, JR.
TERRY V. LEAVITT
RICHARD A. KOCH

GRAVES, LEAVITT & KOCH
ATTORNEYS AT LAW
801 SOUTH SIXTH STREET
LAS VEGAS, NEVADA 89101

AREA CODE 702
TELEPHONE 386-7277

November 3, 1987

FEDERAL EXPRESSED

Atascadero State Hospital
Attn: Ms. Carol Hamilton
Custodian of Records
10333 El Camino Real
Atascadero, California 93422

RUSH

RE: Patient : Samuel Howard
Social Security No. 422-68-3398

Dear Ms. Hamilton:

Allow me to introduce myself as the court-appointed counsel for the above-referenced individual, Samuel Howard. Pursuant to your telephone conversation of today with my secretary, Theresa, you are aware that I have been informed that Mr. Howard had been a patient in your facility sometime between 1971 and the present at your facility.

Per your request, enclosed please find the original and a copy of a signed and notarized authorization for release of medical records and narratives for Mr. Howard. It is my understanding that the original authorization will be returned to my office along with copies of the records from your facility.

Please furnish my office with any and all reports and medical records you may have pertaining to Mr. Howard, along with a bill for your xerox charges and any shipping expense. I would appreciate your prompt attention to this matter, as time is of the essence in Mr. Howard's appeal. Any Federal Express charges may be forwarded for reimbursement.

Atascadero State Hospital
Attn: Carol Hamilton
Re: Samuel Howard Records
November 3, 1987 / Federal Expressed
Page Two

Again, thank you for your prompt attention to this matter.
Should you have any questions or concerns, please do not hesitate
to get in touch with this office immediately.

Very truly yours,

GRAVES, LEAVITT & KOCH

John J. Graves, Jr.
JOHN J. GRAVES, JR., ESQ.

JJG:tjc

Enclosures : Original (+ 1 copy)
Howard Authorization
Copy of Letter to Attorney
Services of San Louis Obispo

cc : Attorney Services of San Louis Obispo
Attn: Kris Ciziello

JOHN J. GRAVES, JR.
TERRY V. LEAVITT
RICHARD A. KOCH

GRAVES, LEAVITT & KOCH
ATTORNEYS AT LAW
801 SOUTH SIXTH STREET
LAS VEGAS, NEVADA 89101

AREA CODE 702
TELEPHONE 388-7277

November 3, 1987

FEDERAL EXPRESSED

Attorney Services of San Louis Obispo
Attn: Kris Ciziello
860 Walnut Street, Suite B
San Louis Obispo, California 93401

RE: Records of Samuel Howard

Dear Ms. Ciziello:

Pursuant to your telephone conversation with my secretary, Theresa, enclosed please find a copy of the letter sent to Atascadero State Hospital along with the Authorization of the above-named individual. I have also enclosed a check in the amount of \$50.00. Kindly credit my account in this amount and forward the remainder of the bill for xeroxing and shipping to my office with the records.

Also, please have the copies of the records certified as true and correct copies of the original records.

Should you have any questions or concerns, please do not hesitate to get in touch with this office. Your prompt attention to this matter is appreciated.

Very truly yours,

GRAVES, LEAVITT & KOCH

John J. Graves, Jr.
JOHN J. GRAVES, JR., ESQ.

JJG:tjc

Enclosures : As stated

STATE OF NEVADA)
) SS:
COUNTY OF CLARK)

AUTHORIZATION

Please be advised that JOHN J. GRAVES, JR., ESQ., Attorney at Law, 601 South Sixth Street, Las Vegas, Nevada 89101, represents me in a criminal matter now set before the State of Nevada District Court.

I hereby request and authorize my doctors, nurses, technicians, hospitals, chiropractors and osteopaths to furnish records and reports, including X-rays and photostatic copies, abstracts or excerpts of all record and any other information concerning any condition, physical or mental, that I may have had in the past, now have, or may have in the future.

You may consider this as my authorization to release to my attorney any written or verbal information from the records of the Veterans' Administration, my government service records or any Veterans' Administration Hospital. You may further accept this as my written authorization for any medical personnel, hospital personnel, or other persons associated or employed by the United State's Government, or Veterans' Administration Hospital to discuss any matters concerning me with my said attorney or someone from his office.

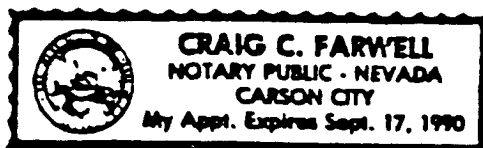
I hereby revoke all previous authorizations given by me for the release of information for any reason or purpose whatever and do specifically request that no information of any nature be given out at any time to any insurance company, their attorney or anyone else without written authority from me. I waive any privilege I have to my said attorney. A photocopy of this Authorization shall have the same force and effect as the original.

DATED and DONE this 23 day of October, 1987.

Samuel Howard
SAMUEL HOWARD

SUBSCRIBED AND SWORN TO before me
this 23 day of October, 1987.

Craig C. Farwell
NOTARY PUBLIC in and for said
County and State



*Original returned
to the Attorney
11-5-87
mh*

1-18-81

7-18-81

1-18-82

MAXIMUM TERM EXPIRATION: 10-20-83

18 MONTHS EXPIRATION: 4-20-83

36 MONTHS EXPIRATION: 10-20-83

LIST ALL CHARGES:

P. C. CODE	B. C. S. CODE	OFFENSE
211 (Fel)	200	Robbery
2,3,5 years		
Vehicle Code		
10851 (Fel)	570	Unlawful taking of a motor vehicle
16 mos., 2.3 years		

Patient was at Patton State Hospital from July 17, 1980 to December 12, 1980

COMMITMENT DATE: 10-20-80

MAXIMUM OFFENSE:

PC CODE: 211

BCS CODE: 200

MAXIMUM TERM: 5 years

HOWARD, SAMUEL

AT 031633-D W SGL 2

12-12-80 SB PC 1370

COM CU SB

PAT

3-18-49

NY

PHOT

F 51326

AT 2903 (4-76)

AA003149

Psychotic Inpatient Profile

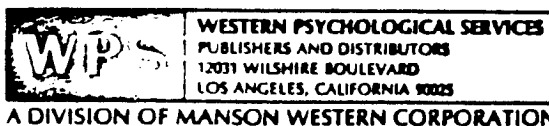
MB

by

Maurice Lorr, Ph.D.
The Catholic University of America

Norris D. Vestre, Ph.D.
University of Minnesota

Published by



Patient's Name <i>Howard, Samuel</i>		Age <i>31</i>	Sex: M F
Highest Grade Completed		Occupation	
Diagnosis			
Hospital		Ward	Type of Ward
Rater	Position of Rater		Date of Rating

INSTRUCTIONS:

- FIRST:** Read all the statements in this form so you will know what behaviors to observe.
- SECOND:** Carefully observe and talk to the patient several times during the next three days. Also try to find out how the patient feels about himself and others. Direct questions will be needed to determine answers to the orientation statements.
- THIRD:** Read the directions and rate what you have observed during the past three days.

INSTRUCTIONS:

Read each statement carefully. Consider HOW OFTEN the patient being rated behaved in the manner described during the past three days. Record your judgment by writing the NUMBER of your answer in the box to the right of the statement. If your answer is:

Not at all, write a "0" in the box to the right.

Occasionally, write a "1" in the box to the right.

Fairly often, write a "2" in the box to the right.

Nearly always, write a "3" in the box to the right.

Be sure you rate every statement. If you are not certain, record the answer which is MOSTLY TRUE for the patient being rated. Rate only the behavior observed during the PAST THREE DAYS.

Not at All 0 Occasionally 1 Fairly Often 2 Nearly Always 3

	A	B	C	D	E	F	G	H
1. Mixes with other patients.						1		
2. Resists suggestions and requests from aides.			0					
3. Moves quite slowly.					0			
4. Needs help in dressing.							0	
5. Talks in a loud voice.	0							
6. It is difficult to understand what he is saying.								0
7. Giggles in a silly way without good reason.								0
8. Complains about the food and care he receives.			0					0
9. Shows real sadness in his face and posture.				0				
10. Shows pleasure in recreation.						1		
11. Loses temper when dealing with other patients.		0						
12. Whispers when he speaks.					0			
13. Needs help to take a shower.							0	
14. Tries to attract attention to himself; shows off.	0							
15. Makes up new or unusual words.								0
16. Smiles to himself without any sensible reason.								0
17. Acts as though the hospital is persecuting him.			0					0
18. Looks worried and nervous.				1				
19. Is good company.						1		
20. Refuses to help out on the ward.			0					
21. Acts as if moving required special effort.					0			
22. Needs help in going to the bathroom.							0	
23. Jokes, talks or laughs excitedly; Seems "high."	0							
24. Drifts off the subject when he talks.								0
25. Makes strange movements that do not make sense.								0
26. Weeps and/or wrings his hands.				0				
27. Tries to be friendly with other patients.						1		
28. Upsets patients by the way he talks to them.	0							
29. Looks tired and "all worn out."				1				

30. Needs help in making his own bed.
31. Swears and uses obscene language.
32. Repeats the same words or phrases over and over again mechanically.
33. Resists treatment from the doctors.
34. Assumes strange or bizarre postures.
35. Starts conversations with aides.
36. Swears or curses in the presence of doctors or aides.
37. Ignores the activities around him, acts dead to the world.
38. Needs supervision on tasks assigned.
39. Becomes noisy and hilarious.
40. Mutters or mumbles to himself.
41. Demands the attention of the doctor.
42. Appears frightened.
43. Makes unusual movements of mouth, eyebrow or other parts of the face.
44. Asks for help from other patients when he needs it.
45. Makes sarcastic remarks to others.
46. Speaks in a slow, drawn out manner when answering.
47. Keeps himself clean and neat.
48. Talks to himself.
49. Demands special privileges from hospital personnel.
50. Shows interest in the problems of others.
51. Hits or assaults others.
52. Face shows no expression or sign of feeling.
53. Clothes are soiled, unbuttoned and/or disarranged.
54. Threatens to assault others.
55. Gives answers or says things unrelated to what you ask him.
56. Takes part in back and forth conversation.
57. Sits or stands motionless in one place or lies in bed.
58. Eats in a sloppy or ill-mannered way.
59. Shouts and yells.
60. Talk is mostly not sensible.
61. Laughs or smiles at funny comments or events.
62. Easily annoyed or made angry.
63. Voice is flat and monotonous (without variation in pitch).
64. Unable to follow instructions or directions.
65. Paces back and forth.
66. Joins others in social activities (checkers, cards, etc.).
67. Makes unfavorable or hostile remarks about other patients.
68. Makes no answer when questioned.

A	B	C	D	E	F	G	H
						0	
	0						
							0
		0					0
							0
	0				0		
					1		
						0	
0							
		0					0
		0	1				
							0
					1		
		0					
				1			
						2	
							0
0							
	0				1		
		0					
				0			
	0					1	
							0
					1		
0							
							0
					2		
		0					
				2			
							0
			0				
					1		
0							
				0			

- | | A | B | C | D | E | F | G | H |
|---|---|---|---|---|---|---|---|---|
| 1 | | | | | | 1 | | |
| 2 | | | | | | 1 | | |
| 3 | | | | | | | | |
| 4 | | | | | | | | |
| 5 | | | | | | | | |
| 6 | | | | | | | | |
| 7 | | | | | | | | |
| 8 | | | | | | | | |
| 9 | | | | | | | | |

**True, write a "3" in the box to the right.
Not true, write a "0" in the box to the right.**


True *3 Not True *0

- | | I | J | K |
|---|---|---|---|
| | | 0 | |
| 0 | | | |
| | 0 | | |
| | | 0 | |
| | 0 | | 9 |
| 0 | | | |
| 0 | | 0 | |
| 0 | | | 0 |
| 0 | | | |
| | | 0 | |
| | 0 | | |
| | 0 | 3 | |
| | 0 | | |
| | 0 | | 0 |

SUMS	0	0	6
------	---	---	---

NOTE: Weights here are 3 for Not True and 0 for True.

True 90 Not True 93

- 

SUM

ATASCADERO STATE HOSPITAL
MALADAPTIVE BEHAVIOR RECORD
AT 2561 (11-80) Page 1

Clients Name _____ Date of Interview _____

SCORE Retrospective _____ Current _____ Interviewer _____

EMPLOYMENT

- 1 1. BEHAVIORAL RESPONSE TO INCOME. Rate "1" if client's employment income, pay schedule or commission arrangement fails to meet his basic needs and client is not responding to this problem appropriately by actively seeking other employment or a solution through his employer.
Specify: 4 -
- 1 2. BEHAVIORAL RESPONSE TO WORKING CONDITIONS. Rate "1" if client's working conditions, such as heating, cooling, schedule, breaks and safety, are associated with significant anxiety, discomfort or inconvenience and the client is not actively seeking a solution to this problem.
Specify: _____
- 1 3. INTERACTION WITH CO-WORKERS. Rate "1" if client has significant or continuing problems in his interactions with co-workers either by virtue of his behavior or by his failure to respond appropriately to problems generated by their behavior.
Specify: _____
- 1 4. INTERACTIONS WITH EMPLOYER. Rate "1" if client has significant or continuing problems in his interactions with his employer either by virtue of his behavior or by his failure to respond appropriately to problems generated by his employer's behavior.
Specify: _____
- 1 5. WORK ATTENDANCE. Rate "1" if client has been late or absent without following procedures acceptable to his employer.
Specify: _____
- 1 6. USE OF ALCOHOL. Rate "1" if client uses alcohol to the extent that it interferes with his interpersonal relationships or employment or results in financial difficulty for him or his family.
Specify: yes

Retention: 7 Years

MALADAPTIVE BEHAVIOR RECORD

- 1 7. USE OF DRUGS: Rate "1" if client uses drugs to the extent that it interferes with his interpersonal relationships or employment or results in financial difficulty for him or his family.

Specify: LSD, Cocaine, uppers

- 0 8. GAMBLING: Rate "1" if client loses money excessively, i.e., to the extent that it interferes with his interpersonal relationships or results in financial difficulty for him or his family.

Specify: _____

INTERPERSONAL

- 0 9. FIGHTING: Rate "1" if client engages in (physical) fighting precipitated either by his inappropriate behavior or by his failure to respond to the behavior of others in such a manner as to avoid fighting.

Specify: _____

- 0 10. VERBAL ABUSIVENESS: Rate "1" if client's verbal behavior toward others is abusive, or if client is the recipient of verbal abuse, or there is reciprocal verbal abuse between client and others such as intense arguments.

Specify: _____

- 1 11. MALADAPTIVE ASSOCIATIONS: Rate "1" if client spends time with persons who exhibit maladaptive behavior in such areas as crime, drugs, alcohol, sex, money management and employment.

Specify: _____

ECONOMICS

- 0 12. MANAGEMENT OF MONEY: Rate "1" if client has difficulty in managing his money, i.e., spending for non-essentials, over-extended installment purchasing to the extent that client is unable to purchase sufficient essentials, meet financial obligations, etc.

Specify: _____

MALADAPTIVE BEHAVIOR RECORD

ADJUSTMENT

- 0 13. RESPONSE TO PHYSICAL CONDITION: Rate "1" if client has physical problems to which his responses are maladaptive, such as failing to secure and following treatment or by failure to arrange his activities in accordance with his physical condition.
- Specify: _____
- 1 14. PSYCHOLOGICAL ADJUSTMENT:
- (a) Rate "1" if client's verbal account of his behavior indicate unrealistic or excessive responses of withdrawal, avoidance, dependency on others, self-criticism, over compensatory behavior, denial of behavioral problems, etc.
- (b) Rate "1" if client's verbal behavior indicates that fear, anxiety, or behavioral deficits interfere with meeting people or with instituting and maintaining supportive interpersonal relationships.
- (c) Rate "1" if client's behavior during the interview indicates fear, anxiety or inadequacy as characterized by lack of eye contact, difficulty in speaking, trembling, excessive perspiring, etc., or if the client's behavior is excessively aggressive.
- Specify: _____

LEGAL

- 2 15. BEHAVIORAL RESPONSES TO LEGAL PROCESSES: Rate "1" if client's behavior has resulted in minor legal problems or processes not involving arrests, such as minor technical parole violations, investigation by legal authorities, legal proceedings against him by virtue of his failure to abide by contractual agreements, etc. Also, rate "1" if client is responding inappropriately to legal processes such as divorce or child custody litigation by avoiding subpoena, failing to appear in court, etc.
- Specify: Denies
- 0 16. OTHER BEHAVIORAL PROBLEMS: Rate "1" if client has behavioral problems which are not covered in the proceeding items. This item may include less frequently reported instances, such as sexual deviance (e.g., homosexuality, relations with prepubertal females, etc.) and a wide range of other behaviors such as maladaptive dress, hygiene, or residence maintenance, etc.
- Specify: _____

EXHIBIT 215

EXHIBIT 215

State of Nevada }}

County of Clark }}

Declaration of Tena S. Francis

I, Tena S. Francis, declare the following to be true and correct, based on my personal recollection.

1. I am an investigator employed with the Law Offices of the Federal Public Defender for the District of Nevada.
2. In September of 2008, I contacted Veterans Affairs (VA) hospitals in several states regarding my client, Samuel Howard. I learned that when a Veteran contacts a VA Hospital, he must first register with the hospital and then return at a later date for services. Veterans are not provided with medical or mental health services on the date they appear at the hospital.
3. From these hospitals, I learned that Mr. Howard registered for medical / mental health services with at least two VA hospitals prior to his arrest in California in April, 1980.
4. Specifically, Mr. Howard registered for services at VA Hospitals in Salt Lake City, Utah and Denver, Colorado. Mr. Howard never returned to the hospitals for a later appointment with a doctor.
5. Because of the manner in which the registration records are stored, I was unable to obtain the dates of Mr. Howard's registration for these two hospitals. The clerks at each VA hospital I spoke to stated they could not provide documentation concerning what is on their registry, and they could only confirm Mr. Howard's registration for services telephonically.

I affirm the foregoing information is true and correct, signed this 1st day of December, 2008.

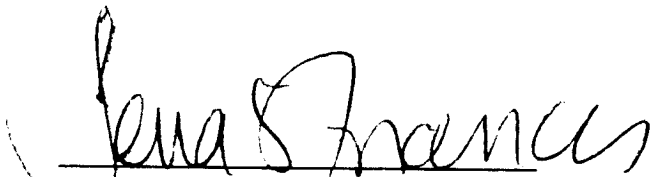

Tena S. Francis

EXHIBIT 216

EXHIBIT 216

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

--oOo--

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)

Plaintiff,)

-vs-)

SAMUEL HOWARD, JR.)

Defendant.)

No. 36881

REPORTER'S TRANSCRIPT OF ORAL PROCEEDINGS

BEFORE HON. RICHARD C. GARNER

SAN BERNARDINO, CALIFORNIA

JULY 28, 1981

APPEARANCES:

For the People:

Dennis E. Kottmeier
District Attorney
BY: Dennis D. Christy
Deputy District Attorney

For the Defendant:

Stanley D. Mishook
Deputy Public Defender

Reported by:

Mary Ann Christensen
Reporter Pro Tempore
C.S.R. No. 5234

WITNESS INDEX

FOR THE PEOPLE: Direct Cross Redirect Recross

Campos, Roy 28 34 35

Connely, Michael Robert 3 14 27

San Bernardino, California, July 28, 1981

--o0o--

THE COURT: This is the time and place under Penal Code Section 1538.5, a motion to suppress certain evidence brought by the defendant, Samuel Howard Junior.

Is that your true name, sir?

THE DEFENDANT: Yes, your Honor.

THE COURT: Thank you. Mr. Mishook for the defense; Mr. Christy for the prosecution. I assume that you are going to go forward, Mr. Christy; is that correct?

MR. CHRISTY: That's correct, your Honor.

THE COURT: You may proceed.

MR. CHRISTY: Thank you, very much.

At this time, the People call Officer M. Connely.

MR. MISHOOK: I note that there are two witnesses present besides the investigating officer. I would ask that the witnesses not testifying be asked to stay in the hallway.

MR. CHRISTY: There is present in court, your Honor, Officer Campbell. He is a potential witness at this hearing.

THE COURT: Since you are covering the same grounds, sir, would you mind waiting outside until you are called? Thank you.

MICHAEL ROBERT CONNELLY,
called as a witness herein, being first duly sworn, testified as follows:

MR. CHRISTY: May I proceed, your Honor?

SHWARD-PE06110

Michael Connely

1 THE COURT: Yes.

2 DIRECT EXAMINATION

3 BY MR. CHRISTY:

4 Q Officer Connely, by whom are you employed, sir?

5 A City of Downey.

6 Q And what capacity are you so employed?

7 A Police officer assigned to Patrol Division.

8 Q How long have you been employed by the City of
9 Downey as a police officer?

10 A Almost ten years.

11 Q I would like to direct your attention to the date
12 of April the 1st, 1980. Were you working during the morning
13 hours on that particular date as a police officer within the
14 City of Downey?

15 A Yes, I was.

16 Q And did you at approximately 11:53 a.m., on that
17 particular date, receive any particular assignment?

18 A Yes, I did.

19 Q And did that cause you to go to the Stonewood
20 Shopping Center within the City of Downey?

21 A Yes, it did.

22 Q And what information did you have relative to that
23 assignment upon being so dispatched?

24 A Radio call. 417, which is a man with a gun was
25 dispatched. He was described as a male Negro, twenty-five to
26 thirty, five foot seven, a hundred fifty pounds. He was

SHAWARD-PE06111

1 further described as wearing a gray sweater. He was observed
2 in one of the stores there by two off duty police officers
3 who were acting as security guards to have -- they observed
4 the butt end of the weapon concealed in the subject's waist-
5 band.

6 Q Did you at some time after receiving that assignment
7 arrive at the Stonewood Shopping Center?

8 A Yes, I did.

9 Q Can you give us a general description of that
10 shopping center?

11 A The shopping center is an open air shopping center
12 and has two large stores, Broadway and J. C. Penney's and
13 probably about seven or eight smaller stores. It runs in an
14 east/west direction and is approximately a quarter of a mile
15 long.

16 Q Did any other officers from your department arrive
17 at that location at the approximate time of your arrival?

18 A Yes, they did.

19 Q And was one of those officers Officer Campos?

20 A Yes, he was.

21 Q After arriving at that particular location, did you
22 have any contact with either of the security officers who had
23 been reporting parties?

24 A Yes, I did.

25 Q And was one of those security officers that con-
26 tacted you Security Officer Valasquez?

SHOW AT 4-PE06112

1 A Yes, it was.

2 Q Did he give you any additional information relative
3 to the assignment which caused you to be dispatched?

4 A Yes. He indicated that the suspect was originally
5 seen in their store, was just called Jewelcore. The suspect
6 had left their store since the time that he had called in,
7 had walked in a westerly direction from Jewelcore and he,
8 the security guard, felt that the suspect was either in a
9 Miller's Outpost or Thrifty Drugstore at this time.

10 Q After that was received, what then happened?

11 A That officer, Campos, and another assistance officer,
12 Horvath, responded into Miller's Outpost. They walked through
13 from one side to the other and they indicated they did not
14 see anybody fitting the description of the suspect in that
15 store. While they were inside, I remained at the southwest
16 corner of the Thrifty Drugstore where I could observe two of
17 the three suspects. Officer Campos, after walking through the
18 Miller's Outpost, responded to the north side of Thrifty's
19 Drugstore where he could see the one side of Thrifty's that I
20 was unable to see.

21 Q And did you receive any additional information
22 relative to the suspect after that was done?

23 A Yes. Officer Campos, when they responded to the
24 north side of the store, indicated that he observed a subject
25 matching the description that was given walking up and down
26 the aisles inside of the Thrifty Drugstore. He was observed

1 through the north windows of the store.

2 Q After receiving that information, did there come a
3 time when you observed a subject fitting the description
4 given to you by Mr. Valasquez?

5 A Yes. Approximately three to four minutes after
6 Officer Campos observed the subject in the store, the subject
7 exited via the west side door of the Thrifty's.

8 Q And approximately how much time had elapsed from
9 this moment from the time when you had first arrived at the
10 Stonewood Shopping Center, approximately?

11 A Approximately five to six minutes.

12 Q Do you see the person that you saw walking out of
13 the Thrifty Drugstore who matched the description of the
14 suspect within the courtroom at this time?

15 A Yes, I do.

16 Q Would you identify that person for us, please?

17 A This gentleman seated to the far end of the table
18 in the orange jumpsuit (indicating).

19 THE COURT: Indicating the defendant.

20 MR. CHRISTY: Thank you, your Honor.

21 Q Did the defendant, Mr. Howard, match the description
22 that you had been given earlier of the suspect?

23 A Very closely, yes.

24 Q What did you do after observing the defendant
25 walking from the Thrifty's Drugstore?

26 A He exited the west door. I immediately asked him

SHAWARD-PE06174

1 to place his hands, I believe, on the back of his head. He
2 complied. I patted his person down for weapons. In the rear
3 pocket, right rear pocket on the subject, I found a walkie-
4 talkie and it was a hard object. I removed the walkie-talkie
5 from his pocket. I continued to search for weapons on his
6 person but I did not find any.

7 Q What was the next thing that happened that you
8 recall?

9 A I asked him if the walkie-talkie was his and where
10 he had gotten it and he indicated that he had found it in the
11 mall area.

12 Q What was the next thing that happened?

13 A Then I asked him for some identification. He pro-
14 duced out of one of his pockets, I don't recall which one,
15 a personal identification card that had the word personal
16 written on top of it and the identification card bearing the
17 name of, I believe, George Williams. I examined the identi-
18 fication card and due to my ten years of experience as a
19 police officer, I indicated to him that this form of identi-
20 fication he produced, in my opinion, was of no value. It
21 could have been obtained about anywhere for a small amount of
22 money. He --

23 Q Excuse me. Did that particular identification card
24 obtain any residence address?

25 A Yes, it did. It contained an address of East
26 Elmhurst, New Jersey. I don't recall if there was a house but

SH0ward-PE06115

1 that's what was indicated on it.

2 Q Did the defendant respond to your statement that the
3 identification that he produced was incomplete?

4 A Could you ask that again, please?

5 Q Did the defendant respond to your statement to him
6 pertaining to that identification?

7 A I indicated that I felt the identification was not
8 a true identification. He then produced, I believe, another,
9 I believe it was a Social Security card bearing the same name
10 that was on the personal identification card. I then
11 indicated to him I still felt that this wasn't his true
12 identity due to the fact that the Social Security cards can
13 be obtained very simply just by merely asking for them.

14 Q What was the next thing that happened?

15 A Then I began to question the subject, his reason
16 for being in the shopping center. He then asked me why he
17 was being detained and I explained to him that some off duty
18 police officers had observed him in one of the other stores
19 with what appeared to be the butt end of a gun in his waist
20 area. He totally denied this allegation, said he had no
21 knowledge of any weapon at all.

22 Q What was the next thing that happened?

23 A We continued our conversation and I asked him where
24 he was from, what he was doing in the area, several routine
25 questions as to his reasons for being in the store in the
26 downtown area. He gave several conflicting statements. He

SH0ward-PE06116

1 was being very evasive upon asking questions.

2 MR. MISHOOK: Move to strike asking questions as
3 conclusionary.

4 THE COURT: Sustained, may be stricken.

5 MR. CHRISTY: Q Do you recall what the defendant's
6 responses were to your questions regarding what his purpose
7 was for being in the area?

8 A I don't recall his specific answer but they were the
9 type of answers that did not lead me to believe that he was
10 telling the truth.

11 MR. MISHOOK: Move to strike as conclusionary as of this
12 witness.

13 THE COURT: Excuse me. He hasn't concluded anything. He
14 just told me what his state of mind was. Overruled, denied.

15 MR. CHRISTY: Q Was there any other contact after the
16 point that the defendant was detained with either Officer
17 Campos or the security guards?

18 A Yes, there was.

19 Q And when did that take place?

20 A Approximately five minutes after my initial contact
21 with the subject. After he had came outside, Officer Campos
22 and Security Officer Valasquez responded into the Thrifty
23 Drugstore and they searched the area in which the defendant
24 was observed to be walking up and down. After approximately
25 five minutes, they indicated they had found a loaded weapon
26 hidden under some clothing in one of the aisles.

1 MR. MISHOOK: Move to strike the answer as hearsay.

2 MR. CHRISTY: Again, your Honor, solely going to probable
3 cause for the arrest of the defendant.

4 THE COURT: For that limited purpose, Mr. Mishook, I
5 believe it is admissible. Overruled.

6 MR. CHRISTY: Q After receiving this information from
7 Officer Campos and the security officers, was the defendant
8 placed under arrest?

9 A Yes, he was.

10 Q What was he placed under arrest for?

11 A 12025 P.C. and 12031 P.C.

12 Q At that point in time after the defendant was
13 detained, was he asked to remove the contents of his pockets?

14 A Yes, he was.

15 Q When was that done?

16 A That was between the time that I first contacted
17 him and the time that I was given information that they had
18 found the weapon in the store.

19 Q Why was the defendant asked to remove the contents
20 from his pockets?

21 A I asked him to remove it to see if we could find
22 any substantial form of identification. From past history
23 and prior experience, I have learned that several defendants,
24 when they have something to hide, quite often are very
25 deceitful in their identification. It was my intention to
26 see if I could find any valid form of identification.

1 Q And when the defendant was asked to remove the
2 contents from his pockets, what did you see him remove?

3 A Personal belongings, car keys, I believe there were
4 two sets of car keys, a watch and I believe some other loose
5 papers in his pockets, also.

6 Q After the defendant was placed under arrest, what
7 then happened?

8 A He was placed under arrest and told to get into the
9 police car. He refused to do so and he was forcibly placed
10 into the police car, the front seat.

11 Q Was that your police unit?

12 A I believe it was, yes.

13 Q And was the defendant transported anywhere?

14 A He was transported to the Downey Police Department.

15 Q What happened upon arrival at the Downey Police
16 Department?

17 A Upon arrival at the police Department, we pulled
18 into the rear booking stalls. The subject was told to get out
19 of the police car. He refused to get out of the police car
20 and he continuously or progressively became more violent and
21 boistrous and continuing yelling at us. We were going to have
22 to get help. Several times after refusing to get out of the
23 police car, he was forcibly taken out of the police car. Once
24 he was out, he collapsed to the ground and refused to walk
25 and we then placed a baton under his arms which were cuffed
26 behind his back and he was dragged into the Police Booking

SH0war d-PE06119

1 Stall or Police Booking Area.

2 Q And was his property booked into the Downey Police
3 Department?

4 A Yes, it was.

5 Q And were there any keys found within his property?

6 A Yes, there was.

7 Q Was the gold watch found within his property or the
8 watch that was earlier seen by you to be within his pockets
9 found within his property upon arrival at the Downey Police
10 Department?

11 MR. MISHOOK: Your Honor, I would object at this time
12 that it is not clear to me that we are now asking questions
13 of this officer based on his personal knowledge.

14 THE COURT: Well, the question seemed to call for per-
15 sonal knowledge.

16 Had you previously seen a watch on him, sir?

17 THE WITNESS: Yes, I did.

18 THE COURT: Was it gold?

19 THE WITNESS: Yes, it was.

20 THE COURT: Go ahead. Did you find that watch on him
21 during the booking process?

22 THE WITNESS: No, I did not.

23 MR. CHRISTY: Q You conducted the booking of the
24 defendant?

25 A Along with probably a police aide, yes.

26 Q After you did that, you did find the gold watch on

1 the defendant's person, what did you do?

2 A I had the knowledge that I did observe a watch in
3 his possession and knowing that it was placed back into one
4 of his pockets, prior to him being handcuffed and arrested,
5 I then responded back to my vehicle, checked the vehicle for
6 the watch and I located the watch in the fold of the seat
7 directly behind where the suspect was seated.

8 Q The weapon and the wallet that had been discovered
9 within the store by Officer Campos, did you ever see those
10 items?

11 A Yes, I did.

12 Q When did you first see them?

13 A I believe I first saw the weapon at the location and
14 I believe at first, I don't recall whether I saw the wallet
15 at the location or later on at the station.

16 Q Those were items not found on the defendant's
17 person but in the area where he had been walking within the
18 store; is that correct?

19 A That's correct.

20 Q Sometime at the Police Station, did you have the
21 chance to examine the contents of a wallet that had been found
22 within the store?

23 A Yes, I did.

24 Q And was there any identification, information within
25 that wallet?

26 A Yes. The wallet is a type of wallet that carries a

1 police-type badge in it and it has room for identification.
2 The badge belonged to a store security personnel. The badge
3 was on one side of the wallet and on the other side of the
4 wallet was a little compartment where identification was kept.
5 Inside of that identification compartment were several pieces
6 of identification in the name of James Hillyer.

7 Q And was that wallet with the identification released
8 to the San Bernardino Police Department?

9 A Yes, it was.

10 Q And was the weapon also so released?

11 A Yes, it was.

12 Q As well as the gold watch?

13 A Yes.

14 Q The car keys, what happened to them, the ones that
15 you had seen upon the defendant's booking?

16 A There was two sets of car keys. I believe one set
17 that went to GM products, General Motors products, was left
18 with the defendant's property, I believe, and the second set
19 of car keys which appeared to be from a foreign-type vehicle,
20 they were booked as evidence and, I believe, turned over to
21 the San Bernardino Police Department.

22 MR. CHRISTY: Thank you. Nothing further.

23 THE COURT: Mr. Mishook?

24 CROSS-EXAMINATION

25 BY MR. MISHOOK:

26 Q Officer, regarding the radio call you received,

1 does Downey Police normally keep a written record of those
2 types of dispatches?

3 A All of the incoming calls are recorded on magnetic
4 recording tapes and all incoming calls are recorded on what
5 we call cards that are about three by eight inches in size
6 and they are retained, I believe, for several years.

7 Q How long did it take you to arrive at the scene?

8 A I don't recall exactly. Probably, I would say,
9 three to four minutes.

10 Q Was Officer Campos with you?

11 A No. He came in a different vehicle.

12 Q You arrived alone?

13 A I arrived alone, yes.

14 Q You indicated on direct that the information you
15 had on the radio call was that it was a male Negro, a hundred
16 fifty pound, five seven, with a gray sweater. He had been
17 observed by two off duty officers with a gun; is that correct?

18 A Yeah, that's correct.

19 Q Is that the information you received solely from
20 the radio call?

21 A Essentially, I received that. I don't recall if
22 those were the exact words that were used on the radio. It
23 was something to the effect, very close to it.

24 Q Did you receive further information when you arrived
25 at the scene from the two security officers?

26 A Yes.

SHAWARD-PE06123

1 Q What further information regarding the suspects
2 did you receive at that point?

3 A The security guards repeated the information about
4 the weapon. They indicated, they did not state it was a gun.
5 They said they saw the butt end of a weapon. They did not
6 specifically call it a gun. They also indicated that the
7 subject was wandering around in their store and had left their
8 store since they had called the Police Department. They
9 indicated that he had walked in a westerly direction from
10 Jewelcore which is their store and they felt that he was
11 either at this time in Miller's Outpost which is a clothing
12 store or a Thrifty's Drugstore.

13 Q Did they indicate to you why they felt that -- had
14 you completed your answer?

15 A I was just going to say that the Thrifty's and
16 Miller's are next to each other and divided by a mall area
17 approximately forty to fifty foot wide.

18 Q Did they indicate why they thought the suspect was
19 in either of those two stores?

20 A No, they didn't.

21 Q Did you have any information regarding the approxi-
22 mate age of the person?

23 A At some point, I don't recall. There was the initial
24 broadcast or later on, once they arrived, I was told that the
25 age was, I believe, twenty-five to thirty.

26 Q Do you have any information concerning facial hair?

SHOWARD-PE06124

1 A I don't recall.

2 Q Mr. Howard did have a full beard when you arrested
3 him; is that correct?

4 A I believe he did, yes.

5 Q Were you told where the butt of the weapon was
6 observed on his person; in other words, pocket, waist, where?

7 A I believe they indicated it was in the right rear
8 portion of his waistband. They did not specifically say the
9 word pocket. I believe the rear area of his pants, waist.

10 Q You were told it was a gun?

11 A Yes.

12 Q And you were told that the butt of the gun was in
13 plain sight, were you not?

14 A Right. They indicated it was the butt of a gun,
15 they indicated it was the butt end of a gun.

16 Q Did you have any information concerning the color
17 of this gun?

18 A I don't recall.

19 Q Regarding the walkie-talkie, this is an item that
20 is commercially sold, is it not?

21 A Walkie-talkies in general, are you referring to?

22 Q The walkie-talkie you saw.

23 A The one that I saw, having prior knowledge of
24 walkie-talkies, having used one in police work for ten years,
25 I was aware of the one in his pocket was a very expensive
26 walkie-talkie.

SHAWARD-PE06125

1 THE COURT: Did it appear to have batteries and in good
2 condition?

3 THE WITNESS: I couldn't tell the batteries, but it
4 appeared to be in good condition, yes. It didn't appear to
5 be something that someone would discard or throw away.

6 MR. MISHOOK: Q Were you able to see the walkie-talkie
7 from your personal observation of the defendant?

8 A The upper portion and part of the walkie-talkie
9 was visible in the pocket.

10 Q Which pocket is this?

11 A I believe it was the right rear.

12 Q When you saw this walkie-talkie, you saw the top
13 section, the top plastic portion protruding from his pocket,
14 correct?

15 A Slight part of the top of it.

16 Q Can you describe a little more of this personal
17 I.D. card, did it have some type of title on it?

18 A It was paper. It was laminated on both sides, I
19 believe, with clear semihard plastic. On top of the card,
20 it said, it was inscribed, the words personal identification
21 and then it proceeded to indicate the subjects name or the
22 name of a George Williams, I believe, and gave an address.
23 I don't know if it was a house address but it was a city
24 address, East Elmhurst, New Jersey.

25 Q Did that card indicate it was issued by any kind of
26 governmental agency?

SHAWARD-PE006126

1 A No, it did not.

2 Q The Social Security card was a Social Security card?

3 A Yes.

4 Q There was nothing unusual about it?

5 A It was a standard Social Security card.

6 Q The information on that Social Security card was
7 consistent with the information on the I.D. card, was it not?

8 A Yes, it was.

9 Q You indicated Social Security cards are easily
10 obtained. Isn't it true driver's licenses are relatively
11 easy to obtain?

12 A Not as easy as a Social Security card. I have
13 personal knowledge that you simply ask for a Social Security
14 card and they will give you one.

15 Q Isn't it true that driver's licenses and Social
16 Security cards are the most common type of personal identi-
17 fication?

18 A Probably so.

19 Q How long was Mr. Howard detained by you until the
20 other officers arrived?

21 A I don't understand.

22 Q You stopped Mr. Howard outside of Thrifty's.

23 A That's correct.

24 Q And you were reviewing his identification and you
25 were asking him questions. At that point in time, Officer
26 Campos and a security officer also arrived. How long a period

SHOWER-PE06127

1 of time elapsed between the time that you stopped Mr. Howard
2 and the time the other officers arrived?

3 A From the time I stopped the defendant till the time
4 another officer arrived, not being Officer Campos, it was
5 probably less than thirty seconds. Other assisting officers
6 that were in the area came to where I was.

7 THE COURT: Mr. Valasquez was there promptly?

8 THE WITNESS: No, he was not one of them. It was other
9 Downey Police Officers that were also in the area.

10 THE COURT: How long was it after you stopped him before
11 somebody said he was the one that saw the gun.

12 THE WITNESS: That was about five minutes. I would say
13 roughly five minutes.

14 MR. MISHOOK: I am sorry, I didn't hear the answer.

15 THE COURT: It was about five minutes he came and
16 identified him as being the one that had the gun.

17 MR. MISHOOK: Q You indicate you saw another officer
18 arrive at the scene?

19 A Yes.

20 Q Who was that?

21 A Officer Horvath and there was other officers there
22 but I don't recall who they were.

23 Q During this five minute period, was Mr. Howard moved?

24 A Was he moved? Yes.

25 Q Where was he moved?

26 A From the area where he exited the store to the

SHAWARD-PE06128

1 police vehicle.

2 Q And was he placed in the police vehicle?

3 A Subsequently he was, yes.

4 Q Did the search of Mr. Howard occur at Thrifty's
5 or at the police vehicle?

6 A The police vehicle was parked right in front of
7 Thrifty's. He was transported fifty foot, approximately.

8 Q Is this an exit to the parking lot then where you
9 stopped?

10 A Yes.

11 Q Was the identification reviewed where you stopped
12 him or at the police vehicle?

13 A He originally produced a personal identification
14 card and a Social Security card was obtained from him at,
15 within about ten feet of the exit of the Thrifty's.

16 Q Regarding Officer Campos and the security officer,
17 were you waiting for them to receive information from them?

18 A Basically, yes.

19 Q You knew at the time you stopped Mr. Howard that
20 Officer Campos was looking through Thrifty's?

21 A He had -- yes, we carried walkie-talkies. He
22 indicated once he had the subject contained, he went into the
23 store and searched the other area where the defendant had been
24 seen walking up and down, picking up several items of clothing,
25 holding them for a few minutes and then putting them back
26 down.

1 Q So you informed Officer Campos you were not able to
2 find a gun; is that correct?

3 A Yes. I indicated I did not. After patting him
4 down for weapons, I indicated to him I did not find a weapon
5 on him.

