

June 30, 2000
1668 Trumansburg Rd.
Ithaca, NY 14850

Dear Mr. Miller:

Thank you for contemplating representing my case in seeking a revision or release from my current Order of Conditions.

I've appended to this letter a timeline, with incidents relevant to my case, including peripheral criminal charges which have been resolved by criminal legal pleas of innocence. This is a rough draft, and the dates may be imprecise, but they give a good idea of the rather complicated history involved.

My current lifetime criminal record over 44 years: DWI (found guilty of DWAI), 2 Class A misdemeanor counts of handgun possession on premises (charges lapsed), and NGRI for multiple felonies (one event involving Arson, burglary, etc.). All of these criminal charges occurred within a 6-week period (December 1996 - February 1997).

Everyone concerned with my case is aware that I've smoked marijuana for about 20 years and continue to defend the habit (cf. Carl Sagan!).

My goals in this case:

- 1) To obtain an unconditional release from Order of Conditions, and a judicial finding of fact that my psychosis was caused by psychiatric drugs. Make clear to OMH that they stand to lose, and should support discharge. Mental Health Legal Services (MHLS) can provide some legal support (Richard Wenig, Associate Attorney, 607-721-8440).
- 2) Bring liability suits to recover damages if the petition succeeds.

My objectives:

- 1) Petition the court for a hearing to revisit the Order on these bases:

New evidence:

- Dr. Leifer: formal finding of no mental illness.
- Trazodone -> mCPP anxiogenic hallucinogen inducing depersonalization.
- Retain Dr. Peter Breggin (or other) for an expert assessment regarding drug-induced psychosis (this costs \$5,000 according to Dr. Leifer, but it would probably be less, since the Not Responsible plea has already succeeded).
- Gross factual errors were made in reports by Drs. Kennedy and Singh.

Inadequate representation:

- Inadequate representation was provided by Margaret McCarthy who came onto the case late (this is probably unnecessary as a basis for petition, and possibly undesirable)
 - The Order of conditions was either unclear or not adequately explained ("may include" is subject to varying interpretations).
 - I could have brought forward rebuttals to false statements in the reports if we had had a formal hearing.
- 2) Pursuing litigation on liability and malpractice issues.
- Product liability
 - Medical malpractice (difficult to prove)
- 3) Finding parties for supporting amicus brief -- I would need to find someone to recruit parties, since I am not really free to do so myself.

Arguments supporting unconditional release:

- Criminal responsibility for any future criminal behavior is the pertinent issue: outpatient custody presumes relapse into criminal insanity likely, and promotes interpretation of acts as "insane" v. "criminal". Continued psychiatric supervision for a single case of criminal insanity arguably induced by an adverse reaction to psychiatric drugs is unreasonable.
- 330.20(7) interpretation: standard outpatient commitment rules should apply for discharge (?).

I've tried to arrange the documents on the case and my supporting documentation in a way that will allow you to first review the most important ones without having to sift through the whole mass. Thanks for your time and attention.

Sincerely,



Kevin Eric Saunders

7/94 Susan Hamann moves in with me as a "significant other" at my current residence

6/96 Started therapy at F&CS with Amari Meader, C.S.W. (I was fraudulently induced to enter therapy with Ms. Meader, who told me she was diagnosing me with "Dysthymia", rather than the actual diagnoses she had made, "Cannabis Dependence/Dysthymia" and "Borderline Personality Disorder".)

7/96 Commenced Prozac anti-depressant treatment (prescribed by Dr. Hamlisch).

8/96 Violent argument with Susan Hamann, who moves out.

11/96 Stopped Prozac.

12/17/96 F&CS referral to Fran Markover for Substance use diagnosis as condition of continued therapy with Amari Meader.

12/22/96 Arrest for DWI, DWI per se, and Speeding 50/30. Secured representation by Jim Baker, plea of Innocent (Judge Rossiter).

12/29/96 Arrested and charged with Harassment on complaint of Susan Hamann (who alleged Sexual Assault) and possession of 2 unregistered handguns (heirlooms brought into New York in 1979 from Arkansas, where they were possessed legally) in the Town of Ulysses Court (Judge Rector). Order of Protection issued forbidding all contact and communication with Susan Hamann. Plea of Innocent, represented by Jim Baker.

12/30/96 Recommenced Prozac (Dr. Hamlisch).

1/4/97 Commenced Trazodone (as a "sleeping aid", Dr. Hamlisch).

