



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

260 E 15th Ave, Suite A Eugene, OR 97401 541.343.0600 Fax: 541.343.3936

**COPY FOR YOUR  
INFORMATION**

TELEFAX  
TRANSMISSION FORM

TO Jim Jagger #OF PAGES (INCLUDING COVER SHEET) 13

DATE 3-8-13 REGARDING \_\_\_\_\_

FAX# 541-343-7185 TELEPHONE # \_\_\_\_\_

MESSAGE/COMMENTS \_\_\_\_\_

CONFIDENTIALITY NOTE: The documents accompanying this facsimile transmission contains information belonging to David R. Truhn, Psy.D., P.C., and may be confidential and/or legally privileged. The information is intended only for the use of the individual or entity named above. **If you are not the intended recipient, you are hereby notified that any reading, disclosure, copying, distribution, or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited.** If you received this facsimile in error, please immediately notify me by telephone to arrange a return of the original document to me.

As this facsimile may fade, you are advised to make copies to ensure permanent record.

Please call this office at (541) 343-0600 if all pages are not received.

Thank you.



## David R. Truhn, Psy. D., Ph.D.

260 E 15th Ave, Suite A Eugene, OR 97401 541.343.0800 Fax: 541.343.3936

### Psychological Evaluation of: Todd Giffen

Date of Birth: 03/13/85

Dates of Evaluation: 01/28/13, 02/21/13, 02/22/13 & 02/25/13

Date of Report: 02/25/13

#### Reason for Referral:

Mr. James Jagger, Attorney at Law, referred Mr. Giffen for an evaluation to offer an opinion if Mr. Giffen had a mental defense. Mr. Jagger noted that Mr. Giffen has a long history of diagnosed mental illness and that he has previously been treated at the Oregon State Hospital on a PSRB. Mr. Giffen is charged with assault IV, felony C; coercion, felony C; interfering with making a report, a misdemeanor; assaulting a public safety officer x2, felony C; and resisting arrest, a misdemeanor. A continuation report by Officer Grice from the Springfield Police Department indicated that Mr. Giffen's grandfather initiated contact with the police, stating that his grandson, Todd, "has mental issues and is often argumentative and destroys property in the house often, as well." The elder Mr. Giffen reportedly stated to the police that Todd pulled the phone out of his hand when Mr. Giffen was in the process of calling the police and "dug into v/Giffen's hand, causing two wounds to bleed." Officer Grice also noted in his report that, when Officer Grice and Officer Bezates entered Todd's room, Todd "punched me (fist) directly in the face before either of us were able to get our hands on him." The officer then described further combat between Officer Bezates and Todd. Mr. Giffen was arrested and was treated by an attending emergency room physician and was then transferred to Lane County Jail. He was found not fit to proceed and was transferred to the Oregon State Hospital on 10/02/12, where he was treated and then determined to be able to aid and assist in his defense, and then returned to the Lane County Correctional Facility.

This examiner met with Mr. Giffen on 01/21/13, 02/22/13 and 02/28/13. Mr. Giffen participated in a series of interviews, including social history, mental status examination and interviews regarding the instant offense. Mr. Giffen was administered the Millon Clinical Multiaxial Inventory-III to aid in diagnostic clarification and impression management evaluation. He was administered a Mini-Mental Status Examination.

Records reviewed included a report of ORS 161.370 evaluation by the Oregon State Hospital; an aid and assist evaluation by this examiner, 04/04/11 and 04/06/11; and Springfield Police Department Records, 03/14/11.

Mr. Giffen's grandfather was interviewed as a collateral informant.



**Referral Question:**

The referral question is "Did Mr. Giffen, at the time of engaging in the alleged criminal conduct, as a result of mental disease or defect, lack substantial capacity to appreciate the criminality of his conduct or whether he lacked substantial capacity to conform his conduct to the requirements of the law?"

**Informed Consent and Limits of Confidentiality:**

Mr. Giffen was informed of the limits of confidentiality associated with the evaluation, the purpose of the evaluation and the possible outcomes of the evaluation. Mr. Giffen and his attorney met with this examiner. Further explanation of his rights and responsibilities and purpose of the evaluation were presented to him, and he understood these and agreed to participate in the evaluation.