6 Q You indicated you saw the watch at the scene. Where
7 was the watch when you saw it?

8 A Where on his person?

9 Q Was it on his person or in the pocket?

10 A The watch was in one of his pockets.

11 Q Did he take the watch out of his pocket or did you
12 reach in and take it out?

13 A He took it out.

14 Q If I understand your direct testimony, you were
15 unsatisfied with the identification so you asked him to take
16 all of his other items out of his pockets; is that correct?

17 A Basically, yes.

18 Q Did Officer Campos come to the police vehicle with
19 the gun?

20 A Yes, he did.

21 Q Did you question Mr. Howard at that time concerning
22 the gun?

23 A I don't believe we had questioned him. I believe
24 Officer Campos showed the gun to the defendant and made a
25 statement to the effect that we found your gun or something
26 to that affect and upon the defendant's seeing the gun, he

Howard-PE06130

1 further became outraged and yelled and screamed and stated it
2 wasn't his gun.

3 Q Before finding the weapon, was Mr. Howard placed
4 physically inside the police vehicle?

5 A Not prior to finding the gun, no.

6 Q Was he placed under any kind of restraints prior
7 to the finding of the weapon?

8 A No, he was not.

9 Q Mr. Howard appeared agitated to you before the
10 weapon arrived?

11 A My initial contact with him, Mr. Howard was
12 cooperative; and very shortly after, from the point where he
13 asked me why he was being detained or stopped, I explained the
14 situation to him. From that point on, his attitude deterior-
15 ated and he became more violent and outspoken.

16 Q Was he irrational?

17 A Yes.

18 Q To take it by sequence, what did you observe in
19 regard to Mr. Howard's appearance or demeanor or manner of
20 speech or content of speech during the time that he was with
21 you that leads you to conclude that he was irrational? What
22 factors did you see?

23 A The initial contact, he exited the store, I walked
24 up behind him, I told him who I was, I told him to put his
25 hands on his head. He cooperated at that point and he allowed
26 me to pat him down for weapons. He made no resistance at all.

SHAWARD-PE06131

1 After not finding a weapon, he then asked why he was being
2 stopped and detained. I explained to him the situation about
3 the gun that was observed on his person. We then asked for
4 identification and from that point thereon, he was reluctant
5 to answer the questions. He was evasive in his answers. He
6 appeared to be deliberately answering my questions with
7 another question or I would ask the question and he would
8 give me a totally irrelevant answer to the question that I
9 asked. He made it well-known that he was not happy with what
10 was happening.

11 As he progressed, as the conversation progressed, he
12 started making racial statements to the effect we were
13 picking on him and/or stopping him because he was black and
14 we were white and this type of statement. If finally pro-
15 gressed to the point where he made several statements that we
16 were going to have to kill him to make him do anything, that
17 white people hated him all his life, that he might as well be
18 shot right now. He asked several times to shoot him right
19 there on the spot.

20 Q Was he handcuffed at that time?

21 A Probably the first time he made the statement to
22 the effect of shooting him and I don't believe he was hand-
23 cuffed.

24 Q But there were times when he asked you to kill him
25 when he was actually in the police vehicle?

26 A After he was handcuffed and prior to being in the

SHAWARD-PE06132

1 vehicle. In the vehicle, he continuously made the statement
2 he wanted to die, he wanted us to shoot him.

3 Q You indicated the property seized was released to
4 the San Bernardino Police Department. In what way was it
5 released; do you have knowledge who delivered it?

6 A Two San Bernardino Police Department detectives
7 responded to our station probably about three or four hours
8 after this initial occurrence. The defendant along with the
9 evidence contained was further handed over to them.

10 Q How much time elapsed between the time you placed
11 Mr. Howard under arrest and the time he was booked?

12 A He was transported to the station and actual filling
13 out of the booking slip was probably about a half hour at the
14 most, roughly.

15 Q And you indicated you had to drag him from the
16 vehicle?

17 A That's right.

18 Q How long a distance is that?

19 A From where we were parked in the booking stall to
20 the booking cage is a distance of twenty, twenty-five feet.

21 Q Was he agitated when you were dragging him?

22 A I believe he was, yes.

23 Q By the way, did you see Mr. Howard with any other
24 person?

25 A Did I see him what?

26 Q Mr. Howard with any other person, any civilian?

SHOARD-PE06133

1 A Any other persons other than the investigating
2 officers and security officers, any civilian persons, any
3 person he was associated with?

4 Q Yes.

5 A No.

6 Q Did he indicate he was with anybody?

7 A Did I?

8 Q Did he indicate to you he was with anybody?

9 A Somewhere along the line the fact that his girl
10 friend, I believe, indicated he was dropped off -- during the
11 questions, initial contact, we asked him if he had a vehicle.
12 He indicated no. I believe he stated that he had been dropped
13 off at the location by his girl friend and she had left him
14 in a vehicle.

15 Q Any male persons?

16 A I don't recall any.

17 Q Just one more question I forgot to ask, When
18 during the sequence were the car keys obtained?

19 A Which set?

20 Q You indicated two sets, one to a GM vehicle and
21 another set of keys. In regard to the other set of keys,
22 when did you first discover those keys?

23 A Those keys along with the GM keys were moved from
24 his pocket initially when we were trying to locate some form-
25 able identification. That led us to believe at that point
26 that he had a vehicle in the area; however, he said that he

SHAWARD-PE06134

1 did not. They were consequently put back into his pocket and
2 they were again removed when he arrived at the Police Station
3 for booking.

4 MR. MISHOOK: I have no further questions.

5 THE COURT: Mr. Christy?

6 REDIRECT EXAMINATION

7 BY MR. CHRISTY:

8 Q Officer, the information you received from Officer
9 Campos relative to the location of the gun, did that include
10 whether or not the weapon was loaded?

11 A Yes, it was loaded.

12 Q You had that information before placing the defen-
13 dant under arrest?

14 A Yes, I did.

15 MR. CHRISTY: Nothing further. Thank you.

16 THE COURT: You may step down. Thank you.

17 Anything further?

18 MR. CHRISTY: Nothing further, your Honor.

19 MR. MISHOOK: Your Honor, if I may, I would like the
20 Court's indulgence. I would like to call Officer Campos for
21 a few moments.

22 THE COURT: Ask him to step in, please.

23 You may leave or remain, Officer Connely, as you wish.

24 ROY CAMPOS,
25 called as a witness herein, being first duly sworn, testified
26 as follows:

SHAWARD-PE06136

Roy Campos

CLERK'S CERTIFICATE

STATE OF CALIFORNIA)
) ss.
 COUNTY OF SAN BERNARDINO)

Notice of completion of the Reporter's Transcript on Appeal of the within action having been mailed to the Appellant and the attorneys representing the Respondent, and no request for correction of the Transcript on Appeal having been filed, and the time for said filing having expired;

Pursuant to Rule 33(a) of the Rules on Appeal, I HEREBY CERTIFY the foregoing record consisting of 37 pages to be a full, true, and fair Transcript on Appeal.

Dated this 1st day of November, 1982.

V. DENNIS WARDLE, County Clerk
 Ex Officio Clerk of the
 Superior Court

By: [Signature]

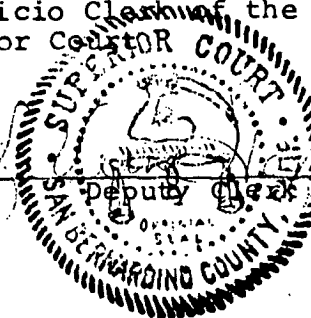


EXHIBIT 217

EXHIBIT 217

SHOARD-PE05394

DISTR. edh
INDEX
STATS

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

OFFICER'S REPORT

D.R. No. 80-36485

MURDER and ROBBERY
Subject

Division Reporting.....HOMICIDE..... Division of Occurrence.....HOMICIDE.....

Date and Time Occurred.....3/27/80..... Location of Occurrence.....1700 E. Desert Inn Road
Las Vegas, Nevada

DETAILS:

VICTIM : GEORGE STEVEN MONAHAN
662 Rolling Green
Las Vegas, Nevada

SUSPECT : SAMUEL HOWARD
NMA 5'11" 175 lbs.
BLK BRN

PERSONS INTERVIEWED : #1 SAMUEL HOWARD
San Bernardino County Jail
San Bernardino, California

#2 DWANA BOYD THOMAS
510 Linden
Long Beach, California
Phone: #213 432-8200

Second Address:
c/o Viola Boyd
838 E. Lester
Tucson, Arizona
Phone: 882-3826

#3 MAL & YVONNE SENRUD
5665 East 7th Street
Long Beach, California
c/o California 6 Motel
Phone: #213 597-1311

ENTERED
J.P.
MICROFILMED LVMPD

DETAILS:

On 4/2/80 at 9:45 AM, DETECTIVES LEAVITT and HATCH interviewed SAMUEL HOWARD in the San Bernardino County Jail, San Bernardino, California.

At the beginning of the interview, DETECTIVE LEAVITT read SAMUEL

Date and Time of This Report.....4/8/80.....10:15 AM..... Officer.....AL LEAVITT..... Per. No. #189

Approved.....*[Signature]*.....P.10..... Officer..... Per. No.

SIGNATURE *[Signature]* P-189

CONTINUATION REPORT

Page -2-

HOWARD his rights from a rights of person arrested card, at which time SAMUEL HOWARD related that he had been advised of his rights numerous times and did not need to be advised of his rights due to the fact he fully understood his rights. DETECTIVE LEAVITT then explained to SAMUEL HOWARD that it was necessary for him to be advised of his rights, at which time SAMUEL HOWARD listened to his rights and indicated that he had heard his rights and did not need to hear them again. However, SAMUEL HOWARD was read his rights from the rights of person arrested card, at which time HOWARD again indicated that he fully understood his rights and refused to sign the rights of person arrested card.

MICROFILMED LVMPD

At this time DETECTIVE LEAVITT asked SAMUEL HOWARD if he wanted to talk about the murder of GEORGE MONAHAN in Las Vegas, Nevada, to which he indicated that he would talk about it, however, could not remember anything about a murder in Las Vegas, Nevada. DETECTIVE LEAVITT then asked SAMUEL HOWARD why he could not recall anything about the murder, to which he indicated that he was a Viet Nam veteran and while he was in Viet Nam, he received a head injury and since being in Viet Nam and returning to the United States, he had reinjured his head and was unable to recall alot of incidents. SAMUEL HOWARD indicated that he injured his head in an automobile accident.

DETECTIVE LEAVITT then asked SAMUEL HOWARD if he recalled driving a 1980 Oldsmobile Cutlass to which he indicated that he did recall being in Las Vegas and driving a black Oldsmobile Cutlass. SAMUEL HOWARD indicated that a friend of his by the name of BOBBY FITZGERALD had rented the car for him in Jamaica, New York, and that BOBBY FITZGERALD had accompanied him to Las Vegas in the Oldsmobile Cutlass sometime in the last part of February or the early part of March, 1980. SAMUEL HOWARD indicated that after he and BOBBY FITZGERALD arrived in Las Vegas in the Oldsmobile Cutlass, he had returned to New York City and that BOBBY FITZGERALD had remained in Las Vegas.

DETECTIVE LEAVITT then asked SAMUEL HOWARD if BOBBY FITZGERALD had been with him at the time of the murder of DR. GEORGE MONAHAN. MR. HOWARD then indicated that he could not recall anything about the murder of DR. MONAHAN, stating that when he returned to Las Vegas he was driving down the strip and that his girlfriend, DWANA THOMAS, was with him and that BOBBY FITZGERALD was walking down the strip and recognized the Oldsmobile Cutlass and at this time was back in his company.

DETECTIVE LEAVITT then asked SAMUEL HOWARD if his girlfriend, DWANA THOMAS, had been with him in Las Vegas at the time DR. MONAHAN was murdered, to which he indicated again that he could not recall

SHAWARD-PE05395

MICROFILMED LVMPD

CONTINUATION REPORT

Page -3-

anything about a murder in Las Vegas, however, DWANA THOMAS had accompanied him to San Bernardino, California in the last two or three days.

DETECTIVE LEAVITT then asked SAMUEL HOWARD what cities he could recall being in in his trips back and forth to New York City, to which he indicated he recalled being in Tucson, Arizona and El Paso, Texas. HOWARD also indicated he recalled being in Dallas, Texas and being arrested there sometime ago, however, could not recall the exact date.

DETECTIVE LEAVITT then asked SAMUEL HOWARD if he could recall committing any crimes in the Las Vegas area to which he indicated that he recalled being in a department store in Las Vegas and pulling a gun on three or four guys and recalled taking a radio and recalled taking a badge that looked like a policeman's badge.

DETECTIVE LEAVITT then asked SAMUEL HOWARD where BOBBY FITZGERALD was at this time, to which he indicated that he had left BOBBY FITZGERALD at the Fremont Hotel and had traveled to Tucson, Arizona where he picked up his girlfriend. SAMUEL HOWARD again reiterated the fact that he could not recall anything about a murder in Las Vegas.

DETECTIVE LEAVITT then showed SAMUEL HOWARD a photograph of DR. MONAHAN's 1977 black Dodge van and asked him whether or not he recalled seeing this van in Las Vegas, to which he indicated he could not. SAMUEL HOWARD then asked DETECTIVE LEAVITT what the van had to do with the case, at which time DETECTIVE LEAVITT explained to him that this was the van where DR. MONAHAN had been located after he had been murdered. DETECTIVE LEAVITT then explained to SAMUEL HOWARD that it was his belief that he had shot and killed DR. MONAHAN leaving him in the van after he had attempted to buy the van from DR. MONAHAN. SAMUEL HOWARD then stated to DETECTIVE LEAVITT, "I am not denying killing someone in Las Vegas. I could have killed someone in Las Vegas, however, I do not recall whether I did or not".

DETECTIVE LEAVITT then asked SAMUEL HOWARD whether or not he had had a gun while being in Las Vegas, to which he indicated he did have a gun and that he had gotten the gun from BOBBY FITZGERALD and he did not know where BOBBY FITZGERALD had gotten the gun. DETECTIVE LEAVITT then asked SAMUEL HOWARD where the gun was at this time, to which he indicated that he recalled having the gun when he was arrested by the police in California. DETECTIVE LEAVITT then asked SAMUEL HOWARD if the gun he had in California was the same gun he had in Las Vegas. MR. HOWARD at this time indicated that it was the same gun.

DETECTIVE LEAVITT then asked SAMUEL HOWARD if he had, in fact, committed robberies in San Bernardino with the gun, to which he

CONTINUATION REPORT

Page -4-

indicated he did. SAMUEL HOWARD then indicated that when he was arrested, he had hidden the gun in a shopping center, however, the police had gotten the gun from the store where he had stashed it. DETECTIVE LEAVITT then asked SAMUEL HOWARD if he had stashed the badge and badge case at the store where he had stashed the gun, at which time SAMUEL HOWARD stated he did not recall any badge case or badge.

SAMUEL HOWARD then became quite upset and stated that for the past several years he had been on a crime spree and that he did not know why, but that he kept hurting people and taking their money and jewelry. DETECTIVE LEAVITT then asked SAMUEL HOWARD who he had hurt during the time he was on his crime spree, at which time DETECTIVE LEAVITT asked him for the names of the people he had hurt while he was on this crime spree. SAMUEL HOWARD then indicated that he had beat up his brother, CHARLES WILLIAMS, in Jamaica, New York, and that he had also beat up DWANA THOMAS so bad that she had to go to a hospital in New York.

DETECTIVE LEAVITT then asked SAMUEL HOWARD what other type of crimes he had done and at this time SAMUEL HOWARD indicated that he and BOBBY FITZGERALD had stolen a blue van and had taken it to New York City.

SAMUEL HOWARD then again became somewhat upset stating that the only reason he could think of for being on the crime spree was from his head injuries or possibly it was from his background as a child.

SAMUEL HOWARD then indicated that he thought he was mentally ill and needed help and indicated that he would like to see a psychiatrist. DETECTIVE LEAVITT then asked SAMUEL HOWARD if he had in the past been in a mental institution or had any contact with a psychiatrist, at which time MR. HOWARD indicated that he had. SAMUEL HOWARD then requested a pen and paper indicating that he would list the hospitals that he had been in prior to this time. MR. HOWARD then listed on a piece of paper that he had been in Saint John's Hospital in Elmhurst, New York, Booth Memorial in Flushing, New York and that he had also been in a V.A. hospital on First Avenue in Manhattan. MR. HOWARD indicated that when he was in the V.A. hospital, he was using the name DAVID HARRIS.

SAMUEL HOWARD also listed on the paper his father's name, who is also SAMUEL HOWARD, and at the present time his father was in Clawton, Alabama, Kirby Prison. MR. HOWARD then indicated to DETECTIVE LEAVITT and DETECTIVE HATCH that when he was about 3 years old, his father, SAMUEL HOWARD, had killed his mother and his sister. MR. HOWARD then indicated that the officers could

Showard-PE05397

MICROFILMED LVMPD

CONTINUATION REPORT

Page -5-

verify this by contacting his sister, DIANE WOOLDRIGE at 4910 or 3910 Polly Street, Dallas, Texas.

SAMUEL HOWARD, after filling out the names and hospital information on a sheet of paper, indicated that he wanted to kill himself and commit suicide, indicating that the reason he wanted to do this was because he was tired of hurting people and that he wanted to see his mother and sister who had been killed by his father.

DETECTIVE LEAVITT at this time asked SAMUEL HOWARD if he was willing to let the officers search the 1980 Oldsmobile that was in a storage yard in Downey, California, and at this time MR. HOWARD explained that it was alright. DETECTIVE LEAVITT then had SAMUEL HOWARD read a Consent to Search Form for the 1980 Oldsmobile Cutlass. After reading the Consent to Search form, SAMUEL HOWARD signed the Consent to Search in the presence of DETECTIVES LEAVITT and HATCH. After signing the Consent to Search Form, SAMUEL HOWARD indicated that he felt strongly about needing psychiatric help and wanted to see a psychiatrist as soon as possible as he had no explanation for the things he had done except that he was possibly mentally ill and needed help.

On 4/2/80 at 6:20 PM, DETECTIVES LEAVITT and HATCH interviewed DWANA THOMAS at 510 Linden Street in Long Beach, California. Prior to the interview, DWANA THOMAS was read her rights from a Rights of person arrested card at which time she indicated that she fully understood her rights and was willing to speak with the detectives.

DETECTIVE LEAVITT asked DWANA THOMAS how long she had known SAMUEL HOWARD, to which she related that she and her baby had been with him for approximately one year and that during the time she had been with SAMUEL HOWARD she had fallen in love with him and loved him very much. DWANA THOMAS continued stating that at times she was afraid of SAMUEL HOWARD due to the fact he would hit her and sometimes choke her to where she would almost go into unconsciousness.

DETECTIVE LEAVITT then asked DWANA THOMAS if she had been in Las Vegas with SAMUEL HOWARD on the 27th of March, to which she indicated that she could not recall the exact days, but stated that she had been in Las Vegas with SAMUEL HOWARD.

DETECTIVE LEAVITT then asked DWANA THOMAS if she had recalled seeing SAMUEL HOWARD with a two-way radio while they were in Las Vegas. DWANA THOMAS then explained to the detectives that while they were in Las Vegas, SAMUEL HOWARD had told her that he was going out to steal something, then explained that after SAMUEL HOWARD returned to the motel where they were staying, SAMUEL HOWARD did have in his possession a walkie-talkie type radio and told her that he had stolen it in a shopping center.

SHoward-PE05398

MICROFILMED LVMPD

CONTINUATION REPORT

Page -6-

DWANA THOMAS was then asked whether or not they had been in Las Vegas the following day after SAMUEL HOWARD had come home with the walkie-talkie, to which she explained that they had been in Las Vegas for a couple of days after that and then left driving to the southern California area.

DWANA THOMAS was then asked by DETECTIVE LEAVITT where they had been staying at the time SAMUEL HOWARD had come home with the walkie-talkie and at this time DWANA THOMAS explained that they had been staying at a Best Western motel, which was a two-story and that it was fairly new and that the motel was on the Boulder Highway near Pecos or Desert Inn Road.

DWANA THOMAS was then asked by DETECTIVE LEAVITT where BOBBY FITZGERALD was at, at which time DWANA THOMAS indicated that she did not know anyone by the name of BOBBY FITZGERALD. DETECTIVE LEAVITT then asked DWANA THOMAS whether or not BOBBY FITZGERALD had been with them in Las Vegas or in New York City, to which she indicated that she had never heard of the individual and that he had most certainly not been with them while they were in Las Vegas.

DWANA THOMAS was then asked by DETECTIVE LEAVITT who her friends were in Las Vegas, to which she indicated that she had two friends who worked at Metropolitan Police Department, she believes in the Records Division. DWANA THOMAS stated that one of the friends was a black girl by the name of VALERIE REED and the other was a white lady who was approximately 45 years old by the name of BEA, however, she could not recall BEA's last name.

DETECTIVE LEAVITT then explained to DWANA THOMAS that her boyfriend, SAMUEL HOWARD, was a suspect in the murder of GEORGE MONAHAN in Las Vegas and asked her whether or not she knew anything about the murder. DWANA THOMAS then indicated that she did not know anything about a murder; that she spent most of the time in the motel room watching programs on TV and that she did not know whether or not SAMUEL HOWARD had committed a murder in Las Vegas.

DWANA THOMAS was then asked how SAMUEL HOWARD made his money in order to buy gasoline and food, to which she indicated that SAMUEL HOWARD had told her that his mother had sent him money while he was in Las Vegas.

DWANA THOMAS was then asked by DETECTIVE LEAVITT whether or not SAMUEL HOWARD had a gun in his possession while they were in Las Vegas at which time she indicated that while they were in Las Vegas she had seen SAMUEL HOWARD with a gun. DETECTIVE LEAVITT then asked her to describe the gun, at which time she indicated that she did not know anything about guns, however, SAMUEL HOWARD did have a gun and she had observed it. DWANA THOMAS was then asked by DETECTIVE LEAVITT if SAMUEL HOWARD had the gun in his possession

SHoward-P-05399

CONTINUATION REPORT

Page -7-

on the day he came home with the walkie-talkie and whether or not he had had the gun on the following day after coming home with the walkie-talkie. DWANA THOMAS at this time related that SAMUEL HOWARD did have the gun on these two particular days.

DWANA THOMAS was asked where they had been staying at the time SAMUEL HOWARD had been arrested in Downey, California, to which she indicated that they had been staying in a motel called California 6 Motel on 7th Street in Long Beach, California.

As the detectives were leaving after the interview with DWANA THOMAS, DWANA THOMAS related to the detectives that all of her clothing and her baby's clothing was in the black Oldsmobile Cutlass and wanted to know whether she could obtain her clothing before returning to Tucson, Arizona. DWANA THOMAS then indicated that her mother had sent her a pre-paid ticket to Tucson and that she was planning to return to Tucson, Arizona the following day.

On 4/2/80 at approximately 8:30 PM, DETECTIVES LEAVITT and HATCH proceeded to the California 6 Motel located at 5665 East 7th Street, Long Beach, California, where they contacted the managers of the motel, MAL and YVONNE SENRUD. MAL and YVONNE SENRUD at this time were shown a photograph of SAMUEL HOWARD and at this time MAL and YVONNE SENRUD indicated that this individual had been registered in the motel room under the name of GEORGE WILLIAMS and that he had been in the company of a black female, however, they had checked out of the room and had taken all their property with them and since they had checked out, the room had been rerented.

Investigation continuing.

AL/ldh
4/8/80 12:05 PM

MICROFILMED LVMPD

SHoward-PE05400

EXHIBIT 218

EXHIBIT 218

INTER-OFFICE MEMO

DATE April 3, 1980 Thursday
FROM R.E. Carson, Deputy
Transportation, S.B.S.O.
TO Al Hull, Captain
County Jail, S.B.S.O.

PHONE



SUBJECT Incident Report Ref: Inmate HOWARD, SAMUEL MEN JR.

On April 3, 1980 Thursday, I was assigned Courthouse Holding with Deputy Butler by Sgt. Yackie Transportation.

At about 1035 hours, Patten inmate Manley, Kenneth yelled "Man down". As Deputy Butler and I entered the holding cell, I observed inmate HOWARD, Samuel lying on the floor gasping for air. Inmate Manley said he observed HOWARD, Samuel hanging from one of the chains which hold up a folding bunk. Inmate Manley said he took him down and layed him on the floor.

I checked inmate HOWARD'S pulse, at which time inmate Howard became very violent. Deputy Butler and I subdued and handcuffed HOWARD.

Inmate HOWARD, Samuel was then transported to County Hospital by Central Patrol.

Respectfully Submitted

Deputy R. E. CARSON CC460
Deputy C.J. BUTLER BF107

FILED

APR 08 1980

1 CHARLES E. WAMD
2 Public Defender
3 364 N. Mountain View Avenue
4 San Bernardino, California 92415
5 By: Littleton M. Gunn
6 Deputy Public Defender
7 Telephone: 383-2816

8 IN THE SAN BERNARDINO COUNTY MUNICIPAL COURT DISTRICT
9 CENTRAL DIVISION
10 COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

11 PEOPLE OF THE STATE OF CALIFORNIA,)
12) Plaintiff,) Case No. ESB251881
13 vs.) ORDER DIRECTING TRANSFER
14) PURSUANT TO PENAL CODE
15) § 4011.6.
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

17 It appearing that Samuel Howard, Jr. may be mentally
18 disordered due to the following facts:

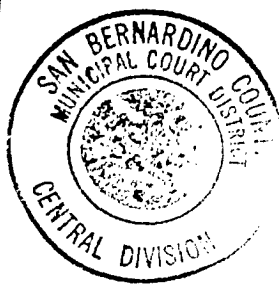
- 19 1) Samuel Howard tried to commit suicide by hanging
20 resulting in his physical injury.
21 2) Samuel Howard on April 7, 1980 refused to answer
22 questions at his arraignment on a felony fugitive complaint.
23 3) The facial expressions and mannerisms of
24 Samuel Howard on April 7, 1980 were inappropriate to the
25 situation presented at his arraignment.

26 ///
27 ///
28 ///

1
2 It is hereby ordered that Samuel Howard, Jr. be
3 transferred to San Bernardino County Mental Health facility at
4 Ward B for treatment and evaluation of commitment as mentally
5 ill under California civil commitment statutes (Lanterman-Petris-
6 Short Act).

7 Dated this 8th day of April, 1980.

8
9 *Don L. Perkins*
10 Judge of the Municipal Court
11 County of San Bernardino
12 State of California



I, VIVIAN G. JOHNS, Clerk of the San Bernardino
County Municipal Court, do hereby certify that the
County of San Bernardino, California, has
correct copy of the within order.
Dated APR 08 1980

VIVIAN G. JOHNS, Clerk
By *P. Patterson* Deputy

EXHIBIT 219

EXHIBIT 219

State of California }}

San Luis Obispo County }}

DECLARATION OF DR. JOHN A. RILEY

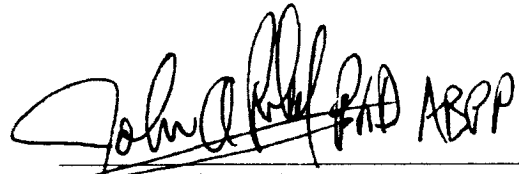
I, Dr. John A. Riley, Ph.D., hereby declare as follows:

1. I served in the U.S. Military and in Vietnam from 1969 to 1970. Following my military service, I attended graduate school where I obtained my doctorate in psychology from the University of Southern Mississippi. In 1979, I began my doctoral internship with the Atascadero State Hospital (hereafter "Atascadero") I remained at Atascadero until my retirement from the hospital in December 2000. I currently see patients through my private practice.
2. When I first began my work at Atascadero, I noted that a large number of the long-term commitment patients at the hospital were Vietnam Veterans. In 1979 or 1980, I conducted a survey to ascertain the number of veterans who were committed to the hospital. I discovered that nearly ten percent of the patients at Atascadero were Vietnam Veterans. Of those approximately 100 men, nearly two-thirds were combat veterans. Trial restoration patients were included in the study, but few were included in subsequent treatment that was offered.
3. As a result of the survey, I began a Veteran's Support Group at Atascadero, which ran from January 1980 to December 1987. Through the group, I realized that many of the combat veterans that had little or no criminal history before their tours in Vietnam and had engaged in violent crime after their discharge from the military.
4. In 1980, the DSM recognized for the first time a diagnosis of Post-Traumatic Stress Disorder "PTSD"). The Veterans Administration ("VA") did not formally recognize the diagnosis until 1980. In fact, many veterans who sought help from the VA in the 1970's for their post-Vietnam trauma were told by VA officials to "get over" their nightmares, or that the dreams and paranoia would just go away. Thus, when the VA decided to offer services in the 1980's, it was through Vet Centers (store front clinics), rather than the VA hospitals because so many veterans by then were skeptical that the hospital could help. In 1983, I was given a contract to provide counseling services to combat veterans in San Luis Obispo County.
5. Despite the 1980 DSM recognition of PTSD as a legitimate mental health diagnosis, Atascadero did not diagnose patients with PTSD in the early 1980s. Most mental health practitioners at Atascadero, like the VA mental health practitioners, believed PTSD to be a scapegoat for criminal behavior among many of its patients. I, however, believed that at the very least, PTSD was a relevant prognostic indicator potential for improvement.

6. Since PTSD has been recognized as a diagnosis, I have counseled and treated hundreds of veterans suffering from the disorder. I have also treated non-veterans who have PTSD. In my experience, the most frequent trigger of a PTSD episode is stress. A courtroom, for example, can be particularly stressful to a person suffering from PTSD. In fact, I have had several patients who appeared for a court date, only to flee the courtroom in the middle of the proceedings due to a particularly acute PTSD episode.
7. It was within this framework that I met Sam Howard in 1980-1981, while he was a competency patient at Atascadero. Sam had been committed to the hospital after a time of commitment at the Patton State Hospital. Sam was at Atascadero for the sole purpose of restoring his competency to be stand trial in the court in San Bernardino, where criminal charges were pending against him.
8. I was the psychologist on Sam's consultation team. Our team was charged with determining what steps were necessary to restore Sam's competency to stand trial. Our purpose was not to diagnose Sam with a mental disorder, or even to test him for such a disorder. The focus of assessment dealt with measuring his functional abilities in relation to his capacity to understand what happens in a courtroom and his capacity to assist his attorney. If deficits were noted in either his ability to understand or assist counsel, a more detail mental health assessment would follow, to clarify if a mental disorder was present thus rendering him "mentally incompetent." In Sam's case he displayed an ability to understand and cooperate, thus further assessment was not indicated. In other words, Atascadero was not charged with noting Sam's possible PTSD behaviors, such as staring off into space, nightmares, etc. Our sole task from the State was to restore Sam's competency so that he could be tried for his crimes. Therefore, once Sam understood the nature of the court proceedings, and was able to communicate with his counsel, he was released from Atascadero.
9. I was aware from Sam's Atascadero and Patton records, that he served in Vietnam. I was also aware that Sam's father had killed his mother and sister when he was a small child, and that Sam witnessed the murders. Further, Sam was threatened by his father at the time of the murders.
10. On November 18, 2008, I met with Sam's current attorneys, Megan Hoffman and Mike Charlton. They provided me with copies of Sam's medical records, and they also provided me with a brief history of Sam's life, including his life with his foster parents, the Dudleys, his time at Mt. Meigs, his time in Bedford-Stuyvesant, and his time in Vietnam. The attorneys also provided me with descriptions of Sam's bizarre behaviors, such as staring off into space, arguing with himself, use of narcotics, saluting airplanes, disappearances, crying fits, and nightmares that Sam reportedly experienced after he returned from Vietnam. I was also informed of Sam's behavior at the Sears store when he was apprehended in Nevada, of his behavior when he was arrested in San Bernardino, and his outbursts in court in both California and Nevada.

11. It is my opinion that Sam's behavior is entirely consistent with a PTSD diagnosis. Sam's behavior in the Sears when he was confronted by the security guards is consistent with a PTSD fight or flight episode. In my experience, I have discovered that similar PTSD episodes can last for as little as a few seconds or as long as days. Crimes occurring during a PTSD episode, then, can often be attributed to the triggering stressor, and the person suffering the episode is often unaware of the consequences of his actions.
12. Had Sam's trial counsel contacted me at the time of his trial in 1983, I could have strongly suggested that they consider PTSD as a likely diagnosis for Sam, and as a possible explanation for his behavior and actions in Nevada. Although PTSD was a relatively new diagnosis in the mental health field, I could have discussed the disorder with trial counsel and relayed to them my opinion that it was certainly a possible diagnosis for Sam based on his life-long history of exposure to significant trauma.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that this declaration was executed in Atascadero, California, on the 9~~th~~ day of December, 2008.



John A. Riley, Ph.D., A.B.P.P.

EXHIBIT 220

EXHIBIT 220

Import

He hoped for death via police

[Print Page](#)

By BY FRANK ANDRUSCAVAGE

Staff Writer

fandruscavage@republicanherald.com

Published: Thursday, April 15, 2004 3:00 AM EDT

David Harris wanted to die in the 2002 Arnot's Addition shootout and hoped police would kill him when they confronted him.

In the second day of testimony Wednesday in Harris' homicide trial in Schuylkill County Court, a state police investigator said the New York man, 26, admitted he killed Jamaal D. Smith and Amanda Finkbiner on the morning of Aug. 27 and also said he had hoped he would die at the hands of police.

Trooper Bernard S. Spece Jr. told the jury that he had interviewed Harris, Richmond Hill, Queens, at Lehigh Valley Hospital near Allentown just days after the shootings, and also said Harris had told him he was just "creeping around" Arnot's Addition after the killings.

Although a massive manhunt for Harris was under way that morning, Spece said Harris told him he was returning to the scene hoping for a confrontation with officers in which he would be shot to death.

Spece's remarks concluded more than six hours of testimony Wednesday. Schuylkill County District Attorney Frank R. Cori said he is seeking the death penalty should the jury find Harris guilty of first-degree murder.

Testimony Tuesday indicted the 1-year-old shootout resulted from a dispute involving illegal drugs.

Harris' desire to be shot to death almost became a reality when he approached William McGinn, a Mahanoy City borough police officer, and Edward Tarantelli, the Butler Township police chief, just after 6 a.m. that day near Wade Road and Cherry Street.

McGinn said he and Tarantelli arrived in the area minutes after a radio broadcast reported the sighting of the suspect wanted in connection with the earlier slayings of Smith and Finkbiner.

He said there were two cars blocking Wade Street, so he and Tarantelli parked the cruiser and walked a short distance where one of those other drivers was pointing to a man standing in the street.

"He was a block ahead of us and had a gun in his right hand," McGinn said.

With his back to the officers and not realizing they were there, Harris lowered his weapon, pointed it at the ground and fired three shots, McGinn testified.

Although he could not see any other police officers, McGinn continued, he heard shooting coming from an area in front of him and took a defensive position.

It was then that Harris turned, began jumping up and down and proceeded toward the two officers.

"We fired," McGinn said. "We didn't fire until he started advancing toward us. He was waving (the gun) side to side."

Harris then fell to the ground and dropped the weapon, allowing the two officers to approach him and kick the weapon out of his reach.

"We were yelling at him to stay down," McGinn said.

But Harris jumped up again and McGinn said police fired again because it was thought the man may have had another weapon.

Harris fell for a second time but this time was searching in his waistband with his right hand.

McGinn said he and Tarantelli thought Harris may have been reaching for a second gun, so they again fired at him.

It was then, he said, that other officers arrived and handcuffed Harris and took him into custody.

Tarantelli's testimony mirrored that of McGinn's.

After Harris was shot the second time, Tarantelli said he remembers him lying on the ground on his stomach, smacking his hands on the ground and yelling "Shoot me ... shoot me. I want to die ... shoot me."

Throughout the entire ordeal, Tarantelli said, he fired 12 rounds from his weapon and McGinn fired seven.

Testimony began with neighbors recalling how they were awakened by the sound of gunfire and looked out their windows to see shooting.

Angela Honish, 25 Arnot St., told the court that she was awakened by the sounds of what she thought were firecrackers around 6 a.m.

She said she looked out her window and saw a black man running down an alley toward Wade Road.

"I saw his arms go up in the air and I saw a gun in his hand," she said.

Mary Jane "Peggy" Tokash, who works as a school crossing guard at Pine Street and Wade Road, said that she went that morning to the home of her friend, Zella Jackson, right at that intersection.

As the women sat outside waiting for school children to arrive, Tokash said she looked on Pine Street and saw the suspect police were looking for.

Within seconds, shooting started.

"I heard bullets whiz by my head," she said. "All I wanted to do was to get out of there, to get into the house," she said.

Jackson gave an almost identical version of Tokash's testimony.

Under cross-examination by defense attorney James Conville, Schuylkill Haven, both women testified they never actually saw Harris with a weapon.

Copyright © 2008 - The Republican & Herald

[x] Close Window

EXHIBIT 221

EXHIBIT 221

The Slow Poison Of Apathy

ANY SENSITIVE person can feel outrage and indignation over the conditions which have existed at Mt. Meigs Industrial School over the years and still feel sympathy and understanding for the retiring superintendent of the institution, E. B. Holloway.

Holloway's comments upon his retirement speak volumes about why Mt. Meigs became essentially a juvenile prison instead of a place where at least some small effort was made to put wayward youngsters back on the right track.

When Holloway went to Mt. Meigs 23 years ago, "They didn't send me to the Department of Pensions and Security to learn about child welfare. They sent me to Kilby."

"I came to Mt. Meigs to work and build up the place on what we were given. But we weren't given anything. . . They told me I had to support myself. . . The question they always asked was 'how many bales of cotton have you made?' and never 'How many children have you helped?'. . . I tried to do what they wanted done. If I hadn't I wouldn't have been here 23 years. . . When you stay 23 years and do all you can, you feel keenly about so many things said to discredit what you have done."

Whatever the failings of Mt. Meigs — and they have been indeed myriad — they were not the making of E. B. Holloway.

Mt. Meigs is a classic case of what institutional violence — violence which is built in unseen ways as an invisible poison gas spreads across a countryside, a violence committed by no one in particular but merely through neglect and apathy. The late Robert Kennedy spoke of this kind of violence in one of his last speeches.

"There is," he said, "another kind of violence, slower but just as deadly, destructive as the shot or the bomb in the night. This is the

violence of institutions; indifference and inactions and slow decay. This is the violence that afflicts the poor, that poisons relationships between men. . .

"But we can perhaps remember — even if only for a time — that those who live with us are our brothers, that they share with us the same short moment of life, that they seek nothing but a chance to live out their lives in purpose and happiness, winning what satisfaction and fulfillment they can."

Over the years the institution of Mt. Meigs, condoned by society, produced incalculable harm to that same society. Fortunately, however, there are those who still remember that "those who live with us are our brothers."

Because of the diligent efforts of a few courageous people, urgent steps are being taken to change the role of Mt. Meigs. Prior to this time it has been but a way-station in a chain of collective failure. It took children who had been failed by family, failed by community, failed them once again, and sent them on to the ultimate failure, — prison.

For the changes that are being made and planned, we can all be most thankful.

Mt. Meigs, by its institutional nature was a slave system, and slavery is inherently brutal.



'I say forget Carswell and let's split his salary!'

EXHIBIT 222

EXHIBIT 222

Just a line
for Col. [unclear]

Birmingham, 4, Ala,
January, 1st 1959
RECEIVED

Government of Alabama JAN 5 1959

Dear Sir GOVERNOR'S OFFICE

I have wrote you once before. About this
matter. But I didn't sign my name. Sir
if it's not asking to much. Would you please
look into this matter. The children in the
Alabama Industrial School for Negro Children
these children are having a hard time down
there. Although the girls shouldn't have as
hard a time as the boys. These little girls
have corns in their little hands worse than mine
that's work in mines. I have been told that
these children work in the fields barefoot.
and Sir I don't believe that the Governor
don't know that this is happening. So Sir
Will you please please look into this matter.
These children the girls have to work out
in a little house in the cold. This I know
for a fact. A little girl haven't been to
long come from down there. Sir I want they
has name because it might cause trouble.

the day when they in the jail working in
their bare feet. If they get any thing it is
just they are not allow to get it out. and
not getting whip with a chain pipe with a
beard take on it. and a man. and this
when their parents go to visit them. they can't
just sit down and talk with them without
someone sitting in their present. they are afraid
to talk. I heard a little girl told her mother
to talk her like so that the lady could hear
what she was saying. And I thought when
a person was in a place like that. in
a baby could go to see them. to let them know that
a friend they to go to see the baby in
and he was made to know and so I
don't believe the men and women in
prison have such a hard time. you can't
see them but once a month. and I know
they people in prison can get to see their
fells and friend often than that. So I'll
will you please please look into this
matter. because I am really care. and I
know that you are the only one who no
some thing about it. I hope you is helping
yours very truly
Earl D. Cook

1 **MOTN**

2 DAVID ROGER
3 Clark County District Attorney
4 Nevada Bar #002781
5 NANCY A. BECKER
6 Deputy District Attorney
7 Nevada Bar #000145
8 200 Lewis Avenue, 3rd Floor
9 Las Vegas, Nevada 89155-2211
10 (702) 671-2700
11 Attorney for Plaintiff

7 DISTRICT COURT

8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,)

10 Plaintiff,)

11 -vs-)

12 SAMUEL HOWARD,
13 #0624173)

14 Defendant.)

CASE NO: C053867

DEPT NO: XVII

15 **STATE'S NOTICE OF MOTION AND MOTION TO DISMISS DEFENDANT'S**
16 **AMENDED PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)**
17 **AND REPLY TO OPPOSITION**

18 DATE OF HEARING: 10/29/09

19 TIME OF HEARING: 8:00 A.M.

20 COMES NOW, the State of Nevada, by DAVID ROGER, District Attorney, through
21 NANCY A. BECKER, Deputy District Attorney, and files this Notice of Motion and Motion
22 to Dismiss Defendant's Amended Petition for Writ of Habeas Corpus (Post-Conviction) and
23 Reply to Opposition.

