

11-01583
J. Saydack

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Comprehensive Psychological Evaluation of: Todd Giffen

Date of Birth: 03/13/85

Dates of Evaluation: 04/04/11 & 04/06/11

Reason for Referral:

Ms. Jessica Saydack, Attorney at Law, Public Defender Services of Lane County, Inc., referred Mr. Giffen for a Fitness to Proceed Evaluation. It was noted in the referral that Mr. Giffen had a prior PSRB and that he had been talking to Ms. Saydack regarding telepathy. She had concerns regarding his ability to aid and assist in his defense. She also requested that the evaluation would address any mental defense.

This examiner met with Mr. Giffen on 04/04/11 and 04/06/11 for series of interviews regarding his social history, mental status examination, and a Fitness to Proceed Evaluation.

The limits of confidentiality and the possible outcome of meeting with this examiner regarding an aid and assist evaluation and mental defense were explained to Mr. Giffen. He was aware of the limits of confidentiality and agreed to participate with this evaluation.

Behavioral Observations and Response Style:

Mr. Giffen was interviewed at the Lane County Correctional Facility. He maintained adequate eye contact at times, other times he spent staring at the floor, and other times he seemed to be preoccupied with his thoughts and would quit talking and close his eyes and become absorbed with his inner experience. He appeared physically tense, holding himself with his arms wrapped around his chest. He was fidgety and was twisting his beard hairs and skin on his arms and neck throughout much of the interview. Mr. Giffen was repeatedly pulling at the skin on his chapped lips. During the initial interview his speech was nearly nonstop, and he seemed intent on telling this examiner about his beliefs that he was being controlled by others and that he was under surveillance. He was allowed to do this throughout the initial interview, and that seemed to aid in developing a rapport with him, and the second interview was able to be more structured. His appearance did seem somewhat disheveled, and he was malodorous. His observed affect was flat.

Instant Offense:

Mr. Giffen said that the muscles in his head and throat were very "constricted" because of the synthetic telepathy and psychotronics, and he was tense and jumpy and having many different bodily sensations. He said the people who were controlling him were making him sing a song "Make me glow, glow, glow" and trying to make him masturbate. He said he went to consult with his grandfather about these issues and to tell him that the people who operate these things are "killing me," and Mr. Giffen threw a

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pop bottle, and his grandfather became angry and told him to get out of the house. He said his grandfather was gesturing "like he wants to fight me," and he thinks his grandfather was being "hostile" to Mr. Giffen. Mr. Giffen said he "grabbed Grandpa's fist, and Grandpa falls back on the couch," and then his grandfather tried to make a telephone call. Mr. Giffen said that he was upset because the people were "messing with" him, and he believed his grandfather "is in on it." He told his grandfather to "quit screwing around," and his grandfather put his cell phone back in his pocket, walked into the living room, and then left the home with the grandchildren. Mr. Giffen laid down, and the police came in and started questioning him, and he told them to "quit screwing around." He said there was then a "scuffle," and he was arrested and brought to jail. He said he did not wish to talk any further about the interaction with the police with anyone other than his attorney.

Instant Offense, Second Interview:

Mr. Giffen described the instant offense again, and his description of the instant offense was consistent with the first interview regarding those issues. He said that at one point when his grandfather had gone to church that morning he was "yelling at the voices and people" who were controlling him. He said when his grandfather returned from his morning activities, Mr. Giffen had broken something, and his grandfather asked him why he did it. Mr. Giffen responded "Don't give me that crap, you know what's going on." Mr. Giffen said he had broken two pictures frames and part of a door frame. He said he went back to lie down and became exceedingly concerned about his physical function because he believed part of his penis was constricted. He said that the people controlling him started to have him sing the song, and he was becoming frustrated and went to talk to his grandfather. He was telling his grandfather about "How I was being destroyed" and that his physical health was deteriorating. He said his grandfather was "playing along with them and ignores it, and I'm tired of it going on, and I threw a pop bottle." He said that his grandfather got up, saying "Get out or something, and he put up his fists, saying "C'mon, c'mon" and I grabbed his fists, and he fell down to the couch again. He got up, and I followed him to the kitchen and back to the living room, and he takes out his phone, and I grabbed his hand, and he pulls away and puts the phone back in his pocket." He said his grandfather then took the grandchildren and left the home. Mr. Giffen went back to his bedroom to lie down, and about thirty minutes later the police arrived.

He said that he believed that the police were also involved in the surveillance, and he said that the authorities only interact with him when they want to intimidate him. He said that he believed that the involvement with these authorities and surveillance and control programs started in 2008, when the situation was being investigated by the authorities.