**Behavioral Observations and Response Style:**

Mr. Giffen was interviewed at the Lane County Jail. He maintained adequate eye contact with this examiner. His speech during the interviews was nonstop and rapid at times. This examiner had to redirect him frequently to answer specific questions by this examiner, otherwise he perseverated on issues related to his hospitalization at the Oregon State Hospital and the documentation he has made of experiences he had at the Oregon State Hospital on his website. At one point he had spoken for nearly two hours without interruption. During the interviews, his affect and pace of conversation abruptly changed, and when asked about it, he did admit that those times he had received messages from those that he believed were controlling him, but he did not elaborate on the messages that he received.

During the interviews, his hygiene and attire were adequate, although at one point he presented with lack of care for his hygiene and was significantly malodorous.

**Instant Offense:**

Mr. Giffen was questioned regarding the events of the day of the alleged offense. He started the process by stating that this examiner needed to know that he is being "remotely controlled," but he agreed to provide information as best he could.

He said that the morning of the incident, he woke up at about 8:00 a.m. in his grandfather's house, where he had been living. He said that morning his grandfather had already been up and taken Mr. Giffen's nephews to church. Mr. Giffen said he was in "extreme pain" because he had previously gone on a trip and was "beat up with microwaves." He was experiencing voices talking to him and was seeing people (that were not actually there) in the room at one point and was talking to them and yelling at them. He said he went to his room to lie down. He said his grandfather returned from church with Alexia and Aiden (his nephews). At about noon he had to use the bathroom and said at that time his penis curved "like an hourglass," and he thought voices were projecting the thought "I gotta fix that," and other thoughts and feelings into his head. He said one female voice was supportive, and he said there were "bad men" following him with their voices. He said they then started sexually abusing him and making him sing a song "Nellie Furtado make me glow, glow, glow; and they are destroying me, and I get up and go to my grandfather, and I say I'm being destroyed." He said his grandfather "knows what's going," regarding Mr. Giffen being remotely controlled and experiencing

these voices that torment him. He said while he was going towards his grandfather he was "partly calm and partly upset because I want medical care." He said he threw a pop bottle across the room. He said his grandfather put his arm up as if he was upset or he feels "guilty because he knows everything." He said his grandfather turned around and started walking away from him and fell over a chair. His grandfather then walked into the kitchen and received a call from Mr. Giffen's cousin, Ashley, and "I tell him to quit screwing around, and he takes the kids and leaves. I went to my room and laid down." He said his grandfather then told him that he went to the police to attain Mr. Giffen medical care. He said his grandfather had a scratch on his hand. He said his grandfather then showed up at the house with two police officers, and they opened the door, and Mr. Giffen believed they might have picked the lock. He said he sat on the bed and initially refused to talk to them, and they "act kind of aggressive. I don't answer because they know what's going on." He said he believed they knew that he was being sexually abused, but they would not do anything about it. He said the officer on the left "grabbed my left arm and starts pulling on it; I felt helpless. My hands were above my head, and he started punching me in the face. The other guy has a taser, and he seems afraid Grandpa is going to come in and see this. I keep my hands above my head, thinking he is going to stop, but he doesn't, and he knocks me over the bed. I kept my hands above my head. I'm bloody, and the other guy is saying to stop resisting, and I'm not, and I say I'm not." Mr. Giffen said Officer Grice reached down and "punches me, too. My teeth and nose are bloody, and my hands are still up in the air. They push me up against the wall, and he tried to tase me, and they carry me out and take the wires off me and put me in the car," and officer Grice then took him to the emergency room.

Mr. Giffen said some he has heard the voices for several years, such as the voices saying that he has Cerebral Palsy. He said he heard Officer Grice speaking in a child's voice, and he believed the FBI was communicating with Officer Grice. He said when he was at the hospital the whole time they were cleaning him up he was deciding to tell Officer Grice and the staff about the telepathy and the microwaves, and then Officer Grice came into the room "like he knew what I was thinking. Grice told the doctor to write a note that I didn't need to be there," and the state police and sheriff arrived. He said he was taken back to the squad car, and he started thinking about talking to Officer Grice again about the voices and being controlled, but then Officer Grice turned up the radio, and he thought that Officer Grice could not hear him, so he did not talk to him about the voices at that time.

When questioned specifically about the assault IV against his grandfather, he said the only time "I touched him I might have touched his hands. I had my hands up in response to having his hands in fists like he was going to punch me. Before that he had told me to get out." He said he was not receiving any messages from the voices at that time. He said he never grabbed his grandfather's hand or arm. He said his grandfather fell over while trying to walk around a chair. Mr. Giffen said he never pushed him or hit him.