24 This Motion is made and based upon all the papers and pleadings on file herein, the
25 attached points and authorities in support hereof, and oral argument at the time of hearing, if
26 deemed necessary by this Honorable Court.

27 ///

28 ///

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

POINTS AND AUTHORITIES

Defendant Samuel Howard currently has a Petition for Writ of Habeas Corpus pending in Federal District Court under Case No. 2:93-cv-01209-LRH-(LRL) regarding his efforts to overturn his conviction and death sentence in the instant case. Howard was already given one opportunity to hold his federal case in abeyance pending exhaustion of State remedies. He filed a Third State Post-Conviction Petition in 2002 which was dismissed as procedurally barred in October of 2003. The dismissal was affirmed by the Nevada Supreme Court in December of 2004. As a result, the Federal Court lifted the stay and permitted Howard to file a Third Amended Petition in the Federal case.

Subsequently, without seeking approval from the Federal Court as required by statute, the Federal Public Defender's Office filed, on Howard's behalf, the current Fourth State Post-Conviction Petition on October 27, 2007.¹ The State filed a motion to dismiss the Fourth State Petition on April 8, 2008. The parties agreed to stay this case for several months while Howard sought permission from the Federal District Court to hold his federal petition for post-conviction habeas corpus in abeyance pending exhaustion of the claims already filed in the Fourth State Petition and of new claims he wished to file in State court as a result of the Ninth Circuit's decision in Polk v. Sandoval, 503 F.3d 903, 910 (9th Cir. 2007).

The United States District Court denied Howards' motion for stay and abeyance on January 9, 2009. Thereafter, again without the authority of the Federal District Court, Howard filed an Opposition to the State's original motion to dismiss and an Amended Petition on February 24, 2009.² The State now responds to the opposition to its original

¹ The Federal Public Defender's Office is not authorized to represent individuals in state court non-clemency proceedings without a federal court order. Harbison v. Bell, ___ U.S. ___, 129 S.Ct. 1481 (2009). Under the statutes creating the Office, a federal court can permit the Federal Public Defender to represent a state defendant in proceedings ancillary to a federal case in which they represent the defendant, for example to exhaust state remedies. The State takes no position as to the propriety of the Federal Public Defenders' Office acting in State court without authorization from a federal judge except to note that such actions are done on a pro bono basis and neither the State nor the County of Clark are responsible for fees or costs incurred by the Federal Public Defender's Office in this case.

² The Amended Petition indicates that the State stipulated to the filing of the Amended Petition for exhaustion purposes. That is incorrect. The State did not stipulate that Howard could file an Amended Petition for exhaustion or any other

1 motion to dismiss and moves this Court to dismiss the Amended Fourth State Petition for
2 Post-Conviction Relief.

3 **STATEMENT OF THE CASE**³

4 On May 20, 1981 defendant Samuel Howard was indicted on: 1) One count of
5 Robbery with Use of a Deadly Weapon involving a Sears security officer named Keith
6 Kinsey which occurred on March 26, 1980; 2) One count of Robbery with Use of a Deadly
7 Weapon involving Dr. George Monahan committed on March 27, 1980; and 3) One count of
8 Murder with Use of a Deadly Weapon involving Dr. Monahan. With respect to the murder
9 count, the State alleged two theories: willful, premeditated and deliberate murder or murder
10 in the commission of a robbery. (Reporter's Transcript of Proceedings "RT" 5/20/81, 1-
11 115).

12 Howard was arrested in California where he was serving time for a robbery
13 committed on or about April 1, 1980. He was extradited in November of 1982. The Clark
14 County Public Defender's Office was appointed to represent him. On November 30, 1982,
15 Terry Jackson of the Clark County Public Defender's Office represented to the district court
16 that he could not handle the case as his family were personal friends with Dr. Monahan's
17 family.. Other members of his office had no relationship with Dr. Monahan and the district
18 court judge determined that the Office was not disqualified as a result of Mr. Jackson's
19 relationship. (RT 11/30/82, 2-6).

20 The deputy public defender assigned to the case wished a longer trial setting to
21 properly prepare, however Howard objected. A short trial date was set. (*Id.* at 3-5). The
22 district court heard additional motions regarding Howard's concerns about Jackson and other
23

24 purpose. The State told Howard's counsel that it was concerned about the propriety of the Federal Public Defender's
25 Office representation absent a federal court order, but that the State did not believe it had standing to challenge the issue
26 in State Court. The State did stipulate that if Howard wanted time to file an opposition to the motion to dismiss and an
27 amended petition, the State did not object as both offices have always extended a great deal of professional courtesy to
28 each other in light of their caseload and staffing issues.

³ This is an abbreviate version of the Statement of the Case contained in the original Motion to Dismiss filed on April 8,
2008. For the Court's convenience, the State has tried to limit repetition of case law and facts set forth in the original
motion. Repeated facts or case law are included when it would be more convenient for the Court. However, both
motions should be considered in determining whether to dismiss the Fourth State Petition.

1 public defender's friendships with Dr. Monahan, distrust of the public defense system and
2 the ability of the deputy public defender to meet a short trial setting. Due to the Office
3 deputy's trial schedule, the district court eventually continued the trial and appointed two
4 other deputies to represent Howard.. (RT 12/30/82, 3-15; RT 1/4/83; RT 1/10/83 10AM, 1-
5 8; RT 1/10/83 11AM, 1-3; RT 1/10/83 1:30PM, 3-11).

6 The guilt phase of the trial began on April 11, 1983 and concluded on April 22, 1983.
7 The jury returned a verdict of guilty on all three counts. The penalty phase was set to begin
8 on May 2, 1983. In the interim, one of the jurors, Marilyn Capasso, tried to contact the trial
9 judge about a problem. Because the district judge was on vacation, someone referred Ms.
10 Capasso to the District Attorney's Office. Ms. Capasso contacted Mr. Mel Harmon, one of
11 the trial deputies, who told Ms. Capasso he could not talk to her and referred her to the Jury
12 Commissioner. (RT 5/2/83, 1421-1429).

13 At an evidentiary hearing, Ms. Capasso confirmed that Mr. Harmon refused to talk to
14 her and simply told her if the judge wasn't available she should see the Jury Commissioner.
15 Ms. Capasso and the Jury Commissioner, Lynn Kennington testified as to the nature of their
16 conversation. In essence, Ms. Capasso had trouble sleeping over the weekend after the end
17 of the guilt phase and was concerned about her emotional ability to proceed. By the time of
18 May 2nd, she indicated she was fine. The district court denied Howard's motions for a
19 mistrial or elimination of the death penalty as a sentencing consideration. (RT 5/2/83, 1431-
20 1450, 1462).

21 Defense counsel renewed their motion to withdraw indicating they had irreconcilable
22 differences with Howard over the conduct of the penalty phase. Mr. Franzen indicated they
23 had documents and witnesses to present in mitigation, but that Howard had instructed them
24 not to present any mitigation evidence. Howard also instructed them not to argue mitigation
25 and they would not follow that directive, but would argue mitigation. Mr. Franzen also
26 indicated that Howard told them he wished to testify, but would not tell them the substance
27 of his testimony. Finally Mr. Franzen indicated they had attempted to get military and
28 mental health records but were unsuccessful because the agencies possessing the records

1 would not send copies without a release signed by Howard and Howard refused to sign the
2 releases. Mr. Franzen stated that perhaps new counsel would be able to convince Howard to
3 change his mind. The district court canvassed Howard if this was correct and Howard
4 confirmed it was true and that he did not want any mitigation presented. The district court
5 found Howard understood the consequences of his decision and denied the motion to
6 withdraw concluding defense counsel's disagreement with Howard's decision was not a
7 valid basis to withdraw. (RT 5/2/83, 1415-1421).

8 The penalty phase began on May 2, 1983 and concluded on May 4, 1983. The State
9 originally alleged three aggravating circumstances: 1) The murder was committed by a
10 person who had previously been convicted of a felony involving the use of violence -
11 Robbery with Use of a Deadly Weapon in California; 2) The murder was committed by a
12 person who had previously been convicted of a felony involving the use of violence - a 1978
13 New York conviction in absentia for Robbery with Use of a Deadly Weapon; and 3) The
14 murder occurred in the commission of a robbery. Howard moved to strike the California
15 conviction because it occurred after the Monahan murder and the New York conviction
16 because it was not supported by a Judgment of Conviction. The district court struck the
17 California conviction⁴ but denied the motion as to the New York conviction, noting that the
18 records reflected a jury had convicted Howard and the lack of a formal judgment was the
19 result of Howard's absconding in the middle of trial. (RT 5/2/83, 1451-1460).

20 The State presented evidence of the aggravating circumstances (RT 5/2/83, 1465-
21 1480) and Howard took the stand and related information on his background. Howard
22 discussed his military service and stated he had suffered a concussion and received a Purple
23 Heart.⁵ Howard also stated he was on veteran's disability in New York.⁶ He said he was in
24

25 ⁴ This case was tried before the law regarding the timing of a violent felony conviction vis-à-vis the penalty phase of a
26 capital case was clarified.

27 ⁵ The military records attached to the petition do not reflect any such injury or award.

28 ⁶ Howard's military records do not support this and there are no records of any admissions to a veteran's hospital. Howard admits he was never actually admitted to a hospital in New York because they required identification and he could not identify himself due to existing warrants for his arrest.

1 various mental health facilities in California including being housed in the same facility as
2 Charlie Manson. He testified he had been diagnosed as a schizophrenic, but that some of the
3 doctors thought he was malingering. When asked about his childhood, Howard became
4 upset. He indicated he didn't want to talk about the death of his mother and sister.⁷ Howard
5 indicated he was not mentally ill and knew what he was doing at all times. (RT 5/2/83,
6 1514-1529).

7 During a break in the testimony, Howard suddenly stated he didn't understand what
8 mitigation meant and that he would leave it up to his attorneys to decide what to do. The
9 district court asked Howard if he was now instructing his attorneys to present mitigation and
10 he refused to answer the question. Howard did indicate that he wanted his attorney's to
11 argue mitigation and defense counsel asked for time to prepare, which was granted. (RT
12 5/2/83, 1529-1535).

13 The jury found both aggravating circumstances existed and that no mitigating
14 circumstances outweighed the aggravating circumstances. The jury returned a sentence of
15 death.

16 Howard appealed to the Nevada Supreme Court. On appeal he was represented by
17 Elizabeth Hatcher. Howard raised the following issues on direct appeal; 1) Ineffective
18 assistance of counsel based on actual conflict arising out of Jackson's relationship with Dr.
19 Monahan; 2) Denial of the motion to sever the Sears' count from the Monahan counts; 3)
20 Denial of an evidentiary hearing on the motion to suppress Howard's statements and
21 evidence derived from it; 4) Refusal to instruct the jury that accomplice testimony should be
22 viewed with mistrust; 5) Refusal to instruct the jury that Dawana Thomas was an accomplice
23 as a matter of law; 6) The denial of the motion to strike the felony robbery and New York
24 prior violent felony aggravators; and 7) The giving of an anti-sympathy instruction and
25 refusal to instruct the jury that sympathy and mercy were appropriate considerations.

26 The Nevada Supreme Court affirmed Howard's conviction and sentence. Howard v.
27 _____

28 ⁷ As noted in the Amended Petition, Howard's father murdered his mother and baby sister.

1 State, 102 Nev. 572, 729 P.2d 1341 (1986) (hereinafter "Howard I"). The Court held that
2 the relationship of two members of the Public Defender's Office with Monahan did not
3 objectively justify Howard's distrust and there was no evidence that those attorneys had any
4 involvement in his case. Therefore no actual conflict existed and the claim of ineffective
5 assistance of counsel on this basis had no merit. The Court further concluded the district
6 court did not abuse its discretion by refusing to sever the counts and by not granting an
7 evidentiary hearing on the suppression motion. The Court noted that the record reflected
8 proper Miranda warnings were given and the statements were admitted as rebuttal and
9 impeachment after Howard testified. The Court also found that the district court did not err
10 in rejecting the two accomplice instructions; the anti-sympathy language in one of the
11 instructions was not an error in light of the totality of the instructions and the record
12 supported the district court's refusal to instruct on certain statutory mitigating circumstances
13 for lack of evidence. The Court concluded by stating it had considered Howard's other
14 claims of error and found them to be without merit. Howard filed a petition for rehearing
15 which was denied on March 24, 1987. Remittitur was stayed pending the filing of a Petition
16 for Writ of Certiorari to the United States Supreme Court on the anti-sympathy issues. John
17 Graves, Jr. was appointed to represent Howard on the writ petition. The petition was denied
18 on October 5, 1987 and Remittitur issued on February 12, 1988.

19 On October 28, 1987, Howard filed his first State petition for post-conviction relief.
20 John Graves Jr. and Carmine Colucci originally represented Howard on the petition. They
21 withdrew and David Schieck was appointed. The petition raised the following claims for
22 relief; 1) Ineffective assistance of trial counsel – guilt phase - failure to present an insanity
23 defense and Howard's history of mental illness and commitments; 2) Ineffective assistance
24 of trial counsel – penalty phase – failure to present mental health history and documents;
25 failure to present expert psychiatric evidence that Howard was not a danger to jail
26 population; failure to rebut future dangerousness evidence with jail records and personnel;
27 failure to object to improper prosecutorial arguments involving statistics regarding
28 deterrence, predictions of future victims, Howard's lack of rehabilitation, aligning the jury

1 with "future victims," comparing victim's life with Howard's life, diluting jury's
2 responsibility by suggesting it was shared with other entities, voicing personal opinions in
3 support of the death penalty and its application to Howard, references to Charles Manson,
4 voice of society arguments and referring to Howard as an animal; and 3) Ineffective
5 assistance of appellate counsel – failure to raise prosecutorial misconduct issues.

6 An evidentiary hearing was held on August 25, 1988. George Franzen, Lizzie
7 Hatcher, John Graves and Howard testified.⁸ Supplemental points and authorities were filed
8 on October 3, 1988. The district court entered an oral decision denying the petition on
9 February 14, 1989. (RT 2/14/89, 1-12). Formal Findings of Fact and Conclusions of Law
10 were filed on July 5, 1989.⁹

11 The Nevada Supreme Court affirmed the district court's denial of Howard's first state
12 petition for post-conviction relief. Howard v. State, 106 Nev. 713, 800 P.2d 175 (1990)
13 (hereinafter "Howard II"). David Schieck represented Howard in that appeal. On appeal
14 Howard raised ineffective assistance of trial and appellate counsel regarding the
15 prosecutorial misconduct issues. The Supreme Court found three comments to be improper
16 under Collier v. State, 101 Nev. 473, 705 P.2d 1126 (1985)¹⁰ : 1) A personal opinion that
17 Howard merited the death penalty, 2) A golden rule argument – asking the jury to put
18 themselves in the shoes of future victims; and 3) An argument without support from
19 evidence that Howard might escape. The Court found that counsel were ineffective for
20 failing to object to these arguments but concluded there was no reasonable probability of a
21 contrary result absent these remarks and therefore no prejudice. The Court rejected
22 Howard's other contentions of improper argument.

23
24 ⁸ Howard, in complete contradiction to his trial statements, now claimed he had cooperated fully with counsel, asked
25 them to present mitigating evidence and not only agreed to sign releases but asked them to obtain the military and health
26 records.

26 ⁹ During the pendency of the first State petition for post-conviction relief, Howard filed his first Federal petition for
27 habeas relief. That petition was dismissed without prejudice on June 23, 1988.

27 ¹⁰ Collier was decided two years after Howard's trial.

1 With respect the mitigation evidence issues, the Nevada Supreme Court upheld the
2 district court's findings that this was a result of Howard's own conduct and not ineffective
3 assistance of counsel.¹¹

4 Howard proceeded to file a second federal habeas corpus petition on May 1, 1991.
5 This proceeding was stayed for Howard to exhaust his state remedies on October 16, 1991.

6 Howard then filed his second state petition for post-conviction relief on December 16,
7 1991. Cal J. Potter, III and Fred Atcheson represented Howard in the second state petition.
8 In that petition, Howard alleged denial of a fair trial based on prosecutorial misconduct,
9 namely; 1) Jury tampering based on Mr. Harmon's contact with Juror Capasso; 2)
10 Expressions of personal belief and a personal endorsement of the death penalty; 3) Reference
11 to the improbability of rehabilitation, escape, future killings; 3) Comparing Howard's life
12 with Dr. Monahan's; and 4) A statement that the community would benefit from Howard's
13 death. The petition also asserted an ineffective assistance of trial counsel claim for failing to
14 explain to Howard the nature of mitigating circumstances and their importance. Finally the
15 petition raised a speedy trial violation and cumulative error.

16 The State moved to dismiss the Second State Petition as procedurally barred or
17 governed by the law of the case on February 10, 1992. In his reply, Howard dropped his
18 speedy trial claim as unsubstantiated and indicated if the other claims were barred, then they
19 had been exhausted and Howard could proceed in Federal Court.

20 The district court denied the petition on July 7, 1992. The district court found that the
21 claims of prosecutorial misconduct and ineffective assistance of counsel relating thereto as
22 well as the claims relating to mitigation evidence had been previously heard and found to be
23 without merit or resulted in no prejudice. Such claims were therefore barred by the law of
24 the case. The district court further concluded that any claim of cumulative error and any
25 issues not raised in previous proceedings were procedurally barred. Finally the district court
26

27 ¹¹ The State filed a petition for rehearing with respect to sanctions imposed on the prosecutor because his remarks
28 violated Collier. The State noted that Howard's trial occurred before Collier therefore the Court should not sanction
counsel for conduct that occurred before the Court issued the Collier opinion. Rehearing was denied February 7, 1991.

1 found the speedy trial violation was a naked allegation, frivolous and procedurally barred.

2 Howard appealed the denial of his second state petition to the Nevada Supreme Court,
3 which dismissed his appeal on March 19, 1993. The Order Dismissing Appeal found that
4 Howard's second state petition was so lacking in merit that briefing and oral argument was
5 not warranted. Howard filed a Petition for Writ of Certiorari challenging the summary
6 affirmance and the United States Supreme Court denied the request on October 4, 1993.

7 On December 8, 1993, Howard returned to Federal Court and filed a new pro se
8 habeas petition rather than lifting the stay in the previous petition. After almost three years,
9 on September 2, 1996, the Federal District Court dismissed the petition as inadequate and
10 ordered Howard to file a second amended federal petition that contained more than
11 conclusory allegations. Thereafter Howard, now represented by Patricia Erickson, filed a
12 Second Amended Petition for Writ of Habeas Corpus on January 27, 1997. After another
13 five years, on September 23, 2002, the Second Amended Federal Petition was stayed for
14 Howard to again exhaust his federal claims in state court.

15 Howard filed his third State petition for post-conviction relief on December 20, 2002.
16 Patricia Erickson represented him on this petition. The petition asserted the following
17 claims; 1) Failure to sever Sears robbery count from Monahan robbery/murder counts; 2)
18 Failure to suppress Howard's statements to LVMPD and physical evidence derived
19 therefrom; 3) Speedy trial violation; 4) Trial counsel actual conflict of interest – Jackson
20 issue; 5) Failure to give accomplice as a matter of law and accomplice testimony should be
21 viewed with distrust instructions – Dwana Thomas; 6) Improper jury instructions – diluting
22 standard of proof - reasonable doubt, second degree murder as lesser included of first degree
23 murder, premeditation, intent and malice instructions; 7) Improper jury instructions – failure
24 to clearly define First Degree Murder as specific intent crime requiring malice and
25 premeditation; 8) Improper premeditation instruction blurred distinction between First and
26 Second Degree Murder; 9) Improper malice instruction; 10) Improper anti-sympathy
27 instruction; 11) Failure to give influence of extreme mental or emotional disturbance
28 mitigator instruction; 12) Improper limitation of mitigation by giving only "any other

mitigating circumstance” instruction; 13) Failure to instruct that mitigating circumstances findings need not be unanimous; 14) Prosecutorial misconduct – jury tampering, stating personal beliefs, personal endorsement of death penalty, improper argument regarding rehabilitation, escape and future killings; comparing Howard and victim’s lives, comparing Howard to notorious murder (Charles Manson) and improper community benefit argument; 15) Use of felony robbery as aggravator and basis for First Degree Murder; 16) Improper reasonable doubt instruction; 17) ineffective assistance of trial counsel – inadequate contact, conflict of interest, failure to contact California counsel to obtain records, failure to obtain Patton and Atescadero hospital records, failure to obtain California trial transcripts, failure to review Clark County Detention Center medical records, failure to challenge competency to stand trial, failure to obtain suppression hearing, failure to present legal insanity, failure to object to reasonable doubt instruction, failure to view visiting records and call witnesses based upon same, failure to call Pinkie Williams and Carol Walker in penalty phase, failure to investigate and call Benjamin Evans in penalty phase, failure to obtain San Bernardino medical records regarding suicide attempt, failure to obtain military records, failure to adequately explain concept of mitigation evidence, failure to object to prosecutorial misconduct in closing arguments, failure to refute future dangerousness argument, failure to object to trial court’s limitation of mitigating circumstances and failure to object to instructions which allegedly required unanimous finding of mitigating circumstances; 18) Ineffective assistance of appellate counsel – failed to raise claims 3, 4, 6-9, 12, 13, 15, 16, 20 and 21 on appeal; 19) Ineffective assistance of post-conviction counsel – failure to adequately investigate and develop all trial and appeal claims; 20) Cumulative error; 21) Nevada’s death penalty is administered in an arbitrary, irrational and capricious fashion; 22) Lethal injection constitutes cruel and unusual punishment; and 23) The death penalty violates evolving standards of decency.

The State filed a motion to dismiss Howard’s Third State Petition on March 4, 2001. The State argued that the entire petition was procedurally barred under NRS 34.726(1) (one year limit) and NRS 34.800 (five year laches) and that Howard had not shown good cause

1 for delay in raising the claims to overcome the procedural bars. The State also analyzed
2 each claim and noted what issues had already been raised and decided adversely to Howard
3 or should have been raised and were waived.

4 Howard filed an Amended Third State Petition. The amended petition expanded the
5 factual matters under Claim 17 regarding Howard's family background that Howard asserted
6 should have been presented in mitigation.

7 On August 20, 2003, Howard filed his opposition to the State's motion to dismiss his
8 Third State Petition. As good cause for delay, Howard alleged Nevada's successive petition
9 and waiver bar (NRS 34.810) is inconsistently applied and Pellegrini v. State, 117 Nev. 860,
10 34 P.3d 519 (2001) is not controlling. Howard contended NRS 34.726 did not apply because
11 any delay was the fault of counsel not Howard and NRS 34.726 is unconstitutional and
12 cannot be applied to successive petitions Pellegrini notwithstanding. Howard argued the
13 Due process and Equal Protection clauses of the Federal Constitution bar application of NRS
14 34.726, NRS 34.800 and NRS 34.810 to Howard. In addition, Howard asserted NRS 34.800
15 did not apply because the State had not shown prejudice and the presumption of prejudice
16 was overcome by the allegations in the petition.

17 The State filed a Reply to the Opposition on September 24, 2003. The district court
18 issued an oral decision on October 2, 2003 dismissing the Third State Petition as
19 procedurally barred under NRS 34.726 and finding Howard had failed to overcome the bar
20 by showing good cause for delay. The district court independently dismissed the claims
21 under NRS 34.810. Written findings were entered on October 23, 2003.

22 Howard appealed the dismissal to the Nevada Supreme Court, which affirmed the
23 district court's dismissal of the Third State Petition on December 4, 2004. The High Court
24 addressed Howard's assertions that he had either overcome the procedural bars or they could
25 not constitutionally be applied to him and rejected them. Among its conclusions, the Court
26 noted that the record reflected Howard was aware that all his claims challenging the
27 conviction or imposition of sentence must be joined in a single petition and that Howard had
28 no right to post-conviction counsel at the time of the filing of his first and second State

1 petitions for post-conviction relief and hence ineffectiveness of post-conviction counsel
2 could not be good cause for delay.¹²

3 Howard then returned to Federal District Court where he filed his Third Amended
4 Petition for Writ of Habeas Corpus on October 23, 2005. That petition is currently pending.
5 Four years after filing his third amended petition in Federal Court, Howard filed the instant
6 Fourth Amended State Petition for Post-Conviction Writ of Habeas Corpus.

7 STATEMENT OF FACTS

8 On March 26, 1980, around noon, a Sears' security officer, Keith Kinsey, observed
9 Howard take a sander from a shelf, remove the packing and then claim a fraudulent refund
10 slip from a cashier. Kinsey approached Howard and asked him to accompany Kinsey to a
11 security office. Kinsey enlisted the aid of two other store employees. Howard was
12 cooperative, alert and indicated there must be some mistake. In the security office, Kinsey
13 observed Howard had a gun under his jacket and attempted to handcuff Howard for safety
14 reasons. A struggle broke out and Howard drew a .357 revolver and pointed it at the three
15 men. Howard had the men lay face down on the floor and took Kinsey's security badge, ID
16 and a portable radio (walkie-talkie). Howard threatened to kill the three men if they
17 followed him and he fled to his car in the parking lot. (RT 4/12/83, 218-240). A yellow
18 gold jewelry ID bracelet was found at the scene and impounded. (*Id.* at 369-372). It was
19 later identified as Howard's. (RT 4/20/83, 930). The Sears in question was located at the
20 corner of Desert Inn Road and Maryland Parkway at the Boulevard Mall.

21 Dawana Thomas, Howard's girlfriend, was waiting for him in the car.¹³ Howard had
22

23 ¹² See 1987 Nev. Stat., ch. 539, § 42 at 1230 (providing that appointment of counsel was discretionary not mandatory).
24

25 ¹³ Howard claimed Thomas was his wife and moved to suppress her statements under the marital privilege doctrine. The
26 district court held an evidentiary hearing. Certified copies of Thomas' marriage to Lenon Thomas in Tuscon, Arizona in
27 1974 were admitted together with a decree of divorce from Thomas dated September 5, 1980. Howard testified he
28 married Thomas in New York in 1979 but could not remember where, who performed the ceremony, where a license had
been obtained. Howard also introduced letters written by Thomas to Howard while he was in custody in California that
were signed "love you, your wife." Thomas denied ever marrying Howard and indicated the letters were just an
expression of her feelings at the time. The district court ruled that Howard could not have been legally married to

1 told her to wait for him and she was unaware of his intentions to obtain money through a
2 false refund transaction. (RT 4/20/83, 935). Fleeing from the robbery, Howard hopped into
3 the car, a 1980 black Oldsmobile Cutlass with New York plates 614 ZHQ and sped away
4 from the mall. (RT 4/20/83, 937-945).

5 While escaping, Howard rear-ended a white Corvette driven by Stephen Houchin.
6 Houchin followed Howard when Howard left the scene of the accident. Howard pointed the
7 .357 revolver out the window of the Olds and at Houchin's face, telling Houchin to mind his
8 own business. (RT 4/12/83, 377-387; 4/20/83, 937-945).

9 Howard drove to the Castaways Motel on Las Vegas Boulevard South and parked the
10 car for a few hours. Thomas and Howard walked about and Howard made some phone calls.
11 Later that evening Howard left for a couple of hours. When he returned he told Thomas that
12 he had met up with a pimp, but the pimps' girls were with him so he couldn't rob him.
13 Howard indicated he had arranged to meet with the "pimp" the next morning and would rob
14 him then. (RT 4/20/83, 945-950, 968-980).

15 Howard and Thomas drove to the Western Six motel located on the Boulder Highway
16 near the intersection of Desert Inn Road. The couple had stayed at this motel before and
17 Howard instructed Thomas to register under an assumed name, Barbara Jackson. The motel
18 registration card under that name was admitted into evidence and a document examiner
19 compared handwriting on the card with Thomas' and indicated they matched. (RT 4/20/83,
20 968-980; 4/22/83, 1269-1279, 1283-1292).

21 Around 6:00 a.m. on March 27, 1980, Thomas and Howard left the motel and went to
22 breakfast. After breakfast, Thomas dropped Howard off in the alley behind Dr. Monahan's
23 office. This was at approximately 7:00 a.m. Thomas returned to the motel room.
24 Approximately an hour later, Howard arrived at the motel. Howard had a CB radio with him
25 that had loose wires and a gold watch she had never seen before. Howard told Thompson
26 that he was tired of Las Vegas and to pack up their things as they were leaving for
27

28 Thomas as she had not been divorced from her first husband and denied the motion. (RT 4/19/83, 869-875, 877-896;
4/20/83, 900-912; 4/21/83, 1108-1109).

1 California. (RT 4/20/83, 968-980).

2 Dr. George Monahan was a dentist with a practice located on Desert Inn Road within
3 walking distance of the Boulevard Mall. He was attempting to sell a uniquely painted van
4 and would park the van in the parking lot of the mall, near the Desert Inn and Maryland
5 intersection and the Sears store and then walk to his office. The van had a sign in it listing
6 Dr. Monahan's home and business phone numbers and the business address. (RT 4/12/83,
7 415-419).

8 About 4:00 p.m. on March 26, 1980, Dr. Monahan's wife, Mary Lou Monahan,
9 received a phone call at her home inquiring about the van. The caller was a male who
10 identified himself as "Keith" and stated he was a security guard at Caesar's Palace. He
11 indicated he was interested in purchasing the van and wanted to know if someone could meet
12 him at Caesar's during his break time at 8:00 p.m. Mrs. Monahan indicated the caller would
13 have to talk to her husband who was expected home shortly. A second call was made around
14 4:30 p.m. and Dr. Monahan made arrangements to meet "Keith" at Caesar's later that night.
15 (RT 4/12/83, 419-423).

16 The Monahans and two relatives, Barbara Zemen and Mary Catherine Monahan, met
17 "Keith" that evening at the appointed time and place. Howard was identified as the man
18 who called himself "Keith". Howard was carrying a walkie-talkie radio at the time. Howard
19 talked to Dr. Monahan for about ten minutes about purchasing the van and looked inside the
20 van but did not touch the door handle while doing so. Howard arranged to meet Dr.
21 Monahan the next morning to take a test drive. The Monahan's left Caesar's and parked the
22 van at Dr. Monahan's office before returning home in another vehicle. (RT 4/21/83, 423-
23 434).

24 The next day, March 27, 1980, Dr. Monahan left his home at about 6:50 a.m. He took
25 with him his wallet, a gold Seiko watch, daily receipts and the van title. When Mrs.
26 Monahan arrived at the office at about 8:00 a.m. Dr. Monahan was not there and a patient
27 was waiting for him. Dr. Monahan's truck was in the parking lot to the rear of the office.
28 Dr. Monahan had not entered the office. (RT 4/12/83, 434-38). A Black man wearing a

1 radio or walkie-talkie on his belt came into the office at about 7:00 a.m. that morning
2 looking for Dr. Monahan and stating that he had an appointment with the doctor. (RT
3 4/14/83, 595-613).

4 Mrs. Monahan called Caesar's Palace and learned no "Keith" fitting the description
5 she gave worked security. After obtaining this information, Mrs. Monahan called the police
6 to report her husband as a missing person. This occurred at about 9:00 a.m. (RT 4/12/83,
7 348-350).

8 Charles Marino owned the Dew Drop Inn located near the corner of Desert Inn and
9 Boulder Highway, just a few blocks from Dr. Monahan's office and almost across the road
10 from the Western Six motel. Early on the morning of March 27, 1980, as he approached his
11 business, he observed the Monahan van backing into the rear of the bar. When he arrived at
12 the Inn, he looked in the driver's side and saw no one. He asked patrons if they knew
13 anything about the van and no one spoke up. Marino remained at the business until the early
14 afternoon. The van was still there and had not been moved. Later that day, at around 7:00
15 p.m. he received a call to return to the bar as a dead body had been found in the van. (RT
16 4/14/83, 613-624).

17 In response to television coverage, the police learned the Monahan van was behind
18 the Dew Drop Inn around 6:45 p.m. Dr. Monahan's body was found under an overturned
19 table and some coverings. (RT 4/14/83, 500-507). He had been shot once in the head. (RT
20 4/18/83, 681-695). The bullet went through Dr. Monahan's head and a projectile was
21 recovered on the floor of the van. The projectile was compared to Howard's .357 revolver.
22 Because the bullet was so badly damaged; forensic analysis could not establish an exact
23 match. It was determined that the bullet could have come from certain makes and models of
24 revolvers, Howard's included. (RT 4/20/83, 1069-1082). The van's CB radio and a tape
25 deck had been removed. Dr. Monahan's watch and wallet were missing. (RT 4/14/83, 500-
26 507.) A fingerprint recovered from one of the van's doors matched Howard's. (RT 4/18/83,
27 633-680).

28 Homicide detectives were aware of the Sears robbery that had occurred on March

1 26th. The description of the Sears suspect matched that given by Mrs. Monahan of the man
2 calling himself Keith at Caesar's Palace. Based upon that, the use of the name Keith, the
3 walkie-talkie in possession of the suspect, the close proximity of the dental office to the
4 Sears and the fact that the van had been parked in the Sears' parking lot, the police issued a
5 bulletin to state and out-of-state law enforcement agencies describing the suspect and the car
6 used in the Sears' robbery.

7 On March 27, 1980, while the police were searching for Dr. Monahan, Howard and
8 Thompson drove to California. They left the motel between 8:00 a.m. and 9:00 a.m. and on
9 the way they stopped for gas. At that time Howard had a brown or black wallet that had
10 credit cards and photos in it. Howard went to the gas station rest room and when he returned
11 he no longer had the wallet. (RT 4/20/83, 981-984).

12 On March 28, 1980, Howard and Thompson went to a Sears in San Bernadino,
13 California. Once again Howard left Thompson in the car while he entered the Sears, picked
14 up merchandize and tried to obtain a refund on it. This time he used the stolen Kinsey Sears
15 security badge in the attempt. The Sears personnel were suspicious and left Howard at the
16 register while they called Las Vegas. When they returned Howard had left. Howard
17 returned to the car and Thompson and Howard ducked down when the people from Sears
18 stepped outside to view the parking lot. (RT 4/19/83 760-773, 787-806; 4/20/83, 984-989).

19 On or about April 1, 1980, Howard robbed a car salesman in San Bernadino.¹⁴ Later
20 that day, at around noon, Howard went to the Stonewood Shopping Center in Downey,
21 California. He entered a jewelry store and talked to a security agent, Manny Velasquez.
22 Another agent in the store, Robert Slater, who also worked as a police officer in Downey,
23 saw Howard and noticed the grip of a gun under Howard's jacket. Slater talked to
24 Velasquez and decided to call the Downey Police. Howard left the jewelry store and went to
25 the west end of the mall near a Thrifty drugstore. (RT 4/19/83, 810-819). Downey Police
26 officers observed Howard walking up and down the aisles of the drugstore, picking items up
27

28 ¹⁴ The jury did not hear evidence of this crime as the district court struck the aggravator relating to it.

1 and replacing them on shelves. Howard was stopped on suspicion of carrying a concealed
2 weapon. No gun was found on him nor was he carrying the walkie-talkie. A search of the
3 aisles he had been in revealed a .357 Magnum revolver and the walkie-talkie and Sears'
4 security badge stolen from Kinsey. (RT 4/19/83, 819-835).

5 Howard was arrested for carrying a concealed weapon and then identified and booked
6 for the San Bernadino robbery. Howard was given his Miranda rights by Downey Police
7 officers. Disputed evidence was presented regarding his response and whether he invoked
8 his right to silence. Based on information in the all-points bulletin, the California authorities
9 contacted the Las Vegas Metropolitan Police Department about Howard. On April 2, 1980,
10 Detective Alfred Leavitt went to California and, after reading Howard his Miranda rights,
11 which Howard indicated he understood, interviewed Howard regarding the Sears robbery
12 and Dr. Monahan's murder. Howard did not invoke his right to remain silent or to counsel at
13 this time. (RT 4/21/83, 1256-1263; 4/22/83, 1267-1268).

14 Howard told Detective Leavitt he recalled being at the Sears department store but no
15 details about what happened and that he did not remember anything about March 27, 1980,
16 he could have killed Dr. Monahan but he doesn't know.¹⁵ (RT 4/21/83, 1256-63).

17 To establish identity, motive, lack of mistake and modus operandi, the State, after a
18 Petrocelli hearing, introduced the testimony of Ed Schwartz. Schwartz was working as a car
19 salesman in New York on October 5, 1979. When he arrived at work at approximately 9:00
20 a.m. Howard entered the agency and was looking at an Oldsmobile car. Howard showed
21 Schwartz a New York driver's license and checkbook and told Schwartz that he worked for a
22 security firm in New York. Howard asked if they could take a demonstration ride and
23 Schwartz drove the car for a few blocks while Howard was the passenger. Howard asked if
24 he could drive the car and the men switched seats. After driving for a short time, Howard
25 pulled over and pointed an automatic pistol at Schwartz. Schwartz was told to get down on
26 the floor of the car and remove his shoes and pants. Schwartz complied and Howard took
27

28 ¹⁵ Howard's statements were not admitted in the State's case-in-chief. They were admitted to rebut and impeach Howard's testimony in the defense case-in-chief.

1 Schwartz' watch, ring and wallet. Schwartz got out of the car when ordered to do so and
2 Howard drove off. The car was later found abandoned. (RT 4/21/83, 1129-1150).

3 Howard called witnesses who testified they saw the Monahan van being driven by a
4 Black man who did not match Howard's description, in particular the man had a large afro
5 and Howard had short hair. John McBride stated that he saw the van around 8:30 a.m. to
6 8:45 a.m. in his apartment complex which is located about five miles from Desert Inn and
7 Boulder Highway. (RT 4/21/83, 1177-1183). Lora Mallek was employed at a Mobile gas
8 station at the corner of DI and Boulder Highway and she stated she saw the van when it
9 pulled into the station between 3:00 p.m. and 4:00 p.m. Mallek testified that a Black man
10 with a large afro was driving, a Black woman, who did not match Thomas' description, was
11 in the passenger seat and a White man was sitting in the back. (RT 4/21/83, 1193-1208).

12 Howard testified over the objection of counsel. (RT 4/21/83, 1166). He indicated he
13 did not recall much about March 26, 1980. He remembered being in Las Vegas in general
14 on and off and that at one point Dwana Thomas' brother, who was about Howard's height,
15 age and weight, and had a large afro, visited them. Howard said he remembers incidents, not
16 dates and Kinsey could have been telling the truth about the Sears store. Howard indicated
17 he wasn't sure because when the Sears people gathered around him, it reminded him of
18 Vietnam and he kind of had a flashback. Howard said he thinks he left Las Vegas
19 immediately after the Sears incident. Howard also stated that he did not meet Dr. Monahan,
20 rob or kill him as he couldn't be that callous.¹⁶ (RT 4/21/83, 1237-1255).

21 On cross-examination, Howard admitted he left New York in the middle of his
22 robbery trial and was asked about statements he made to Detective Leavitt. Howard also
23 acknowledged he has used a number of aliases including Harold Stanback. Howard
24 indicated he was taking the blame for Dawana and her brother Lonnie. (Id.; 4/22/83, 1293-
25 1300).

26 Dawana Thomas was called in rebuttal and indicated her brother Lonnie had not been
27

28 ¹⁶ Howard had no explanation for his fingerprint on the door of the van.

1 in Las Vegas in March of 1980. (RT 4/22/83, 1269-1279).

2 In the penalty phase, the State presented evidence on the details of Howard's 1979
3 New York conviction for Robbery. A college nurse who knew Howard, Dorothy Weisband,
4 testified that Howard robbed her at gunpoint taking her wallet and car. He forced her into a
5 closet and demanded she remove her clothes. She refused and he left. After the robbery,
6 Howard called Weisband trying to get more cash from her in return for her car and
7 threatening her. (RT 5/2/83, 1465-1480). Howard testified as noted above regarding his
8 military, family and mental health histories.

9 ARGUMENT

10 Twenty-Six years ago, Howard was convicted of First Degree Murder and two counts
11 of Robbery with Use of a Deadly Weapon. The trial and penalty phase evidence formed the
12 basis for the jury's guilty verdict and sentence of death, a sentence that has been upheld on
13 direct appeal from the conviction as well as appeals from three previous state petitions for
14 post-conviction relief. This is Howard's fourth state petition for post-conviction relief and
15 the State asserts the petition is procedurally barred under NRS 34.726 (one year rule -
16 untimely), NRS 34.810(2) (successive/abusive petition) and NRS 34.810(1)(b) (waiver -
17 failure to raise in previous proceeding). In addition, the State contends the petition is subject
18 to dismissal under NRS 34.800 (laches). Finally, many of Howard's claims are prohibited
19 by the Law of the Case Doctrine, having previously been decided on their merits. Howard
20 alleges several grounds for excusing the procedural bars. The State submits no grounds exist
21 and that the petition should be dismissed in its entirety.

