

VOICES FROM THE GULAG

HOSPRISON NEWSLETTER, ISSUE #3, 4/10/00

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This is issue #3 of Voices From The Gulag, a newsletter for prisoners of the SVP law. These newsletters will focus on legal aspects of commitment and recommitment, conditions of confinement, prisoner evaluations of individual staff members, fraudulent hosprison and DMH practices, legal news, and other issues.

THE GOOD - THE BAD

In issue #1 of this newsletter, I asked readers to send me their opinions and observations of staff members, Deedee Rasey (Psych-Tech working at library, and Mike Groom (Social Worker on Unit 23). A flood of responses forms the basis for this first published prisoner evaluation of Atascadero State Hosprison staff members.

THE GOOD: Deedee Rasey is extremely well liked and highly respected. Deedee was described as always professional, always pleasant, a pleasure to work with, warm and friendly," "treats me like I'm a worthwhile person," "unpretentious," "smiles easily and puts people at ease," and "will go out of her way to be helpful to others while making others feel it was her pleasure to do so."

"True professional. Lives life by the Golden Rule."

Mr. Boo

"It's good folk like her that provide the desperately needed balance in the lives of those confined here."

Name withheld by request

THE BAD: Mike Groom is immensely disliked. This writer did not receive even one positive comment about him. Mike Groom was described by hcsprisoners as "pompous," "antagonistic," "self-righteous," "sarcastic," "toxic," "pretentious," "taunting," "rude," angry, retaliatory, defensive, flippant, ineffective and unprofessional, narcissistic in nature, anti-social by trait, "presumptuous," "his disdain for SVP phase I people is obvious," "would often interrupt others in group that he disagreed with," "quick to react negatively in group discussions," and "slinks down the halls avoiding eye contact with prisoners."_ In this writer's opinion, Mike Groom suffers from tremendous latent anger about something in his life. He desperately seeks external validation; hence, is at his best when surrounded by acquiescent drones and/or others that might blindly agree with his opinions. I once asked a higher level staff member why they would keep someone like Mike Groom working here. The staff member responded, "I can't comment on Mike Groom specifically, but in general we are short of staff."

ETHICALLY REPUGNANT MISCONDUCT
OF DR. GABRIELLE PALADINO

In Kern County Superior Court in May 1999, hosprisoner, Woodrow Jones (an African American) had his SVP commitment trial. Dr. Paladino testified as a witness for the State against hosprisoner Jones. During the jury selection process, the prosecutor repeatedly dismissed black and hispanic jurors from the jury.

During this process, Dr. Paladino was actually sitting at the prosecution table next to the prosecutor and actually helping the prosecutor kick the black and hispanic jurors off the jury. We have transcripts of this outrageous misconduct by Dr. Paladino. In the transcripts, the prosecutor was addressing the court and explaining why she was kicking off one of the jurors. To wit:

"But most importantly in my mind -- of course, I wasn't really sure whether or not to kick him. I asked my doctor, Dr. Paladino, I asked her advice, and she said kick him, she had no doubt, kick him, so I did that."

The prosecutor further told the court why she kicked off yet another juror:

"So although in every other way she [the juror] was terrific, I had no choice but to kick her. And again, I asked Dr. Paladino and she did not hesitate to say kick that juror."

Dr. Paladino's participation in the ethnic cleansing of the jury, and then testifying in front of that same jury she helped pick is the height of unethical arrogance. It is morally repugnant to ethnically cleanse a jury. And it is repugnant to justice that a witness in a court action would be allowed to pick the jurors that same witness was going to testify to. Paladino is clearly more concerned with the ethnics in the courtroom than the ethics in the courtroom!

"RAPE STARE"

In another SVP commitment trial, this time in San Luis Obispo County, Dr. Paladino testified that a certain hosprisoner had given a female Atascadero staff member a "rape stare." And in yet another hosprisoners's chart, Dr. Paladino stated that that person had multiple instances of "rape stare" to female staff.

These are two more examples of blatant unprofessional conduct by Paladino. "Rape stare" is not a medical or psychiatric term, and can be found nowhere in the DSM-IV or other psychiatric texts. There is no clinical basis for its use and no clinical description of its meaning. "Rape stare" is a slang term Dr. Paladino throws as a weapon solely to inflame the passions of the jury against the accused. Playing fast and loose with her ethical responsibilities is clearly an intoxicant Paladino lusts after.

If Dr. Paladino has made a "rape stare" notation in your charts, you can easily keep a jury from hearing about it and make Paladino look like a fool in the process. Your attorney would make a pre-trial motion to exclude that evidence. Your attorney would then subpoena Dr. Paladino to testify at the hearing on that motion. With Paladino on the witness stand at the hearing, your attorney would ask: "Dr. Paladino, please describe to this court the criteria you use to differentiate between a 'rape stare' a "blank stare" and other types of stares." Naturally, Paladino wouldn't be able to provide such criteria (since none exists). Your attorney would then ask Dr. Paladino to turn to the judge and using her face demonstrate to the judge what a "rape stare" looks like, and a "blank stare", etc. You get the idea. Paladino wouldn't be able to do anything but make a fool of himself and cast doubt on her overall credibility, and the judge would exclude the "rape stare" evidence.