When asked what the coercion charge was from, he said he did not know. He said the records state that the grandmother was there, but he said she had not been in the house for weeks. He did not know what the coercion charge was referring to.



When asked about the charges of interfering with a 911 call, he said his grandfather said that when he had the phone out, Mr. Giffen told him to "quit fooling around. I thought it was an incoming call from my cousin. I didn't know what he was doing because he knew what was going on and was not helping," by not getting Mr. Giffen medical care.

When asked about the assault towards a police officer, he said one officer said that Mr. Giffen punched him, and Mr. Giffen said he did not do so. He said he never grabbed an officer or struck out towards an officer. He said one of the officers "claimed I tried to gouge his eyes out. He was on top of me, and my hands were on his face. He was pushing into me the whole time. I couldn't. I had my hands above my head." Again, Mr. Giffen said he had never experienced any auditory hallucinations influencing his behavior at that time.

#### **Mental Status Examination:**

Mr. Giffen reported a history of hearing voices talking to him since at least his late teens. He described believing that his body was being controlled and that there were many beliefs about physical activity happening to his body, such as being hit with microwaves and other technology, that controls his thinking and his behavior. He said he experienced what seemed to be olfactory hallucinations in 2008, when he smelled strawberries and sulfur. He described experiencing tactile hallucinations on his genitals and throughout his body. Mr. Giffen attempted to explain the hallucinations that he experiences. He said sometimes he believes that "they project physical text," and he does not think that he hears voices talking to him but that he sees text in his mind. He said he hears a "looping noise and crap, a sensation of thoughts." He said he does not see physical people in the room with him, but he sees a "translucent image impressed over your own physical space." He described it "like an animated GIF. It's all computerized." He said often the controllers are commenting on his every thought and action.

Mr. Giffen reported that he has had a "slight amount of depression" since he has been in the Lane County Jail. He said he is also depressed about being remotely controlled by these people that are conspiring against him. He said he first began to experience depression when he was in fifth grade and began to feel depressed about possible bad things happening in the future, such as his grandmother dying or if his dog would die. He remembered crying frequently about those issues. He said at age 18 he became severely depressed because he was isolating himself so much, and that depressive episode continued for a couple of years. He said he has had suicidal thinking, feeling "really alone" and that he would "go off in the woods" to be away from people. He denied having ever attempted to effect suicide or that he had any specific suicidal plans.

Mr. Giffen said he usually sleeps from about 10:00 p.m. until noon the next day. He believed that the people that are controlling him "help me sleep." When asked if he experienced any nightmares, he said "They fully automate all my dreams." He said his sleep patterns have been consistent whether he has been in jail or living at his grandfather's home. He said he often does not feel rested and feels fatigued most of the time.

Mr. Giffen said he does not experience any homicidal thinking and has never engaged in any self-injurious behavior, such as cutting or burning himself. He denied experiencing symptoms of mania, panic, or obsessive-compulsive disorder.



### **Test Results and Interpretation:**

#### **Mini-Mental Status Examination:**

On the Mini-Mental Status Examination, Mr. Giffen attained a perfect score of 30, indicating normal cognitive functioning. The Mini-Mental Status Examination includes brief testing of orientation to time and place; registration, or immediate memory; attention and calculation (serial 7s); recall; naming; repetition; comprehension; reading; writing; and drawing.

#### **Millon Clinical Multiaxial Inventory-III:**

On the Millon Clinical Multiaxial Inventory-III, the Pearson Computerized Corrections Interpretative Report-Revised, as well as the MCMI-III manual, was employed in the interpretation of the results. Interpretive considerations include that, unless Mr. Giffen is a well-functioning adult with only minor life stressors, his responses suggest naivete of psychological matters or a need for social approval.

The severity of the profile indicates that Mr. Giffen is experiencing a severe mental disorder.

Possible DSM-IV diagnoses include narcissistic personality traits and paranoid and schizotypal personality features. Axis I clinical syndrome suggestions include possible delusional, paranoid disorder.

Disposition to Malingering indicates that he is seeking to maintain a good image, but there was not evidence of malingering noted in the interpretation of the test scores.