22 In the instant Response, the State only addresses the good cause for delay and actual
23 innocence claims as grounds for excusing the procedural bars. The State will not address the
24 prejudice prong necessary to overcome the procedural bars on the basis that it is not an
25 efficient use of judicial resources to address the prejudice prong unless the court finds
26 Howard has demonstrated good cause for the delay in raising his claims. However, in the
27 event this Court finds that good cause exists to excuse the delay on any claims, the State
28 requests additional time to supplement its response and address the prejudice prong.

1 Similarly, the State does not, with the exception Howard's *McConnell* and
2 *Polk/Nika/Byford* claims, address the merits of the claims. Although the State asserts these
3 claims are also procedurally barred, if the court finds good cause for the delay or that the
4 procedural bars do not legally apply to those claims, then the claims do not require an
5 evidentiary hearing and can be addressed solely upon the record. Thus there would be no
6 need for supplemental hearings or briefing as with the remaining claims.

7 The State discussed the procedural bars in its original motion and will not repeat that
8 case law here except to reiterate that procedural bars are not discretionary with a court and
9 cannot be ignored. *Riker v. State*, 121 Nev. 255, ___, 112 P.3d 1070, 1075 (2005). NRS
10 34.726 and NRS 34.810 provide that a court shall dismiss petitions or claims that violate the
11 statutes. A more detailed description of the NRS 34.810 bars is found below. NRS 34.800
12 provides that a court may dismiss a petition, but then establishes a presumption that the State
13 is prejudiced when a petition is brought more than five years after the direct appeal and the
14 petition should be dismissed.

15 Finally, the Law of the Case Doctrine operates independently of statutory procedural
16 bars. Thus a claim may be governed by the Law of the Case Doctrine even if it is not
17 procedurally barred. Where an issue has already been decided on the merits by the Nevada
18 Supreme Court, the Court's ruling is law of the case, and the issue will not be revisited.
19 *Pellegrini v. State*, 117 Nev. 860, 34 P.3d 519 (2001); *see McNelton v. State*, 115 Nev. 396,
20 990 P.2d 1263, 1276 (1999); *Hall v. State*, 91 Nev. 314, 315-16, 535 P.2d 797, 798-99
21 (1975); *see also Valerio v. State*, 112 Nev. 383, 386, 915 P.2d 874, 876 (1996); *Hogan v.*
22 *Warden*, 109 Nev. 952, 860 P.2d 710 (1993). The law of a first appeal is the law of the case
23 in all later appeals in which the facts are substantially the same; this doctrine cannot be
24 avoided by more detailed and precisely focused argument. *Hall*, *supra*; *see also McNelton*,
25 *supra*; *Hogan*, *supra*.

26 **A. NRS 34.810**

27 NRS 34.810 contains three provisions that apply to Howard's Amended Fourth State
28 Petition. The first is NRS 34.810(1)(b), the waiver provision, which bars consideration of

1 issues that could have been raised in previous proceedings. The second and third provisions
2 are found in NRS 34.810(2). That subsection bars successive petitions which raise grounds
3 for relief that have been previously denied on the merits or petitions that raise new or
4 different grounds for relief that constitute an abuse of the writ.

5 **1. NRS 34.810(1)(b)**

6 Claims that could have been raised on direct appeal or in any of Howard's three prior
7 petitions are barred under NRS 34.810(1)(b), which provides that a court must dismiss a
8 petition if the court determines that "[t]he petitioner's conviction was the result of a trial and
9 the grounds for the petition could have been: (1) [p]resented to the trial court; (2) [r]aised in
10 a direct appeal or a prior petition for writ of habeas corpus or postconviction relief; or (3)
11 [r]aised in any other proceeding that the petitioner has taken to secure relief from his
12 conviction and sentence..."

13 **2. NRS 34.810(2) – Successive Petition**

14 NRS 34.810(2) provides as follows: "A second or successive petition must be
15 dismissed if the judge or justice determines that it fails to allege new or different grounds for
16 relief and that the prior determination was on the merits. . ."

17 As this Court noted in Evans v. State, 117 Nev. 609, 29 P.3d 498 (2001) "[a] court
18 must dismiss a habeas petition if it presents claims that either were or could have been
19 presented in an earlier proceeding, unless the court finds both cause for failing to present the
20 claims earlier or for raising them again and actual prejudice to the petitioner." The Nevada
21 Supreme Court recognizes that "[u]nlike initial petitions which certainly require a careful
22 review of the record, successive petitions may be dismissed based solely on the face of the
23 petition." Ford v. Warden, 111 Nev. 872, 882, 901 P.2d 123, 129 (1995).

24 **3. NRS 34.810(2) – Abuse of Writ**

25 NRS 34.810(2) incorporates the concept that where a subsequent petition raises new
26 or different grounds for relief and those grounds could have been asserted in a prior petition,
27 it is an abuse of the writ. In essence, it encompasses the same concerns as NRS
28 34.810(1)(b), the waiver provision, except that it applies to all petitions, not just those arising

1 from trial. It also reflects the policy behind the Law of the Case Doctrine; rulings on
2 previous issues cannot be avoided by a more detailed or precisely focused argument. Hogan
3 v. Warden, 109 Nev. 952, 860 P.2d 710 (1993). In other words, if the information or
4 argument was previously available, it is an abuse of the writ to wait to assert it in a
5 subsequent petition. McClesky v. Zant, 499 U.S. 457, 497-498 (1991). All of Howard's
6 claims and sub-claims contain factual allegations or legal theories which could have been
7 asserted in the first State post-conviction petition, let alone the second and third petitions.
8 As such, they constitute an abuse of the writ and are procedurally barred.

9 Applying these doctrines and statutes, the entirety of Howard's fourth state petition
10 should be dismissed as procedurally barred.

11 **I.**
12 **HOWARD'S PETITION IS TIME BARRED PURSUANT TO NRS 34.726(1)**

13 On February 12, 1988 the Supreme Court of Nevada issued its Remittitur dismissing
14 Howard's direct appeal. Howard filed the instant petition for writ of habeas corpus on
15 October 25, 2007. Howard's petition was filed more than one year (over 19 years) from the
16 filing of the Remittitur on Howard's direct appeal. As such, it is procedurally time barred
17 under NRS 34.726.

18 However, because the Nevada Supreme Court issued Remittitur from the direct
19 appeal before the provisions of NRS 34.726(1) became effective on January 1, 1993, the one
20 year time limit is extended and begins to run from the effective date of the statute, that is,
21 January 1, 1993. Pellegrini v State, 24 P.3d 519, 529 (2001). Therefore, because Remittitur
22 issued before the effective date of NRS 34.726, the statutory time limit to file a petition for
23 post conviction relief would have commenced on January 1, 1993, and expired on December
24 31, 1993. Howard filed the present petition on October 25, 2007 after the one year deadline
25 of January 1, 1994. Therefore, Howard's petition is still time-barred and must be dismissed,
26 absent a showing of good cause for the delay and undue prejudice.

27 NRS 34.726 is strictly enforced. In Gonzales v. State, 118 Nev. 590, 53 P.3d 901,
28 902 (2002), the Nevada Supreme Court rejected a habeas petition, pursuant to the mandatory

1 provisions of NRS. 34.726(1) that was filed two days late. Gonzales reiterated the
2 importance of filing the petition within the mandatory deadline, absent a showing of "good
3 cause" for the delay in filing. Gonzales, 53 P.3d at 902.

4 The statute clearly states that the burden of overcoming applicability of the time bar is
5 on the petitioner. Good cause for delay means "an impediment external to the defense
6 prevented him or her from complying with the state procedural default rules." Hathaway v.
7 State, 119 Nev. 248, 71 P.3d 503, 506 (2003) (Internal citations omitted). The Nevada
8 Supreme Court has issued several rulings in this area. The lack of the assistance of counsel
9 when preparing a petition, and even the failure of trial counsel to forward a copy of the file
10 to a petitioner, have been found to not constitute good cause. See Phelps v. Director Nevada
11 Department of Prisons, 104 Nev. 656, 660, 764 P.2d 1303 (1988); Hood v. State, 111 Nev.
12 335, 890 P.2d 797 (1995). Also, the failure of counsel to inform the petitioner of his right to
13 direct appeal did not rise to good cause for overcoming the time bar. Dickerson v. State, 114
14 Nev. 1084, 967 P.2d 1132 (1998). Similarly, a decision to pursue federal habeas in lieu of
15 filing a State petition does not constitute good cause. Colley v. State, 105 Nev. 235, 236,
16 773 P.2d 1229, 1230 (1989).

17 In contrast, an external impediment could be "that the factual or legal basis for a
18 claim was not reasonably available to counsel, or that 'some interference by officials' made
19 compliance impracticable". Hathaway, 71 P.3d at 506; quoting Murray v. Carrier, 477 U.S.
20 478, 488, 106 S.Ct. 2639, 2645 (1986); see also Gonzalez, 53 P.3d at 904; citing Harris v.
21 Warden, 114 Nev. 956, 959-60 n. 4, (64 P.2d 785 n. 4 (1998).

22 Absent a showing of good cause for the delay and undue prejudice, only a
23 fundamental miscarriage of justice may excuse a time-barred claim. A fundamental
24 miscarriage of justice occurs "where a constitutional violation has probably resulted in the
25 conviction of one who is actually innocent." Murray v. Carrier, 477 U.S. 478, 488 (1986).
26 Actual innocence means factual innocence not mere legal insufficiency. Bousley v. United
27 States, 523 U.S. 614, 623 (1998). A defendant claiming actual innocence of the crime must
28 demonstrate that it is more likely than not that no reasonable juror would have convicted him

1 absent a constitutional violation. Pellegrini v. State, 117 Nev. 860, 887, 34 P.3rd 519, 537
2 (2001). Actual innocence is a stringent standards designed to be applied only in the most
3 extraordinary situations

4 Where a defendant is alleging he or she is “actually innocent” of the death penalty,
5 that is ineligible for a death sentence, the standard is even greater. A defendant must proved
6 by clear and convincing evidence that no reasonable juror would have found him death
7 eligible and sentenced him to death.

8 As noted below, the Petition fails to demonstrate good cause for the twenty year delay
9 in bringing these post-conviction claims. Nor has Howard demonstrated actual innocence.
10 Howard has failed to overcome the one-year procedural bar.

11 **II**
12 **HOWARD'S PETITION IS BARRED UNDER NRS 34.800 (LACHES)**

13 NRS 34.800 indicates a petition may be dismissed if the State pleads laches and the
14 delay in the filing of a petition prejudices the State. Where the prejudice involves the State's
15 ability to respond to the petition, the defendant must demonstrate that he could not, through
16 the exercise of reasonable diligence, have known of the grounds for his petition until after
17 the circumstances constituting prejudice occurred. NRS 34.800(1)(a). If the prejudice
18 involves the State's ability to conduct a retrial, then a defendant must show that a
19 fundamental miscarriage of justice has occurred in the proceedings leading to his conviction.

20 The State pleads laches in the instant case. Howard's Judgment of Conviction was
21 entered on May 3, 1983 and he filed a timely Notice of Appeal. Remittitur issued on the
22 denial of his direct appeal on February 12, 1988. Howard filed three previous state petitions
23 for post-conviction relief, October 28, 1987, December 16, 1991 and December 20, 2002.
24 Howard filed the instant petition for habeas corpus on October 25, 2007 and the Amended
25 Petition on February 24, 2009. Since over twenty-four (24) years have elapsed between the
26 Defendant's judgment of conviction and the filing of the instant petition, NRS 34.800
27 directly applies in this case and prejudice is presumed. Thus Howard must show that he
28

1 could not, through reasonable diligence, have known of the claims before prejudice attached
2 and that a fundamental miscarriage of justice would result if the claims are not considered.

3 Many of the claims in Howard's petition are mixed questions of law and fact that will
4 require the State to prove or rebut facts that are over twenty (20) years old. NRS 34.800 was
5 enacted to protect the State from having to re-litigate matters that have become ancient
6 history. If courts required evidentiary hearings for long delayed petitions as in the instant
7 matter, the State would have to call and find long lost witnesses whose once vivid
8 recollections have faded and re-gather evidence that in many cases has been lost or destroyed
9 because of the lengthy passage of time. The State does not bear the responsibility of proving
10 no prejudice. Rather the defendant must rebut the presumption of prejudice. Howard fails to
11 do so, therefore, this Court should summarily deny the instant petition according to the
12 doctrine of laches.

13 IV 14 INDIVIDUAL CLAIMS ANALYSIS¹⁷

15 CLAIM ONE:

16 1. **McConnell Claim** - this claim is based upon the felony robbery aggravator
17 and the lack of a special verdict form. The assertion that felony robbery may not be used
18 both as theory of First Degree Murder and as an aggravator was raised in the Third State
19 Petition and dismissed as procedurally barred. Subsequent to the Third State Petition, the
20 Nevada Supreme Court decided McConnell v. State, 120 Nev. 1043, 102 P.3d 606 (2004),
rehearing denied, 121 Nev. 25, 107 P.3d 1287 (2005).

21 McConnell found that felony robbery could not be used as the grounds for First
22 Degree Murder and as an aggravating circumstance, overruling prior case law. However, so
23 long as the reviewing court can be certain that the jury based its finding of First Degree
24 Murder upon a theory other than felony murder, or on both felony murder and some other
25 theory, it is harmless error. In McConnell, the defendant admitted committing willful,
26

27 ¹⁷ It appears that many of the claims in the original Fourth State Petition were collapsed into one of the claims in the
28 Amended Fourth State Petition. To the extent that a claim or sub-claim that appeared in the original petition is not
addressed herein, it was addressed in the original motion to dismiss

1 premeditated and deliberate murder and the error was found to be harmless. If a court
2 cannot make this determination, then the appropriate remedy is to strike the felony
3 aggravator and either re-weigh the remaining aggravators and mitigators or conduct a
4 harmless error analysis.

5 The McConnell decision was issued in 2004, yet Howard waited until 2007, almost
6 three years later, to raise his McConnell claim. As such the claim is procedurally barred
7 under NRS 34.726 as untimely since it was not raised within one year of the decision.
8 Howard claims the one year time period should not began until the Nevada Supreme Court
9 made McConnell retroactive in Bejarano v. State, 122 Nev. 1066, 146 P.3d 265 (2006).
10 Howard could have raised the issue of retroactivity in a petition for post-conviction relief
11 however, and the time period should run from when the claim was reasonably available,
12 2004 and not 2006.

13 Howard also claims he is actually innocent of this aggravator and therefore the
14 procedural bar does not apply. This is incorrect. Unlike Leslie v. State, 118 Nev. 773, 59
15 P.3d 440 (2002), the felony aggravator is not, in itself invalid. Rather it is the general
16 verdict form that creates the issue, not the substantive law of the aggravator. Nor is Howard
17 actually innocent of the death penalty as a remaining aggravator exists – the prior felony
18 aggravator based upon the New York robbery. Thus actual innocence has not been
19 demonstrated and therefore the procedural bar has not been overcome.

20 In the event the court finds this claim is not procedurally barred, the State has
21 addressed the merits of the claim in subsection VII below.

22 **2. Prior Violent Felony Aggravator – New York Conviction**

23 The validity of this aggravator raised on direct appeal. The issues raised at that time
24 was whether the district court erred in denying the motion to strike the aggravator and the
25 sufficiency of the evidence to prove this aggravator, including lack of a judgment of
26 conviction. The Nevada Supreme Court found the claims to be without merit, thus any
27 arguments regarding this aspect of the claim are governed by the law of the case doctrine and
28 barred under that doctrine. These arguments would also be successive under NRS 34.810(2).

1 In the Amended Fourth Petition, Howard now claims the aggravator was improper
2 because the State failed to comply with SCR 250(4)(c) and 250(4)(f). Even assuming the
3 provisions relied upon existed in 1981, thus argument could have been raised in previous
4 pleadings. The claim is therefore waived under NRS 34.810(1)(b) and abusive under NRS
5 34.810(2). It is also time-barred by NRS 34.726 and barred by laches under NRS 34.800.

6 Howard claimed in his original Fourth Petition that a recent United States Supreme
7 Court case, Burton v. Steward, 127 S.Ct. 793 (2007) created new case law on what
8 constitutes a final judgment and therefore the portion of the claim that challenges the use of
9 an *in absentia* conviction may be raised as the new case law constitutes good cause for
10 delay. Burton defines what is a final judgment for purposes of the procedural bar provisions
11 of the Antiterrorism and Effective Death Penalty Act (AEDPA) and has no bearing on what
12 constitutes a conviction under NRS 200.033. It does not create new law, Nevada has
13 existing case law that discusses what constitutes a final judgment, however this is irrelevant
14 to the statute which speaks of convictions, not judgments. Burton does not constitute good
15 cause for delay.

16 **CLAIM TWO:**

17 Claim Two raises various issues involving ineffective assistance of trial counsel. All
18 are barred under NRS 34.726 and NRS 34.800. Individual issues are also barred either under
19 the Law of the Case Doctrine or NRS 34.810 as waived, abusive or successive.

20 **1.. Conflict of Interest Clark County Public Defender** – this claim was
21 raised on direct appeal and denied. It was further raised in the Third State Post-Conviction
22 Petition and found procedurally barred, which finding was upheld on appeal. The claim is
23 therefore governed by the law of the case doctrine, new arguments are waived under NRS
24 34.810(1)(b), and it is successive and abusive under NRS 34.810(2). To the extent that
25 Howard is now claiming that the trial judge found the Clark County Public Defender's
26 Office ineffective but refused to appoint new counsel, this claim is based on the trial record
27 and was available at the time of the First State Petition. It is waived under NRS 34.810(1)(b)
28

1 and successive and abusive under NRS 34.810(2) as well as barred by laches under NRS
2 34.800 and time-barred under NRS 34.726.

3 **2. Failure to investigate, develop and present mitigation evidence** – as
4 to the penalty phase, this claim was raised in the First State Petition for post-conviction relief
5 and denied, which denial was upheld on appeal. It was also raised in the Third State Post-
6 Conviction Petition, found procedurally barred and that finding was upheld on appeal. The
7 claim is therefore governed by the law of the case doctrine, new arguments are waived under
8 NRS 34.810(1)(b), it is successive and abusive under NRS 34.810(2).

9 With respect to the guilt phase, cognitive impairment issues regarding Howard's
10 alleged mental status and failure to investigate or retain experts were raised in the first and
11 third State petitions for post-conviction relief. These claims were denied or found to be
12 procedurally barred and the findings were upheld on appeal. Thus the law of the case
13 doctrine would apply. To the extent this is a claim based on new information, it could have
14 been presented through due diligence in the previous proceedings. The claim is therefore
15 waived under NRS 34.810(1)(b), successive and abusive under NRS 34.810(2), time-barred
16 by NRS 34.726 and barred by laches under NRS 34.800.

17 **3. Failure to provide resources without polygraph** – this appears to be a
18 new claim. Through due diligence, it was reasonably discoverable and available to be raised
19 in the previous three state petitions for post-conviction relief. At the latest, it was available
20 in 1992 when the Unreasonable Doubt issue referred to in the claim was issued. The claim is
21 therefore waived under NRS 34.810(1)(b), successive and abusive under NRS 34.810(2),
22 time-barred by NRS 34.726 and barred by laches under NRS 34.800.¹⁸

23 **CLAIM THREE:**

24 Howard claims the jury instruction defining premeditation improperly blurred the
25 distinction between first and second degree murder. This issue was previously raised in the
26 Third State Petition, found to be procedurally barred and the finding was upheld on appeal.

27 _____
28 ¹⁸ This is no indication in the record that the alleged policy was ever applied in Howard's case.

1 It could have been raised on direct appeal and in the First State Petition. The claim is
2 therefore waived under NRS 34.810(1)(b), successive and abusive under NRS 34.810(2),
3 time-barred by NRS 34.726 and barred by laches under NRS 34.800.

4 **CLAIM FOUR:**

5 Howard asserts that Nevada's First Degree Murder statute unconstitutionally permits
6 a person convicted of a lesser offense to be subject to the death penalty. Howard asserts that
7 the jury instructions defined Second Degree Murder as murder with malice but without
8 premeditation. Combined with the malice instructions, which define express malice as the
9 intent to kill and premeditation as determination to kill, even if formed in a short period of
10 time, Howard argues the jury was not instructed on the necessary elements of Second Degree
11 Murder.

12 This issue was raised as a part of the arguments contained in Claims 6, 7, 8 and 9 of
13 the Third State Petition and found to be procedurally barred. The finding was upheld on
14 appeal. It could have been raised on direct appeal and as ineffective assistance in the First
15 State Petition. The claim is therefore waived under NRS 34.810(1)(b), successive and
16 abusive under NRS 34.810(2), time-barred by NRS 34.726 and barred by laches under NRS
17 34.800.

18 **CLAIM FIVE:**

19 Howard claims the trial court instructions and verdict forms improperly required the
20 jury to reach a unanimous decision on mitigating circumstances. This claim was raised in
21 the Third State Petition, found to be procedurally barred and the finding was upheld on
22 appeal. It could have been raised on direct appeal and in the first state petition. The claim
23 is therefore waived under NRS 34.810(1)(b), successive and abusive under NRS 34.810(2),
24 time-barred by NRS 34.726 and barred by laches under NRS 34.800.

25 To the extent that this claim also includes a challenge to the trial court's failure to
26 give an extreme mental or emotional distress mitigator instruction – this issue was raised on
27 direct appeal and found to be without merit. The law of the case doctrine applies. The issue
28 was also raised in the Third State Petition, found to be procedurally barred and the finding

1 was upheld on appeal. The claim is therefore waived under NRS 34.810(1)(b), successive
2 and abusive under NRS 34.810(2), time-barred by NRS 34.726 and barred by laches under
3 NRS 34.800.

4 The same is true of any claim that the trial court improperly limited mitigating
5 circumstance instructions or jury forms to the single statutory mitigators of "other mitigating
6 circumstances. parts of this issue were raised on direct appeal and rejected by the Nevada
7 Supreme Court in connection with the conclusion that other statutory mitigators were not
8 supported by the evidence. The law of the case doctrine applies. The claim was raised in the
9 third state petition, found to be procedurally barred and the finding was upheld on appeal.
10 The claim is therefore waived under NRS 34.810(1)(b), successive and abusive under NRS
11 34.810(2), time-barred by NRS 34.726 and barred by laches under NRS 34.800.

12 **CLAIM SIX:**

13 Howard argues various issues of prosecutorial misconduct, without citation to the trial
14 record. The majority of these issues were raised in the First State Petition and denied. On
15 appeal from the First State Petition, the Nevada Supreme Court concluded few of the claims
16 amounted to misconduct and counsel were not ineffective for failing to object or raise the
17 issue on appeal. The Court found three instances of misconduct that should have been
18 objected to but held that the prejudice prong of Strickland had not been satisfied, thus
19 affirming the district court's denial of the petition.

20 The original Fourth State Petition alleged jury tampering and that issue was raised in
21 the Second and Third State Petitions, found to be procedurally barred, which finding was
22 upheld on appeal. The law of the case doctrine is therefore applicable.

23 Any new charges of prosecutorial misconduct could have been raised on direct appeal
24 or the first state petition for post-conviction relief. The claims are therefore waived under
25 NRS 34.810(1)(b), successive and abusive under NRS 34.810(2), time-barred by NRS
26 34.726 and barred by laches under NRS 34.800.

1 **CLAIM SEVEN:**

2 Claim Seven involves allegations of ineffective assistance of appellate counsel. The
3 claim asserts that appellate counsel failed to raise the issues incorporated in the instant
4 petition as Claims 3, 4, 6, 7, 8, 9, 12, 13, 15, 16, 20, 21 and 22. This appears to be a
5 typographical error and refers to the claims of the original Fourth petition.. Claims 2(a), 5-7,
6 10 and 15-17 of the original petition were raised on appeal and found to be without merit.
7 Failure to raise the prosecutorial misconduct claims relating to arguments found in Claim 19
8 of the original petition was raised as ineffective assistance of appellate counsel in the first
9 petition for post-conviction relief and denied. The denial was upheld on appeal. To this
10 extent the law of the case doctrine applies. The remaining claims of the original petition
11 were either raised in the Third State Petition or could have been raised in the first, second
12 and third petitions.

13 To the extent that Howard was referring to claims in the Amended Fourth Petition,
14 any claim of ineffective assistance of appellate counsel as to claims not raised on direct
15 appeal could have been raised in the First State Petition, not to mention the subsequent
16 petitions. The claims are therefore waived under NRS 34.810(1)(b), successive and abusive
17 under NRS 34.810(2), time-barred by NRS 34.726 and barred by laches under NRS 34.800

18 **CLAIM EIGHT:**

19 Howard claims the Nevada Supreme Court fails to conduct fair and adequate review
20 in death penalty cases. He asserts the decisions are arbitrary, unprincipled and result-
21 oriented and fail to perform statutory obligations to; 1) Review the evidence and
22 constitutionality of aggravators; 2) Determine if the verdict was influenced by passion or
23 prejudice or arbitrary; and 3) Excessive considering the crime and the defendant. Howard
24 also challenges that the Court has no standards for conducting review and does not read the
25 records. Howard further claims that appellate and post-conviction counsel were ineffective
26 for failing to previously raise these issues.

27 This appears to be a new claim based on information that was available for several
28 years. It could have been raised in the previous petitions and direct appeal. The claim is

1 therefore waived under NRS 34.810(1)(b), successive and abusive under NRS 34.810(2),
2 time-barred by NRS 34.726 and barred by laches under NRS 34.800.

3 As noted above, claims of ineffective assistance of appellate counsel could have been
4 raised in the First State Petition and are therefore waived under NRS 34.810(1)(b). They are
5 also abusive under NRS 34.810(2), time-barred by NRS 34.726 and barred by laches under
6 NRS 34.800.

7 Howard also cannot raise a claim of ineffective assistance of post-conviction counsel.
8 – this issue was raised in connection with the Third State Petition. The Nevada Supreme
9 Court, in its order affirming the dismissal of the Third State Petition as procedurally barred
10 specifically noted that Howard was not entitled to the appointment of post-conviction
11 counsel and therefore no claim for ineffective assistance can be maintained. The law of the
12 case doctrine governs this conclusion. The claim is successive and abusive under NRS
13 34.810(2), time-barred by NRS 34.726 and barred by laches under NRS 34.800.

14 **CLAIM NINE:**

15 This claim was raised in the Third State Petition, found to be procedurally barred and
16 the finding was upheld on appeal. It could have been raised on direct appeal and in the First
17 State Petition. New arguments also could have been raised in the First State Petition. The
18 claim is therefore waived under NRS 34.810(1)(b), successive and abusive under NRS
19 34.810(2), time-barred by NRS 34.726 and barred by laches under NRS 34.800.

20 **CLAIM TEN:**

21 This is a cumulative error claim. Because all of the claims are procedurally barred,
22 there can be no cumulative error. If the Court finds that any claim is not procedurally
23 barred, then the State reserves the right to address the claim of cumulative error after a ruling
24 on the merits of the non-barred claims.

25 **V**
26 **NO GOOD CAUSE EXISTS TO EXCUSE THE PROCEDURAL BARS**

27 Howard asserted several grounds for overcoming the procedural bars in the original
28 Fourth State Petition. They are: 1) Ineffective assistance of trial counsel; 2) Ineffective

1 assistance of appellate counsel; 3) Ineffective assistance of state post-conviction counsel; 4)
2 Inconsistent and discretionary application of procedural bars by the Nevada Supreme Court;
3 5) Violations of Brady v Maryland (failure to disclose exculpatory evidence) and Giglio v
4 United States (failure to disclose impeachment evidence)¹⁹; and 6) Fundamental miscarriage
5 of justice – actual innocence (McConnell). In his Opposition to the original Motion to
6 Dismiss, Howard alleged additional reasons why the procedural bars should not apply; 1)
7 The State has previously indicated a McConnell claim is not barred if filed within one year
8 of Bejarano; 2) Howard is actually innocent of the prior New York violent felony under
9 Leslie; 3) Howard is entitled to challenge the validity of the New York violent felony as a
10 part of a McConnell reweighing analysis; 4) Actual innocence of the death penalty; and 5)
11 The Byford decision is retroactive. The State contends the allegations in the Petition,
12 Amended Petition and the Opposition support none of these grounds and do not constitute
13 good cause for delay or demonstrate actual innocence. The *McConnell* and
14 *Byford/Polk/Nika* issues are addressed separate sections, the remaining allegations of due
15 cause and actual innocence are addressed below.

16 **1. Ineffective Assistance of Trial, Appellate and Post-Conviction Counsel**

17 The Nevada Supreme Court has recognized that ineffective assistance of trial or
18 appellate counsel constitutes good cause for failure to raise an issue at trial or on appeal.
19 Crump v. Warden, 113 Nev. 293, 934 P.2d 247 (1997). However, substantive claims and
20 allegations of ineffective assistance of counsel for not raising those claims must still be
21 raised in a timely fashion under NRS 34.726 and NRS 34.800 or they are procedurally
22 barred. Hathaway v. State, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003)(footnotes omitted) .

23 In addition, if a defendant was entitled to the appointment of post-conviction counsel
24 by statute, ineffective assistance of post-conviction counsel may also constitute good cause
25 for failure to raise a substantive or ineffective assistance of trial/appellate counsel in a first
26

27
28 ¹⁹ Brady v. Maryland, 373 U.S. 83 (1963); Giglio v. United States, 405 U.S. 150 (1972).

1 petition for post-conviction relief, but it cannot excuse a failure to comply with the time bars
2 under NRS 34.726 or NRS 34.800.

3 In this case, Defendant's substantive and ineffective assistance of trial and appellate
4 counsel claims relating to the failure to pursue the substantive claims at trial or on appeal
5 were required to be filed within one-year of the Remittitur February 12, 1988 or alternatively
6 within one-year from the effective date of NRS 34.726 – January 1, 1993. This Petition was
7 filed on October 25, 2007. Thus any claims of ineffective assistance of trial and appellate
8 counsel that were not raised in the First State Petition are time barred. They are also barred
9 by NRS 34.800. They cannot constitute good cause for failing to raise trial and appellate
10 issues in a timely fashion because they themselves are time-barred.

11 Similarly, any claims relating to ineffective assistance of post-conviction counsel
12 would be required to be filed within one year of the Remittitur from the affirmance of the
13 denial of the First Petition for post-conviction relief or they would be time-barred and could
14 not constitute good cause for delay. Moreover, where post-conviction counsel is not
15 required by statute to be appointed, ineffectiveness of post-conviction counsel cannot
16 constitute good cause.

17 In this case, Howard was not entitled to appointment of post-conviction counsel on
18 his first post-conviction petition. Between July 1, 1987 and January 3, 1993, appointment of
19 post-conviction counsel, even in capital cases, was discretionary. See 1985 Statutes of
20 Nevada, 63rd Session Ch. 435, Section 4 p. 1230 and Section 7, p. 1231; 1987 Statutes of
21 Nevada, 64th Session Ch. 539, Section 14, p. 1218; 1991 Statutes of Nevada, 66th Session,
22 Ch. 44, Section 20, p.87. Because Howard was not entitled to post-conviction counsel, there
23 can be no ineffective assistance of post-conviction counsel claim to constitute good cause for
24 failing to raise issues in the first state post-conviction petition.²⁰ The Nevada Supreme Court
25 held this to be true when it affirmed the denial of the Third State Petition.

26
27
28

²⁰ Under past and current law, the right to assistance of counsel on successive post-conviction petitions is discretionary. Thus there can be no claim of ineffective assistance of counsel relating to the second and third state post-conviction petitions.

1 Even if Howard were entitled to appointed first post-conviction petition counsel, any
2 claims of ineffective assistance of post-conviction counsel must be timely made under NRS
3 34.726 and NRS 34.800 or they are barred. In the instant case, the Remittitur on the First
4 State Petition was issued in 1991. Therefore all claims alleging ineffective assistance of first
5 post conviction counsel should have been raised in the second state petition filed on
6 December 16, 1991. Thus any claims of ineffective assistance of first post-conviction
7 counsel filed after that date are time barred and cannot be used to constitute good cause for
8 delay in raising those claims in a timely fashion in the instant petition.

9 As all of Howard claims for ineffective assistance of counsel are time barred under
10 NRS 34.726 or subject to laches under NRS 34.800, they cannot constitute good cause for
11 the twenty year delay in bringing the claims and the procedural bars have not been
12 overcome. Therefore the Petition must be dismissed as procedurally barred.

13 2. Alleged Inconsistent Application of Procedural Bars

14 Nevada courts, and the Nevada Supreme Court in particular, have been under regular
15 attack by petitioners who claim Nevada does not consistently apply its procedural bars. See,
16 e.g., Loveland v. Hatcher, 231 F.3d 640 (9th Cir.2000) (denying claim made that Nevada
17 does not consistently apply NRS 34.726(1), the one year limit for filing habeas petition).
18 These attacks have continued even though both the Nevada Supreme Court and the Ninth
19 Circuit have recently ruled that “a petitioner must establish ‘good cause’ and ‘actual
20 prejudice’ to overcome a post conviction procedural bar.” Valerio v. State, 112 Nev. 383,
21 390, 915 P.2d 874 (1998); Loveland, supra. As long as the State rules are consistently
22 applied, the federal courts must show deference to the State court’s application of procedural
23 bars. Loveland, supra. In Petrocelli v. Angelone, 248 F.3d 877 (9th Cir, 2001) the Ninth
24 Circuit Court of Appeals, citing its earlier decision in Moran v. McDaniel, 80 F.3d 1261 (9th
25 Cir.1996) found that the Nevada Supreme Court had consistently applied the procedural bar
26 in NRS 34.800.

27 The Nevada Supreme Court definitely addressed this issue in State v. Riker, 121 Nev.
28 225, 112 P.3d 1070 (2005). The High Court stated:

1 . . . we flatly reject the claim that this court at its discretion
2 ignores procedural default rules. Riker offers a number of
3 flawed, misleading, and irrelevant arguments to back his position
4 that this court “has exercised complete discretion to address
constitutional claims, when an adequate record is presented to
resolve them, at any stage of the proceedings, despite the default
rules contained in [NRS] 34.726, 34.800, and 34.810.”

5 To begin with, Riker criticizes this court's consideration of
6 unpreserved error on direct appeal and equates such
7 consideration with a failure to respect procedural bars in post-
conviction proceedings. This equation is utterly without merit.
8 Unpreserved error on direct appeal is not subject to procedural
bars or anything equivalent to such bars; on the contrary, statutes
9 grant this court the discretion to consider unpreserved errors or
even require the court, in some cases, to consider such errors.
10 NRS 178.602 expressly provides this court with the discretion on
direct appeal to consider plain error despite a failure to preserve
11 the issue at trial or to raise the issue on appeal. As we have
explained before, this plain-error rule applies only on direct
12 appeal and “does not create a procedural bar exception in any
habeas proceeding.” [Footnotes omitted].

13 Riker, 121 Nev. at 236, 112 P.3d at 1077.

14 The Riker Court then went on to criticize and analyze why none of the cases and
15 unpublished orders Riker claimed support his theory of inconsistent application did no such
16 thing. The shotgun approach used in Riker is identical to the one used in this case, attaching
17 a plethora of orders and opinions, asserting they demonstrate inconsistent application of
18 procedural bars. See PE 201-249. In fact, many of the exhibits are the same cases
19 referenced in Riker. This Court is not free to disregard Riker and must reject inconsistency
20 as good cause to excuse the procedural bars pursuant to Riker.

21 The United States District Court for the District of Nevada issued a recent order on
22 January 9, 2008, concluding that Nevada regularly and consistently applies its procedural
23 bars. (Howard v. McDaniel, Slip Copy, 2008 WL 115380 (D. Nev.). (A complete copy of
24 the federal court's opinion is hereto attached as Exhibit 1; it is not cited as authority but as
25 evidence in support of the State's argument). In Howard, the defendant claimed the Nevada
26 Supreme Court exercises “unfettered discretion” which has led to inadequate holdings in its
27 application of the procedural default rules, primarily NRS 34.726. (Exhibit 1 at 2). The
28 Court analyzed over 200 Nevada Supreme Court opinions presented by the appellant and the

1 respondents and concluded "the Nevada Supreme Court has continued to consistently
2 apply NRS 34.726 to untimely petitions." (Exhibit 1 at 7). The reasoning from the Riker
3 opinion was incorporated into the decision written by the District Court:

4 A court need not discuss or decide every potential basis for its decision as long
5 as one ground sufficient for the decision exists. This proposition is
6 fundamental to legal analysis and judicial economy, as well as simple logic.
7 Thus, our conclusion in a case that one procedural bar precludes relief carries
8 no implication regarding the potential applicability of other procedural bars.

9 (Exhibit 1 at 6). This recent decision and the extensive analysis conducted by the federal
10 court in reviewing more than 200 previous opinions from the Nevada Supreme Court
11 negates any argument by Crump that the Supreme Court exercises unfettered discretion in its
12 application of the procedural default rules to reach arbitrary and inconsistent results. The
13 State adopts the federal court's analysis which completely rebuts Crump's claim of arbitrary
14 and inconsistent results. The State also adopts the rationale followed by the Nevada
15 Supreme Court in its most recent order disposing of Riker's post-conviction claims, Riker v.
16 Department of Corrections (Skolnik), Supreme Court Case # 50216 (February 17, 2009).
17 (Exhibit 2).

18 For example, Crump's suggestion that the Nevada Supreme Court in Rippo v. State
19 circumvented NRS 34.726 in raising the jury instruction issue sua sponte after the one-year
20 time limit under NRS 34.726 is misleading. In Rippo, the defendant filed a timely post-
21 conviction petition. After the defendant's petition was denied but before any decision on the
22 appeal from the denial of the petition, the Nevada Supreme Court decided McConnell v.
23 State, 120 Nev. 1043, 102 P.3d 606 (2004) *rehearing denied* McConnell v. State, 121 Nev.
24 25, 107 P.3d 1287 (2005). Because the McConnell decision was retroactive, Rippo could
25 file a new timely post-conviction petition raising a McConnell claim. Rather than waste
26 judicial resources, because the claim required no factual findings, the Nevada Supreme
27 Court permitted Rippo to raise the McConnell claim on appeal. Because the McConnell
28 claim required reweighing, the Court requested, ancillary to the reweighing issue, comments
on oral argument about how an alleged jury instruction error should impact upon the
reweighing. Rippo v. State, 122 Nev. 1086, 146 P.3d 279, 285 (2006). The Court sought

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

SAMUEL HOWARD

VS.

Respondents.

Electronically Filed
May 12 2011 04:49 p.m.
Tracie K. Lindeman

Appeal from Order Denying Petition
for Writ of Habeas Corpus (Post-Conviction)
Eighth Judicial District Court, Clark County

FRANNY A. FORSMAN
Federal Public Defender
MIKE CHARLTON
Assistant Federal Public Defender
Nevada Bar No. 11025C
411 E. Bonneville Ave., Suite 250
Las Vegas, Nevada 89101
(702) 388-6577
Mike_Charlton@fd.org

Attorneys for Appellant

STATE OF ALABAMA
DEPARTMENT OF MENTAL HEALTH

SEARCY HOSPITAL
MT. VERNON, ALABAMA 35660
Male Psychiatric Unit
September 11, 1975

GEORGE C. WALLACE
GOVERNOR

TAYLOR HARDIN
COMMISSIONER OF MENTAL HEALTH

J. E. CONDOM, M.D.
SUPERINTENDENT

Honorable Jerry White, Judge
20th Judicial Circuit
Houston County, Alabama
Dothan, Alabama

Re: HOWARD, Samuel
Our File #11 12 11
Your Case No. 11417

Dear Judge White:

We are writing with reference to Mr. Samuel Howard reportedly a 57 year old widowed black male who was admitted to Searcy Hospital for the first time April 23, 1975 under your commitment dated the 11th day of April, 1975. Purpose of the commitment was for observation and examination with the view of determining the mental condition of Mr. Howard and the existence of any mental disease or defect which would affect his present criminal responsibility or his criminal responsibility at the time of the commission of the crime with which he is charged.

Post-admission evaluation including physical examination, psychological assessment, social history study, psychiatric mental status examination and neurological work-up was completed.

Psychological assessment on April 29, 1975 revealed an intellectual functioning level that falls within the upper limits or borderline range of mental retardation; however, it was the examiner's opinion that due to Mr. Howard's feelings of depression it was possible that he did not perform at his optimal level and thus, his intellectual functioning was probably higher than the testing showed.

Initial psychiatric mental status examination revealed speech to be colloquial, fairly fast and profuse. Affect was bland with some sadness and slight bizarreness. He was evasive. Associations were tight. Reality contact was only fair. There were apparent delusions of persecution. Sensorium appeared cloudy. Calculations were only fair. Abstractions were fairly good. Memory appeared fair for recent and remote events. Insight and judgment appeared impaired. An initial diagnosis of Schizophrenia, paranoid type (with indications of organic brain syndrome and premature aging) was made. The patient was thought to be psychotic and not competent to stand trial.