Fitness to Proceed Evaluation:

Mr. Giffen said that his attorney is Jessica Saydack, and he has met her twice for about thirty minutes altogether. He said he has not had any contact with her prior to this. He said his contact with her has been "mostly fine." He said that she does not communicate with him through any telepathy or any other means than meeting with him face to face. He said her task is to represent him in court and defend him against any charges that are brought. He said he has not had any disagreements with her thus far. He

said if they did have any disagreements he would talk to her about it. He said a last option would be to request a different attorney.

He said the task of the DA is to bring the charges and prosecute and to get him punished for any crimes of which he is convicted. He said the DA has not been in communication with Mr. Giffen. When asked if he would speak to the district attorney alone, he said he would not do so because he has the right to not incriminate himself and the right to be silent.

He said the task of the judge is to keep order in the court and do the sentencing if convicted and that he could tell the judge if there were any problems, such as with his attorney. He said if it is a bench trial then the judge would decide if he is guilty or not.

When asked what a plea bargain was, he accurately described a plea bargain. He was able to identify the rights that would be given up if he would agree to a plea bargain. He said he would be able to talk to his attorney regarding if a plea was a good deal or not, and he said that accepting a plea bargain would not be a good idea if the person is not guilty.

He said he has been in court twice before, and he has not had any unmanageable behavior and has never been reprimanded or restrained in a courtroom setting.

He said his attorney's expectations of him would be to tell her effectively about his situation, to "stay calm," and to make all of his appointments and to work with her about his defense.

He said the worst outcome would be for him to be found guilty and spend twenty-two years in prison. He said the best outcome would be found not guilty, acquitted and released, and that he would get a large sum of money. He did not know what the most likely outcome was.

Mr. Giffen said that his charge is felony assault IV and that if sentenced consecutively, it could be twenty years. He said there are two misdemeanors, as well, and each would carry about a year if convicted.

When asked how he would decide what kind of a defense he would use, he said he did not know because "I view this as all their (the government and the people who are controlling him) fault." He went on to describe that, saying "That's a key point to my defense." When asked about his attorney being a part of this group, he said that he has spoken to his attorney about it, and she has not given him much of a response. He has asked her to find experts on that type of technology, but he did not think she was pursuing that strong enough. He said he will attempt to communicate with her further about his concerns about that.

Mental Status Examination:

Mr. Giffen reported that he had been experiencing some depression prior to the age of 19 and has experienced depression occasionally since then. He said he has had suicidal thoughts, such as when his PSRB had been revoked. He said he has occasional suicidal thoughts at this time, but he does not have any plan on acting on those thoughts. He said he has been upset with all of the events that are happening to him.

He reported that he had experienced panic symptoms when he was first incarcerated, but he said those symptoms have subsided.

He said that in the past he has had intrusive thoughts of having been abused during his childhood, but he said those thoughts have diminished. He said he does not

experience any flashbacks. He said that he is not hypervigilant at this time, although he said he had been in the past. He said he does experience an exaggerated startle response.

He reported that he has had anger outbursts, and he was yelling at his grandparents. He said he hit a mirror as recently as during his incarceration, and he hit the mirror twice, leaving bruises on his hands. He said he was angry because the voices in his head are not responding to him, and they are not giving him any treatment. He feels constantly harassed by the voices and the people who operate the machines to cause the voices in his head and that are controlling his body.

Mr. Giffen said that he started experiencing auditory hallucinations in 2008, when he was about 23 years old and already in the state hospital. He described that since that time he has been affected by synthetic telepathy and psychotronics. He believes that is technology that is controlled by the government and the police that affects his thinking, his sensing, and his physical body.

He said that it all began when a woman called Bonita at the state hospital was giving him counseling, and she started holding his hand and giving him hugs, and he believed that she had been bringing in contraband to other patients and was having friendships with other patients. He said that he started being "harassed" by staff saying he was a sex offender because of his interactions with Bonita. He said that staff became "very hostile" towards him. He said that she had helped two people escape, and the staff was trying to cover it up. He was transferred to a minimum security unit "mysteriously" and then to a co-ed unit, and, for no reason, he was transferred back to a maximum security unit. He believed that at that time Bonita was involved in a sexual relationship with a patient but that she had resigned her position at the state hospital but was driving by the hospital waving at them and that the man was getting special attention from the staff. Mr. Giffen reported that he was assaulted about that time and was beaten by another resident and then was transferred to another unit. He said many different people were picking on him, both staff and patients.