#### **Consideration of Fitness to Proceed:**

Mr. Giffen was asked questions regarding his ability to cooperate with his attorney and participate in his defense and his knowledge of the courtroom, including his understanding of the nature of the proceedings and his ability to assist and cooperate with counsel.

Mr. Giffen knew the charges against him, although he was unsure of the specific behaviors that he is being accused of doing to incur a menacing charge. He was able to differentiate between the felony charges and the misdemeanor charges. He understood the severity of the felony charges and the potential penalty if found guilty of these charges. He was able to identify the definition of a guilty except for insanity plea and was knowledgeable of the procedures for being under jurisdiction of the PSRB. He was able to identify a description of the roles of a jury, judge, defense attorney, prosecutor and witness.

Mr. Giffen stated that he trusts his attorney "100%." He said he hopes that his attorney would assist him in being evaluated for medical problems caused by being remotely controlled. He denied experiencing any unusual forms of communication with his attorney, such as telepathy, thought insertion or thought projection. He said he did not believe that his attorney was part of the conspiracy to control or influence him. He was able to describe the instant offense to this examiner and did not report experiencing any loss of memory of the instant offense. He denied having any disagreements with his attorney thus far and believed that he would be able to resolve any disagreements, if any occurred.

Mr. Giffen was able to appropriately define a plea bargain. He described discussing his options with his attorney and trusting his attorney in decision making regarding his defense and engaging in any possible pleas and strategizing for his defense.

A review of the Oregon State Hospital Report of ORS 161.730 Evaluation indicates that it was recommended that he would be found fit to aid and assist in that evaluation, 12/14/12, and he was returned to the Lane County Jail at that time.

#### Social History:

Mr. Giffen said he was born in Cottage Grove to Stacy and Donald. He said his mother was "never around" during his childhood and that his parents separated during his infancy. He said he did not have much involvement with his mother. He said he lived with his father until he was about 5 years old. He said his father had girlfriends that were abusive to Mr. Giffen, and "He chose his girlfriends over me."

When asked if he had ever been sexually abused, Mr. Giffen said when he was 5 years old a 13-year-old "tried to do sexual stuff" with him, and he felt "bad about it." He said there was some touching between him and other children older than he was. He said a girl said to him "How do you want it, clothes on or off?" Mr. Giffen said he said the same thing to his sister, and he got in trouble for saying that.

He said during his early academic career he had difficulty getting his homework done. He said he started taking Ritalin after he was diagnosed with ADHD, and his concentration and attention and academic abilities seemed to improve. He said in fifth grade he was in advanced classes.

He said he started experiencing increased anxiety, especially in social settings, during his adolescence. Mr. Giffen said his school performance started to drop, he was not getting his work done, he experienced increased social anxiety and inattentiveness and he was isolating. He said his aunt gave special treatment to her daughter and kicked him out, and he went to his grandparents' house. He said he did not want to go to school and was "afraid to go back." He said his grandmother had trauma of some type and had a shunt placed in her head and was "not acting the same." He said he was placed in programs for children with behavioral problems about that time, and he had a tutor at a library. He said he quit school and started on-line class work. He said about that time he believed he had "thousands and thousands of friends on-line," and he started running IRC servers and websites from 2000 to 2004. He became increasingly isolative and was "isolating from the real world." He tried to attain his GED at age 16. He became "kind of depressed and isolated" and was awake at night and slept during the day so he did not have any contact with his grandparents. He said he remembered when he was 18 years old he came out of his room to ask his grandmother for help, and he said he wanted to go to a hospital. He said he was very anxious, and she took him to Sacred Heart in 2003. He started attending activities at White Bird in Eugene. He applied for and received Social Security Supplemental Income. He said he was beginning treatment with a psychiatrist and said he might have been diagnosed with posttraumatic stress disorder. He said he felt "like a kid unprepared for life, anxious and depressed," and he had suicidal thinking. He said he thought he was raised without an education and was isolating, and he thought he would go to the mountains where no one would find him. He went to his grandparents and "stood there with a knife in my hand and said 'It's time for you to die,'" to get his grandmother's attention. He said she did not seem to notice, and