Neurological work-up was ordered and results revealed a normal EEG. Skull x-ray impression revealed normal skull except for carotid artery arteriosclerosis.



HCCC0009

AA003001

Judge White

Re: HOWARD, Samuel

Our File #11 12 11

dtd 11 Sep 75.Page #2

Psychiatric reevaluation on September 9, 1975 revealed that Mr. Howard's intellectual functioning appeared to have deteriorated somewhat. He still appeared somewhat bizarre. His affect was bland and flat with some inappropriateness. Thought content revealed a child-like preoccupation with living a peaceful life with much religiosity. He appeared to have some delusional content. Reality contact appeared fairly good and associations were fairly tight. Sensorium was fairly clear. Calculations were poor. Abstractions were very concrete and poor. Intellectual capacity appeared to be low normal. Insight and judgment appeared impaired. The diagnosis of Schizophrenia, paranoid type (with indications of organic brain syndrome and premature aging) was retained.

Considering the above mentioned evaluative procedures the consultant psychiatrist in collaboration with the treatment team is of the opinion that this patient's psychotic condition is in remission and at the present time he is competent to stand trial. However, it is his further opinion that Mr. Howard will not be able to function in an unstructured situation, would present a danger to himself and to society and is in need of continued treatment.

With regard to the existence of any mental disease or defect which would affect his criminal responsibility at the time of the commission of the crime, we are unable to make any definitive statement regarding this as the patient was unknown to us at that time and this report reflects only our observation and treatment of Mr. Howard since his admission April 23, 1975.

We are submitting this report for the benefit of the court should the Court wish to make some further disposition with regard to this case as a result of our evaluation. Should there be any change in Mr. Howard's legal status or any other developments in regard to this case, we are requesting that we be notified.

Yours very truly,
THE SEARCY HOSPITAL

Kay McLeod, ACSW
(Miss) Kay McLeod, ACSW
Director

Approved by:

J. E. Kimbrough
J. E. Kimbrough, M.D.

Assistant Superintendent for Clinical Services

cc: A. B. Clark, Sheriff
Houston County, Alabama
Dothan, Alabama

/Schwarzauer

HCCC0010

AA003002


STATE OF ALABAMA,)	
PLAINTIFF,)	IN THE CIRCUIT COURT OF
VS.)	HOUSTON COUNTY, ALABAMA.
SAMUEL HOWARD,)	CASE NO. <u>11417</u>
DEFENDANT.)	

Whereas, the above named Defendant was committed to Searcy Hospital, Mt. Vernon, Alabama, on April 11, 1975, under an order of the undersigned Judge of the Circuit Court of Houston County, Alabama, for observation for mental competency and responsibility in pursuance of law.

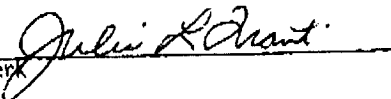
Whereas, the commission has reported on the 11th day of September, 1975, to the Court, that the said named Defendant has been examined and observed by the Medical Staff of Searcy Hospital, the commission examining and observing the said Samuel Howard, for mental deficiency, and that in the opinion of the Medical Staff of Searcy Hospital he is competent to stand trial and to cooperate with counsel in his own defense. Now therefore,

IT IS ORDERED BY THE COURT that Searcy Hospital, Mt. Vernon, Alabama, deliver the custody of the said Samuel Howard into the hands of A. B. Clark, Sheriff of Houston County, Alabama, and it is further ordered by the Court that the said Sheriff of Houston County, Alabama, receive the custody of the said Samuel Howard from the Searcy Hospital and commit the said Samuel Howard to the jail of Houston County, Alabama, and there hold him in his custody to await the future orders of the Court.

DONE AND ORDERED this 15th day of September, 1975.


JUDGE, TWENTIETH JUDICIAL CIRCUIT OF
ALABAMA.

Filed in office this 15 day of September, 1975.


Clerk

WE, THE JURY, FIND THE DEFENDANT, SAMUEL HOWARD, GUILTY OF MURDER
SECOND DEGREE AS CHARGED IN THE INDICTMENT. WE FIX HIS PUNISHMENT
AT IMPRISONMENT IN THE PENITENTIARY FOR 40 YEARS.

James D. Flowers
FOREMAN

EXHIBIT 213

EXHIBIT 213

State of California }}

County of San Francisco }}

Declaration of Pamela Olsen

I, Pamela Olsen, declare the following to be true and correct, based on my personal recollection.

1. I am a private investigator, licensed in California. In 2002, I was employed by John Murphy, owner of Murphy and Associates. Murphy and Associates provided investigative services to Patti Erickson during her representation of Samuel Howard, a Nevada death row inmate.
2. As part of my work on Mr. Howard's case, I interviewed several witnesses in connection with Mr. Howard's case.

Dawana Thomas

3. One witness, Dawana Thomas, was Mr. Howard's girlfriend in the late 1970s to the early 1980s. She testified at Mr. Howard's Nevada trial.
4. Ms. Thomas' interview took place on April 10, 2002, in Phoenix, Arizona. Ms. Thomas has since died and a declaration was not obtained from her before her death; therefore the following paragraphs document the information provided to me by Ms. Thomas.
5. At the time of my interview of Ms. Thomas, she was a student of the Evangelical Ministry at Azusa World ministries in Phoenix. Ms. Thomas had not yet been ordained when I met with her.
6. Ms. Thomas told me a few things about her life prior to meeting Sam Howard. When she was a child, Ms. Thomas was molested by her father. She believed this experience was a contributing factor to her always being involved with abusive men. At the time I met her, she was still receiving therapy for her problems.
7. Ms. Thomas moved to Las Vegas from Arizona in 1979, approximately seven months prior to the arrest of Sam Howard. She was about twenty years old. Prior to her moving to Las Vegas, Ms. Thomas and her husband separated after he learned her youngest child was fathered by another man. Ms. Thomas left both of her sons with this estranged husband and moved to Las Vegas with a friend. She soon met Sam

Howard, who Ms. Thomas described as intelligent and very nice. She was flattered by the attention he showered on her. They fell in love. Within a month of meeting Sam, Ms. Thomas moved in with him at a motel in Las Vegas.

8. Sam did not tell Ms. Thomas much about his life prior to her meeting him. He said he was from Jamaica, New York, had lived with an aunt who beat him, and that he mostly had to take care of himself as a child.
9. Ms. Thomas recalled Sam told her about his time in Vietnam. She believed Sam was really messed up by whatever he saw there. According to Ms. Thomas, during the months she stayed with him Sam was obsessed with Vietnam. She described his odd behavior, like saluting airplanes flying overhead, even if he had to stop the car and get out in order to perform the salute. Sam told Ms. Thomas stories about combat in Vietnam. Ms. Thomas said that at first she thought it all sounded exciting, but then she realized how troubled Sam was by his wartime experiences. Ms. Thomas referred to Sam as "a nutcase." She thought he was 'shell-shocked' by what he went through in Vietnam.
10. Sam frequently had nightmares. Ms. Thomas described how Sam mumbled in his sleep and woke up with cold sweats. He told Ms. Thomas that he dreamed of shooting "Gooks"; but that they kept popping back up and he had to cut off their ears. Ms. Thomas remembered many nights when she tried to calm Sam after he had a nightmare. She felt helpless; there was nothing for her to do but hold him.
11. Ms. Thomas described how, after she moved in with him, Sam's behavior changed. She felt he began to control and manipulate her. Sam told her what clothes to wear and did not like her to be out of his sight. If Ms. Thomas did not do as he wanted, Sam hit her.
12. Ms. Thomas said she noticed some conflicting behavior in Sam and she wondered if he was bi-sexual. She described how he flirted with a man on at least one occasion.
13. Ms. Thomas described how she and Sam traveled from Las Vegas to Tucson to pick up her son, Lenon. After that, they drove to New York to pick up her other son Caron, who was staying with family there. Ms. Thomas said she always hoped Sam would settle down with her and they could raise her sons like a real family, but it never happened. They traveled a lot during the seven months she was with Sam.
14. Ms. Thomas described how, during the weeks prior to Sam's arrest, his beatings became more and more frequent. A pattern developed with regard to Sam's behavior.

His anger and physical violence towards Ms. Thomas would start off slowly and then escalate over a period of days or weeks until Sam had to get away. She thought he picked fights in order to have an excuse to get away and then he was gone for several days at a time. When Sam returned after these disappearances, he was always physically and emotionally exhausted. Ms. Thomas also recalled Sam was tearful and emotional when he returned from each of these disappearances. He stayed with her, calm for a bit, but then the pattern would begin again.

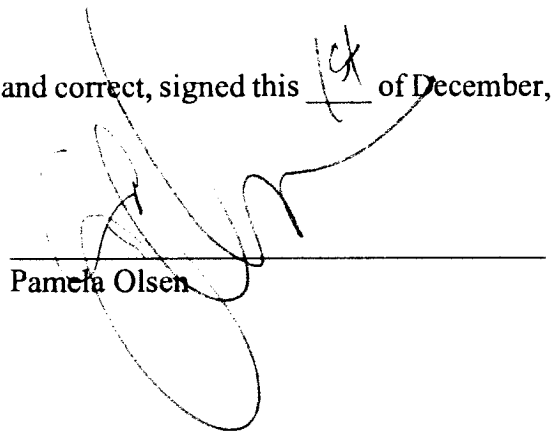
15. According to Ms. Thomas, Sam often suffered from wild mood swings. He was violent one minute, then cried and begged for forgiveness the next. He paced around like a caged animal. Other times, Sam rocked himself back and forth, like a hysterical child.
16. Ms. Thomas described Sam as being very paranoid when it came to germs. For example, he did not allow her to touch the toilet when she went to the bathroom. He did not want her to take a bath, because of the possible germs in the bathtub. When Ms. Thomas took a shower, Sam insisted she not let her feet touch the bottom of the tub; she had to stand with her feet on the rim of the bathtub.
17. Ms. Thomas recalled that while they were in New York, Sam's emotional state deteriorated even further. He dropped Ms. Thomas off where her son was staying with relatives and disappeared for several days at a time. Each time Ms. Thomas saw Sam during that week, he acted more and more strange. She described how his clothes were always wrinkled, to the point that she suspected he was sleeping in their vehicle. One night Sam took Ms. Thomas from where she was staying and drove her to a dark street. After he parked the van, Sam got into the seat behind Ms. Thomas, and did not allow her to turn around to look at him. Sam rocked back and forth and was very distraught. He did not allow Ms. Thomas to comfort him. Sam started berating Ms. Thomas verbally, saying she was a bad mother for leaving her children. Then he started crying.
18. Ms. Thomas left Sam in New York and took her children to Tucson. It took her three days to get there by bus. By the time she got to Tucson, Sam was calling her mother, looking for Ms. Thomas. When Ms. Thomas spoke to Sam, he was crying and hysterical, asking her over and over why she left him. Sam came to Tucson to get her and they returned to Las Vegas.
19. Ms. Thomas said Sam got drugs and guns from her brother, Lonnie Boyd. She described her brother as a thug and a criminal who was serving time in an Arizona prison for arson at the time I interviewed her.

20. Ms. Thomas described how after Sam was arrested in California, she suffered a nervous breakdown. The stress she endured during the months with Sam, combined with the stress of his being arrested for murder, and losing her children to social services, was just too much for her to bear. Ms. Thomas was hospitalized in a Tucson mental institution for several months. After her discharge from this hospital, Ms. Thomas was still unable to cope with what had happened and she began using street drugs. She turned to prostitution and even tried to kill herself a few times.
21. Ms. Thomas said that it was during these months of emotional pain that she was contacted by the police and District Attorney in Clark County. She said she was informed, by either a police detective or the DA, that Sam had sixty-nine counts of robbery on his record and that he had murder charges pending all over the country. Ms. Thomas described how the authorities made her terrified of Sam and told her how she could help get him off the streets permanently. Ms. Thomas said she was afraid and emotionally drained during this time. She felt like the police and the DA were hounding her; they tracked her down no matter where she tried to hide. Ms. Thomas said she suffered from extreme mental and emotional problems back then and she felt they took advantage of her condition. She believed the DA beat her down and pressured her into testifying.
22. Ms. Thomas said the Nevada authorities helped her by getting an assault charge dismissed. She had assaulted a nurse at the mental hospital and the charges were dropped as a result of Ms. Thomas's contact with the Nevada authorities about Sam's case.
23. Ms. Thomas said she believed Sam required mental health treatment when she knew him. She thought Atascadero State Hospital, where Sam was treated in California, was a good place for him because he was locked up but also receiving treatment for his mental illness.
24. Ms. Thomas recalled Sam had a good and gentle side; for all his problems he could also be loving and caring. He took an interest in her and her children.
25. Ms. Thomas told me that in the mid-1990's she was a material witness against a man charged with murder and other charges related to organized crime in Arizona. The authorities placed her in a witness protection program and relocated her to the northeast.

Mary B. Evans

26. I interviewed Ms. Mary B. Evans over the telephone on April 8, 2002. Ms. Evans resided in Birmingham, Alabama at the time of our interview. A declaration was not obtained from Mrs. Evans at the time of the interview. The following paragraphs document the information provided to me by Ms. Evans.
27. Ms. Evans was Sam's first cousin; she is the daughter of Pinkie Williams, Sam Sr.'s half-sister. Ms. Evans reported that Sam Sr. and Pinkie shared the same mother, but that Pinkie's father was a white man. Pinkie had three children: Charles, Mary and Winston. At the time of our interview, Ms. Evans was 64 years old.
28. According to Ms. Evans, her mother, Pinkie, moved to New York from Alabama in approximately 1956. In 1964, when Sam was approximately 16 years old, Pinkie traveled to Alabama to pick up Sam from a juvenile facility in Alabama. She took Sam with her to her home in Jamaica, Queens, New York. Mary did not know why Sam was in a juvenile facility.
29. Ms. Evans did not know what became of Sam's sister, Diane. Pinkie never took care of Diane, and Ms. Evans did not know who cared for her after Sam moved to New York.
30. Ms. Evans recalled that her mother described Sam as being different when he returned from Vietnam. Pinkie told Ms. Evans that Sam was harder and didn't talk as much. Pinkie also told her daughter that Sam's temper seemed much shorter when Sam returned from war.

I affirm the foregoing information is true and correct, signed this 14 of December, 2008.



Pamela Olsen

EXHIBIT 214

EXHIBIT 214

HOWARD, SAMUEL

AT 031600-0

12-12-80 SB

U SGL 2
PC 1370

COM CO SB 10

PAT
8-13-49
NY
PROT
P 31326

PATIENT'S COMPLETE RESIDENCE ADDRESS

HOSPITALIZATION HISTORY
(Check all that apply)

- No prior hospitalization ☐ 1
California state hospital ☐ 4
State hospital of other state ☐ 8
U.S. Vet. Admin. Hospital ☐ X
County psychiatric hospital ☒ X
Other psychiatric inpatient fac ☐ 8
Other (specify) ☐ 4
Unknown ☐ 1

Regional Center ☐
Is patient a U.S. Citizen? Yes ☐ (Y) No ☒ (X) UK ☐ (U)
Is patient a veteran? Yes ☐ (1) No ☐ (2) UK ☐ (3)

ADMISSION SUMMARY

MH 1790 (12/78)

State of California—Health and Welfare Agency

Zip Code: Health District:
Consent Form:
Diagnostic Description: 3 0 1 7 0
U.S. Code: Sample Survey:
Referral ☐ (1) Referral ☐ (2)

AKA:
First hospital: Case number:
Department of Mental Health

HOSPITALIZATION HISTORY

NAME:

CONTRARY TO
EVE

CASE NUMBER

ADMISSION
DATE

ADMISSION
LEGAL
CLASS

CURRENT
LEGAL
Class

CURR.
MVMT.

MOVEMENT
DATE

PAT-134310-2 7-17-80 PC 1370 PC 1370 07 12-12-80

31638

2-2

December 12, 1980


On July 17, 1980, patient was admitted from Patton State Hospital as a 1370 from San Bernardino. He was charged with armed robbery and car theft. Just prior to admission, attempted suicide?

On September 19, 1980, escaped from Patton State Hospital and was picked up by Protective Services. Otherwise, has been no nursing problems on Unit 39, their most structured.

The main reason they want to send him here, is on November 15, 1980, information was received from his girlfriend's doctor that patient is planning to leave Patton State Hospital and kill her.

Also, has a warrent, confirmed from Los Vegas, Nevada, for murder and robbery; also possible warrents from New York, and Dallas, Texas for burglary, robbery and murder. They feel the risk for escape is high.

Patient was previously referred for transfer, but was held up by the Fair Hearing Panel, who were not aware of the above reasons for his transfer, and did not approve it, as he was functioning well on the ward at the time of the hearing. Subsequently, the Clinical Director ordered his transfer.


N. Ray Stennett
Community Liaison Representative

cc: Carol Hamilton
Ward 2
Program I
SWA

Continued on Page _____

SUMMARY

- ☐ INITIAL PLANNING
- ☐ SEMI ANNUAL PLAN REVIEW
- ☐ ANNUAL PLANNING CONFERENCE
- ☐ DISCHARGE/TRANSFER
- ☐ OTHER SUMMARY ON PATIENT ACCEPTED FROM
PATTON STATE HOSPITAL ON TRANSFER

Confidential Client/Patient Information

See W & I Code 5128

NH 1227 (7/78)

HOWARD, Samuel

1479 - PS 31 02 - 2

AA003013

December 12, 1980

On July 17, 1980, patient was admitted ^{to} from Patton State Hospital as a 1370 from San Bernardino. He was charged with armed robbery and car theft. Just prior to admission, attempted suicide?

On September 19, 1980, escaped from Patton State Hospital and was picked up by Protective Services. Otherwise, has been no nursing problems on Unit 39, their most structured.

The main reason they want to send him here, is on November 15, 1980, information was received from his girlfriend's doctor that patient is planning to leave Patton State Hospital and kill her.

Also, has a warrent, confirmed from Los Vegas, Nevada, for murder and robbery; also possible warrents from New York, and Dallas, Texas for burglary, robbery and murder. They feel the risk for escape is high.

Patient was previously referred for transfer, but was held up by the Fair Hearing Panel, who were not aware of the above reasons for his transfer, and did not approve it, as he was functioning well on the ward at the time of the hearing. Subsequently, the Clinical Director ordered his transfer.

N. Ray Stennett
Community Liaison Representative

cc: Carol Hamilton
Ward 2
Program I
SWA

Continued on Page _____

SUMMARY

- ☐ INITIAL PLANNING
- ☐ SEMI-ANNUAL PLAN REVIEW
- ☐ ANNUAL PLANNING CONFERENCE
- ☐ DISCHARGE/TRANSFER
- ☐ OTHER SUMMARY ON PATIENT ACCEPTED FROM
PATTON STATE HOSPITAL ON TRANSFER
Confidential Client/Patient Information
See W & I Code 5328

HOWARD, Samuel

ADMISSION SCREENING MEDICAL HISTORY

Have you had any medical treatment in the past 5 years? Yes ☐ No ☐

Have you ever had:

Nervous disorders Yes ☐ No ☐
 Fainting or dizziness Yes ☐ No ☐
 Excessive bleeding Yes ☐ No ☐
 Heart trouble Yes ☐ No ☐
 High blood pressure Yes ☐ No ☐
 Asthma Yes ☐ No ☐

Have you ever had:

Diabetes Yes ☐ No ☐
 Epilepsy or black-outs Yes ☐ No ☐
 Hepatitis or jaundice Yes ☐ No ☐
 Kidney or liver disease Yes ☐ No ☐
 Tuberculosis Yes ☐ No ☐
 Other serious illness Yes ☒ No ☐

Have you ever had any serious trouble after dental treatment? Yes ☐ No ☐Have you taken any kind of medicine or drugs during the past year? Yes ☒ No ☐Are you allergic or sensitive to Penicillin or any drugs or medicine? Yes ☐ No ☐Have you used narcotics? Yes ☒ No ☐

SYSTEM REVIEW

Do you now have any complaint about:

Bladder trouble Yes ☐ No ☐
 Bowel trouble Yes ☐ No ☐
 Breathing trouble Yes ☐ No ☐
 Skin trouble Yes ☐ No ☐

Stomach trouble Yes ☐ No ☐
 Swelling of ankles Yes ☐ No ☐
 Weight loss Yes ☐ No ☐
 Any injury Yes ☐ No ☐

(Above to be completed by patient with help of Nursing Service when needed)

DOCTOR'S REVIEW OF POSITIVE RESPONSES ABOVE

- ① Hx. head inj 1969 in Viet Nam
 ② Hx. medications in past unknown types
 ③ Hx. drug use
 ④ denies suicide attempts ⑤ last tetanus inj 9/80

D. Ben R.N.

History of suicide attempts in past prison
 adm to prison

D. B. Anderson

M. 1

Physician's Signature

12/12/80

State of California
 DEPARTMENT OF MENTAL HYGIENE
 ATASCADERO STATE HOSPITAL

HOWARD, SAMUEL

AT 031653-0

12-12-80 SB

CUM CU SB

M SGL 2

PC 1370

PAT

2-13-49

NY

PHOT

F 21326

ADMISSION SCREENING
 MEDICAL HISTORY AND SYSTEM REVIEW
 FORM 2502

12-27-70

Sports Group
2xWKX90mins
Weight Lifting
Group
2xWKX90mins
Exercise Gr
4xWKX15
Leisure Coun-
selling Group
1xWKX90mins
Arts & Crafts
Group
1xWKX90mins
Current Events
Group
1xWKX90mins
Music Listening
Group
1xWKX90mins

KEY
VISIT (V) ALTERNATE PROG.
SICK (S) BEHAVIOR PROB.
MEDICAL (M) CANCELLED
REFUSED (R)

Sub. No.									DAILY TOTAL	COMMENTS
1.										
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										
11.										
12.										
13.										
14.										
15.										
16.										
17.										
18.										
19.										
20.										
21.										
22.										
23.										
24.										
25.										
26.										
27.										
28.										
29.										
30.										
31.										
32.										
33.										
34.										
35.										
36.										
37.										
38.										
39.										
40.										
41.										
42.										
43.										
44.										
45.										
46.										
47.										
48.										
49.										
50.										
51.										
52.										
53.										
54.										
55.										
56.										
57.										
58.										
59.										
60.										
61.										
62.										
63.										
64.										
65.										
66.										
67.										
68.										
69.										
70.										
71.										
72.										
73.										
74.										
75.										
76.										
77.										
78.										
79.										
80.										
81.										
82.										
83.										
84.										
85.										
86.										
87.										
88.										
89.										
90.										
91.										
92.										
93.										
94.										
95.										
96.										
97.										
98.										
99.										
100.										

Month of: November
 Total hours per month: _____
 Reviewed by: _____

ATTENDANCE RECORD
 INDIVIDUAL PROGRAM PLAN
 1004

AT 131310-2
 17-0 8000 10 1570
 AA 111111 111111
 11 11 11

Dy. No.											DAILY	
											TOTAL	COMMENTS
1												
2												
3												
4												
5												
6												
7												
8												
9												
10												
11												
12												Won 1st Ping Pong Tournament
13												
14												
15												
16												
17												
18												
19												
20												
21												
22												
23												
24												
25												
26												
27												
28												
29												
30												
31												

KEY
 VISIT (V) ALTERNATE PROG.
 SICK (S) BEHAVIOR PROB.
 MEDICAL (M) CANCELLED
 REFUSED (R)

Month of: December
 Total hours per month: _____
 Received by: _____

ATTENDANCE RECORD
 INDIVIDUAL PROGRAM PLAN
 124

FORM 134510-2 H 502 DEC 1970
 1-17-70 3300 PG 1370
 JVA 11/17/70, 12/2/70

INSTRUCTIONS: 1) Wherever possible indicate relative "degree" or amount.
2) For unusual findings use additional pages as necessary.

Height 70" Weight 181 lbs. Age 31
General Observation This is a medium built, cooperative patient with appropriate responses and no complaints.
Build, development, nutrition, evidence of injury
Activity, cooperation, responsiveness

Skin Tattoos upper chest and extremities.
Cyanosis, bruise, scars, jaundice, moisture, color, eruptions, hair distribution

Head Symmetrical, no lesions
Shape, symmetry, tenderness, breast, circumference

Facies Symmetrical
Symmetry, expression

Scalp No lesions, normal hair condition
Bruise, alopecia, condition of hair, scars

Ears Cerumen impaction, right canal; left canal clear with healthy TMs present.
Anomalies, discharge, otitis, drum, acuity

Nose No obstruction or deviation
Obstruction, perforation, discharge

Eyes Possible exophthalmos. PERRL, EOM intact. Fundusoscopic exam normal.
Lids, sclera, conjunctivae, corneal reflex, accommodation

Mouth Dental caries, some teeth absent, no other oral lesions.
Mucosa, teeth, gums, epiglottis, tongue, throat, voice

Throat No inflammation
Palate, tonsils, pharynx, trachea

Neck No adenopathy, minimal bilateral possible enlargement of the thyroid gland.
Palpation, thyroid, lymph glands, scars

Chest Large tattoo upper chest.
Shape, symmetry, deformity, dyspnea, rales, wheezes, percussion

Breasts No masses or tenderness
Scars, masses, tenderness

Lungs Clear to auscultation and percussion
Pneumonia, dullness, wheezes, breath sounds, rales, rhales, cough

Heart Regular rhythm, no murmur
Thrill, cardiac dullness, apex beat, arrhythmias, boundingness, shift, murmurs, transmission

Distribution, radiation, bruit, accentuation, reduplication

Vascular System No varicosities, no bruits
Vessel walls

Pulse 100 Respiration: 16 Blood Pressure 120/82 Temperature: 98.4°
Equality, rhythm, symmetry, rate, force, capillary pulsation
Tachycardia, diastolic

Abdomen Mildly obese, soft, non-tender, no masses or organomegaly.
Shape, symmetry, distention, scars, scars, symmetry, masses, spots

Tenderness, fluid, hernia, varicos, organs felt, boundingness

Genitalia Uncircumcised male, testes are descended, no evidence of hernia
Scars, discharge, epididymis, hydrocele, varicocele, tenderness

Spine Symmetrical, no lesions
Kyphosis, lordosis, scoliosis, rigidity, tenderness

(Continued on other side)

PHYSICAL EXAMINATION

Confidential Client/Patient Information
See W & I Code 52

1411 1730 K4 (7/78)

NAME: HOWARD, Samuel
FILE NO. AT 03 16 38
FACILITY Atascadero State Hospital

REFERRAL AND REPORT

Clinic or Service ADMISSIONS (or) Person Ronald Lapp, M.D.Reason for Referral: Medical History and Physical ExaminationSignature: _____ Date: 12-13-80 Unit: Ward 2Date Dictated: 12-13-80
Date Typed: 12-16-80 REPORT

S: This is a 31-year-old Black male patient here under Section 1370 of the Penal Code on commitment from San Bernardino County. The patient is charged with armed robbery and car theft, but additional outstanding charges include murder and robbery. The patient was transferred here from Patton State Hospital because he was considered an escape risk. He has the following active problems:

1. Dental Problems: Patient doesn't voluntarily complain of any dental problems but has dental caries on physical examination.

Past Medical History:

Medication: Denies taking medication in the past on a chronic basis.
Allergies: None.
Accidents: Had a head injury in 1969 when he lost consciousness for several hours. He states that he has had occasional headaches since then, which may or may not be related to the accident. Also suffered another head injury in 1978 when involved in a motorcycle accident. He was unconscious this second occasion for only a few minutes. Patient denies any other serious accidents, fractures or burns.
Surgery: None.
Illnesses: The only illness he can recall is the month-long hospitalization after his head injury in 1969.

Family History: There is no family history of diabetes, carcinoma, heart disease or tuberculosis. His mother and father are living and in good health. He has one sister who is alive and well.

Review of Systems:

Patient denies any change in his weight or appetite. There has been no recent febrile illness.

Integumentary: Denies rashes, change in skin color or other skin conditions.
H.E.E.N.T.: Denies head injuries, visual or auditory problems.
Respiratory: Denies dyspnea, hemoptysis, or expectoration.
Cardiovascular: Denies chest pain, palpitations or edema.
Gastrointestinal: Denies nausea, vomiting, diarrhea or constipation.

PROBLEM NO. _____ TITLE _____ ☒ Continued 2

REFERRAL AND REPORT

<input checked="" type="checkbox"/> CONSULTATION	<input type="checkbox"/> EVALUATION	<input type="checkbox"/> SERVICE
<input type="checkbox"/> Audiometric	<input checked="" type="checkbox"/> Medical	<input type="checkbox"/> Psychological
<input type="checkbox"/> Dental	<input type="checkbox"/> Physical Therapy	<input type="checkbox"/> Rehabilitation
<input type="checkbox"/> Developmental	<input type="checkbox"/> Podiatry	<input type="checkbox"/> Social
<input type="checkbox"/> Education	<input type="checkbox"/> Psychiatric	<input type="checkbox"/> Speech
<input type="checkbox"/> Other: _____		

HOWARD, Samuel

AT 03 16 38

Atascadero State Hospital

Confidential Client/Patient Information

See W & I Code 5328

MH 1713 (7/78)

Genitourinary: Denies dysuria, hematuria, or hesitancy.
Musculoskeletal: Denies weakness, joint pain, or deformity.
Neurological: Has some occasional moderately severe headaches. Denies any history of seizure disorder.
Endocrinological: Denies change in weight, hair condition, or glandular problems.
Hematological: Denies bleeding problems or being prone to infections.

O: See Physical Examination form. Positive findings are:
Possible mildly enlarged thyroid gland with exophthalmos. Tattoos upper extremities and chest, dental caries.

A: The patient has the following active problems:

1. Dental caries.

May have a problem with his thyroid gland but not enough to call it a problem at this time.

P: O. Routine lab and x-rays.
Dental Clinic appointment as soon as he receives ward assignment.
Will do screening T-3, T-4.


Ronald Lapp, M.D.

.13d-R177-jd

HOWARD, Samuel

AT 03 16 38

Atascadero State Hospital

MEDICAL HISTORY AND
PHYSICAL EXAMINATION - 2

REQUEST

Taken 12-15-80

Ward 2 X-Ray Requested: Chest Admissions

Chief Complaint, History and Clinical Impression:

Date Requested: 12/20By: lpp

M.D.

REPORT

CHEST: Lungs are clear. Heart and bony thorax not remarkable.
Domes of diaphragm are smooth.

IMPRESSION: Normal chest.

Impression:

Date 12-17-80Radiologist LM M.D.Problem No. _____ Title _____
Louis Zimmerman, M.D.

X-RAY REQUEST AND REPORT

Confidential Client/Patient Information
See California Welfare & Institutions
Code Section 5328
MH 1741 (7/78)

HOWARD, SAMUEL

AT 031633-0

12-12-80 SB

COM CO SB

M SGL 2

PC 1370

PAT

8-18-49

NY

PROT

F 31326

REFERRAL AND REPORT

Clinic or Service Social(or) Person Dan Rich, L.C.S.W.Reason for Referral: Admissions Social History

Signature: _____

Date: _____

Unit: Ward 2Date Dictated: December 15, 1980

REPORT

Date Typed: December 17, 1980

IDENTIFYING DATA: The name of the patient is Howard, Samuel; AT 03 16 38, single, Black, date of birth - 8-18-49, place of birth - New York. This patient was committed on 12-12-80 from Santa Barbara County under Section 1370 of the Penal Code.

SOCIAL HISTORY AND COMMUNITY PROBLEMS: This is a patient who claims that he was 31 years old, and also claimed that he was born in 1949. There are several different dates of birth in the chart, and obviously this patient has to be considered an extremely poor historian. He almost appeared to be passive-aggressive, answering most of my questions with questions such as, "What?" If he didn't say that, he would say that he couldn't remember. He did say that he had a tenth grade education. He also claimed that he is disabled, that he has been hospitalized at Patton and Bellevue. He stated that he joined the Marine Corps when he was nineteen years old and left when he was twenty-one. He told one interviewer that he received a head injury in Vietnam, but that examiner could find no evidence of any scar. The patient did say that he was married for six years.

The patient stated that he has used drugs heavily, including LSD, cocaine and heroin. He also stated that he has sniffed gasoline and glue. He stated that other people stated that drugs and alcohol have created problems for him.

When the patient was especially vague was when any questions were asked about his offenses. He adamantly denied committing any crimes, especially robbery or unlawful taking of a motor vehicle. He had absolutely no knowledge of the charges against him from the state of Nevada. Those charges consist of robbery, use of a deadly weapon, and commission of a crime, and murder. All three of those offenses are felonies.

Incidentally, the patient told another interviewer that he graduated from high school, which was contradicted by what he told me.

See Social History Evaluation dated 7-31-80 from Patton State Hospital. Note that Patton State Hospital described the patient as planning for escape. The patient denied this. This was consistent in that the patient has denied practically everything. The acting medical director from Patton State Hospital stated, in part, "Mr. Howard is unwilling to take responsibility for his actions in criminal matters and plans for escape, waiting until an available opportunity." Incidentally, that interviewer felt that Mr. Howard was open and candid about

PROBLEM NO. _____ TITLE _____ ☐ Continued

REFERRAL AND REPORT		
Page 1		
<input type="checkbox"/> CONSULTATION	<input checked="" type="checkbox"/> EVALUATION	<input type="checkbox"/> SERVICE
<input type="checkbox"/> Audiometric	<input type="checkbox"/> Medical	<input type="checkbox"/> Psychological
<input type="checkbox"/> Dental	<input type="checkbox"/> Physical Therapy	<input type="checkbox"/> Rehabilitation
<input type="checkbox"/> Developmental	<input type="checkbox"/> Podiatry	<input checked="" type="checkbox"/> Social
Education	<input type="checkbox"/> Psychiatric	<input type="checkbox"/> Speech
<input type="checkbox"/> Other: _____		

NAME HOWARD, SamuelFILE # AT 03 16 38FACILITY Atascadero State Hospital

Confidential Client/Patient Information


See W & I Code 5328

MH 1713 (7/78)

his offenses.

At this point in time, the patient appears to be unwilling or unable to give an accurate and consistent history, giving conflicting information about such basic pieces of information such as his age, his employment history, length of time he had been in the service, etc. Things completely fall apart when he is asked about his offense and pending charges against him. He denied ever attempting suicide, although this is documented in the record. His answer to that question was, "I'm not dead am I?" One interviewer felt that the patient presented signs of organic brain syndrome and stated that he had been discharged with a diagnosis of antisocial personality, possible organic factor involved. Dr. Oshrian stated, in part, "Because of the many different opinions and ways in which this man presents himself, I am unable to come up with a solid or firm opinion. Frankly, I am uncertain if this man is feigning mental illness for the purposes of eluding litigation or whether he is mentally ill with the superimposition of other factors." He went on to say that the Ward B was not suitable for him because of his history of escape.

Treatment goals consist of assisting this patient to become competent to stand trial for the charges against him.


Daniel Rich, L.C.S.W.
Psychiatric Social Worker

CI7a-R001-sf

HOWARD, Samuel

AT 03 16 38

ADMISSION SOCIAL HISTORY - Page 2

Atascadero State Hospital

AA003023

Case Summary

Ed. admitted to Chualar 12/12/80 as a transfer from Patton H. Hosp. because it was felt he should be in a more secure setting than they could manage at Patton. Ed. had been admitted to Patton on 7/17/80 under Section 1370 P.C. in charge of armed robbery and auto theft. Ed. claimed he couldn't remember what he had done. He ~~was~~ had been in the psych. ward ^{at San. Gen. Hosp.} before being sent to Patton, where due to a suicide gesture. He went A.M.O.L. while there once but was quickly apprehended. He was given a diagnosis of anti-social personality both times. He also went A.M.O.L. from Patton on 8/15/80 but was quickly apprehended. On 11/5/80 Patton received notification that Ed. was planning to escape and kill his girlfriend who lived in Arizona. The same day they received word that there were warrants out in San Diego from Patton & murder. They wanted Patton wanted a more secure setting.

The major problem as far as Stanley had to do with the continuation most of the time that he can't remember much of anything including the offense. The two psychiatrists who examined him before going to Patton under Section 1370 could only conclude that he was incompetent to stand trial because of his seeming practically global amnesia but they felt the conclusion fitted no diagnostic category but they suggested the Ed. was malingering.

Cub.

Continued on Page _____

SUMMARY

- ☐ INITIAL PLANNING
☐ SEMI-ANNUAL PLAN REVIEW
☐ ANNUAL PLANNING CONFERENCE
☐ RELEASE
☒ OTHER CASE SUMMARY

Confidential Client/Patient Information
 See W & I Code 5128

1977 (9.74)

NAME: ROBERTO, SAMUEL
 FILE NO: 031632-0 H SCL 2 PAT
 FAC: W12-80 SB 13 1370 NY
 CCM CO SB PROT
 P 31225

pg 2

when I first saw him Friday he claimed much memory loss but on Monday, 12/15/82 he gave some general information such as he had given a social worker at Patton had the information didn't confirm with the information he had given her. Today 12/16/82 I started going over the information he gave me yesterday and confronted him with the false information. He immediately became defensive and all answers were "I don't know" & I can't remember

He claims a head injury ^{in the past} for his "memory problem" and when pressed admits to head injury & concussion but blames it for his mental problem. At Patton skull x-ray & E.E.G. were negative and psych. Section of organism has been ordered here.

Put him back into the various detail to give different information concerning his giving & date about his family, his work record, and his his service record, his alcohol & drug problem ~~already~~ hospitalized etc. A relative in New York he states to Patton that the pt. has been arrested numerous times and left New York to avoid prosecution. Another entry on the Patton record indicate that there may be warrant out for the pt. in New York & District.

At the San Vicente Review at Patton on 11/27/82 concerning his being honest here he is described as being open, candid and had an intact memory. He spoke about his robbery charge and how he planned both escapes at Patton. San Vicente mental health. He said "I have learned my lesson & want to stay at Patton for treatment. The way to become anxious & defensive when asked about the murder was in La Brea

(End)

Continued on Page _____

SUMMARY

- ☐ INITIAL PLANNING
☐ SEMI-ANNUAL PLAN REVIEW
☐ ANNUAL PLANNING CONFERENCE
☐ RELEASE
☒ OTHER CASE SUMMARY Pg 2

Confidential Client/Patient Information
 See M & I Code 512B

44 1927 (9/76)

HOTARD, SAMUEL

MKT 031633-0

M SGL 2

PAT

8-13-49

MKT 12-90 SB

FC 1370

NY

FCMT:CO SB

PROT

P 31326

Page 3

The picture essentially is that of a person faced with probable long term incarceration has tried to make his "anxiety" and "mental problems" an excuse for his behavior. It is probable there also committed other offenses that aren't known. There is really no evidence of organized, his memory of fluctuations concerning the situation, and no explanation for the picture by any known psychiatric disease, I feel without question that he is malingering.

Dr. : Axis I : 065.20(s) malingering
 Axis II : 301.70 antisocial personality disorder
 Axis III : 000.00 no axis III diagnosis
 Axis IV : 1 no apparent psychosocial stress
 Axis V : 4 fair adaptive functioning

D. J. Anderson, M.D.
 12/16/8

Continued on Page _____

SUMMARY

- ☐ INITIAL PLANNING
☐ SEMI-ANNUAL PLAN REVIEW
☐ ANNUAL PLANNING CONFERENCE
☐ RELEASE
☐ OTHER _____

Confidential client/patient information
 See M & I Code 5328

M 1927 (9/76)

NAME:

FILE NO:

MOTARD, SAMUEL

AT 031639-0 W SCL 2

18-18-80 SB FC 1370

CON CO SD

PAT
 8-18-82
 NY
 PROT
 P 313-5

DEPARTMENT OF HEALTH

PATTON STATE HOSPITAL

PATTON, CALIFORNIA 97349

(714) 862-8121

Bureau of Criminal Identification and Investigation
Post Office Box 13417
Sacramento, California 95813

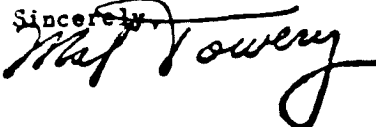
In Accordance with Section 5328.2 of the Welfare and Institutions Code, you are hereby notified that:

		Notification Date
		12-19-80
		Patton Number
		1341310
Name of Patient, (including alias)		FBI Number
HOWARD, SAMUEL AKA WILLIAMS, GEORGE		
Birthdate	Date of Admission	CII Number
9-19-49	7-17-80	A 06717138

(x) Section 1370, Penal Code () Section 6316 W & I Code
() Section 1026, Penal Code () Section 2684, Penal Code

Avol Date	Date Returned From Avol	Date Returned to Court
Date Paroled	Date/Community Outpatient Treatment	Court Disposition
Transferred to	Date Transferred	Date Discharged
Stascadero State Hospital	12-12-80	

Sincerely,



Hal Towery
Executive Director

CONFIDENTIAL PATIENT INFORMATION: SEE CALIFORNIA WELFARE AND INSTITUTIONS CODE
SECTION 5328

ENVIRONMENTAL DEPRIVATION SCALE (EDS)

As Adapted by Program I - Atascadero State Hospital

Total Score _____

Date 12/19/80

Retrospective _____

Current _____

Client's Name _____

Age 31 Education 10th Race W

Address _____

Phone _____

Occupation 10 -

Marital Status S

No. of Children 1

Overall judgment of physical well-being (state physical problems or special characteristics, if any):

Interview behavior (note any special behaviors, such as lack of eye contact, extremely slow response to questions, stammering, stuttering, fidgeting, blushing, nail-biting, rigid posture, etc):

SCORE

- 1 1. EMPLOYMENT. Give a rating of deprived (1) if the client is employed less than half time (less than 20 hours a week) or unemployed.