He said that he was "scared to death" while he was there, and he was not eating and not sleeping and was frightened and anxious. He said that was about the time that he discovered synthetic telepathy and psychotronics, and he believed that the government had been investigating the situation at the state hospital, as had the police, and they had started to control his mind and body. He said the staff were able to tell what he was thinking and doing and were making fun of him for masturbating in the shower and in his cell. He extensively described ongoing physical and emotional torment from the technological surveillance, and those experiences have continued through to the present time. He said he was discharged to Laurel Hill apartment program about a year ago and was staying in the program, and he did have a couple of people with whom he had visited. He said that the interference from the synthetic telepathy and psychotronics became increasingly severe, further controlling him, and he said that they were doing "sexual crap" to him. He said he "ended up tearing up my apartment in Laurel Hill because of this." He said he was hospitalized at the Johnson Unit and was released to his grandparents' home, as he had nowhere else to stay.

Social History:

Mr. Giffen reported that he was born in Cottage Grove to Stacy and Donald, who separated when he was an infant. He said he did not know his mother well, and he has seen her every couple of years. He said that he had recently seen her prior to his arrest.

He reported that his father had "lots of problems with abusive girlfriends." His father was employed as a mechanic, working on logging trucks. He last saw his father about a year ago.

Mr. Giffen stated that he has one sister and one brother on his father's side of the family and a brother and sister from his mother. He said he was raised primarily with the siblings from his father, and he said that they got along adequately during his childhood.

He said that his mother had used drugs and has lived in treatment facilities and participated in treatment for chemical dependency. He said she has also been diagnosed with ADHD. He said there was a history of depression in his family of origin.

Mr. Giffen said that he was raised by his grandparents and his father. He described his father and his grandparents as "pretty good people," and they were caring and would take him on trips in the summertime. He lived with his mother for three months in the sixth grade, and his father left him there, but then his grandparents intervened and took him home. He said that he also lived with an aunt, but he said he did not "integrate well" with her family. He said he had been raised by a variety of family members and extended relatives.

Mr. Giffen said that he was physically abused during his childhood by one of his father's girlfriends, Paula, who "threw" him into a wall and hit him, and that abuse went on for a couple of years. He said his father's next wife would psychologically abuse him and would make him wear diapers when he was 7 or 8 years old and "forced" him to eat baby food. He said he had to hide under the house if there were visitors. He said she "beat" him.

He said he was sexually abused by a 13-year-old niece, and she was several years older than him at the time. He said she "forced herself on top of me and tried to have sex with me." He said he did not consider it abuse but sexual experimentation by children.

He said that he did not go to school after sixth grade, and he lived with his grandparents until he was 18 or 19 years old. He said he isolated himself in his room and often did not have contact even with his grandparents in the same house. He said at one point he did not have any contact with peers for at least two years. He said he had a great deal of anxiety at school. He was picked on at school by teachers and by children, and he said one teacher pushed him around. He said he was supposed to have a tutor or some type of special instruction at home, although that was not completed.

He said in the year 2000 he received a computer, and he started meeting people on-line and developing websites. He said most of his communication on the computer was technology based conversations.

He reported that at about age 19 he was on PSRB related to an incident regarding his grandmother, and he said he was coming out of his room and was charged with menacing and harassment. He said that he was transferred from the state hospital to a group home called William Ware for six months to a year. He said at that time he was diagnosed with ADHD, PTSD, and major depressive disorder. He said he was quiet and withdrawn and had little socialization skills and had poor communication skills. He said

that the PSRB was revoked after he overdosed, and he was returned to the state hospital for six years. He said he was released in March 2010 to a Laurel Hill apartment program.

Academic:

Mr. Giffen said that he had problems with concentration and attention and behavior in elementary school, and he did participate in special education classes. He said that he was having problems concentrating and attending in school because he kept moving back and forth between his parents, and that was very disruptive for him. He said he completed the sixth grade and then stayed at home and did not go to school. He said that he did obtain his GED in 2006 at the Oregon state hospital.

Vocational:

Mr. Giffen said that he first received Social Security in 2004.

Mental Health:

Mr. Giffen said he has been treated in outpatient counseling intermittently since he was a child. He said he started out being treated for behavioral problems at school. He was involved in counseling after the incident with his grandmother.

He said his first hospitalization was at the Oregon state hospital when he was about 19 years old. He said he had been hospitalized at the Johnson Unit in 2005, and it was a respite program from William Ware. He said that he was hospitalized again at the Johnson Unit in February 2011. He said he was there for about one week and was released, and he said security escorted him out of the hospital because he was questioning where he could go, and he was eventually sent to White Bird because he was not allowed to return to the Laurel Hill program.

