

THE PEOPLE OF THE STATE OF NEW YORK
VS
Date of Birth: 10/2/54
Date of Examination: 12/2/09
Identifying Number:
JOHN MURTARI
DEFENDANT

EXAMINATION REPORT
Docket No.: 09110138
Indictment No.
Information No.

Charge Making Graffiti

in violation of §PL145.60 02

I, the undersigned, duly certified pursuant to law as a qualified psychiatrist, having been designated by James Haitz, LCSW-R, Director of Community Services, pursuant to an order signed by Hon. Nicholas Forgione, Justice of The Lyons Village Court, Wayne County, dated 11/23/09, to examine the above-named defendant, pursuant to Article 730 of the Criminal Procedure Law, to determine if the defendant is an incapacitated defendant, have conducted such examination with due care and diligence.

The nature and extent of the examination was as follows:

*EXAMINATION OF DEFENDANT and review of records All referrals
Approx 50 minutes*
I have come to the following opinion as a result of such examination:

(NOTE TO EXAMINER: If the following paragraph sets forth the opinion of the examiner, sign the report where indicated below and do not complete Page 2. Otherwise, strike out the following paragraph, complete fully the remainder of this report and sign on Page 2.)

It is my opinion that the above-named defendant does not as a result of mental disease or defect lack capacity to understand the proceedings against him or to assist in his defense.

SIGNATURE: Odysseus Abamides/MD
(Qualified Psychiatrist) (Certified Psychologist)
STRIKE OUT ONE

DATED: 12-2-09

Print Name Signed: ODYSSEUS ABAMIDES JR MD

ADMON
Director and
Chief Officer

PSYCHIATRIC &
CLINICAL SERVICES
Theodore Adamides, MD
Psychiatrist and
Acting Medical Director

- PSYCHOLOGICAL SERVICES
- FORENSIC SERVICES
- SINGLE POINT OF ACCESS
- FAMILY PRESERVATION TEAM
Mark Reynolds, Ph.D.

COUNTY OF WAYNE
DEPARTMENT OF MENTAL HYGIENE
WAYNE BEHAVIORAL HEALTH NETWORK



James M. Haitz, LCSW-R
Director of Community Services

- ADULT CLINIC
ADULT CASE MANAGEMENT
Stacey Welch, LCSW - Acting
- CHILDREN & YOUTH CLINIC
CASE MANAGEMENT
SCHOOL BASED CLINICS
ADDICTION SERVICES
Deborah Bell, LCSW-R
- CONTINUING DAY TREATMENT
CLUB REHABILITATION SERVICES
Patricia McKinry, LMHC
- SUPERVISING SOCIAL WORKER
Stacey Welch, LCSW

PSYCHIATRIC EVALUATION REPORT
C.P.L. ARTICLE 730

Name: John Murtari
Date of Birth: 10/2/56
Date of Evaluation: 12/2/09

Identifying Data

The defendant was originally evaluated as an inmate after a previous arrest in 2008 for "Unlicensed Aggravated Operation" and evaluated by the writer due to his refusal to eat in order to represent his civil disobedience. When examined, he was considered to have decisional capacity, and he was able to restore his nutritional status adequately. The evaluation was conducted on November 26, 2008. The current evaluation occurred out of custody, and defendant understood the non-confidentiality of this examination and that a report would be sent to the Honorable Justice Nicholas Forgione.

History of Present Status

The defendant's past behaviors carried an ongoing theme of having experienced "unfair treatment" in the civil justice system, involving a custody dispute. For example, in the last evaluation, during his incarceration, the defendant, as an inmate, refused to eat food, stating, "I know the risks involved," regarding dehydration/weakness, and then continued taking fluids. In that remote past, the defendant was "making a statement." He was not suicidal. At this time, a referral for competency was requested due to the charge of "making graffiti," again a method (although ill-contrived) of making his own statement of "civil disobedience." He did not exhibit any obvious signs of major psychiatric illness. The defendant disclosed similar altercations in the criminal justice system in Syracuse, due to his sense of needing to "have a voice." The defendant stated that his willingness to be arrested demonstrated, "the depth of my conviction." He ascribes his "peaceful" protestation, akin to Martin Luther King or Gandhi. Although this may seem eccentric or extreme in the eyes of courtroom decorum, he has a full understanding of roles in the adversarial process, including principals involved. He has a rational understanding of the charges put forth and has a certain degree of trust, regarding his attorney. He exhibits a superior I.Q., has a history of being an engineer, an air force pilot and is now self-employed. He maintains relationships with other veterans and does maintain a relationship with his son, who reportedly resides with him during the summertime for approximately six weeks.

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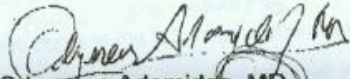
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 J.P.L. Evaluation Report
 John Murtari
 DOB: 10/2/56

The defendant exhibited a strong interest in maintaining a connection with his son, Dominic, now 16 years of age. This relational context is the essential factor that resulted in his matrimonial dispute, regarding his sense of the unfairness that he has experienced in the general custody issues for fathers. Thus he continues to "demonstrate" his belief of the unequalled jurisprudence of custody rights re: men vs. women through his own personal, civil disobedience.

Opinion

The defendant's thoughts were delivered in a coherent and cohesive, goal-oriented style without cognitive slippage and without any evidence of psychosis. There is no major mental condition that would obviate his ability to assist counsel with a defense. Indeed, he may thwart procedures as a demonstration of his political convictions, but this, in and of itself, is not a mental illness, but a personal, political conviction. In summary, there was no demonstrable major mental illness that would obviate routine adjudication. He exhibits the capacity to assist counsel with a defense, although at times he had preferred to represent himself, as he reportedly did in Syracuse. Although his conduct may be self-defeating in attainment of a goal to change legislation, it does not appear to have irrational or delusional elements in its context. There may be a covert depression, but not a severe psychotic depression that would obviate routine adjudication.

aside
 In closing, the defendant could possibly benefit from verbal, voluntary counseling or therapy to investigate the psychodynamic, "parallel process" issues of the ideal father-son relationship that he experienced with his own father, whose own possible eccentric lifestyle involved marrying a woman in Italy approximately 20 years younger than his father and having a son (the defendant) at the age of 64 years. The fond memories of this relationship only amplify his only biologic connection with an offspring, namely his only child, a 16-year old son. However, these psychodynamic issues are beyond the purview of a competency to stand trial.


 Odysseus Adamides, MD
 Board-Certified Psychiatrist

AO:cg