Unemployed - 3 yrs

- 1 2. INCOME. Give a rating of deprived (1) if the client's weekly income (not his wife's or other sources) is less than \$105 or if his annual income is less than approximately \$4641.00

None - approx Self Stealing

\$311 VA ?

- 0 3. DEBTS. Give a rating of deprived (1) if the client frequently complains about a number of debts he is unable to meet. Also score deprived (1) if he has debts he is financially unable to pay, even though he may not recognize this as being a problem.

- 1 4. **JOB PARTICIPATION.** Give a rating of deprived (1) if the client shows little interest in his job other than as a means of earning a living, or if he demonstrates no concern with work "above and beyond the call of duty." If the client is completely unemployed, also give a rating of deprived (1).

- 1 5. **JOB STATUS.** Give a rating of deprived (1) if the client describes his position as lowly in relation to his fellow workers and/or says he is unnecessary on his job. Do not confuse this item with "Job Participation." If the client is completely unemployed, also give a rating of deprived (1).

- 1 6. **HOBBIES AND AVOCATIONS.** Give a rating of deprived (1) if the client does not engage in and expresses no pride in any systematic leisure-time activities, hobbies, and avocations (anything from sand-lot softball to stamp collecting) outside of church, job, and organizations.

2 -

- 2 7. **EDUCATION.** Give a rating of deprived (1) if the client has less than a 10th-grade education.

10th

- 1 8. **RESIDENCE.** Give a rating of deprived (1) if the client has no pride in his house, yard, or neighborhood, if he feels he is living "on the wrong side of the tracks" relative to his peers, as indicated by his care of the house and yard, interior decorating, etc.

Apt. - Long Beach - sub

- 1 9. CHURCH. Give a rating of deprived (1) if the client *attends* church, Sunday school, or other religious activities less than once a month.

- 1 10. OTHER ORGANIZATIONS. Give a rating of deprived (1) if the client does not belong to any clubs, church groups, or other organizations and does not *participate* in organizational activities.

1

NOTE: On the following interpersonal items, consideration must be given as to whether these relationships support client behavior which is socially approved. Frequency of contact and type of activities engaged in are particularly important in scoring these items.

SCORE

- 0 11. FRIENDS. Give a rating of deprived (1) if the client is essentially an isolate, if he has no friends outside his family, if he has no one outside his family whom he describes as being concerned about him, etc.

yes

- 2 12. RELATIVES. Give a rating of deprived (1) if the client expresses a strong negative relationship with his relatives, other than his immediate family, and has no strong positive relationship as shown by behavior.

sol

- + 13. PARENTS. Give a rating of deprived (1) if the client's relationship with mother and/or father (or parental surrogates) is such as to indicate a lack of affection or concern on his or her part. Give a rating of deprived (1) if both parents are dead, regardless of the "love" involved. Give a rating of deprived (1) if one parent is dead or absent from the home and the client describes a negative relationship with the parent whom he sees most often.

Deceased

- 0 14. WIFE OR EQUIVALENT. Give a rating of deprived (1) if the wife's behavior indicates a general disinterest and lack of affection for the client. Give a rating of deprived (1) if the client is adult, unmarried, divorced or separated, and gives no evidence of a supportive relationship with a peer female. (Note: Specific behaviors, such as preparing his meals, talking with client about his problems, displaying physical affection, such as kissing, engaging in sexual relations at least once weekly, are key behaviors for rating this item.)

Never married - has 05.

- 0 15. CHILDREN. Give a rating of deprived (1) if the client reports that his children show little behavioral interest in him, such as rare displays of physical affection, little time spent with him, etc. If he has no children (either his or legally adopted by him), also score the item deprived (1).

One

- 0 16. FEAR. Give a rating of deprived (1) if the client expresses anxiety about his job, about parole violations, or apprehension about himself and his ability to meet the demands of his environment and to cope with everyday problems.

12-19-80

CORE ASSESSMENTS
 MALADAPTIVE BEHAVIOR RECORD-MBR-
 ENVIRONMENTAL DEPRIVATION SCALE-EDS
 PSYCHOTIC INPATIENT PROFILE-PIP-
 VERBAL REPORT FORM

AGE 31 RACE Blk
 MARITAL STATUS Single
 EDUCATION 10th
 OCCUPATION None
 DIAGNOSIS 065.20-malingering

I/ Reason For Commitment:

This 31 year-old single male has been admitted to this hospital from Patton State hospital as he was considered a serious escape risk. The hospital (Patton) had been notified by a doctor who was treating the patients' girl-friend, that the patient was planning to escape and kill his girl-friend. The patient had already escaped from the hospital in September of this year.

The patient was admitted to patton on 7-17-80, and is charged with one count each of 211, robbery and 10851 VC, auto theft. While in jail for this charge, he attempted suicide by hanging and was admitted to the San Bernadino Co. psych unit as a PC 4011.6. He was returned to jail the next day, and one week later, sent back to the hospital. On this second admission, he escaped from the unit, but was returned 45 minutes later.

II/ Background:

At the time of his arrest, the patient states that he was unemployed, and had not worked for about 3 years. He states that he had no income, and supported himself by stealing. It is noted here, that this patient has given each interviewer slightly different versions regarding his history. The records indicate that he has or had been receiving approximately \$311 per month in V.A. disability benefits due to a head injury sustained in the Viet Nam war. Patient now denies this.

He reports that he had many friends in the community and that he gets along well with his relatives. He reports that his parents are deceased. The records indicate that when he was very young, his Father murdered his Mother and was sent to a mental institution. Another report states that his Father went to prison. He states that he has a girl-friend in southern California, and she has one child by him. He says that he was not living with her. This apparently is not the girl-friend he was going to kill if he escaped from patton, as this report indicates that the intended victim lives in Tucson.

He reports that he completed the 10th grade in school. He admits to heavy alcohol abuse in the community, and states that he uses LSD and cocaine, as well as "uppers". He only reports prior arrests for robbery and destroying government property, but a relative in New York reports that the patient has numerous arrests and fled the state of New York to avoid prosecution. There is currently an Outstanding warrant for his arrest from the state of Nevada for murder and robbery. There is also possibly an outstanding warrant from New York for murder, and also one from Dallas, also for murder. These last two have not been verified. The patient states he has only been on one hospital for psychiatric reasons, and he lists Bellvue, one admissions for 3 months, for observation.

Continued on Page 2

SUMMARY

- ☐ INITIAL PLANNING
☐ SEMI-ANNUAL PLAN REVIEW
☐ ANNUAL PLANNING CONFERENCE
☐ RELEASE
☐ OTHER _____

Confidential Client/Patient Information
 See M & I Code 5328

M 1927 (9/76)

HOTARD, SA

FILE # 031639-1

12-12-80

FACILITY: 12-12-80

CJ2 C

PAT
 P-12-49
 BY
 PROT
 P 31323

AA003032

Continued—page 2

12-19-80

He reported to another Doctor that he was in Bellvue two times, once in 1971 and again in 1977. He also was at Creedmore State Hospital in New York in 1977, and 3 days in the V.A. hospital in the Bronx in 1976.

III/ Med-Psych Evaluation:

Upon admission, this patient was oriented X3. There is no evidence at this time of hallucinations or delusions. He claims loss of memory due to a head injury from Viet Nam, and feels that his "mental problems" make him not responsible for anything that he does wrong. Examining court psychiatrist found it difficult to fit him into any clear-cut diagnostic category, as the symptoms that he displayed were varied and inconsistent. It is felt by this hospital's psychiatrist, Dr. Anderson, that the patient is malingering in order to avoid prosecution, and he has been diagnosed accordingly. ~~It~~ As mentioned, ~~that~~ the patient attempted suicide while in jail, and he has been evaluated and he is not considered a suicide risk at this time. He is not taking any medications at this time.

Since admission, this patient has not been aggressive or self-injurious. He is quiet on the ward, and socializes moderately with his peers. He has been reasonably cooperative with all ward and admission routines. ~~He~~ Due to overcrowding on the unit, he has been sleeping in the exit dorm without any problems. Self-care skills are good. It is felt that he is, at this time, competent.

Placement will be on program II.

M. Frazier
M. Frazier, SWA

Proctor

Continued on Page _____

SUMMARY

- ☐ INITIAL PLANNING
- ☐ SEMI-ANNUAL PLAN REVIEW
- ☐ ANNUAL PLANNING CONFERENCE
- ☐ RELEASE
- ☐ OTHER _____

Confidential Client/Patient Information
See M & I Code 5.12B

HM 1927 (9/76)

NAME:

FILE NO:

FACILITY:

Howard, Samuel
031638-0

AA003033

REFERRAL AND REPORT

Clinic or Service

Psychological Intake Evaluation

(or) Person

JEAN A. RILEY, Ph.D.

Reason for Referral:

Signature:

Date:

12/22/80

Unit:

Prog II Ward IV

Date Dictated:

REPORT

Date Typed:

Mr. Sam Howard was interviewed on 12/22/80, following a review of available records. A hospital transfer summary and court-appointed examiners report were not available for review. Mr. Howard is currently charged with armed robbery and car theft. However, it appears that at least 2 counts of murder are pending. Mr. Howard knew that the court found him incompetent, and that he was transferred here because of his escape attempt. Also, the present charges were known. Although Mr. Howard states he didn't remember anything about the alleged offenses, further ~~it~~ it was stated that he could of done it, but he couldn't remember. Mr. Howard claimed to be using numerous drugs at the time of the alleged offense, and for several years. Also, it was reported that his drug habit was supported by his Veterans Administration checks. Medically compensation for being wounded in Vietnam while serving with the Marines. Mr. ~~Howard~~ Howard admits that he could probably be considered a criminal. His primary

PROBLEM NO.

TITLE

☒ Continued

REFERRAL AND REPORT

- | | | |
|--|---|---|
| <input type="checkbox"/> CONSULTATION | <input type="checkbox"/> EVALUATION | <input type="checkbox"/> SERVICE |
| <input type="checkbox"/> Audiometric | <input type="checkbox"/> Medical | <input type="checkbox"/> Psychological |
| <input type="checkbox"/> Dental | <input type="checkbox"/> Physical Therapy | <input type="checkbox"/> Rehabilitation |
| <input type="checkbox"/> Developmental | <input type="checkbox"/> Podiatry | <input type="checkbox"/> Social |
| <input type="checkbox"/> Education | <input type="checkbox"/> Psychiatric | <input type="checkbox"/> Speech |
| <input type="checkbox"/> Other: _____ | | |

Confidential Client/Patient Information

See W & I Code 5328

MH 1713 (7/78)

LAD, SAMUEL

AT 031633-0

12-12-80 SB

COM CO SB

M SGL 2
PC 1370PAT
8-13-12
NY
PROT
P 31300

REFERRAL AND REPORT

Clinic or Service

Page 2 of 2

(or) Person

JOHN A. RILEY, Ph.D.

Reason for Referral:

Signature:

Date:

12/22/80

Unit:

Progr II Ward 16

Date Dictated:

REPORT

On:

His I diagnosis is Malingering. He denied faking or malingering and stated a desire once, to return to court. Constantly though Mr. Howard stated he didn't care what happened. One ~~was~~ was left with the impression of a poorly motivated person to return to court. Rather than fake symptomology, Mr. Howard simply displayed a lack of interest in his future. An effort should be made to motivate Mr. Howard to take an active part in the preparation of his defense. His global amnesia for the current charges doesn't qualify him as mentally incompetent. The competency assessment instrument should be administered at this time. At this time, Mr. Howard is denying feelings of depression or suicidal ideation. During our interview no delusions, hallucinations, or formal thought disorders were observed. He is very apathetic concerning the seriousness of his situation. Competency should be restored with his participation in appropriate groups, to gain a better understanding of courtroom procedures. In addition, his motivation to take an active part in his defense will need to be instilled.

PROBLEM NO.

TITLE

☐ Continued

REFERRAL AND REPORT

☐ CONSULTATION ☐ EVALUATION ☐ SERVICE

<input type="checkbox"/> Audiometric	<input type="checkbox"/> Medical	<input type="checkbox"/> Psychological
<input type="checkbox"/> Dental	<input type="checkbox"/> Physical Therapy	<input type="checkbox"/> Rehabilitation
<input type="checkbox"/> Developmental	<input type="checkbox"/> Podiatry	<input type="checkbox"/> Social
<input type="checkbox"/> Education	<input type="checkbox"/> Psychiatric	<input type="checkbox"/> Speech
<input type="checkbox"/> Other: _____		

Confidential Client/Patient Information

See W & I Code 5328

MH 1713 (7/78)

HOWARD, SAMUEL

AT 031639-0

12-12-80 SB

COM CO SB

M SGL 2
PC 1370PAT
8-18-49
NY
PROT
P 31326

CHANGES IN STATUS

HOLD

NOTES

Warrant of Arrest #1297, State of Nevada,
County of Clark, dated 4-1-80. Obtain receipt
from deputies. (Program and Protective Services
notified) 12-29-80 h

REFERRAL AND REPORT

Clinic or Service Med-Surg (or) Person Dr. Brown

Reason for Referral: 7 possible thyroid & exophthalmos

↑ thyroid hormone. TSH Pending. No previous Rx.

Signature Robert Johnson Date: 12/29/80 Unit: 10

Date Dictated:

REPORT

Date Typed:

MED-SURG CLINIC

12/29/80

Was at Patton for 5 months July 1980(?) & the question was raised about possible hyperthyroidism. Blood tests were done, but he doesn't know the results. No treatment was recommended. Has taken PCP, Mescaline & LSD in the past. Has not taken any of these for at least 9 or 10 months. No recent weight loss 191# - same as at time of admission. None of the usual symptoms of hyperactive thyroid.

PE - Has mild exophthalmos & definite enlargement of his thyroid - diffuse & symmetrical. No nodules.

Imp - Exophthalmos worse.

Rx - Will wait for TSH & very likely start on Japanese.

PROBLEM NO. _____ TITLE _____

REARD, SAMUEL

071632-0

H SQL

2 Continued

12-12-80 SB

PC 1570

PRJ

F 31325

REFERRAL AND REPORT

☐ CONSULTATION ☐ EVALUATION ☐ SERVICE

<input type="checkbox"/> Audiometric	<input type="checkbox"/> Medical	<input type="checkbox"/> Psychological
<input type="checkbox"/> Dental	<input type="checkbox"/> Physical Therapy	<input type="checkbox"/> Rehabilitation
<input type="checkbox"/> Developmental	<input type="checkbox"/> Podiatry	<input type="checkbox"/> Social
<input type="checkbox"/> Education	<input type="checkbox"/> Psychiatric	<input type="checkbox"/> Speech

☐ Other: _____

Confidential Client/Patient Information

See W & I Code 5328

MH 1713 (7/78)

Ward 10

Date of Report: January 9, 1981

MEMBERS PRESENT: Dr. Janis; Alex Black, MSW; Marilyn Moran, RN II; Pat Morgan, HSS; John Riley, Ph.D.; John Chockar, US; Karen Beckett, PT I; T. Clapp, PT; and Tom Velasquez, RT.

Mr. Samuel Howard is a 31-year-old single black male who was admitted to Atascadero State Hospital on December 12, 1980, under Section 1370 of the Penal Code. He was transferred to Program II, Ward 10, on December 19, 1980. Mr. Howard spent approximately five months at Patton State Hospital under this commitment. He escaped once from Patton on September 19, 1980, and was picked up by Protective Services. On November 15, 1980, information was received from Mr. Howard's girl friend's doctor that the patient was planning to leave Patton State Hospital and kill her. Patton State Hospital also received at this time a confirmed warrant from Las Vegas, Nevada, for murder and robbery. There was also possible warrants from New York and Dallas, Texas, for burglary, robbery and murder. He was subsequently transferred to Atascadero State Hospital to provide him with more restrictive environment. He is currently charged with Section 211 of the Penal Code, robbery, a felony, and Section 10851 of the Vehicle Code, unlawful taking of a motor vehicle, also a felony. The official version of the crime is taken from a court transcript dated May 23, 1980. The record states that Mr. Howard is accused of "a felony, to wit, robbery, PC 211, in that on or about March 29, 1980, he did unlawfully rob James David Hilyer of a 1972 Mercedes automobile and personal property, to wit, a watch and wallet containing United States currency. It is further alleged that in the commission of the above offense the defendant used a firearm, to wit, a handgun within the meaning of the Penal Code Section 12022.5." Mr. Howard was also accused of a second and separate crime, "to wit, in that on or about March 29, 1980, he did willfully and unlawfully drive and take a certain vehicle, to wit, a 1972 Mercedes, then and there the personal property of Harrison Reno Honda without the consent of and with the intent to either permanently or temporarily deprive the said owner of title and to possession of said vehicle." Although Mr. Howard knows his charges, he states that he remembers nothing involving the offense. Following his arrest on the above charges, Mr. Howard was placed in the San Bernardino County Jail where he attempted suicide by hanging. He was sent to Ward B where he remained overnight before being sent back to jail. On a court order under Section 4011.6 of the Penal Code, he was returned to Ward B on April 9th, from which he escaped and was at large for 45 minutes before being returned.

He was examined by two court-appointed psychiatrists and one court-appointed psychologist. All of these reports reveal the following information: Mr. Howard was extremely evasive, reporting to all three doctors that he could not remember anything involving the offense. Also he gave several dates of birth. He reported that he had served two to four years in the Marine Corps and sustained a head injury in 1968 or 1969 for which he got an honorable discharge and received \$311 a month disability. This was his only income which he now states has been stopped for unknown reasons, and he reported that stealing was a way of life to support himself. Harvey W. Oshrin, M.D., examined Mr. Howard on May 23, 1980. In his report he stated, "In my interview with him he presented a very bland, flat affect, and was very evasive and defensive in answering. Such as, 'I can't remember, sir', to most questions. He presents signs and symptoms which are not recognizable in any of the established diagnostic categories, for he sometimes presents symptoms which appear to be of an organic brain nature, while at other times he gives the impression of being schizophrenic, and still at other times

Continued on Page 2

Page 1

SUMMARY

- ☐ INITIAL PLANNING
- ☐ SEMI-ANNUAL PLAN REVIEW
- ☐ ANNUAL PLANNING CONFERENCE
- ☐ DISCHARGE/TRANSFER
- ☐ OTHER ADMISSION TEAM CONFERENCE

HOWARD, Samuel

AT 03 16 38

Atascadero State Hospital

Confidential Client/Patient Information
See W & I Code 5328

ADM 1927 (7/78)

1000 - 70000000

AA003038

impresses the examining physician with the super imposition of side effects of his medication. He was discharged from Ward B with a "diagnosis of antisocial personality with possible organic brain factor involved". Dr. Oshrin concluded with: "Because of the many difficult opinions and ways in which this man presents himself, I am unable to come to a thought or firm opinion. Frankly, I am uncertain if this man is feigning mental illness for the purpose of eluding litigation or whether he is mentally ill with a super imposition of other factors." Dr. O. L. Gericke who interviewed Mr. Howard on June 1, 1980, stated that: "In the opinion as to his mental condition at the time of the alleged crime, cannot be formulated because he is unable to give any information." On June 3, 1980, William H. Soltz, Ph.D., a court-appointed psychologist, felt that Mr. Howard was: "Intelligent enough to request a psychiatric hospitalization perhaps as a method of avoiding the unpleasantness of jail environment." All three doctors found him incompetent at that time to stand trial. The only reference to his behavior while at Patton State Hospital was made by Carol Hamilton, S.W.A., on the Admission ward at Atascadero State Hospital. She stated in the summary on the patient accepted from Patton State Hospital on transfer, that other than his escape on 9-19-80 "he has been no nursing problem", and, "he was functioning well on the ward".

Behavior on Ward 10 has been unremarkable since his admittance. He maintains a low profile, usually voices no complaints, and is cooperative with ward routine. He does not initiate conversations but willingly converses when approached by staff. He has displayed no overt signs of suicidal ideation. On 12-15-80, Dr. Stein stated in the physician's progress notes that: "Mr. Howard denies everything, knows nothing, but seems competent." He also did not feel Mr. Howard "was suicidal or psychotic."

His diagnoses are:

- Axis I - (S) 065.20 - Malingering.
- Axis II - (P) 307.70 - Antisocial behavior disorder.
- Axis III - - No diagnosis.
- Axis IV - 1 - No apparent psychosocial stressors.
- Axis V - 4 - Fair adaptive functioning.

The team agrees with this diagnoses. On December 22, 1980, Mr. Howard was diagnosed as suffering from hyperthyroidism. In his admitting physical, R. Lapp, M.D., did not list this as a problem because his thyroid was only mildly enlarged, but did order screening T-3 and T-4. These results were abnormal; he is now being followed by the Medical-Surgical Clinic for this problem. His problems are listed as follows:

- Problem #1 - Dental carries - patient is receiving treatment.
- Problem #2 - History of suicide attempt.
- Problem #3 - Hyperthyroidism.
- Problem #4 - Escape risk.

Mr. Howard attends group therapy two times a week; ward government and Therapeutic Community twice weekly; gym twice weekly; and, he is minimally active in all the above. He is on no psychotropic or somatic medications other than an as-needed order of Tylenol, 650 mg every 4 hours as-needed for headache. He requested and received this medication one time only since his admittance. He has not had an National Institute of Mental Health Competency Assessment done as yet, but his physician, Dr. Stein and the personnel on the Admission Ward, felt him to be competent at this time.

Continued on Page _____

Page 2

SUMMARY

- ☐ INITIAL PLANNING
- ☐ SEMI-ANNUAL PLAN REVIEW
- ☐ ANNUAL PLANNING CONFERENCE
- ☐ DISCHARGE/TRANSFER
- ☐ OTHER ADMISSION TEAM CONFERENCE

HOWARD, Samuel

AT 03 16 38

Atascadero State Hospital

Confidential Client/Patient Information
See W & I Code 5028

ADM 1927 (7/78)

10/10 - 11/11

AA003039

Estimated length of stay is 90 days. He was referred to 1370 Orientation on 12-22-80. Patient cannot safely be treated in a less restrictive environment due to his history of escape attempts. His triannual is due on March 17, 1981, which is based on his date of admittance to Patton State Hospital.

Marilyn Moran RN II
Marilyn Moran, PT, A.M. Sponsor
RN

Karen Swangler P.T.
Karen Swangler, PT, P.M. Sponsor

D2-26-81 T3-3-81
C4b-R268-oj

Continued on Page _____

Page 3

SUMMARY

- ☐ INITIAL PLANNING
- ☐ SEMI-ANNUAL PLAN REVIEW
- ☐ ANNUAL PLANNING CONFERENCE
- ☐ DISCHARGE/TRANSFER
- ☐ OTHER ADMISSION TEAM CONFERENCE

HOWARD, Samuel

AT 03 16 38

Atascadero State Hospital

Confidential Client/Patient Information
See W & I Code 5328

MS 1027 (7/78)

1401-11-01-01

AA003040

REFERRAL AND REPORT

Clinic or Service

B Van Bulten (or) Person

Reason for Referral:

Evaluation & Recommendation

Signature:

James M

Date:

2/2/81

Unit:

10

Date Dictated: January 16, 1981

REPORT

Date Typed: January 19, 1981

This 31-year-old black man had escaped from Patton State Hospital in November after a 5-month stay there. At that time, he had apparently threatened to kill his girl friend. He apparently has a past history of murder and burglary. The present charge is robbery of a car. He denies the robbery (or rather states he doesn't remember it), but does remember shooting somebody.

Diagnosis is unclear. It is uncertain whether this man is just an antisocial personality, whether he is malingering, whether he suffers from some psychotic illness, or whether his amnesia is due to drug ingestion or some dissociative episode.

He may be hyperthyroid.

He is on no medications.

There are apparently a number of murder warrants out on him in different states.

On the ward, he is cooperative and plays very sophisticated card games such as Pinochle. He plays an animated game of cards and is a good player. He is rather kind to the other patients and does not con the weaker patients.

On exam, this man is only in fair contact. He has little interest in the interview. He answers questions as briefly as possible, and such replies as, "I don't know" or "I don't remember," are frequent. The affect to this examiner appears blunted. He appears quite comfortable in hospital. He denies any worries about anything. He gives some very strange answers. For example, when asked if he would rather be in jail or Atascadero State Hospital, he says he doesn't care. He does state that he killed a man in a most matter-of-fact fashion. Throughout the interview this examiner gets the feeling that this man is not quite playing with a full deck. He does not seem to have full comprehension of his circumstances. He states that he has been in Belview Psychiatric Hospital in New York and that he was remanded to Creedmore.

RECOMMENDATIONS: None. It is my opinion that this man suffers from a schizophrenic-type illness and that presently he has only negative symptoms — that is, apathy, blunting of affect and withdrawal. However, this defect state is not compatible with playing an animated game of Pinochle on the ward. He could be malingering, but it would be a very good act.

PROBLEM NO.

TITLE

☒ Continued

REFERRAL AND REPORT

☒ CONSULTATION☐ EVALUATION☐ SERVICE☐ Audiometric☐ Medical☐ Psychological☐ Dental☐ Physical Therapy☐ Rehabilitation☐ Developmental☐ Podiatry☐ Social

Education

☒ Psychiatric☐ Speech☐ Other:

Medication Review

Confidential Client/Patient Information

See W & I Code 5328

WH 1713 (7/78)

NAME

FILE NO.

BEARD, SAMUEL

T 031633-0

M SGL 2

12-12-80 SB

PC 1370

CON CO SB

PAT

8-18-47

NY

PROT

P 31326

His claimed amnesia does not particularly concern me. It is most likely drug-related.

He should have psychological testing with projective tests. I doubt that a trial treatment with antipsychotic drug would improve him very much, but he should probably have it.

Van Putten

Theodore Van Putten, M.D.
Consultant Psychiatrist

15c-394-c

HOWARD, Samuel

03 16 38

Atascadero State Hospital

Ward 10 Staff Date 1-23-81 Presenting M. Moran, RN
Commitment PC 1370 Admission Date 12-12-80 Reason for Staffing Return to court

(1) Identifying Data:

Age 31 Marital Status single Education 10th grade Race Black
8-18-49
Occupation unemployed

(2) Reason for Commitment:

a. Charge: Section 211 of Penal Code X Felony Misdemeanor
b. ~~Penal~~ Section 10851 of Vehicle Code X Felony Misdemeanor
c. Description of Offense:

According to the official arrest record Mr. Howard allegedly stole a 1972 Mercedes automobile and personal property, to wit, a watch and wallet containing U.S. Currency, using a handgun.

d. Patient's Versions:

The patient understands the nature of his charges and can cooperate with his attorney in his defense.

(3) Previous RELEVANT arrests and time spent in prisons, jails or Youth Authority:

No other arrests in California. He has a warrant for arrest in Nevada for murder. Two possible warrants from New York and Dallas for murder. These two have not been verified.

(4) Previous RELEVANT mental hospitalizations:

Patton State Hospital, 7-17-80 to 12-12-80.
Creedmore State Hospital, 1977.
Veterans Administration, Bronx, 1976 for 3 days.
Belleue State Hospital, 1971 and 1977.

Previous Indeterminate treatment this hospital as a sexual offender? Yes X No

(5) Nursing Service Evaluation:

Mr. Howard continues to seek staff out when depressed or agitated. He vents his feelings appropriately, and does not use displacement. He is able to take responsibility for his own actions on the ward although concerning his offense he denies remembering anything concerning it. Although he does experience episodes of depression they are infrequent and has made no suicide attempts at this hospital. He does have a recent suicide attempt while in jail by hanging. He is able to utilize appropriate outlets for these feelings. He denies hallucination and has been on no psychotropic medication during his stay at Atascadero. He has made no attempts to elope from Atascadero, although he has recent attempts while at Patton State Hospital necessitating his commitment at Atascadero.

State of California
DEPARTMENT OF HEALTH
Atascadero State Hospital
HOSPITAL CASE SUMMARY

Howard, Samuel
AT 03 16 38
COM CO SB

(6) Industrial Therapy and Rehabilitation Activities:

Mr. Howard has a full hall privilege card and no job assignment. Activity is limited to gym most of the time. He is not active in other scheduled activities. He gets along well with staff and peers.

(7) Report of Psychological Testings:

Testing was requested, however the patient refused to cooperate.

(8) Significant Social History:

See attached report.

(9) Therapist Report:

Mr. Howard attends group and is able to exhibit limited insight into his problem areas and aids peers with their problems. He displays good adult judgement when making decisions while utilizing staff when necessary. One-to-ones are often patient initiated. He is able to accept and utilize constructive criticism.

(10) Summary of Physical and Mental Status and Behavior:

a. Mental picture and attitude on admission: He displayed no evidence of hallucinations and had no episodes of assault or self-injurious behavior. Affect poor, oriented 3 times.

b. Treatment program: Chemotherapy, Group, Individual, Gym, Music, School, Occupational therapy, Ward Government, Therapeutic Community and 1370 Orientation.

c. Patient's response to treatment program, including changes in mental status and attitude: This patient continues to be cooperative and display appropriate affect, he denies hallucinations. He has gained good insight and judgement in his problems areas.

d. Physical factors:
Hyperthyroidism.

e. Behavioral incidents during past year:
None

f. Evaluated for ground privileges? ☐ Yes ☒ No Approved _____ (Date)

If not approved, give reasons:

g. Is there an existing hold? ☒ / Outstanding warrant for his arrest from Nevada for murder and robbery.
☐ Yes ☐ No h. History of arson:

i. Details of prior escape history: None known.

19-80, escaped from Patton State Hospital.

State of California
DEPARTMENT OF HEALTH
Atascadero State Hospital
HOSPITAL CASE SUMMARY

HOWARD, SAMUEL
AT 03 16 38

(11) Patient's Post-Hospital Plans:

- a. Future living plan:
- b. Future employment plan:
- c. Current financial resources: See attached report.
- d. Name of supportive relative:

(12) Staff Findings: Present: M. Moran, RN; S. Johnson, NTS; M. Houston, MSW; L. Janis, MD, treating psychiatrist; A. Black, MSW; J. Riley, Ph.D.; K. Beckett, PT 1; and E. Jorgens, Program Assistant.

When this patient first came into the hospital there was no evidence of any mental illness. Communication was difficult as the patient responded to most questions with "I don't remember" or "I don't know" and little else. There was no accurate, consistent history to base much diagnosis on and we have been unable to learn a great deal since.

Mr. Howard has been a model patient and there has been no evidence of hallucinations or delusions on the ward. He appears to be more a personality or character disorder. His behavior is very good under supervision, however, he is a person that has absolutely no feeling for others, being indifferent, cold and callous. The patient claims memory loss, however, there are other times when he is seen to play table games which require good short term memory, such as chess. He can be quite charming at times when it suits his needs. There has been some question about his ability to cooperate, however, he was referred to a 1370 Orientation activity, which is a didactic presentation on the various members of the court and their responsibilities, as well as a role-playing episode which simulates a court appearance. The

CONTINUED

(13) Diagnosis:

DSM III: Axis I - (S) V65.20 - Malingering.
Axis II - (P) 301.70 - Antisocial personality disorder.
Axis III - - No diagnosis.
Axis IV - 1 - No apparent psychosocial stressor.
Axis V - 4 - Fair adaptive functioning.

Decisions:

Return to court under Section 1372 of the Penal Code, not on psychotropic medication.

Even K. Jorgens
Staffing Officer Even K. Jorgens
Assistant Program II Director
Intensive Psychiatric Program

(14) Modification of Treatment Plan, Staff Review and Special Instructions:

Associate Medical Director

M.D.

Medical Director

A.J. Rucci
A.J. Rucci, M.D.

M.D.

R2-2-81

T2-2-81

State of California
DEPARTMENT OF HEALTH
Atascadero State Hospital
HOSPITAL CASE SUMMARY

HOWARD, SAMUEL
AT 03 16 38

Staff Findings: (CONTINUED)

patient was considered appropriate for trial purposes at completion of this activity which is used both to measure competency as well as to teach. The patient is not on any medication and exhibits generally a schizoid type personality.

Mr. Howard who has a long criminal background, was seen by the above group to assess his ability to stand trial. It is definitely evident that he was aware of the charges and the pleas he can enter in court and the possible consequences if found guilty. He denies any memory of the events which took place which may be valid in that were he drug intoxicated at the time this could have an effect on his memory. In our interview today, long and short term memory were found to be intact. He has no choice to whether he spends time in a prison or in a hospital, and his general presentation was that of a person so apathetic about what will happen to him in the future that he really sees no reason to make any effort other than the minimal adjustment to maintain maximum privileges in the institution. In any event this apathetic manner which the patient presents does not appear to be related to mental illness in any way.

There had been some question about organic brain damage. However, a skull series and electroencephalogram done at Patton State Hospital were both within normal limits. In fact, the skull series gave no evidence of prior head injury such as Mr. Howard claims to have suffered. At this hospital Mr. Howard absolutely refused to participate in psychological testing. However, the psychiatrist indicated that he saw no evidence of organicity at the time of admission. The patient generally is probably in the dull normal range of intelligence, which does not preclude his cooperating. Should the patient not cooperate, it most definitely would be by a matter of his own choice or lack of caring, rather than to an inability to do so. It is exceedingly difficult to motivate a person with attitudes such as this as he has no social values whatsoever.

It is difficult to talk about the needs of this man at this time. We do not see him as needing psychiatric treatment in terms of mental illness, nor do we see long term psychotherapy making any particular difference in his mode of adjustment in the community. The patient does want to return to court at this time, or at least verbally states that.

HOSPITAL CASE SUMMARY
Page 3a

HOWARD, SAMUEL
AT 03 16 38

1-23-81

Ward 10

Mr. Howard was interviewed for continuing care, following discharge from this hospital. Should the court determine that an additional incarceration period is indicated, Mr. Howard states that he has no preference concerning where he spends the time.

In the event that this man is released to the community, it is advisable that the patient receive one-to-one psychotherapy and vocational counseling. The patient appears apathetic and is extremely non-committal in relating feelings or opinion regarding his immediate future. Extensive post-hospital planning therefore is impossible, due to Mr. Howard's attitude and lack of concern. It is doubtful that the patient would seek psychiatric services on his own, if out in the community.

Mr. Howard is not on psychotropic medication at this time, therefore would probably not utilize psychiatric services to his advantage while in jail. Nevertheless, such services should at least be offered to the patient while awaiting his court trial. Upon discharge from this hospital, the patient will be referred to Dr. Christensen from the out-patient Forensic Program of San Bernadino County Mental Health. That address is 700 E. Gilbert, San Bernadino, California 92415, (714) 383-2436.

M. Houston
Marsha Houston, JCS
- Psychiatric Social Worker

:ks

Continued on Page _____

SUMMARY

- ☐ INITIAL PLANNING
- ☐ SEMI ANNUAL PLAN REVIEW
- ☐ ANNUAL PLANNING CONFERENCE
- ☐ DISCHARGE/TRANSFER
- ☒ OTHER Post-Hospital Plan

NAME HOWARD, SAMUEL

DATE 03 16 38

LOCATION Atascadero State Hospital

Confidential Client/Patient Information
See W & I Code 5328

MPI 1927 (7/78)
MPS-70 10 3.7 - 3P

AA003047

REFERRAL AND REPORT

Clinic or Service Social(or) Person Alec Black, MSWReason for Referral: Significant Social HistorySignature: _____ Date: 1-23-81 Unit: Ward 10

Date Dictated:

REPORT

Date Typed:

Mr. Howard is a 31-year-old, single, Black man. He stated he served 2 years (1968-69) in the Marine Corps. He has extensively abused illegal drugs and alcohol. His arrest record includes robbery, murder and two unconfirmed warrants from New York and Texas for murder. His history of mental illness began in 1971 with an admission to Belvue according to his statement. Subsequently he has been treated in the V.A. Bronx, Creedmore State Hospital, New York, and Patton State Hospital from which he escaped allegedly to kill his girlfriend. He has a tenth grade education and stated he received approximately \$300 per month Veterans Administration disability his only means of support. In light of his history of mental illness and violence it is recommended that he/^{not}be returned to the community.

Alec Black, MSW
Psychiatric Social Worker

:ks

PROBLEM NO. _____ TITLE _____ ☐ Continued

REFERRAL AND REPORT

<input type="checkbox"/> CONSULTATION	<input checked="" type="checkbox"/> EVALUATION	<input type="checkbox"/> SERVICE
<input type="checkbox"/> Audiometric	<input type="checkbox"/> Medical	<input type="checkbox"/> Psychological
<input type="checkbox"/> Dental	<input type="checkbox"/> Physical Therapy	<input type="checkbox"/> Rehabilitation
<input type="checkbox"/> Developmental	<input type="checkbox"/> Podiatry	<input checked="" type="checkbox"/> Social
Education	<input type="checkbox"/> Psychiatric	<input type="checkbox"/> Speech
<input type="checkbox"/> Other: _____		

HOWARD, SAMUEL

03 16 38

Atascadero State Hospital

Confidential Client/Patient Information

See W & I Code 5328

MH 1713 (7/78)

(Refer to Administrative Directive No. 300 for directions for use of form)

STAFF DATE 23 JANUARY 81

PROGRAM II WARD 10

RELEASE CONDITIONS:

Return to Court _____ Transfer _____ Direct Discharge _____

Definite Leave _____ Indefinite Leave _____ 7375(b) W1

_____ 1374 PC

Request for Special Services _____

RELEASE INSTRUCTIONS:

Date of Release 4-7-81 Time _____ Mode of Transportation _____

Post-Hospital Address Def Le at - Ct

To be supervised by _____

Instructions to Security _____

MEDICATION REQUIRED: YES _____ NO ☒

FEB 5 1981

MEDICATION FURNISHED BY PHARMACY: YES _____ NO ☒

Court letter mailed

LEAVE AND DISCHARGE FUND: _____

(When this item is completed, route pink copy to Accounting Office)

Jorge J. Pittenger
Program Director

CERTIFICATE TO BE ISSUED: (check one)

CERTIFICATE OF DISCHARGE _____ CERTIFICATE OF COMPETENCY _____ NONE _____

Robert M.D.
Medical Director

DEPARTMENT OF HEALTH
ATASCADERO STATE HOSPITAL

RELEASE FORM

HOWARD, SAMUEL

AT 031633-0

1-12-81 CB

M SGL 2

70 1070

PAT

8-13-49

NY

DATE: February 5, 1981

TO: HOWARD, Samuel

Ward 10.

The clinical summary of your evaluation at Atascadero State Hospital, along with our disposition recommendation was mailed to court on FEB 5 1981.

We suggest you send the second copy of this notice to your attorney for his information and use. Stamps and envelope will be furnished, if needed.

HOSPITAL RECOMMENDATION TO COURT

☐

W&IC Sec. 6325(a)

(MDSOI)

"...will not benefit by further care and treatment in the hospital and is not a danger to the health and safety of others..."

☐

W&IC Sec. 6325(b)

(MDSOI)

"...has not recovered, and in the opinion of the Medical Director, the person is still a danger to the health and safety of others..."

☐

P.C. Sec. 1026(a)

☒

P.C. Sec. 1372

Q. Lewis M.D.

AJR:ao

Original & copy: Patient
One copy: Ward chart

AT-2449.1

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN BERNARDINO

THE PEOPLE OF THE STATE OF CALIFORNIA)
)
 vs.)
)
)
 HOWARD, Samuel)
 Defendant)
)
)
)
)
)

NO. SCR 36881
DEPT. NO. 1
CERTIFICATION OF SANITY
SECTION 1372, PENAL CODE

TO: The above-entitled court

~~THE DISTRICT ATTORNEY~~

The District Attorney

The Superintendent of Atascadero State Hospital reports as follows concerning the above-named defendant:

Date of Commitment: 7-9-80

Committing Judge: The Honorable William P. Hyde

Date admitted to hospital: 12-12-80

File No.: AT 03 16 38

This defendant has been under observation since the date of his admission to the hospital and has been given physical and psychiatric examinations. It is the consensus of the medical staff and the superintendent of the hospital that he is now able to understand the nature of the charges against him and can cooperate rationally with his attorney in his defense.

In accordance with Section 1372 of the Penal Code, I hereby certify that said defendant is now sane.

It is requested the sheriff call for the defendant at an early date.