he went to her and turned her chair around, and she said to him "What did I do to you?" He said he started thinking "What have you ever done for me?" He said she walked away from him, called the police and he was arrested for menacing. He then went to the State Hospital, after being found GEL. He said he spent about three months in the hospital without any psychotropic medication. He said he was exposed to abuse at the State Hospital and believed there was a woman there involved in mistreating clients and crossing boundaries with clients. He said he started a website that outlined many of the problems and experiences that he had at the State Hospital. He said was released in 2010, under a PSRB. He said he felt "over-drugged," and he lived in a group home for about a year. He said his medications were changed multiple times, and he said he was "passing out around the house," gained an extreme amount of weight, and thinks that he "probably didn't need drugs in the first place." He said he felt he was not getting any help, so he "took a bunch of pills, thinking no one cared about me," and he was returned to the State Hospital. He was treated, and then released from the hospital, he lived in his own apartment for nearly a year with involvement in the Laurel Hill program, but he was trying to get away from that program and people that were "involved" in controlling him, and he considered State employees and Laurel Hill employees to be part of those programs. He said he felt "crippled and had nowhere to go. I was physically in worse shape because of all of this."

He said during the year after he was released from the hospital he felt that people were following him on the streets, gangs were stalking him, and the police and FBI and other government agencies were coordinating to follow him. He described those agencies as "setting people up to look crazy..." He said the agencies are able to "pinpoint where you are and where you are going." He said his grandfather had been trying to convince him to accept that no one was trying to hurt him. He said he believed that his grandfather had had communication with those controlling him. He said one time he broke a printer in his grandfather's home and was arrested and went to jail for that. He believed that the police were able to read his thoughts and were making subtle references to him. He repeatedly described activities that occurred in the community that seemed to be day-to-day routine events, but he believed they were part of the conspiracy against him such as when he was at the YMCA people would make comments to him that were indicative of people following him. Another example of delusional and paranoid thinking and hallucinatory experiences was during a blood draw a voice said to him "You're being injected with a GPS." He said he was experiencing visual experiences that seemed like hallucinations, and he believed he was acting out Buffy the Vampire Slayer scripts.

When asked regarding any history of dangerousness, he said he did not have any history of assaultive behavior, but at the hospital there were a couple of incidents where he believed the staff deliberately attacked him or set him up. He said they were laughing at him.



**Collateral Informant:**

Mr. Clyde Giffen was interviewed as a collateral informant. He stated that Todd Giffen is his grandson, and he has known him for twenty-seven years. He said he has had consistent contact with him over the last couple years, visiting him as often as he can.

Mr. Giffen interjected "The worst part of it is it's my fault he's there. He was in a bad mood and walked towards me, and there were two kids sleeping on the couch, and I got up and was going to hit him, and he grabbed my wrist, and the phone rang, and I answered it, and it was the kids' mom, and she called wanting the kids back. I put the kids in the car and scratched myself while I was doing it. I stopped and talked to the police (on the way back) to see if they could talk to Todd. They came up and talked to Todd on the bed and grabbed his wrist and said 'You're under arrest.' I couldn't understand that. He (Officer Grice) twisted his arm, and the other cop dove across the bed and knocked him off, and Todd wasn't doing anything, and one cop hit him with a flashlight and broke his nose and knocked out a couple of his teeth, and they hit him on the back of the head and took him out."

Mr. Giffen was asked to start his summary of the instant offense over again, beginning with his initial contact with Todd that day. He said when Todd came into the living room he was loud and it was his birthday, and he believed that he wanted Mr. Giffen to take him out for dinner. Mr. Giffen said "I doubled up both fists like I was going to hit him." Mr. Giffen said he has never hit Todd before. He said Todd grabbed both of his wrists to stop Mr. Giffen from hitting him. Mr. Giffen's cell phone went off about that time, and Todd let loose of him, and "He laughed at me. He thought it was humorous, and we went into the kitchen, and he grabbed me again, and I said 'Let me go, and he did.'" He said the children's mother was asking when he was going to bring them home, so he got them ready and took their car seats and put them into the car, and he said "That's probably where I scratched my wrist. They (the police) made it out Todd did it." He said on the way home from dropping the children off he talked to the police to "kinda let Todd know he can't walk in and wake the kids up." He said Officer Grice followed him into the house, and another police officer entered the house without asking. He said those two officers were in Todd's room together, and Mr. Giffen stood in the bedroom near them. He said they talked about Todd being loud, and Officer Grice said "Okay, you're under arrest, and he grabbed Todd's hand and turned to the left and looked" at Mr. Giffen, "and he saw me see him and turned Todd loose. He turned to me and looked at me and said 'Did you see that?' and I said 'Sure did'; I was scared to say no. (Officer) Bezates knocked the kid off the bed and hit him with the flashlight and hammered him twenty times in the face, and blood was flying ten feet away on my wife's sewing machine." Mr. Giffen said "Todd was doing nothing but trying to protect himself and couldn't move" because Todd was lying between the wall and the bed, and "He hammered him with his right hand twenty times." He said then Officer Grice said to Mr. Giffen "Well, we better see what's going on there, and he takes his taser and goes there and says 'Todd, you better stop resisting or I'm gonna shoot you with this taser'. Then they start to pull him up, and Grice is hitting him in the back of the head, and they threw him down on the bed and drag him outside. Grice comes back inside and picks up the flashlight and holds the flashlight against his leg." When asked what that signifies, he said that signifies "that something was wrong, and they used the flashlight against the kid. I hadn't realized they used the flashlight until then." He said Officer Grice then