This editor is currently making inquiries of the American Psychiatric Association, the California Department of Mental Health, and some other State agencies regarding Dr. Paladino's unethical misconduct. I'll keep you informed. Let's have fair trials!

WHORES OF THE COURT

Writing about Dr. Paladino reminded me of a book I strongly recommend. It's titled, "WHORES OF THE COURT: The Fraud of Psychiatric Testimony and the Rape of American Justice." (By Margaret A. Haen, Ph.D. - Regan Books/Harper Collins - 1997 - \$25 - ISBN 0-06-039197-9 - 338 pages) a title pretty much says it all.

RESIST COMMITMENT! DON'T TALK

WITH THE SVP EVALUATORS!

In order to legally commit us, the State must prove you have a current mental disorder (not in remission) that makes you currently sexually dangerous. Welf. & Inst. Code 56600(a) In order to recommit you, the State must have "recent objective indicia of the defendant's [current] condition" and "current psychological symptoms." (People v. Buffington (3rd Dist. 1999) 74 C.A.4th 1149, 8 Cal.Rptr.2d 696, 704-705) If you refuse to talk with them, it throws a huge hurdle into the State's path when they try to commit you. If you say anything to them, they will twist it around and use it against you. The only way the State can get current information about you is if you give it to them. One of the prosecutor's and their psycho-expert's favorite tricks is to try and shift the burden to you to prove you are not sexually dangerous. Don't play their game - it's a trap! As the court in Benham v. Edwards stated, "It is all but impossible for the [mental patient] to prove the negative that he is no longer a menace." (501 F.Supp. @ 1074) Heed the warning, people!

For those of you, like myself, who have from the beginning refused to talk with the evaluators, there is legal authority your attorney can use for your benefit. (Unfortunately, I didn't have this information when I was committed. I will use it at my recommitment trial)

Due to limited space in this newsletter, I won't be able to explain how to use the following legal authorities. Let your attorney decide how to make best use of them:

In Welf. & Inst. Code 55256.4(e), it states, "resistance to involuntary commitment ...shall not, in itself, imply the presence of a mental disorder or constitute evidence that a person meets the criteria of being dangerous to self or others, or gravely disabled."

In Suzuki v. Yuen, 617 F.2d 173, 177 (9th Cir. 1980), the court said, "Refusal to speak [to psychologist does not by itself bring about [civil] confinement for there must be a showing of sufficient evidence to believe that the allegations of the petition are true."

In People v. Coogler (1969) 71 C.2d 153, 77 Cal.Rptr. 790, 801-802, the court stated, "A defendant's silence cannot be used as a basis for a psychiatrist's evaluation of defendant's guilt or degree of guilt."

In People v. Rojas (1975) 15 C.3d 540, 548, the court suggested that refusal to discuss offenses is not the same as denial." In the "SVP Evaluator Training Manual - Draft 3/19/97" it states that a clinical interview is "critical" to the evaluation process. (Id @ p. 8) Without that "critical" personal interview, an evaluation based on just a record/chart review is not sufficient evidence for commitment.

In People v. McIntyre (1968) 256 C.A.2d 894, 900, the court stated, "A satisfactory opinion can only be formed after the [defendant] has been subjected to a clinical examination."

In People v. Bassett (1968) 69 C.2d 122, and Estate of Teed(1952) 112 C.A.2d 638, the experts' opinions as to a defendant's mental state and the mental incapacity of a testatrix, respectively, were found not to constitute substantial evidence primarily because the experts did not interview the subjects, but only relied on written reports/ charts. "The basic tool of psychiatric study remains the personal interview." (@ 142)

In Conservatorship of Hofferber (1980) 28 C.3d 161, the court reversed a conservatorship because no new evidence addressed directly to appellant's present dangerousness was received or considered." (.Id @ 178) The court further stated, "Even if he had a dangerous mental condition in 1974 the passage of time by itself diminishes the validity of an assumption that his dangerousness continues unabated." (Id @ 177)

In People v. Hedge (4th Dist. 1999) 72 C.A.4th 1466, 86 Cal.Rptr.2d 52, 60, the court held that "the sheer passage of time" will necessarily cause facts in a subsequent SVP petition to be different.

In White v. Estelle (1982) 554 F.Supp. 851, the court criticized psychiatric predictions being made without personally interviewing a defendant. "This Court has serious reservations about the use of psychiatric predictions-when the doctor has had no previous contact with the defendant[A]n opinion as to an individual's future penchant for violence which does not follow extensive examination and is not based on a great deal of complex and in-depth information is not a professional ...opinion." (Id @ 858)

In Conger v. Wingo (1970) 429 F.2d 630, 639-640, the court held that psychiatric evidence based on examination six years after the fact "has very limited probative value."

In *Goomar v. Centennial Life Ins. Co.* (1994) 855 F.Supp. 319, 326, the court held that "retrospective expert testimony regarding the existence or onset of a mental illness is inadmissible speculation."

Please keep the information coming my way regarding the stupid and illegal doings of the shrinks and staff. Right now, I could use dirt on Dr. Diane Imrem and Dr. Jill Nelson. And puh-leeze share these newsletters with the other prisoners and staff. Some of us are also contemplating starting a website to expose to the public the illegal activities here at Atascadero State Hosprison - we might also publish abusive employee's names and addresses. (except HPO)

SVP = Shrinks Victimize People