Medical Director A. J. Rucci, M.D.
Atascadero State Hospital

AJR:ph

Date: February 5, 1981

Encl: Hospital Case Summary

cc: Defense Attorney

San Bernardino County Mental Health
AT 2579

ATASCADERO STATE HOSPITAL TELE
10333 EL CAMINO REAL
ATASCADERO CA 93422

MAILGRAM

4-0512358055 02/24/81 ICS IPMRNCZ CSP LSAB
8054612000 MGM TDRN ATASCADERO CA 67 02-24 0531P EST

FILED
LYMAN HADSEN
CLERK OF SUPERIOR COURT
COUNTY OF SAN BERNARDINO

MAR 3 1981

CLERK OF THE SUPERIOR COURT
COUNTY OF SAN BERNARDINO
DEPT 1 COURT HOUSE-351 NORTH ARROWHEAD AVE
SAN BERNARDINO CA 92401

By Deputy

Max A. Manning

PLEASE ADVISE IF ORDER HAS BEEN ISSUED FOR SHERIFF TO CALL FOR
HOWARD, SAMUEL, AT #031638 SECTION #9CR 36881, DEPT #1, OUR LETTER
RECOMMENDING WE TURN TO COURT UNDER SECTION 1372PC MAILED 2-5-81,
SIGNED A J RUCCI, MD, MEDICAL DIRECTOR
ATASCADERO STATE HOSPITAL
FEBRUARY 23, 1981

17:32 EST

MGMCOMP

F12295
w1

To Clerk: check please

NO RECEIPT
200A

WPH

MAR 4 1981
C.O. M.O. 212-126/81

MAR 6 1981

999

TO REPLY BY MAILGRAM, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

AA003052

FILED 2/11/81
COUNTY 2.F.
-75 COLLE
FOR TINKS.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

NAME OF MUNICIPAL OR JUSTICE COURT DISTRICT OR OF BRANCH COURT, IF ANY

SUPERIOR

FOR COURT USE ONLY

TITLE OF CASE (ABBREVIATED)

PEOPLE OF THE STATE OF CALIFORNIA
VS
HOWARD, SAMUEL (001)

ORDER FOR RETURN

CASE NUMBER
SCR-36881
F-0012295

STATE REF. NUMBER
3/18/48
AT #031638

TO THE SHERIFF OF THE COUNTY OF SAN BERNARDINO:

YOU ARE HEREBY DIRECTED to forthwith proceed to ATASCADERO STATE HOSPITAL

ATASCADERO, California,

and there take into your custody SAMUEL HOWARD

who is to be then returned and brought before this Court in Department 1 thereof, before Judge WILLIAM PITT HYDE

ON APRIL 15, 1981 AT 8:30 AM

for FURTHER PROCEEDINGS REGARDING RESTORATION OF COMPETENCY, PC 1372

Dated APRIL 1, 1981

(SEAL)

Distribution:

- Original - Sheriff
- Copy 1 - File stamp after receipt by
- 2 - Sheriff
- 3 - D. A.
- 4 - Counsel
- 5 - Probation Officer
- 6 - Calendar Clerk



William Pitt Hyde
JUDGE WILLIAM PITT HYDE

Judge of the Superior Court

DEPARTMENT OF MENTAL HEALTH

ATASCADERO STATE HOSPITAL

DRAWER A

ATASCADERO 91422

(805) 446-2200



April 6, 1981

Docket 80F

I hereby acknowledge receipt of ☒ Warrant ☐ Detainer ☐ Notificationdated 4-1-80 issued by Las Vegas Township, County of Clark, NevadaAddress: Case # 1297for violation of: Armed Robbery - Murder (Fel)concerning patient HOWARD, SAMUEL AT 031638-0Rene R. Blum, Jr.
Deputy Sr. OfficerSan Bernardino
County4-7-81
DateR. D. Blum
Security Officer4-7-81
Date/mb - Statistics
Medical Records

I Claim ☐ do not claim ☒ to have symptoms of injury related to my stay at Atascadero State Hospital.

IF PATIENT CLAIMS INJURY, OR REFUSES TO SIGN FORM, OFFICER OF THE DAY IS TO BE NOTIFIED BEFORE PATIENT MAY BE RELEASED.

Samuel Howard
Patient's signature

4-7-81
Date

R. B. Bulow
Witness
Witness
4-7-81
Date

NOTE TO WITNESS:

If patient refuses to sign form, check box below, sign and date.

☐ Patient refuses to sign.

Witness

Date

DEPARTMENT OF HEALTH
Atascadero State Hospital
INJURY, PATIENT CLAIM
Form AT-2058 (Rev. 3-75)

HOWARD, SAMUEL	PAT
AT 031638-0	8-18-49
12-12-80 SB	NY
PC 1370	PROB
CON CO 32	P 31326

Program II-Ward 10 ADMISSION DATE: 12-12-80 RELEASE DATE: 4-7-81 DISCHARGE DATE:
DATE OF REPORT: 5-18-81

IDENTIFICATION: Mr. Howard is a 31-year-old, black, male.

COMMITMENT DATA: Mr. Howard was committed to Atascadero State Hospital under Section 1370 of the Penal Code, charged with violation of Section 211 Penal Code, a felony, robbery; and Section 10851 of the vehicle code, a felony, unlawful taking of a motor vehicle. He was transferred to Atascadero State Hospital from Patton State Hospital for additional security after he escaped from Patton; allegedly made threats to kill his girlfriend; and out-of-state warrants were issued charging him with robbery and murder. He is presently alleged to have used a handgun to steal a watch, a wallet containing currency, and a 1972 Mercedes, according to the arrest report.

DIAGNOSES ON ADMISSION:

Axis I - (S) V65.20- Malingering.
Axis II - (P) 301.70- Antisocial Personality disorder.
Axis III - - No diagnosis.
Axis IV - 1- No apparent psychosocial stressors.
Axis V - 4- Fair adaptive functioning.

DIAGNOSES ON RELEASE:

Axis I - (S) V65.20- Malingering.
Axis II - (S) 301.70- Antisocial Personality disorder.
Axis III - - No diagnosis.
Axis IV - 1- No apparent psychosocial stressors.
Axis V - 4- Fair adaptive functioning.

HOSPITAL COURSE: On admission he was oriented times three without evidence of hallucinations, without blunted affect and a tendency toward being withdrawn. Problem list consisted of Dental Caries, suicide attempt history, Hyperthyroidism, and escape risk. Physical assaultiveness was added after an incident occurring about three months after his admission, when he became involved in a physical altercation with another patient.

He was not treated with psychotropic medication. He participated in group and individual therapy, gym and music activities, Ward Government and Therapeutic Community meetings, and recreational rehabilitation activities. He attended 1370 Activity and mock trial. Restraints were necessary on one occasion to control physical assaultiveness. He was treated in the dental office for carious teeth, and was followed by the Medical-Surgical Clinic and the ward physician for Hyperthyroidism. He held a full Hall Privilege Card and held the ward positions of doorwatch captain, work coordinator, and Sergeant-at-Arms. He was sociable and cooperative with staff and peers, although on a couple of occasions he apparently obtained property from more regressed patients through manipulation. He showed no self-injurious behavior.

Continued on Page 2

Page 1 SUMMARY

- ☐ INITIAL PLANNING
☐ SEMI-ANNUAL PLAN REVIEW
☐ ANNUAL PLANNING CONFERENCE
☐ RELEASE
☐ OTHER RELEASE SUMMARY

NAME: HOWARD, SAMUEL

FILE NO: 40 03 15 80

FACILITY: Atascadero State Hospital

Confidential Client/Patient Information
See M & I Code 532B

DATE	NO. P O B I	OBJECTIVES	DATE OBJ MET	NO. P O B I	PLANS (include signature and title)
12-1-80	312	Prevent suicide while in hospital by 1-1-81		31211	1-1 = counselor 5 mins./day 50.1 wk.
				31212	Meds. via D.S.
				31213	Staff counseling as needed
				31214	PRN meds.
				31215	S & R when above insuff time
					J. J. [Signature]

OBJECTIVES AND PLANS

Confidential Client/Patient Information
See W & I Code 532B

NAME

FILE NO. 100-1001-20 100-1001-20 100-1001-20
-17- 100-1001-20 100-1001-20

FACILITY

OBJECTIVES AND PLANS

NAME

2540.

FACILITY

)

١٠٠



... ..

13-1510-2 H COL DEN 13-1510-2
-17-50 SPOO 13-1510-2 H.C.

THE UNIVERSITY OF CHICAGO

.....

AMID-720 MD M - 120

OBJECTIVES AND PLANS

Confidential Client/Patient Information
See # & I Code 5328

NAME

F. E. O.

FACILITY

OBJECTIVES AND PLANS

HOWARD, SAMUEL

PAT
3-18-49
NY
PHUT
F 51526

FILE NO
CUM CU SH

DATE	NO. P O B	OBJECTIVES	DATE OBJ MET	NO. P O B	PLANS (Include signature and title)
3/21/81	511	By 6/1/81 pt. will not be physically assaultive as measured by staff observation and corresponding ID notes.		5111	See physician's orders.
				5112	Restraints and/or seclusion will be used when necessary to control or prevent assault.
				5113	When restraint or seclusion are used staff on duty will immediately explain the reasons for their being used and contingencies for their removal.
				5114	One-to-one counseling by staff on duty x 2 per shift for 5 minutes each, minimum.
				5115	Restraints and pt's circulation will be checked q2h by staff on duty.
				5116	While pt. is in seclusion, staff on duty will observe q15 mins.
				5117	Daily review of restraint and/or seclusion by treatment team.
				5118	Pt. will be released from seclusion and/or restraints when his behavior is calm and cooperative and he is able to discuss his behavior and verbalize alternatives to assault.

K. Lewis

OBJECTIVES AND PLANS

Confidential Client/Patient Information
See W & I Code 5328

NAME

FILE NO HOWARD, SAMUEL

AT 031638-0

N SGL 2

FACILITY 12-12-80 SB

PC 1370

CON CO SB

PAT
8-18-49
NY
PROT
P 31326

DATE	NO.			OBJECTIVES	DATE OBJ MET	NO.			PLANS (Include signature and title)
	P	I	I			P	I	I	
3/21/81	5	1	2	By 3/24/81 pt. will be able to be released from restraints and/or seclusion.		5	1	2	See 7.1.1.
						5	1	2	See 7.1.3.
						5	1	2	See 7.1.4.
						5	1	2	See 7.1.7.
						5	1	2	See 7.1.8.
									O. Kleinert

OBJECTIVES AND PLANS

Confidential Client/Patient Information
See W & I Code 5328

NAME

FILE NO. HOWARD, SAMUEL

AT 031638-0

N SOL 2

FACILITY 12-12-80 BB

PC 1370

CON CO BB

PAT

8-18-49

NY

PROT

P 31326

NO.	DATE/TIME	FROM NO.	ALL ENTRIES SHALL BE SIGNED WITH NAME AND TITLE
1130			T. 984 P. 100 R 16 B/P 120/82 HT. 70' WT. 181
12-12-80			RECEIVED FROM <u>S.B.</u> CO. PER <u>dep</u> ESCORT VIA <u>auto</u> <u>X</u> BUS
			AGE <u>31</u> HAIR <u>Blk</u> EYES <u>Bm</u> RACE <u>Blk</u> SEX <u>M</u> AMBULATORY <u>yes</u>
			NON-AMBULATORY <u>no</u> PRESCRIPTION EYEGLASSES <u>no</u> FALSE TEETH <u>no</u>
			PARTIAL PLATE <u>no</u> COOPERATIVE <u>yes</u> UNCOOPERATIVE <u>no</u> GIVEN A SHOWER <u>yes</u>
			AND CLOTHING CHANGE <u>yes</u> INTERVIEWED BY ADMITTING PHYSICIAN <u>no</u>
			DIABETIC <u>no</u> EPILEPTIC <u>no</u>
			TATTOOS AND/OR SCARS: <u>tattoos - ① forearm - lady, ② forearm - heart & ribbons, ③ shoulder - ladies head, chest "S & M"</u>
			<u>scars - none, Pt. states ① Ht. head inj 1969 in</u>
			<u>Vict Nchu, ② Ht. medications - types unknown ③</u>
			<u>Ht. drug use ④ denies suicide attempts ⑤ last</u>
			<u>tetanus inj 9/80 @ Patton, Pt. examined ⑦ checked</u>
			<u>for pediculosis - none noted ⑧ skin intact - no open sores,</u>
			<u>⑨ V.S. stable D. Ban R.N.</u>
12-12/1243			Wd 2) Pt Howard received on ward - room and sub assigned <u>Idon Pt</u>
12-12/1800			Wd 2) Not assaultive or Self injurious this shift Self care good No meds. Not seen socializing this shift. Follows w/d routine Received rights written & verbally as per section 5325 wic and states he understands <u>C. Huffer Pt</u>
12-13/0600			Wd 2 Quiet night <u>R. Elton</u>

Page No. 1

INTERDISCIPLINARY NOTES

Confidential Client Patient Information
See W & I Code 5328

12-1924 7/75

NAME: HOWARD, SAMUEL

AT 031633-0 W SQL 2

FILE NO.: 12-12-80 SB PC 1370

FACILITY: CUM CU BB

PAT
4-18-49
NY
PHOT
F 51526

80

PROB.
NO.

ALL ENTRIES SHALL BE SIGNED WITH NAME AND TITLE

DATE/TIME

12-13/1700	Q	Wd2) New Med Orders as follows Tylenol 650mg 3 4 hrs PRN for head ache - Given @ this time for head- ache ———— M. J. J. J.
12-13/2130	Q	wd2) Sam has been no problem this shift. He doesn't socialize a lot but he is pleasant. Self care skills are good. No self injurious or aggressive behaviors noted. Helped w/ wd cleanup and is cooperative. End routine. ———— M. J. J. J.
12/14/1800	Q	Wd2) Mr Howard out in the bed of the dayroom mat of the shift. He was not observed socializing w/ peers but he did assist w/ ward cleanup. M. J. J. J.
12-14/2000	Q	wd2) pt has shown no unusual behaviors this evening. Spent most of the evening in his room. Socializes very little w/ peers. Self care is adequate. No med problems. ——— M. J. J. J.
12-15/0600	Q	wd2) Inset night T. J. J. J. on
12-15/2030	Q	wd2) Sam has been no problem this shift. He spent time in the dayroom playing table games w/ peers. He has good self care skills. Cooperative w/ wd routine. ———— M. J. J. J.
12-16/0600	Q	Wd2) Quiet night. T. J. J. J. on
12-16/1430	Q	wd2) pt Howard has been no prob this

Page No 2

INTERDISCIPLINARY NOTES

Confidential Client/Patient Information
See 8 & 1 Code 5328

WH 12-16 (7/75)

NAME:

FILE NO.:

FACILITY:

HOWARD, SAMUEL

AT 031633-0

12-12-80 SB

CUM CU SB

M SGL 2

PC 1370

PAT

1-13-49

NY

PROT

F 22526

YEAR <u>80</u>	PROB. NO.	ALL ENTRIES SHALL BE SIGNED WITH NAME AND TITLE
DATE/TIME		
12-16-80		continued shift. all care areas seem
12-15-80		adequate. R Goodwin PT
12-16/0330	0	Wd 2 Samuel watched T.V. & peers & does socializes moderately on a superficial level. C. Gifford PT
12-17/0530	0	Wd 2) Quiet night. T. Worley PT
12-17/1320	0	Wd 2) PT Howard has been no prob this shift all care areas seem adequate, he socializes moderately. R Goodwin P.T.
12-17/2115	0	Wd 2 - MR. HOWARD SOCIALIZES MODERATELY & MAINTAINS A LOW PROFILE - T. SILVESTRI PT-2
12-18/0600	0	Wd 2) Quiet night. T. Worley PT
12-18-80	0	Wd 2) Mr. Howard continues to sleep in the dorm. He has been cooperative toward personnel. No problems noted. R Goodwin
12-18/2000	0	Wd. MR. HOWARD REMAINS LOW-KEY & COOPERATIVE. T. SILVESTRI PT-1
12-19/0600	0	Wd 2) Quiet night. T. Worley PT
12-19/1125	2	Wd 2) Problem #2 of Hx of Suicide placed on problem list per physician admission progress note of 12-12-80 and physician case summary of 12-12-80 & all plans and objectives current. J. Dean PT
12-19/1800	0	Wd 2) PT transferred to tx wd 10. S. Anderson PT
12-19-80	0	Wd 10: Admitted to Ward 10 from Ward 2. Assigned to Room 18 and therapy group 3. J. Dean

Page No. 3

INTERDISCIPLINARY NOTES

Confidential Client/Patient Information
See W & I Code 5328
MH 1924 (7/78)

NAME

PAT NO

FACILITY

HOWARD, SAMUEL

AT 031633-0

12-12-80 SD

COM 00 03

M SOL 2

PC 1370

PAT

8-13-10

NY

PROT

P 31323

YEAR	DATE/TIME	PROB. NO.	ALL ENTRIES SHALL BE SIGNED WITH NAME AND TITLE
12-19-80	2200	0	pt oriented to env. very cooperative and polite. To bed @ 2130. <i>[Signature]</i>
12-20-80	0600	0	1210: Pt had a quiet and uneventful night. <i>[Signature]</i>
12-20-80	1430	0	1210: Mr. Howard was quiet this shift. Pt ate both meals & complaint. Pt was escorted to the concert. <i>[Signature]</i>
12-20-80	2230	0	1210: Pt has spent a quiet shift & no behavioral problems. Interacts well to peers and staff. <i>[Signature]</i>
12-21-80	0600	0	1210: Pt had a quiet and uneventful night. <i>[Signature]</i>
12-21-80	1415	0	Mr. Howard has been quiet not talking to peers or staff. He was cooperative, made no complaints and ate all his meals. <i>[Signature]</i>
12-21-80	2200	0	Pt was moved to another room. He was cooperative and helpful. Asked about possibility of getting a HPL. Referred to his sponsor. <i>[Signature]</i>
12-22-80	0610	0	1210 - Mr. Howard had an inactive and uneventful shift. <i>[Signature]</i>
12-22-80	1300	TC	1210. Dr. Lapp will be up to see pt today to evaluate T. & T. <i>[Signature]</i>
12-22-80	1400	0	1210: Mr. Howard has spent most of his day watching T.V. He has created no problem. <i>[Signature]</i>

Page No. 4

INTERDISCIPLINARY NOTES

Confidential Client/Patient Information
See W & I Code 5325

MH 1824 (7/75)

NAME

FILE NO

FACILITY

HOWARD, SAMUEL

AT 031633-0

12-12-00 00

CCH

M SOL 2

13 1370

CD

PAT

2-13-4

NY

PROT

2 3132

AA003070

YEAR 1980	PROB. NO.	ALL ENTRIES SHALL BE SIGNED WITH NAME AND TITLE
DATE/TIME		
12-22-80 1630	0	Wd. 10:11 c sponsor x 15 min. Pt. was oriented to wd. and procedures of 1370 group were explained. Pt. was very cooperative and seems ready for 1370 group. Referred at this time. K. Swangler PS
12-23-80 0600	0	Wd 10 - Mr. Hainard had an inactive and uneventful shift. No unusual behavior observed. C. L. S. PS
12-23-80	0	Ward 10: Patrick Hainard spent a quiet shift. He was cooperative about assisting c ward routine. He ate his meal and upon returning to ward received a shower and clean clothes. — Francois Hubry PT
2000 12-28-80	X	Wd. 10: Pt. attended sponsor group. Participation was minimal. Is currently awaiting attendance to the 1370 group. — K. Swangler PS
1730 12-30-80	0	Wd. Weekly Summary: Pt. has maintained a low profile. Voices no complaints and seems to be adjusting to wd. routine. Keeps to himself but willingly accepts conversation when approached. Has displayed no signs of suicidal ideation. Participates in most activities. Uses HPC appropriately. — K. Swangler PS
1700 1-6-81	TC	Ward 10: Jynenal 650 mg given po for Temp. of 99.8 (6) BP 126/82 - 88 p 21 B. caught headache only sympt. — K. Swangler PS

Page No. 5

INTERDISCIPLINARY NOTES

Confidential Client/Patient Information
See W & I Code 5328

MH 1924 (7/78)

NAME 031633-0 N SGL 2 8-12-49
FILE NO 12-12-00 SB PC 1370 LY
COM CO SB PROT
FACILITY P 31376

YEAR <u>1980</u>	PROB. NO.	ALL ENTRIES SHALL BE SIGNED WITH NAME AND TITLE
DATE/TIME		
⁰³⁰⁰ 1-6-81	0	Ward 10 (Late entry of 12-31-80) Following a team meeting pt was released an open door during noc shift due to being on escape risk at PSH. Members present J. Chicker US, A. Black MSW, J. Riley PhD, C. Eklund PS noc rep. P. Pettigrew PS
⁰³⁰⁰ 1-6-81	4	Ward 10 (Late entry of 12-31-80) Following a team meeting pt was released an open door during noc shift due to being on escape risk at PSH. Members present J. Chicker US, A. Black MSW, J. Riley PhD, C. Eklund PS noc rep. P. Pettigrew PS
1-12-81	0	I called Patten SH & sent panafex to them requesting medical record on Mr. Howard. A. Black PSW.
1-13-81/1130	x	Ward 10. Late entry for 1-9-81. Team meeting, members present were: D. Steele PT1, Dr. Janis, A. Black MSW, M. Moran RNII, P. Morgan HSSN J. Riley PhD, J. Chicker US, K. Beckett PT1, T. Clapp PT, T. Velasquez RT. Patient seen in Team for his Admission Team Conference, reports read and patient interviewed. Patient has attempted suicide in the past, and has a history of escape from past hospitalizations. The patient has been referred to the 1370 Orientation group. The patient admits to using drugs at the time of the alleged offense, states he doesn't remember the offense but states he probably did it. The patient is poorly motivated to return to Court. During the interview he stated he was here because he couldn't communicate with his lawyer. He doesn't know the time limit if found guilty and stated "It doesn't matter" and he doesn't care if he comes here or goes to prison. He feels he is ready to go back to Court, states he doesn't feel depressed although he appears that way; Team consensus is to refer the patient to be seen by Dr. Van Puttman. J. Chicker's Sister

Page No. 6

INTERDISCIPLINARY NOTES

Confidential Client/Patient Information

See W & I Code 5328

MH 1924 (7/79)

HOWARD, SAMUEL
IT 031633-0
12-12-80 SB

CON CO SB

H SGL 2
PC 1370

PAT
8-18-19
NY
PROT
P 31206

YEAR 1981		PROB. NO.	ALL ENTRIES SHALL BE SIGNED WITH NAME AND TITLE
DATE	TIME		
1-15-81	0810	TC	Mr. Howard has been teasing and taunting another client for the past few days. This morning the other client tried to push him away, and at that point Mr. Howard pushed the other client. Staff intervened and Mr. Howard was counseled concerning this behavior. <i>Reported</i>
1-15-81	1000	1	Wid 10 - Late Entry for 1-7-81 - Weekly Summary - Problem #1 - Dental Care - Was seen by dentist on 12-30-81 - Will be recalled for treatment. Problem #2 - History of suicide attempt - Denies any suicidal ideation. States he does not remember a suicide attempt while in jail, that he was on drugs & doesn't "remember much."
		2	Problem #3 Hypertension - Awaiting results of lab work. Problem #4 -
		4	Escape risk - Has had no escape attempts. Is neat & clean. Uses his hall card appropriately. M. Morahan
1-15-81	1030	1	Wid 10 - Weekly Summary - No further treatment at this time for dental care. Prob #2 - <i>See (cont)</i>
		2	

Page No. 1

NAME:

HOWARD, SAMUEL

FILE NO. 051632-0

M SGL 2

PAT

2-10-47

FACILITY

2-10-80 SB

PC 1370

7

CIVIL

S

2

1

INTERDISCIPLINARY NOTES

Confidential Client/Patient Information
See W & I Code 5328

MH 1924 (7/78)

YEAR 1980

PROB.
NO.

ALL ENTRIES SHALL BE SIGNED WITH NAME AND TITLE

DATE TIME

1-15-81 1030 2 (cont) Weekly Summary - of suicide attempt - has not verbalized any suicidal ideation. Problem # 3 - Hypothyroidism - Mr. Hawkins lab work - TSH was normal. Her doctor is attempting to obtain records from Patton before considering further work-up or consultation. Problem # 4 - Escape risk has not been a problem. Continues to be well-groomed & follows unit routine. M. Moran R.N.T.

1-15-81 1515 4 Ward 10 - Seen by Dr. Van Patton who is an expert in psychotropic medication. Dr. Van Patton's recommendation was to do psychological testing on this pt. M. Moran R.N.T.

1-16-81 1300 0 Ward 10 - Has passed 1370 orientation & will attend Mock Trial this afternoon. M. Moran R.N.T.

1-17-81 1400 0 Ward 10 - States he successfully passed Mock Trial. Will be stayed next week. Attempted to administer the mm 2-1. He stated he understood the test, but didn't want to take it. "It's too much trouble." M. Moran R.N.T.

Page No. 8

INTERDISCIPLINARY NOTES

Confidential Client/Patient Information
See W & I Code 5328

MH 1924 (7/78)

NAME:

FILE NO:

FACILITY:

LAW, SUTELL

031632-0

031632 SB

SGL 2

PC 1370

PAT

6-11-80

NY

PE

1

Page No.

FACILITY:

YEAR 81		PROB. NO.	ALL ENTRIES SHALL BE SIGNED WITH NAME AND TITLE
DATE	TIME		
1/25	0800		Ward 10: During morning meal this pt. stated he was another pt. in order to get double portions. When counseled Mr. Howard stated, "I get doubles." Physicians orders do not reflect this. This pt was told by writer on Friday that he was not given doubles by ward physician so his present weight & height do not reflect a need. 170"-171" he became verbally abusive during counseling this morning stating "I want to be big enough to play football 221 lbs. Bitch I'll get them from someone else Monday" He continued to yell & verbalize his disagreement & the physician's orders. His h/c has been pulled & referred to Spenser for evaluation. <i>Prellonpt</i>
1/26	0800		Wd 10: he heard returned at this time. <i>Prellonpt</i>
1-31-81	2020		Wd 10: Pt # 031655-4 came to the office in an agitated condition. It was yelling something about the T.V. As staff went to investigate both etc. <i>continued on page 11</i>

Page No. 10

INTERDISCIPLINARY NOTES

Confidential Client/Patient Information
See W & I Code 9228

MH 1924 (7/78)

NAME:

(T 031633-)

M SGL 2

8-13-47

FILE NO.:

12-12-80 SB

PC 1370

NY

FACILITY:

COM CO SB

PD IT

P 31325

YEAR		PROB. NO.	ALL ENTRIES SHALL BE SIGNED WITH NAME AND TITLE
DATE	TIME		
Continued from Page 10			
			engaged in a heated verbal altercation. Names were called back and forth. Both pts were asked to move away from the other until staff could mediate the discussion. Both pts continued to escalate. Staff physically prevented pts from coming in contact with each other. Pt Howard continued to argue with the other pt had left the area. Both pts were asked to go to their rooms and remain there the balance of the evening. Pt Howard argued to wait as he went to his room. <i>[Signature]</i> PT
2-3-81	2030		Wd 10: HPL pulled for severe seizure. Pt involved in lengthy staff hand crushing sounds in dayroom. Staff responded to find pt Howard and 1 peer wrestling about 15 seconds. Pts apparently crashed into furniture. Noises were loud enough for 3 staff members to believe an altercation was in progress. <i>[Signature]</i> PT
2-5-81	2140		Ward 10. Tonight during cleanup patient came up to this employee and stated I don't want my door unlocked at night. Will you please lock it? I informed the patient that it would be locked from now on. <i>[Signature]</i> PT

Page No. 11

INTERDISCIPLINARY NOTES

Confidential Client/Patient Information
See W & I Code 5328

MH 1924 (7/78)

NAME

FILE NO.

FACILITY 031000-1

12-12-80 SB

COT CO SB

L

SIL 2
PC 1370

PAT

P-12-19

NY

PPT

P-12-19

YEAR		PROB. NO.	ALL ENTRIES SHALL BE SIGNED WITH NAME AND TITLE
DATE	TIME		
2-7-81	1620	Ø	wd 10: pt involved in racial altercation i. pt # 031495-5. This interaction reportedly appeared heated enough to cause concern for physical safety of both pts. When pt Howard was asked by writer what was going on pt responded, "What's going on i. who" writer identifies the pt. Howard said, "There ain't nothing going on with me and him. why don't you say him" <i>[Signature]</i>
2-8-81	2330	Ø	wd 10 Late Entry 2-3-81 Following a transference it was agreed for an open door during noc shift pt requested door lock on 2-5-81. Members present J. Chock, US, R. Buckner, J. Riley, RD, C. Eklund, etc noc up. <i>[Signature]</i>
2-28-81	1605	Ø	wd 10 pt c/o tooth pain in area where tooth last ^{last} from ^{from} was pulled NO D. Notifier states why will come see Mr. Howard - <i>[Signature]</i>
2-28-81	1615	TC	wd 10 - Temp 97.6 No inflammation or discharge noted at post-extraction area. States no relief of pain from Tylenol. <i>[Signature]</i>
2-28-81	1620	TC	wd 10 - MOD informed of pt's c/o dental pain. Rx ordered - <i>[Signature]</i>
3-2-81	1545	Ø	Ward 10: Mr. Howard's Hall Card, pulled for 24 hr before ^{before} house playing in the Dayhall. His card to be returned 3-3-81 at 1545. <i>[Signature]</i>

Page No. 12

INTERDISCIPLINARY NOTES

Confidential Client/Patient Information
See W & I Code 6320

MH 1924 (7/78)

NAME:

FILE NO

FACILITY

ADJ, CIVIL

031520-5

2-12-80 SB

CCH CO

H. SCL 2

PC 1370

PAT

0-12-10

NY

P207

1-11-70

YEAR 1981		PROB. NO.	ALL ENTRIES SHALL BE SIGNED WITH NAME AND TITLE
DATE	TIME		
3-3-81	1400		Ward 10: Mr. Howard was excused from Group on 3-1-81 because of severe dental pain (post-op extractions) for which he had just been medicated. He remained resting in his room.
3-3-81	1900	2	Ward 10: Mr. Howard kept good record this date at 1900. I. R. R. R.
3-4-81	1535	0	Ward 10 monthly rate for February - pt has been staffed as a 1572 and is now competent to return to Court. Prob #1 Dental Caries - in the for this problem
		1	problem #2 - Suicide attempt - N of -
		2	No change, pt states he is not "going to kill himself" problem #3 hypertension
		3	pt has not shown any signs of hypertension this month. Problem #4
		4	Escape risk has not been a problem, pt lost his Hallcard twice this month for horseplay however he did accept responsibility for his actions. He kept a ward routine and kept his self and living area in good shape. It appears pt has good insight into his charges and court room proceedings. - J. R. R. R.

Page No. 17

INTERDISCIPLINARY NOTES

Confidential Client/Patient Information
See W & I Code 5328

MH 1924 (7/78)

NAME

HOWARD, SAMUEL

FILE NO.

AT 031638-0

12-12-80 SB

FACILITY

COM CO BB

M SGL 2

PC 1370

PAT

8-18-49

NY

PROT

P 31324

YEAR		PROB. NO.	ALL ENTRIES SHALL BE SIGNED WITH NAME AND TITLE
DATE	TIME		
2-9-81	1200	2	Reset 21 due to not meeting his obj. set.
3/13/81	0915	4	Mr. Howard had some questions concerning agent orange as he is a Vietnam veterans. After answering his questions, I asked Sam some questions to see if his memory for past events is improving. Sam now claims to remember some details about the alleged event. He also reported killing numerous individuals; relatives, fellow employees, and strangers on the street. He also about hiding in weapons in New York city. He reported jumping bail in New York on murder charges. There are several holds on Mr. Howard from other states on murder charges. Sam reports killing Vietnamese civilians and then robbing them. In addition, he maintains that this pattern of killing and robbing has continued since leaving the service because he knows nothing else. Usually the offenses were committed while he was reportedly on drugs. At one point, Sam said, he hopes they never release him because he will probably go back to his life of crime. In my opinion, this individual is extremely dangerous and a risk for suicide. <i>John A. Libby M.D. Clinical Psychologist</i>

Page No. 17

INTERDISCIPLINARY NOTES

Confidential Client/Patient Information
See W & I Code 6328

MH 1924 (7/78)

NAME:

HOWARD, SAMUEL

FILE NO.

AT 031638-0

M SCL 2

FACILITY

12-12-80 SB

PC 1370

CUM CO SB

PAT

8-18-49

NY

PRIT

P 31406

YEAR 1981
DATE/TIMEPROB.
NO.

ALL ENTRIES SHALL BE SIGNED WITH NAME AND TITLE

3-15-81 ¹⁰⁰⁰ 8 Ward 10: Pt attended Group but did not contribute to the discussion. He appeared to listen attentively. *[Signature]*

1015
3/16/81 8 Ward 10: Pt. approached writer with a radio, stating that he had bought it at the Canteen "about two months ago." He further stated that pt. "A," who had returned to court, had borrowed it, obliterated Sam's AT#, then returned it to him. He wanted it sent to CDS to be remarked - his number. (There was Howard's AT# on another part of the radio, but it did not appear to have been made - the CDS engraving tool). No record of the radio could be found in Sam's chart. Canteen was contacted and informed us that neither Howard nor pt. "A" had purchased such a radio. Canteen did state that pt. "M," still a Ward 10 pt., had purchased such a radio on 12/1/80. Pt. "M" was questioned and stated that he had traded the radio to Howard for a carton of cigarettes. This being against hospital rules radio will be returned to CDS for proper remarking and storage in pt. "M's" property. Referred to sponsors for any further action. *[Signature]*

3-21 ⁰⁷⁰⁰ 5 Wd 10: During morning wake up Patient # 030526-0 approached his sponsor and another staff member, stating that two other pts were harrassing him last night and attempting to provoke a fight. *[Signature]*

interdisciplinary
NOTE

Page No. 18

INTERDISCIPLINARY NOTES

Confidential Client/Patient Information
See W & I Code 5328

MH 1826 (7/78)

AT 031638-0
12-12-80 SB

FILE NO COM CO SB

FACILITY

M SGL 2
PC 1370PAT Corio
8-18-491 Clay
NY
PROT
P 31326

YEAR 1981

PROB.
NO.

DATE/TIME

ALL ENTRIES SHALL BE SIGNED WITH NAME AND TITLE

3-21⁰⁷⁰⁰behavioral
NOTE

continued a fight w him, and that he would strike out if they did not leave him alone (id note of last night states however, that pt 030506-0 himself was agitated and threatened threatening, and was asked to go to bed early.) He was counseled to keep in touch w staff and avoid the other pts. they were also counseled and agreed to avoid contact contact w pt 030506-0. Shortly thereafter a fight broke out in the day room, involving mr Howard, pt 030506-0, and pt 031804-0 Red light was activated, and pt Howard was placed in w/r, A/r and P/B.

H30
3/21/81

5

Wed 10: No problems since above note. Spent most of the shift watching TV. Quiet and cooperative.

1530
3-21-81

5

Wed 10: Pt interviewed in dayroom w 1/2 1/2 + 1/3. Pt presented himself in a composed manner. He described the altercation of this am. precisely as ward staff did. He expressed regret at having become involved. Pt described the incident as having no opportunity to get staff involved before blows were exchanged. Pt Howard was receptive to plans to remove restraint and added "Well, whatever you think. If you want me to stay in these things I will." When asked pt if he felt capable of controlling his behavior. Pt answered affirmatively.

Page No. 17

INTERDISCIPLINARY NOTES

Confidential Client/Patient Information
See W & I Code 5328

MH 1924 (7/78)

DATE

FACILITY

FACILITY

HOWARD, SAMUEL

AT 031639-0

12-12-80 SB

CJ" CJ SB

W SGL 2
PC 1370PAT
8-18-49
NY
PRJT
P 31326

YEAR <u>1981</u>	PROB. NO.	ALL ENTRIES SHALL BE SIGNED WITH NAME AND TITLE
DATE/TIME		
0600 3-22-81	5	28/10: Pt. had a good and uneventful night. All done
1400 3/22/81	5	Ward 10: (Late entry for 3/21/81): Due to SIR of today am, problem #5, physical assault, added and plans and objectives written. — Clein
1430 3/22/81	5	Ward 10: OABP all shift. Pleasant and cooperative. Watched TV most of the shift. — Clein
2300 3-22-81	5	Wd 10: Pt. remained OABP this shift. Presented no behavior problems. Took a shower and watched T.V. most of shift. — K. Swangler
0600 3-23-81	5	28/10: Pt. had a good and uneventful night. All done
1030 3-29-81		Monthly notes for March
	X	Pt was admitted as 1370 - incompetent to stand trial. He was staffed 1-23-81 as 1372 - competent to stand trial and is currently awaiting to return to court -
	1.	(4) Dental caries - Mr. Howard has not been to dental clinic this month & has not voiced any % of dental pain since 3-3-81 (following dental extractions at end of Feb.)
	2.	(17) Suicide (Hx of) attempt - Mr. Howard has voiced no suicide ideation or attempted any overt or obvious acts of suicide this month. However, J. Riley, PhD notes that he feels Mr. Howard is at risk for suicide (See IDA 3-13-81)

Page No. 22

INTERDISCIPLINARY NOTES

Confidential Client/Patient Information
See W & I Code 6326

WH 1924 (7/79)

HOWARD, SAMUEL

AT 031633-0 M SGL 2
12-12-80 SB PC 1370

COM CO

PAT
R-13-49
YY
PRIT
F 31 375

YEAR <u>1981</u>	DATE/TIME	PROB. NO.	ALL ENTRIES SHALL BE SIGNED WITH NAME AND TITLE
			Monthly notes for March.
	3-29-81 ¹⁰³⁰	3	Hypertension - Mr. Howard's lab tests for hypertension are currently in normal range (done in January) and his T3 + T4 are to be repeated in June '81.
		4	Escape risk - There has been no apparent problem this month.
		5	(6) Assentive needs, physical - This was added to Mr. Howard's problem list on 3-21-81 after a physical altercation involving 2 other peers.
		5	Mr. Howard is on no psychotropic medications.
	4/2/81	0	Hard 10: Patient was reviewed and approved for an open door @ night. The patient requests that his room remain locked. <i>Karen Becton PT</i>
	²³³⁰ 4-2-81	0	Wd 10: Late entry of 3:30-4:11 Following a team review of case approved for an open door during noc shift. Members present J. Chakras P. White NIC, J. Kelly PhD, A. Black MSW, R. Buehler PT, C. Eklund PT noc rep. <i>D. Atkinson PT</i>
	¹¹⁴⁵ 4-7-81	X	Wd. 10: Pt. to admission unit for definite leave to court. Cleared through library, canteen and school area. <i>K. Swangler PT</i>

Page No. 21

INTERDISCIPLINARY NOTES

Confidential Client/Patient Information
See W & I Code 5328
MH 1824 (7/79)

NAME HOWARD, SAMUEL

AT 031639-0

DATE 12-12-80 SB

FAC COM CO SB

M SGL 2

PC 1370

PAT

B-13-49

NY

PROT

F 31315

AA003084

NOTE: SEND COPY OF PHYSICIAN'S ORDER TO PHARMACY AFTER EACH ORDER IS SIGNED.

Date	Time	Physician's Orders and Medication	(PHYSICIAN MUST SIGN EACH ORDER)
12/13/80	1855	Tylenol 650mg q 4hrs as needed for headache T.C. DR. Hagg / Spindenberg HSS/ROD ✓ noted in chart PT wd 2 12-13-80 @ 2300 Dr. Hagg	
12/17/80	1230	Repeat UA ✓ Clean Catch for Urine Culture + Ins. / Dr. Hagg	
		Noted: Clean PT UA 2 12-17-80 @ 1300	
/			

ALLERGIES:

Start a New
Form if No
Number Shows.

PHYSICIAN'S ORDERS

CONFIDENTIAL CLIENT/PATIENT INFORMATION

SEE W & I CODE 5328

HOWARD, SAUEL

AT 031638-0

12-12-80 SB

COM CO SB

M SCL 2

PC 1370

PAT

8-18-49

NY

PROT

P 31326

DEPARTMENT OF MENTAL HEALTH

NOTE: SEND COPY OF PHYSICIAN'S ORDER TO PHARMACY AFTER EACH ORDER IS SIGNED.

ALLERGIES:

**Start a New
Form if No
Number Shows.**

PHYSICIAN'S ORDERS

CONFIDENTIAL CLIENT/PATIENT INFORMATION

SEE W & I CODE 5328

HOWARD, SAMUEL

AT 031638-0

12-12-80 SB

COY CO 88

W SCL 2

PC 1370

PAT

8-18-49

NY

PROT

P 31326

NOTE: SEND COPY OF PHYSICIAN'S ORDER TO PHARMACY AFTER EACH ORDER IS SIGNED.

Date	Time	Prob. No.	PHYSICIAN'S ORDERS AND MEDICATION (PHYSICIAN MUST SIGN EACH ORDER)
------	------	-----------	--

1.10 FAMILY MEDICATION REVIEW
DISCONTINUE PREVIOUS MEDICATIONS

PSYCHOTROPIC MEDICATIONS1) *Therapy to be started at night.* ✓NOTED 1/2/81 1230 *Ward 10 Occiput***SOMATIC MEDICATIONS**1) *Tylenol tabs. 650 mg. q4h prn for headache. p.o.*

NOTED 1-2-81 @ 1630 Wd-10

MED-SURG CLINIC

If his medical records from Patton -
are available, I would like to see them.
In any event, these should be obtained
before we consider treatment.