walked outside and gave the flashlight to the other officer and "looked at me like he was hiding something," and then they left.

Mr. Giffen said he could not understand why the police arrested Todd or why they started hitting him or used the taser on him.

Mr. Giffen said Todd had been living with him at the time of the instant offense for three or four weeks before the incident. Mr. Giffen said his wife was living in Cottage Grove because five years ago she said Todd had a knife and acted like he was going to "cut her," and she did not trust Todd since then. He said Todd has been diagnosed with schizophrenia and had been at the State Hospital for four to five years, was transferred to Portland and then moved to Eugene.

Mr. Giffen said Todd's mother was a "druggie and couldn't leave" the drugs alone. He said Todd's father had many failed relationships and is currently living in Phoenix and was "work, work, work" but did not use any drugs or alcohol. He said Todd has a younger brother, who has also been diagnosed with schizophrenia.

Mr. Giffen said Todd was in Portland in a hospital and had been doing better, and when Mr. Giffen visited Todd, Todd gave him ten bottles of pills that he was taking. He said Todd does not like taking medication. He visited Todd off and on for about six months, and he was doing well the first year in his apartment. He said Todd damaged his apartment and was evicted. He said Todd "has his demons, like someone is picking on him and he fought back." Todd had moved in with Mr. Giffen at that time, and Mr. Giffen's wife moved to Cottage Grove.

Mr. Giffen said Todd was doing "some of that fighting demons" at Mr. Giffen's home, and he said that a door handle had been pushed through the drywall, but he said he did not witness that.

Mr. Giffen said Todd has talked to him about hearing voices and people controlling him, and he told Todd there is "voodoo and witchcraft." Mr. Giffen said his own experiences of voodoo and witchcraft occurred when in 1973 he was with the Church of the Nazarene and would lie in bed, and people from the church would send him dreams from the coast. He said when he was driving he heard a voice speak to him, saying "Trying to make a preacher out of that boy." He said someone helped him buy a truck, and he believed that was some type of divine intervention. Mr. Giffen said he was "accustomed to working eighteen to twenty hours a day. People accused me of doing drugs," to be able to work such long hours.

Mr. Giffen said he did not think that Todd's beliefs of being controlled or hearing voices affected his behavior during the time of the instant offense. He concluded that he thought Todd was "just being loud because it was his birthday and probably wanted me to take him somewhere (like for dinner)." He said Todd "came out of his room saying 'What are these kids doing here?'"

#### Review of Records:

-Continuation Report by Officer Grice, 03/14/11, describing that the grandfather, Clyde Giffen, contacted the police stating that Todd had moved in with him about three weeks ago and had pushed Clyde's bedroom door open forcefully and put a hole in the drywall. Clyde's wife moved to Cottage Grove with another family member after that. Officer Grice noted that he communicated with Ms. Giffen, who said she "does not feel safe in her own house when Todd is present." Officer Grice went on to document that the