Mr. Giffen said that he had been prescribed and took Ritalin in the third grade, and by age 13 he was prescribed Zoloft to treat depression. He said that at age 19 he was prescribed Prozac by his primary care physician. He said that while he was in the state hospital he was prescribed Paxil, Zyprexa, Ritalin, and Celexa. When he was released to the Laurel Hill apartments he had been prescribed Abilify, Adderall, Effexor, and Wellbutrin, but he said he quit taking all of those medications after several months, as he was concentrating more on the physical problems that he was experiencing than his mental health issues.

Chemical Use and Abuse:

Mr. Giffen said that he has consumed alcohol once in the past year, and he said he did not use any illicit substances or abuse any prescription medication.

Medical:

Mr. Giffen said that he is 6' 2" tall and weighs 230 pounds. He said he has never had any head injuries, but he believes that he has memory problems as related to the telepathy and other issues that he is experiencing.

Mr. Giffen denied having any current medical problems.

Review of Records:

-Indictment indicating that Mr. Giffen has been accused of felony assault in the fourth degree-constituting domestic violence, coercion-constituting domestic violence, interfering with making a report-constituting domestic violence, assaulting a public safety officer x2, and resisting arrest, as related to events on or about March 13, 2011.

-This examiner did look up psychotronics on a Google search, and the US Psychotronics Association defined psychotronics as "The science of mind/body/environment relationships, an interdisciplinary science concerned with the interactions of matter, energy, and consciousness." It was noted that there is an association that seems to meet consistently, and it discusses issues of ESP being a natural occurrence and that they are in the understanding how ESP occurs and how to use that to benefit mankind. A search was also conducted via Google regarding synthetic telepathy, and that was described via Wikipedia as a brain/computer interface that referred to a "direct communication pathway between the brain and an external device." It was noted that a brain/computer interface was often used for assisting, augmenting, or repairing human cognitive or sensory motor function. Other results discussed synthetic telepathy and psychotronics being used by the Pentagon and US intelligence agencies, such as the National Security Agency and Central Security Service, Defense Intelligence Agency, and Central Intelligence Agency.

Conclusion and Recommendations:

Oregon Statute 161.36 states that: A defendant may be found incapacitated if, as a result of mental disease or defect, the defendant is unable: a) to understand the nature of the proceedings against the defendant; or b) to assist and cooperate with the counsel of the defendant; or c) to participate in the defense of the defendant.

It is this examiner's opinion that Mr. Giffen is unable to aid and assist in his defense due to a mental disease of most likely paranoid schizophrenia. Mr. Giffen described what seem to be delusions and hallucinations of both auditory, somatic, and tactile delusions and hallucinations and that these symptoms have been occurring for several years. He reportedly has been treated with psychotropic medication consistently under supervision at the Oregon state hospital and that shortly after release he had discontinued those medications. He was recently hospitalized in the local psychiatric unit and reportedly was released prior to his current arrest.

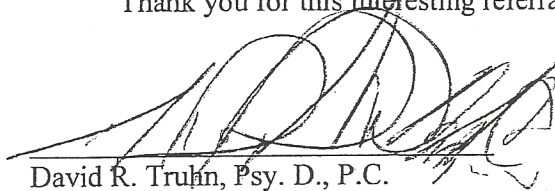
There may be additional underlying mental health concerns that also need to be addressed. He does seem to exhibit possible symptoms of Asperger's Disorder and possible ADHD, which may need to be addressed at some point.

Mr. Giffen also presented in relatively clean description that his behavior at the time was based on delusion that his grandfather was somehow involved in this mental and physical control of Mr. Giffen, exacerbating his frustration and irritation, leading to his behavioral response towards the grandfather, police, and property. That does seem to indicate that Mr. Giffen may be guilty except for insanity, in the sense that he seems to lack a substantial capacity either to appreciate the criminality of his conduct or to conform his conduct to the requirements of the law. This mental defense was not pursued further in this evaluation, as he does not seem to be fit to proceed with his attorney, and those same delusions and the mental disease seem to interfere in his ability to comprehensively address the further issue of the mental defense at this time. A mental

defense would also require additional time by this examiner to evaluate medical records from his hospitalizations and preferably consult with some collateral informants to provide a greater database, as well as increased testing.

It is recommended, at this point, that Mr. Giffen would participate in a hospitalization that is able to provide him with more complete evaluation of his need for psychotropic medication, specifically the use of an antipsychotic medication. He may need reality orientation. After he is deemed fit then he may return for an evaluation to determine the appropriateness of any mental defense.

Thank you for this interesting referral.

A handwritten signature in dark ink, appearing to read 'D. R. Truhn', written over a horizontal line.

David R. Truhn, Psy. D., P.C.
Licensed Psychologist