Return in 10 days. 1/19/81 *Inform a re.*

NOTED 1-9-81 @ 1700 Wd-10

ALLERGIES:

*Hx OF SUICIDE*Start a New
Form if No
Number Shows.**PHYSICIAN'S ORDERS**

CONFIDENTIAL CLIENT/PATIENT INFORMATION

SEE W & I CODE 5328

PAT, 031632-1

2-12-80 SB

CJ" CJ SB

M. SGL 2

IC 1370

PAT

2-12-80

SB

CJ" CJ

M. SGL 2

ADOCY 7/6/81

7/21/81

1-1984

noted 1530 ~~January~~ Wed 10 Feb

Start a New Form if No Number Shows.

HOWARD SAMUEL

100, 000 L

AT 031652-0 7 5GL 2
12-12-90 SB PC 1370

PAT
8-12-19
BY
PDT
E 31325

NOTE: SEND COPY OF PHYSICIAN'S ORDER TO PHARMACY AFTER EACH ORDER IS SIGNED.

Date	Time	Physician's Orders and Medication	(Physician Must Sign Each Order)
		1. DISCONTINUE PREVIOUS MEDICATIONS	
		2. NEW ORDERS	
		PSYCHOTROPIC MEDICATIONS	
1/23/81	10:20	1) Zom done to be locked at night. ✓	
		<i>[Signature]</i>	
		2) Tylonal tabs. 650 mg. p.o. q. 4h prn for headache. ✓	
		SOMATIC MEDICATIONS	
		1) Tylonal tabs. 650 mg. p.o. q. 4h prn for headache. ✓	
		<i>[Signature]</i>	
2/23/81	10:45	For pain more severe than is relieved by Tylenol, add Dexam 65 mg q. 4h prn dental pain x 3 days post op extraction	
		<i>[Signature]</i>	
2-23-81	1445	noted <i>[Signature]</i> March 10	

ALLERGIES:

HISTORY OF SUICIDE

Start a New
Form if No
Number Shows.

PHYSICIAN'S ORDERS

CONFIDENTIAL CLIENT/PATIENT INFORMATION

SEE W & I CODE 5328

APR 1981
031632-1
12-12-80 SB
CAM CO SB

U SGL 2
PC 1370

PAT
9-13-80
N7
P207
1-31-80

NOTE: SEND COPY OF PHYSICIAN'S ORDER TO PHARMACY AFTER EACH ORDER IS SIGNED.

NOTE: SEND COPY OF PHYSICIAN'S ORDER TO PHARMACY AFTER EACH ORDER IS SIGNED.

Date	Time	Prob. No.	PHYSICIAN'S ORDERS AND MEDICATION	(PHYSICIAN MUST SIGN EACH ORDER)
2-28-81	1620	rc	May renew Darvon 65 mg q 4° prn dental pain until March 2, 1981	
			T.O. DR. ROSKA / Spuedenbach HSS/ROD	
			NOTED 2/28/81 1620 Waid 10 C. Clump	G. Roska

ALLERGIES:

**Start a New
Form if No
Number Shows.**

PHYSICIAN'S ORDERS

CONFIDENTIAL CLIENT/PATIENT INFORMATION

SEE W & I CODE 5328

HOWARD, SAMUEL

AT 031638-0

12-12-80 SB

W SGL 2

PC 1370

COM CO SB

PAT

8-18-49

NY

PROT

P 31325

Date	Time	Phys. No.	PHYSICIAN'S ORDERS AND MEDICATION (PHYSICIAN MUST SIGN EACH ORDER)
			MD. 10 MONTHLY MEDICATION REVIEW DISCONTINUE PREVIOUS MEDICATIONS NEW ORDERS
			PSYCHOTROPIC MEDICATIONS
3-2-81			1) Room door to be locked at night. M. T. W. M., MD
3-3-81			MD noted [unclear] 10
3-2-81			SOMATIC MEDICATIONS
			1) Tylenol tabs. 650 mg p.o. q 4h prn for headache 2) Continue order of 3-28-81: For pain more severe than is relieved by tylenol, add Isonex cap. 65 mg p.o. q 4h prn for dental pain until March 2, 1981.
3-3-81			MD noted Isonex March 10 Banks.
3-21-81			w/r A/R P/B R/S 24-hour OAR
11/8/81			Noted 3-21-81 M. T. W. M. R. A. II - Wd 10 w/r A/R P/B R/S OAR X 240
			M. T. W. M. R. A. II - 3-22-81 (at 11:00) M. T. W. M. R. A. II - 3-22-81 (at 11:00)

ALLERGIES:

HISTORY OF SUICIDE

**Start a New
Form if No
Number Shows.**

PAT
2-18-49
NY
PROT
31324

~~HOARD, SAMUEL~~

AT 031638-0

12-12-80 SB

COM CO SB

M SCL 2
PC 1370

PHYSICIAN'S ORDERS

CONFIDENTIAL CLIENT/PATIENT INFORMATION

SEE W & I CODE 5320

NOTE: SEND COPY OF PHYSICIAN'S ORDER TO PHARMACY AFTER EACH ORDER IS SIGNED.

Date	Time	Prob. No.	PHYSICIAN'S ORDERS AND MEDICATION (PHYSICIAN MUST SIGN EACH ORDER)
3/30/81	0930		MD. 10 MONTHLY MEDICATION REVIEW DISCONTINUE PREVIOUS MEDICATIONS NEW ORDERS PSYCHOTROPIC MEDICATIONS 1) Room alert for the last of night! <i>W. Douglas, MD</i>
3/30/81			Noted K. Samples PT wd 10 @ 1750 SOMATIC MEDICATIONS 1) Tylenol tabs 650 mg p.o. q4h prn for headache! <i>[Signature]</i>
3/30/81			Noted K. Samples PT wd 10 @ 1750 <i>[Signature]</i>

ALLERGIES:

*HISTORY OF SUICIDE*Start a New
Form if No
Number Shows.

PHYSICIAN'S ORDERS

CONFIDENTIAL CLIENT/PATIENT INFORMATION

SEE W & I CODE 5328

HOWARD, SAMUEL

AT 031633-0

12-12-80 SB

COX CO SB

M SGL 2

PC 1370

PAT

8-18-49

NY

PROT

P 31324

YEAR 1980

DATE TIME NO. ALL ENTRIES SHALL BE SIGNED WITH NAME AND TITLE

12/12/80 1345
Adm. Note: Pt. admitted under Section 1370 P.C. as a transfer from Peter St. Hosp where he had been admitted for on 7/17/80. Peter St. Hosp on charges of armed robbery & car theft. He escaped from the local police and a little before admission tried to go to W.O.L. from Boston on 9/19/80 and made a suicide gesture in jail before admission but there the term was evidence of suicidal thoughts or attempts at Peter. The transfer was made because on 11/15/80 Peter received word of planned to escape & go back to jail ground. The same day, then was informed that the Los Vegas Golden State had been set on the Federal on charges of robbery & robbery. Other information in present. Pt. shows anxiety due to tendency to "catastrophize" and "overreact". I don't recall him having the same pattern. The test & negative stress exam & response to I feel to should have full psychological work up including to symptoms. I don't feel there is any indication for medication at this time. At the moment there is no problem at Peter except for the mentioned.

A. W. L. D. J. Anderson, M.D.

12/10/80 1400 to and 2) Had complete H&P today - dictated.
a Lee PE from
A - H1 Dental Clinic
— Consider Court
D - #1 - Dental Clinic
— T3, T4

PHYSICIANS' PROGRESS NOTES
CONFIDENTIAL CLIENT/PATIENT INFORMATION
SEE W & I CODE 5238

HOWARD, SAMUEL

AT 031633-0

12-12-80 SB

COM CU SB

M SQL 2

PC 1370

PAT

9-10-49

NY

PRUT

P 1326

PAGE NO. 1

YEAR 1980		NO.	ALL ENTRIES SHALL BE SIGNED WITH NAME AND TITLE
DATE	TIME		
12-15	1020	8	who knows H. deems everything, knows nothing but seems competent. <i>At least one</i>
12/17/80	1230	8	DUA - 12-25 WBC/HPP P- Report to culture. <i>Shaw</i>
12-19/1230		8	who: Pt. is not suicidal. He is not psychotic or incompetent. <i>Additional</i>
12-22/80	1510		Patient is alert, cooperative generally appropriate. He is oriented in all three spheres. He is able to name four states and Canada adjacent to New York State accurately. He knows Carter is President and Reagan President Elect. He can calculate monetary change accurately and perform serial sevens. He denies any recollection of suicide attempt but is noted by Dr. Anderson admitting sophisticated or having made a suicide attempt in jail prior to Patton. He is weak on proverbs in contrast to his ^{app} very better average performance in other areas. He states he has been harassed on P.P., Cocaine, L.S.D. He mood is neither elated nor depressed and he denies suicidal preoccupation. He is on no medication and has no complaints. Adm. History of Malingering + Antisocial Personality disorder with <i>Admission</i>

PHYSICIANS' PROGRESS NOTES
CONFIDENTIAL CLIENT/PATIENT INFORMATION
SEE W & I CODE 5238

HOWARD, SAMUEL
AT 031653-0 M SGL 2
12-12-80 SB PC 1370
CUM CU 88

PAT
1-13-49
NY
PHOT
1 25226

PAGE NO. _____

YEAR

DATE

TIME

NO.

ALL ENTRIES SHALL BE SIGNED WITH NAME AND TITLE

~~delusional ideas of reference.~~
He has no learned language
activity: passive. Reported
working

above

It is referred to med
surg. clinic

12/30/80

0906

Dental Examination - Patient's mouth is in fair
condition. He has several Carious teeth
and Calculus deposits. He will be
recalled for dental treatment. D Bond Dr.

1/9/81

MED-SURG CLINIC

TSH is normal. Will try to get
records from Patton before considering
further workup or consultation.

Poleg

1/16/81

1000

+c

Dental Clinic - Four Carious maxillary left
teeth restored with Composite resin and silver
amalgam. D. Bond DNS

1/19/81

1300

MED-SURG CLINIC

Chart from Patton indicates no suspicion of
Thyroid problem. Patient not a reliable historian
Thyroid T3 - T4 in 6 mos.

PHYSICIANS' PROGRESS NOTES

CONFIDENTIAL CLIENT/PATIENT INFORMATION
SEE W & I CODE 5238

PAGE NO. _____

WARD, SAMUEL

AT 031633-0

12-12-80 SB

COM CC SB

M SGL 2

FC 1370

PAT

9-13-49

NE

POT

F 31300

OF A [REDACTED] OF MENTAL HEALTH

PHYSICIANS' PROGRESS NOTES
CONFIDENTIAL CLIENT/PATIENT INFORMATION
SEE W & I CODE 6230

PAT
8-18-4
NY
PROT
P 3

AA003096

PROBLEM LIST AS OF 01/26/81

PAGE 1

GOAL CODES

0-OBJECTIVES & PLANS DEFERRED
1-MAINTAIN CURRENT-LEVEL
2-SOME IMPROVEMENT EXPECTED
3-MUCH IMPROVEMENT EXPECTED
4-TOTAL IMPROVEMENT EXPECTED

RATING CODES

0-WORSE
1-NO CHANGE FROM INITIAL RATING
2-SOME IMPROVEMENT
3-MUCH IMPROVEMENT
4-TOTAL RESOLUTION OF PROBLEM

031638-0

HOWARD

SAMUEL

WARD 10

DATE PROB# PROBLEM

GOAL RATING

12/12/80 14 SUICIDE - SELF MUTILATION

12/12/80 39 OTHER INTERACTION DEFICIT
MALINGERING

LABORATORY REPORTS

Tests Requested: 12/5/80
 NAME: Howard, Samuel
 Unit 2 Date 12/19/80
 FILE NO AT# 031638-0
 M.D. 12/19/80
 By C. J. FACILITY A.S.H. 24

Specimen Plasma
 Report T3 - 4.0 (25-35)
T4 - 15.9 (4.5-11.5)
FTI - 6.4 (1.1-4.0)

State of California
 Department of
 Mental Health
 MH 1740 G (8/78)
 Coding ASAX
 Secondary
 Diagnosis
 TECHNOLOGIST
Hi ATAS
 MISCELLANEOUS Prob. No. 12/19/80

VLDL (0-40) mg/dl
 LDL (60-185) mg/dl
 HDL (28-77) mg/dl

By gh
 Date 12-19-80

MH 1740 C (8/78) 12/19/80
 MICROBIOLOGY Prob. No. 12/15/80

Department of Health 82237-07223-87565
 MH 1740 H (8/78) 12/15/80
 URINALYSIS Prob. No. 12/15/80

Mental Health 9269221
 HEMATOLOGY Prob. No. 12/15/80

State of California 00301-07152-37379
 Dept. of Mental Health 12/15/80
 MH 1740 B (7/78) 22708 X 0.5
 CHEMISTRY Prob. No. 12/15/80

HOWARD, SAMUEL
 AT 031633-0 M SGL 2
 12-12-80 SB PC 1370
 COM CO SB

PAT
 R-18-49
 NY
 PROT
 F 31326

MH 1740 (7/78)

LABORATORY REPORTS

LABORATORY REPORTS

IMPORTANT PRESS REPORT DOWN FIRMLY		REPORT ON HERE	IMPORTANT PRESS REPORT DOWN FIRMLY	
12/24 0000		NAME	HOWARD, SAMUEL	
Tests Requested TSH	Unit 10	FILE NO.	AT 031633-0 M SCL 2	
Date 12/27/80	M.D. Dr. L. pp	FACILITY	12-12-80 SB PC 1370	
By			COM CO SB	
			31638	
Specimen				
Report Result Normal				
TSH - 2.5 - (<10)				
State of California Department of Mental Health MH 1740 G (8/78)		Coding	TECHNOLOGIST CC L SCL CA 12/30/80	
			MISCELLANEOUS Prob. No.	
<input type="checkbox"/> Urine <input checked="" type="checkbox"/> Urine Blood		Coding	<input type="checkbox"/> Urine <input checked="" type="checkbox"/> Urine Blood	
State of California Department of Health MH 1740 A (10/78)		Coding	Technology a 12-18-80 URINALYSIS Prob. No.	
Department of Mental Health MH 1740 C (8/78)		Coding	Technology a 12/19/80 MICROBIOLOGY Prob. No.	
Department of Health MH 1740 A (10/78)		Coding	Technology a 12/15/80 URINALYSIS Prob. No.	
Department of Health MH 1740 H (8/78)		Coding	Technology a 12/15/80 URINALYSIS Prob. No.	
State of California Dept. of Mental Health MH 1740 B (7/78)		Coding	Technology a 12/15/80 CHEMISTRY Prob. No.	
22908 X 0.5				
HOWARD, SAMUEL AT 031633-0 M SCL 2 12-12-80 SB PC 1370 COM CO SB				
PAT R-13-49 NY PROT F 31326				

BJTARY REPORTS

IMPORTANT PRESS REPORT DOWN FIRMLY AFTER POSITIONING IMPORTANT	REPORT IS HERE	IMPORTANT PRESS REPORT DOWN FIRMLY AFTER POSITIONING IMPORTANT
IMPORTANT PRESS REPORT DOWN FIRMLY AFTER POSITIONING	REPORT IS HERE	IMPORTANT PRESS REPORT DOWN FIRMLY AFTER POSITIONING

Tests Requested <u>Repeat</u> Review <input type="checkbox"/> Commented <input type="checkbox"/> To me <u>Howard</u> Dr. <u>Lapp</u> 12-18 by <u>Eden PT</u> 3:30 Ward <u>2</u> Date <u>12-17-80</u>	HOWARD, SAMUEL AT 031633-0 N SCL 2 12-12-80 SB FC 1370 PAT 8-18-19 NY PROT P 31325
--	--

<input type="checkbox"/> Color <input type="checkbox"/> Appearance <input type="checkbox"/> Specific Grav <u>1.025</u> <input type="checkbox"/> pH <u>6.0</u> <input type="checkbox"/> Albumin <u>0</u> <input type="checkbox"/> Sugar <u>+</u> <input type="checkbox"/> Acetone <u>0</u> <input type="checkbox"/> Diacetic Acid <u>0</u> <input type="checkbox"/> Occult Blood <u>0</u>	COM CO SB MICROSCOPIC <input type="checkbox"/> WBC <u>3-5</u> <input type="checkbox"/> RBC <u>—</u> <input type="checkbox"/> Epith <u>—</u> <input type="checkbox"/> Bacteria <u>—</u> <input type="checkbox"/> Casts (type) <u>—</u> <input type="checkbox"/> Crystals <u>Amorph</u> <input type="checkbox"/> Mucus <u>—</u>	<input type="checkbox"/> Bile <u>0</u> <input type="checkbox"/> Urobilin <input type="checkbox"/> Urobilinogen <input type="checkbox"/> Sulfonates <input type="checkbox"/> Bence-Jones <input type="checkbox"/> PPA <input type="checkbox"/> X Chromatogram <input type="checkbox"/> Microcrystalline
--	---	---

State of California Department of Health MH 1740 B (10/78)	Coding <div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto; text-align: center; line-height: 100px;">+</div>	Technology Date <u>12-18-80</u> URINALYSIS Prob. No. _____
--	--	--

Department of Mental Health MH 1740 C (8/78)	<div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto; text-align: center; line-height: 100px;">X</div>	Date <u>12/19/80</u> MICROBIOLOGY Prob. No. _____
--	--	--

Department of Health MH 1740 A (10/78)	Coding <div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto; text-align: center; line-height: 100px;">A</div>	Date <u>12/15/80</u> URINALYSIS SEMULOUS Prob. No. _____
---	--	---

State of California Dept. of Mental Health MH 1740 B (7/78)	Coding <div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto; text-align: center; line-height: 100px;">A</div>	Date <u>12/15/80</u> CHEMISTRY Prob. No. _____
---	--	---

State of California Dept. of Mental Health MH 1740 B (7/78)	Coding <div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto; text-align: center; line-height: 100px;">A</div>	Date <u>12/15/80</u> CHEMISTRY Prob. No. _____
---	--	---

State of California Dept. of Mental Health MH 1740 B (7/78)	Coding <div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto; text-align: center; line-height: 100px;">A</div>	Date <u>12/15/80</u> CHEMISTRY Prob. No. _____
---	--	---

State of California Dept. of Mental Health MH 1740 B (7/78)	Coding <div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto; text-align: center; line-height: 100px;">A</div>	Date <u>12/15/80</u> CHEMISTRY Prob. No. _____
---	--	---

State of California Dept. of Mental Health MH 1740 B (7/78)	Coding <div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto; text-align: center; line-height: 100px;">A</div>	Date <u>12/15/80</u> CHEMISTRY Prob. No. _____
---	--	---

State of California Dept. of Mental Health MH 1740 B (7/78)	Coding <div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto; text-align: center; line-height: 100px;">A</div>	Date <u>12/15/80</u> CHEMISTRY Prob. No. _____
---	--	---

State of California Dept. of Mental Health MH 1740 B (7/78)	Coding <div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto; text-align: center; line-height: 100px;">A</div>	Date <u>12/15/80</u> CHEMISTRY Prob. No. _____
---	--	---

State of California Dept. of Mental Health MH 1740 B (7/78)	Coding <div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto; text-align: center; line-height: 100px;">A</div>	Date <u>12/15/80</u> CHEMISTRY Prob. No. _____
---	--	---

State of California Dept. of Mental Health MH 1740 B (7/78)	Coding <div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto; text-align: center; line-height: 100px;">A</div>	Date <u>12/15/80</u> CHEMISTRY Prob. No. _____
---	--	---

State of California Dept. of Mental Health MH 1740 B (7/78)	Coding <div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto; text-align: center; line-height: 100px;">A</div>	Date <u>12/15/80</u> CHEMISTRY Prob. No. _____
---	--	---

State of California Dept. of Mental Health MH 1740 B (7/78)	Coding <div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto; text-align: center; line-height: 100px;">A</div>	Date <u>12/15/80</u> CHEMISTRY Prob. No. _____
---	--	---

State of California Dept. of Mental Health MH 1740 B (7/78)	Coding <div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto; text-align: center; line-height: 100px;">A</div>	Date <u>12/15/80</u> CHEMISTRY Prob. No. _____
---	--	---

||
||
||

Received: 12/18/80
Date _____ Time _____
Dr. _____
By _____
Unit _____ Date _____

NAME: Howard, S
FILE NO.: 31630-0
FACILITY: _____

wd-10

Check Tests
Requested:

- ☐ Smear:
☐ Culture
☐ Occult Blood
☐ Ova Parasites
☐ Fat
☐ AFB
☐ Fungi

Specimen: Urine

REPORT: preliminary

1100 Col/ml - Beta hemolytic
GPC - resembling S. aureus
ED + Sens to ~~antibiotics~~

State of California
Department of
Mental Health

MH 1740 C (8/78)

Coding

Technologist

Q 12/19/80
MICROBIOLOGY

Prob. No. _____

Department of Health 87501-27553-27565

MH 1740 A (8/78)

MH 1740 H (8/78)

URINALYSIS

SEMULOGY

Prob. No. _____

State of California
Department of
Mental Health

MH 1740 E (8/78)

86927 86421
03801-37152-37379

State of California
Dept. of Mental Health
MH 1740 B (7/78)

22908 X 0.5

HEMATOLOGY

CHEMISTRY

Prob. No. _____

HOWARD, SAMUEL

AT 031633-0

12-12-80 SB

COM CO

SB

M SGL 2

PC 1370

PAT

R-18-49

NY

PROT

F 31326

BBF

MH 1740 (7/78)

LABORATORY REPORTS

AA003102

PREP
DOWN
AFTER
POSITION

NAME <u>Howard, Samuel</u> AT <u>031633-0</u> M <u>SGL 2</u> PAT <u>8-18-49</u> 12-12-80 SB PC <u>1370</u> NY COM CO SB <u>31638-0</u> PROT <u>P 31326</u>	
SPECIFIC GRAVITY <u>1.035</u> pH <u>6.0</u> ALBUMIN <u>0</u> SUGAR <u>0</u> BILIRUBIN <u>0</u> URIC ACID <u>0</u> URIC BLOOD <u>0</u>	MICROSCOPIC <input type="checkbox"/> RBC hpf <input type="checkbox"/> RBC hpf <input type="checkbox"/> Epith. <input type="checkbox"/> Bacteria <input type="checkbox"/> Casts (typ) hpf <input type="checkbox"/> Crystals <input type="checkbox"/> Mucus <input checked="" type="checkbox"/> Sperm <input type="checkbox"/> Bile <input type="checkbox"/> Urobilin <input type="checkbox"/> Urobilinogen <input type="checkbox"/> Ketones <input type="checkbox"/> Blood Jones <input type="checkbox"/> PPA <input type="checkbox"/> C. trachy <input type="checkbox"/> Unconjugated

State of California
 Department of Health
 MM 1740 H (8/78)

Catalog
 87-07523-07565
 12/15/80

Technology
 A
 URINALYSIS
 SEROLOGY Prob. No.

State of California
 Department of Mental Health
 MM 1740 B (7/78)

Catalog
 87-07152-07379
 12/15/80

HEMATOLOGY Prob. No.
 CHEMISTRY Prob. No.

HOWARD, SAMUEL
 AT 031633-0 M SGL 2
 12-12-80 SB PC 1370
 COM CO SB

PAT
 8-18-49
 NY
 PROT
 P 31326

IMPORTANT

PRESS REPORT
DOWN FIRMLY
AFTER

REPORT IS HERE

PRESS REPORT
DOWN FIRMLY
AFTER

12/15 0715 HOWARD, SAMUEL 31638-0 PAT
Tests Requested: RPR AT 031638-0 M SGL 2 8-18-49
Date 12/12/80 SB PC 1370 NY
Ward 2 Date 12/12/80 FILE NO.: PROT
Dr. [Signature] By [Signature] FACILITY 24 P 31326

TEST PERFORMED	RESULT			Rheumatoid Factor	VDRL Quantitative
	Q	R	N		
VDRL				C-Reactive Protein	Antistreptolysin O
RPR			✓	Heterophile Agg.	Cold Agg.
ANA				Coombs	Blood Type

Agglutinations

HB Ag

Secondary
Diagnosis:

State of California
Department of
Mental Health

Coding

Technologist

Date

MH 1740 H (8/78)

86785

SEROLOGY

Prob. No.

State of California
Department of
Mental Health

86424

86424

HEMATOLOGY

Prob. No.

State of California
Dept. of Mental Health
MH 1740 B (7/78)

01-37152-37379

CHEMISTRY

Prob. No.

22908 X 0.5

HOWARD, SAMUEL

AT 031638-0

M SGL 2

12-12-80 SB

PC 1370

COM CO SB

PAT

8-18-49

NY

PROT

P 31326

POSITIONING

POSITIONING

IMPORTANT

IMPORTANT

TESTS REQUESTED:

Received Date: 12/15/80
 Dr: [Signature]
 By: [Signature]
 Bed: 2 Date: 12/15/80

HOWARD, SAMUEL
 AT 031633-0 M SGL 2
 12-12-80 SB PC 1370
 31638-0
 COM CO SB 24
 PAT 9-18-49
 NY
 PROT
 P 31326

WBC 8700	WBC 33	S.I.	Bleeding Time	Clotting Time (Capillary)
PCV 49	HCT 33	V.L.	Clotting Time (Lab Method)	
Hgb 16.8	HCT 33	C.I.	Prothrombin Time	
LE Cells			% of Platelet Activity	

DIFFERENTIAL

Lymphs	Monos	Eos	Bas	Segs	Stabs	Plate	Myelo	Total Counted
33	2	2		61	2			

SECONDARY DIAGNOSIS

State of California Dept. of Mental Health	CODING 86439 86431	TECHNOLOGIST KL	DATE 12/15/80
State of California Dept. of Mental Health	86439 86431	HEMATOLOGY	Prob No.
State of California Dept. of Mental Health	86439 86431	CHEMISTRY	Prob No.

HOWARD, SAMUEL
 AT 031633-0 M SGL 2
 12-12-80 SB PC 1370
 COM CO SB
 PAT 9-18-49
 NY
 PROT
 P 31326

COM CO SB

12-12-80 SB

12-12-80 SB

12-12-80 SB

PRESS REPORT REPORT #3 HERE
DOWN FIRMLY
AFTER
POSITIONING

PRESS REPORT
DOWN FIRMLY
AFTER
POSITIONING

IMPORTANT

IMPORTANT

REC'D: Date 12/15 Time 0715

Physician

By

Ward

Date

HOWARD, SAMUEL

AT 031638-0

12-12-80 SB

M SGL 2

PC 1370

PAT

8-18-49

NY

PROT

P 31326

☒ B.U.N.
mg/100 ml

☐ Creatinine
mg/100 ml

☐ Uric Acid
mg/100 ml

☐ Glucose
Non-Fasting

☒ Glucose
Fasting

☐ Glucose
% hr. P.P.

☐ Glucose
1 hr. P.P.

☐ Glucose
2 hr. P.P.

☐ Glucose
3 hr. P.P.

☐ Sodium
m Eq/L

☐ Potassium
m Eq/L

☐ Chlorides
m Eq/L

☐ CO₂
m Eq/L

☐ Calcium
mg/100 ml

☐ Phosphorus
mg/100 ml

☐ Magnesium
mg/100 ml

☐
☐
☐ Bilirubin (Tot.)
mg/100 ml

☐ Bilirubin (Dir.)
mg/100 ml

☐ Bilirubin (Ind.)
mg/100 ml

☐ Total Protein
gm/100 ml

☐ Albumin
gm/100 ml

☐ Globulin
gm/100 ml

☐ Cholesterol
mg/100 ml

☐ Phosphatase, Alk.
Units

☒ S.G.P. Transaminase
Units

☐ S.G.O. Transaminase
Units

☐ C.P.K.
Units

☐ L.D.H.
Units

☐ Amylase
Units

☐ Lipase

☐ Phosphatase Acid
Units

☐ Serum Iron
mg/100 ml

☐ T.I.B.C.
mg/100 ml

☐

State of California
Dept. of Mental Health
MH 1740 B (7/78)

06201-07152-07379

22908 X 0.5

Coding

Technologist

CHEMISTRY

Prob. No.

Date 12/15/80

HOWARD, SAMUEL

AT 031633-0

12-12-80 SB

COM CO

SB

M SGL 2

PC 1370

PAT

8-18-49

NY

PROT

P 31326

MEDICATION DOSAGE INTERVAL METHOD SITE	Prob. No.		Prob. No.		Prob. No.		Prob. No.		Prob. No.	
	Tylenol 650 mg q. 4 hrs PRN Headache		Lock door @ noc.							
Year <u>1950</u> Month <u>DEC</u>	Day	Hours	Day	Hours	Day	Hours	Day	Hours	Day	Hours
	1									
	2									
	3									
	4									
	5									
	6									
	7									
	8									
	9									
	10									
	11									
	12									
	13									
	14									
	15									
	16									
	17									
	18									
	19									
	20									
	21									
	22									
	23									
	24									
	25									
	26									
	27									
	28									
	29									
	30									
	31									

Name and initials:

C. [Signature] Francis Aubrey (JA)

[Signature] (pl)

[Signature] Jones RT (KJ)

MEDICATION RECORD

Confidential Client/Patient Information

See California W&I Code
Section 5328
MH 1762 (4/77)

HOWARD, SAMUEL

AT 031638-0

12-12-80 SB

CUM CU

W SGL 2

PC 1370

SB

PAT

R-18-49

NY

PHUT

F 51326

C

70-2-11 Meran A VII

Francis Aubrey (70)

9/10/2009

James R. [unclear]
James R. [unclear]

Александр (РД)

Bewährte (62) KS Kanten angelassen

Philbrick

NAME _____

FILE NO.

FACILITY

Confidential Client/Patient Information



Aug 1 Jan 1978

MH 1782 (7/78)

CONFIDENTIAL - 73 M - OIA

MEDICATION DOSAGE INTERVAL METHOD SITE	Prob. No.		Prob. No.		Prob. No.		Prob. No.		Prob. No.	
	Room door to be locked at night		Tylenol tabs 650mg p.o. q 4h prn for headache		DARVON 65mg + Tylenol q 4h q 4h PRN dental pain (severe) otherwise give plain Tylenol x 3 days.		DARVON 65mg q 4h PRN dental pain until March 3 1981			
Year <u>1981</u> Month <u>FEB</u>	Day	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										
13										
14										
15										
16										
17										
18										
19										
20										
21										
22										
23										
24										
25										
26										
27										
28										
29										
30										
31										

Name and Initials:

J. Segura AT (B)

Francis Miley (B) (S)

R. Jones AT (B) to Kawaguchi

B. Smith AT (B) (S)
4/3/81 - Enos, (S)

MEDICATION RECORD

Confidential Client/Patient Information

See California W&I Code
Section 5329

MH 1762 (7/78)

NAME

J. SEGURA

031600-1

H. S. 2

PAT

2-10-10

FILE NO.

12-12-80

10 1370

BY

PAT

1-1-81

FACILITY

C. S.

MEDICATION DOSAGE INTERVAL METHOD SITE	Prob. No.		Prob. No.		Prob. No.		Prob. No.		Prob. No.	
Year <u>1971</u> Month <u>APRIL</u>	TYLENOL TABS. 650MG. 3 4H PRL FOR HEADACHE. P.O.		ROOM DOOR TO BE LOCKED AT NIGHT.							
Day	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										
13										
14										
15										
16										
17										
18										
19										
20										
21										
22										
23										
24										
25										
26										
27										
28										
29										
30										
31										

Name and Initials:

J. Sigurdson (P)

P. J. Butcher (P) N.Y. OF SUICIDE
PRECAUTION

MEDICATION RECORD

Confidential Client/Patient Information

See California W&I Code
Section 5328

MH 1762 (7/78)

NAME:

FILE NO.:

FACILITY:

HOWARD, SAMUEL

AT 031633-0

12-12-80 SB

COM CO SB

M SGL 2

PC 1370

PAT

8-18-49

NY

PROT

P 31326

MH 1762 (7/78) - 02

MEDICATION DOSAGE INTERVAL METHOD SITE	Prob. No.		Prob. No.		Prob. No.		Prob. No.		Prob. No.	
Year _____ Month _____										
Day		Hours		Hours		Hours		Hours		Hours
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										
13										
14										
15										
16										
17										
18										
19										
20										
21										
22										
23										
24										
25										
26										
27										
28										
29										
30										
31										

Name and Initials:

J. Segura R (P)

Hx of SUICIDE
PRECAUTION
MEDICATION RECORD

Confidential Client/Patient Information

See California WAI Code
Section 5328
MH 1762 (7/78)

NAME:

HOWARD, SAMUEL

FILE NO.

AT 031633-0

M SGL 2

12-12-80 SB

PC 1370

FACILITY

COM CO

SB

PAT

8-18-49

NY

PROT

P 31325

CMAA-723 M - 02

IMMUNIZATION	1st	2nd	3rd	BOOSTERS							
DIPHTHERIA-PERTUSSIS TETANUS											
DIPHTHERIA-TETANUS											
TETANUS TOXOID											
TYPHOID											
POLIOMYELITIS											
SALK											
SABIN-MONO											
SABIN-TRI											
INFLUENZA () Type											
GAMMA GLOBULIN											
SMALL POX				HAA (Antigen test for Hepatitis)							

	DATE GIVEN	REACTION
MUMPS		
RUBEOLA (Measles)		
RUBELLA (German Measles)		

SENSITIVITY	Date Given	Reading	Read by:	Date Given	Reading	Read by:	Date Given	Reading	Read by:
TUBERCULIN (Type)									
COCCIDIODIN									
HISTOPLASMIN									
BLASTO									

Food/Drug Allergies:	Significant Diseases:

Identification of Initials Used Above		

IMMUNIZATION AND
ALLERGY RECORDConfidential Client/Patient Information
See California W&I Code 5328

WH 1767 (4/75)

NAME: HOWARD, SAMUEL
AT 031633-0 M SGL 2
12-12-80 SB PC 1370
COM CO SBPAT
R-18-42
NY
PHOT
F 51326

CORE BEHAVIOR RATING SCALE

SUB TOTALS

DATE:

AM PM

		12-12	12-13	12-14	12-15	12-16	
HOSPITAL AGGRESSION	0		✓	✓	✓	✓	0
	1						
	2						
<hr/>							
RESPONSIBILITY LEVEL	0		✓	✓	✓	✓	0
	1						
	2						
<hr/>							
SELF CARE SKILLS	0		✓	✓	✓	✓	0
	1						
	2						
<hr/>							
INTER PERSONAL BEHAVIOR	0			✓		✓	3
	1		✓	✓	✓		
	2						
<hr/>							
SELF INJURY BEHAVIOR	0		✓	✓	✓	✓	0
	1						
	2						
<hr/>							
MEDICATION ADHERENCE	0		N/A	N/A	N/A	N/A	0
	1						
	2						
<hr/>							
RATERS NAME EACH DAY	AM						3
	PM						

FILE UNDER SECTION III
ASSESSMENT/EVALUATION TOOL

AT 2443 (5-79)

HOWARD, SAMUEL
AT 031633-0
12-12-80 SB

CUM CU SB

Y SGL 2
PC 1370

TOTAL SCORE
PAT
R-18-49
NY
PRUT
F 51326

Restraint

Name and Initials

Δ 69

Restraint

[illegible]

BEHAVIORAL RESTRAINT RECORD

Continued Client/Patient Information
See W & I Code 5320

MM- 1768 (1/77)

NAME: _____

FILE NO.

FACILITY:

HOWARD, SAMUEL

AT 031638-0

12-12-80 BB

COM CO

1 2 3

PC 1370

PAT
8-18-49
NY
PROT
P 3L326

R

Confidential Client/Patient Information
See W & I Code 5328

**FACILITY:**

P 31326

Date <u>3/21/81</u>		Observation n. <u>15 minutes</u>		Ward <u>10</u>	
Time	Patient Activity data	Employee Signature	Time	Patient Activity data	Employee Signature
1200	Watching TV	<i>[Signature]</i>	1200	Pt Completely OABP	<i>[Signature]</i>
1215			1215		
1230			1230	TV area	<i>[Signature]</i>
1245			1245		
1300	Watching TV	OK	1300		
1315			1315		
1330			1330	TV area quiet	B Smith
1345			1345		
1400	Watching TV	OK	1400		
1415			1415		
1430			1430	TV area quiet	BS
1445			1445		
1500			1500		
1515	Day in w/A/P/B	<i>[Signature]</i>	1515		
1530			1530	TB B, OABP	BS
1545			1545		
1600			1600		
1615	A/R + P/B removed	<i>[Signature]</i>	1615		
1630			1630		
1645			1645		
1700			1700	He no shift OABP	<i>[Signature]</i>
1715			1715		
1730			1730		
1745			1745		

ATASCADERO STATE HOSPITAL
SECLUSION OBSERVATION SHEET

Form AT-2660

Howard

MOBARD, SAMUEL
AT 031633-0
12-12-80 SB

M SGL 2
PC 1370

COM CO 88

PAT
8-19-49
NY
TRDT
31324

Date 3-22-71

Observation q. 15 minutes

Ward 10

Time	Patient Activity data	Employee Signature	Time	Patient Activity data	Employee Signature
1200	x Dayroom	J Segura	1800	OABP	JH
1215			1815		
1230			1830		
1245			1845		
1300	Watching TV	Chen	1900		
1315			1915		
1330			1930		
1345			1945	D/O	n
1400	Watching TV	OK	2000		
1415			2015		
1430			2030		
1445			2045		
1500			2100		
1515			2115		
1530			2130	To bed OABP	K Swanger
1545			2145		
1550	TV area OABP	K Swanger	2200		
1615			2215		
1630			2230		
1645			2245		
1700			2300	Swanger, over	Swanger
1715			2315		
1730			2330		
1745			2345		

ATASCADERO STATE HOSPITAL
SECLUSION OBSERVATION SHEET

Form AT-2660

Howard

HOWARD, SAMUEL

AT 031633-J

12-12-80 SB

COM CO SB

M SGL 2

PC 1370

PAT

8-19-49

NY

PRDT

P 31324

AA003119

Date 3-22-81

Observation q. 15 minutes

Ward/O

Time	Patient activity data	Employee Signature	Time	Patient activity data	Employee Signature
2400	OABP in room	ll	0600	OABP in room	ll
0015			0615		
0030			0630		
0045			0645		
0100			0700	OABP to PDR	J. Segura
0115			0715		
0130			0730		
0145			0745		
0200	OABP in room	ll	0800	OABP - Dayroom	Clump
0215			0815		
0230			0830		
0245			0845		
0300			0900	OABP - Dayroom	ck
0315			0915		
0330			0930		
0345			0945		
0400	OABP in room	ll	1000	Watching TV	ck
0415			1015		
0430			1030		
0445			1045		
0500			1100	Dayroom	ck
0515			1115		
0530			1130		
0545			1145		

ATASCADERO STATE HOSPITAL
SECLUSION OBSERVATION SHEET

Form AT-2660

HOWARD, SAMUEL

AT 031633-0

12-12-80 SB

COM CO

H SGL 2

PC 1370

SB

PAT

R-13-49

NY

PRDT

F 31126

AA003120

Date 3-23-81

Observation q. 15 minutes

Ward 10

Time	Patient activity data	Employee Signature	Time	Patient activity data	Employee Signature
2400	ORP in room	William	0600	ORP in room	W
0015			0615		
0030			0630		
0045			0645		
0100			0700	Removed from room	CK
0115			0715		5 restraints
0130			0730		
0145			0745		
0200	ORP in room	W	0800	Ward Cleanup	CK
0215			0815		
0230			0830		
0245			0845		
0300			0900	Dayroom	CK
0315			0915		
0330			0930		
0345			0945		
0400	ORP in room	W	1000	Orders discontinued	CK
0415			1015		
0430			1030		
0445			1045		
0500			1100		
0515			1115		
0530			1130		
0545			1145		

ATASCADERO STATE HOSPITAL
SECLUSION OBSERVATION SHEET

Form AT-2660

HOWARD, SAMUEL

AT 031633-J

12-12-80 SB

COX CO SB

H SGL 2

PC 1370

PAT

P-13-49

NY

PRIT

F 31325

AA003121

Seclusion

[illegible]

SECLUSION RECORD

Confidential Client/Patient Information
See W & I Code 5228

MM 1748 (2/77)

NAME:

TOWARD, SAMUEL
 FILE NO. 031633-0 U SGL 2
 12-12-80 SB PC 1370
 FACILITY:
 COM CO SB

PAT
8-18-49
NY
UNIT
P 31324

Date		Observation q. 15 minutes		Ward	
Time	Patient activity data	Employee Signature	Time	Patient activity data	Employee Signature
2400			0600		
0015			0615		
0030			0630		
0045			0645		
0100			0655	In W/R, A/R & P/B in Dayroom	M. McLean
0115			0715		
0130			0730		
0145			0745		
0200			0800	In dayroom	mm
0215			0815		
0230			0830		
0245			0845		
0300			0900	In dayroom	mm
0315			0915		
0330			0930		
0345			0945		
0400			1000	In dayroom	mm
0415			1015		
0430			1030		
0445			1045		
0500			1100	Dayroom - watching TV	OKing
0515			1115		
0530			1130		
0545			1145		

ATASCADERO STATE HOSPITAL
SECLUSION OBSERVATION SHEET

Form AT-2660

OLARD, SAMUEL
AT 031633-0 M SOL 2
12-12-80 SB PC 1370
COM CO SB

PAT
2-12-19
77
PR 7
F 11326

١٧

15

W SGL 2 8-18-49
PC 1370 NY
PROT