grandfather told him that the grandchildren were sleeping in the living room and that Todd is jealous of the attention given to the young children and that Todd "has mental issues and is often argumentative and destroys property in the house often, as well." He also stated that Todd said "something nasty to him inquiring why the grandchildren were present in the house," and Clyde's comment "prompted him (Clyde) to stand up and tell Todd to calm down or leave the house." Todd refused and walked towards Clyde, and Todd had curled his hand into a fist and looked angry, and Clyde said he clenched his own fists in "anticipation of a fight erupting in front of the kids." Clyde then reportedly said that Todd pushed him, and he stumbled into his chair and fell over it. Clyde reached into his shirt pocket to call 911, and Todd said "You're not calling the police" and then forcefully pulled the phone out of his hand." Todd reportedly "dug his fingernails into v/Giffen's hand, causing two wounds to bleed." Clyde reportedly was "hesitant to return to his own house without police present. I followed him to his house and joined up with Officer Bezates." Officer Grice said that he and his partner then walked into the house, Todd refused to come to the door, and Officer Grice believed he had probable cause to arrest Todd for assault IV, APA, and interference with making a police report. He said Clyde then "picked the lock to let us in to speak to Todd." Todd responded to initial contact with the police by stating "Fuck you motherfuckers," and then he "began rambling, using mostly expletives about how the police knew who he was." Officer Grice described shortly thereafter Todd hitting the officers after being told he was under arrest, and then a fight continued between the officers and Todd.

-Supplemental Report by Officer Bezates, 03/14/11, corroborated the events described by Officer Grice.

-Oregon State Hospital report of an aid and assist evaluation, 12/14/12. In that report it was stated that, according to Springfield Police Department records, two officers were at the home of Mr. Giffen's grandparents on 03/13/11, and it was alleged that Mr. Giffen's grandfather "reported that his grandson had pushed him, which caused him to fall over a chair." It is alleged in the police records that Mr. Giffen's grandfather attempted to call 911. It is alleged that Mr. Giffen forcibly pulled the phone out of his grandfather's hand and dug his fingernails into his grandfather's hand, which caused two wounds to bleed. The police report also alleges that when two police officers attempted to arrest Mr. Giffen in his bedroom, he punched them both and tried to gouge out the eye of one of them. Mr. Giffen's diagnosis in that report is schizophrenia, paranoid type, with global functioning of 45.

-Fitness to Proceed Evaluation by this examiner, 04/04/11 and 04/06/11, with a finding that Mr. Giffen was not able to aid and assist in his defense at that time.

-Indictment noting that Mr. Giffen is accused by the Lane County Grand Jury of the crimes 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.



**Impression Management:**

It is this examiner's opinion that Mr. Giffen is not demonstrating any evidence of malingering. His self report has been consistent with the previous evaluation by this examiner and with documentation from the State Hospital, as well as information that was provided by medical records of the police and an interview with a collateral informant, Mr. Giffen's grandfather. The MCMI-III validity scales are not indicative of malingering. The malingering interpretative section of the computerized report does not indicate malingering.

**Diagnosis:**

- Axis I: 295.30 Schizophrenia, Paranoid Type.  
311 Depressive Disorder NOS.
- Axis II: Narcissistic Features.
- Axis III: Deferred.
- Axis IV: Psychosocial Stressors: Severe: Incarceration, Problems with Primary Support Group and Chronic Mental Illness.
- Axis V: GAF: 39 to 45.

**Conclusion and Recommendations:**

It is this examiner's opinion that Mr. Giffen is suffering from schizophrenia, paranoid type, and that his current thoughts and actions are consistently influenced by delusions and hallucinations. If these symptoms were present at the time of the instant offense, and he states they were, as does his grandfather, and the police records also support that, it is this examiner's opinion that, if he is found to have been guilty of the charges with which he is accused, at the time of the alleged criminal conduct, he lacked the substantial capacity to appreciate the criminality of his conduct. It is this examiner's opinion that, at that time, Mr. Giffen lacked the substantial capacity to conform his conduct to the requirements of the law. Mr. Giffen is stating that he did not engage in any of the behaviors of which he is accused. His grandfather is stating that Todd did not engage in any of the behaviors of which he is accused.

There does not appear to be any evidence of malingering in his self report, the review of records or the current test results of the mini mental status examination or personality testing.

It is this examiner's opinion that Mr. Giffen has been experiencing delusions and hallucinations for several years and that he believes there is a conspiracy involving his grandfather, police and other individuals that are controlling his behavior and monitoring his every move and his thoughts. It is this examiner's opinion that the mental illness caused Mr. Giffen to not be able to distinguish reality from delusions and hallucinations, and that he was unable to conform his conduct to the requirements of the law. His active symptoms at the time of the alleged offenses were delusions that his grandfather was involved in the conspiracy, as were the two police officers. He was experiencing visual,