1/11/97 Hospital ER visit for heart palpitations, peripheral numbness on awaking, urinary retention and dry mouth, (characterized as "secondary to agitated depression" by Dr. Sheiman). Quit Trazodone after examining pharmacy insert which included palpitations in listed side effects. I suspended my normal 3-night/week custody of my daughter at this point, since I was incapacitated by my physical illness.

1/13/97 Psoriasis diagnosed by Dr. Magre on scalp.

1/20/97 Exam by Dr. Stackman regarding numbness (which I incorrectly believed to be caused by Guillain-Barre Syndrome).

1/22/97 Neuritis diagnosed by Dr. Breiman (spreading rash on groin was reason for visit, probably noted by Dr. Breiman).

1/30/97 Treatment unilaterally terminated by F&CS pursuant to Fran Markover's "Alcohol Abuse" & "Cannabis Dependence" diagnoses.

2/3/97 First reading of "Silence of the Lambs".

2/6/97 Arson committed in psychotic state, experiencing auditory hallucinations (voice messages on WIII-100 from Hannibal Lecter) under delusional belief the character of Clarice Starling was based on Susan Hamann, and that Hannibal Lecter was based on a real person who has successfully blackmailed the US government with the threat of biological terrorism involving the release of anthrax.

Represented by Ezra Sherman, appointed by the court.

3/13/97 Released on \$50,000 bail for Arson offense. Resumed 2-night/week shared custody of daughter by AnneMarie Whelan, Rachel Anne Whelan.

6/97 Complaint filed by former wife AnneMarie Whelan in Family Court alleging lack of fitness as parent of daughter. Order of Protection issued (Judge Sherman).

7/97 Harassment and handgun charges Adjourned in contemplation of dismissal. (I was informed by Investigator Mark Dresser in early 1999 that these charges have been dropped).

7/28/97 Not Responsible plea accepted by DA and approved by Judge Barrett. Judgment of \$90,000 voluntarily accepted for damages due to arson (\$15,000 to Simonetta Antenucci, who owned the trailer that was destroyed, and \$75,000 to Susan Hamann for property damage). Outpatient examination ordered (request for immediate commitment by prosecution rejected).

10/97 Custody of Rachel Anne Whelan given to AnneMarie Whelan by mutual agreement, court order stipulates approval by therapist prior to resumption of 2-day/week visitation.

10/13/97 First outpatient examination by Dr. Singh. After another outpatient exam, an inpatient exam is requested 12/15/97.

10/17/97 DWI charges resolved by plea bargain: guilty of a single count of DWAI, penalty: \$500 fine, 3 month license restriction, and referral to the Drinking Driver Program (DDP).

11/97 Ezra Sherman resigns from the case, since his new job with the Prosecutor's Office of the City of Ithaca poses a conflict of interest according to the judgment of the Bar Association (although Judge Barrett preferred he continue to represent me). Margaret McCarthy succeeds him.

- 1/28/98 One-month inpatient exam commences at the Rochester Regional Forensic Unit, at which I present myself voluntarily. Inpatient exam extended for another month at request of the examining physicians; after finding me not suffering from a dangerous mental disorder or mentally ill, I was released.
- 5/7/98 Order of Conditions issued by Judge Barrett. The conditions expressed in this Order simply incorporate a "standard form" which was provided by the Office of Mental Health (OMH).
- 5/98 Applied for Social Security Disability. Represented myself on appeal, with the finding that I was disabled from 2/97 - 4/98 (Judge Volhard, Administrative Law Judge, 10/26/99).
- 6/2/98 Commenced outpatient therapy with Linda Riley C.S.W at Tompkins County Mental Health, who has provided case supervision under contract with the OMH. Ms. Riley's diagnoses: "Personality Disorder Not Otherwise Specified," "Cannabis Dependence," and "Gender Identity Disorder."
- The only significant events since 6/97 have involved testing positive for cannabinoids in 3 out of 8 urine tests performed over the years. I currently take D,L-Phenylalanine (DLPA, a self-prescribed over the counter amino acid "dietary supplement") as a remedy for minor depression, and have not been placed on prescription drugs (e.g., neuroleptics or "mood stabilizers").
- 1/99 Commenced private therapy with Ronald Leifer, M.D. (psychiatrist) in order to comply with the conditions of the DDP. After about 20 sessions, Dr. Leifer has found that I do not suffer from any mental illnesses.
- 3/99 Resumed visitation under which Rachel stays with me 2-3 nights/week after approval by Linda Riley, and have resumed a friendly relationship with AnneMarie Whelan and her current partner.