THE DEFENSE EXPERTS: INTERVIEWS

5 Q Okay. Well the Jury's going to be asked to decide this case. Do you think the Jury
6 deserves to know what material you, as an expert, have seen in this case in forming your opinions?
7 Do you think that's important?
8 A It sometimes is meaningless.
9 Q Why do you say that?
10 A Because when there is so much material available in a case, those relevant data is for
11 the person to whom it is relevant to decide and not necessarily to the person who does not understand
12 the relevance of that data. So, I cannot answer. I don't have an answer for that question on a simple
13 yes, no. Theoretically the Jury can know as much as the Jury can know.

19 Q If you want to figure out Scott Curley's state of mind at the time of the offense,
20 would you agree that the first place to look is what he said close in time to the offense?
21 A How he presented close in time to the events, not just what he said, but at the entire
22 presentation.
23 Q Including what he said?
24 A The entire presentation.
25 Q Does the entire presentation include what he said?
26 A I think that defines, entire.

- Find out who they are
- Expose them!
- Ask the questions that hurt them either way

THE DEFENSE EXPERTS: INTERVIEWS

17 Q Did you have Scott Curley take a test called the Structured Interview of Reported
18 Symptoms?
19 A Yes.
20 Q What does that test measure?
21 A It's by Rogers. It is a review to look at supporter, like a support for feigning or
22 malingering.
2 Q And he was elevated on at least certain scales of malingering, correct?
3 A One scale particularly. It was on the SC scale, Symptom Combination Scale.
4 Q And that's not mentioned anywhere in your 65 page report, correct?
5 A I didn't specify the components of the test, no. It was just statistically not consistent
6 with malingering. You could not diagnose malingering on a single scale.

THE THINGS THEY BURIED

THE COMPETENCY HEARING

COMPETENCY STANDARD (STATUTORY)

"Incompetent to stand trial" means that as a result of a mental illness, defect or disability, a defendant is unable to understand the nature and object of the proceeding or to assist in the defendant's defense.... The presence of a mental illness, defect or disability alone is not grounds for finding a defendant incompetent to stand trial.

A.R.S. § 13-4501(2)

THE ANALYSIS BEGINS W/ MENTAL ILLNESS, IT DOES NOT END THERE!

KEY ISSUES FOR COMPETENCY

- Reports compliant w/ R 11.3 & ARS §13-4509?
- Understanding vs. Ability to assist
  - Ability to assist ≠ Desire to assist
- Expert psychiatric opinion (transparent interview)
- Structured, validated tests

THE COMPETENCY HEARING: FORENSIC INTERVIEW

TEST MATERIAL SLIDE/INTENTIONALLY BLANK

TEST MATERIAL SLIDE/INTENTIONALLY BLANK

CROSS-EXAM: Dr. Barry Morenz

EXHIBITS

- 10- Interview
- 30- Guideline
- 7-Report
- 6- Zarske report
- 5- Scherzer report
- 2- Cady 1/11 report (w/ MacCAT)
- 14- Sullivan's MacCAT
- 15- Powerpoint
- 24&25- competency standards
- 11- Training materials

DID NOT REVIEW ANY MATERIALS

You would agree Dr. that competency assessment begins with collecting and reviewing all the relevant collateral information, correct?

a. You told me that in your interview last week? [4:23-24]

List all exhibits & all cross references

Divide by topic, separate sets

2. In this case you were not provided with a single police report?

3. You were not provided with a single transcript of any witness statement?

   a. That includes the transcript or video recording of Defendant's statement to police back in August of 2010?

4. You were not provided with the video recording of Dr. Steven Pitt's January 2012 interview of the defendant?

5. You were not provided with the video recording of Dr. Steven Pitt's April 2012 interview of the defendant?

   a. So you have never watched any of the 3 video recorded interviews with the Defendant in this case which span the period between August 2010 and April 2012?

6. You also were not provided with the transcripts of any of these interviews, including Dr. Pitt's two interviews of the defendant?

7. In this case, the defense attorney simply made a decision as to which items you would look at, isn't that true?

SENTENCING

- Procedure (2 days) accepted by Court at COP
- Testimony of 8 fact witnesses
- Testimony of 2 State's experts (1 defense)
- Emphasis: Future Violence!

MENTAL ILLNESS AS MITIGATION (A.R.S. 13-701(E)(2))

- **E.** For the purpose of determining the sentence … the court shall consider the following mitigating circumstances:

- 2. The defendant's capacity to appreciate the wrongfulness of the defendant's conduct or to conform the defendant's conduct to the requirements of law was significantly impaired, but not so impaired as to constitute a defense to prosecution.

When I shot him in the head... I knew it was a person. I knew it was a cop. I knew it wasn't right but I did it anyways.

. . .

My logic tells me not to give him a chance to shoot me. I don't care about the law. My life matters more to me than a cop's does.

MENTAL ILLNESS AS MITIGATION…

…OR DANGEROUS PSYCHOPATH?

I know what I did was wrong, and I did it anyways and I still do not care about your guys' rules.

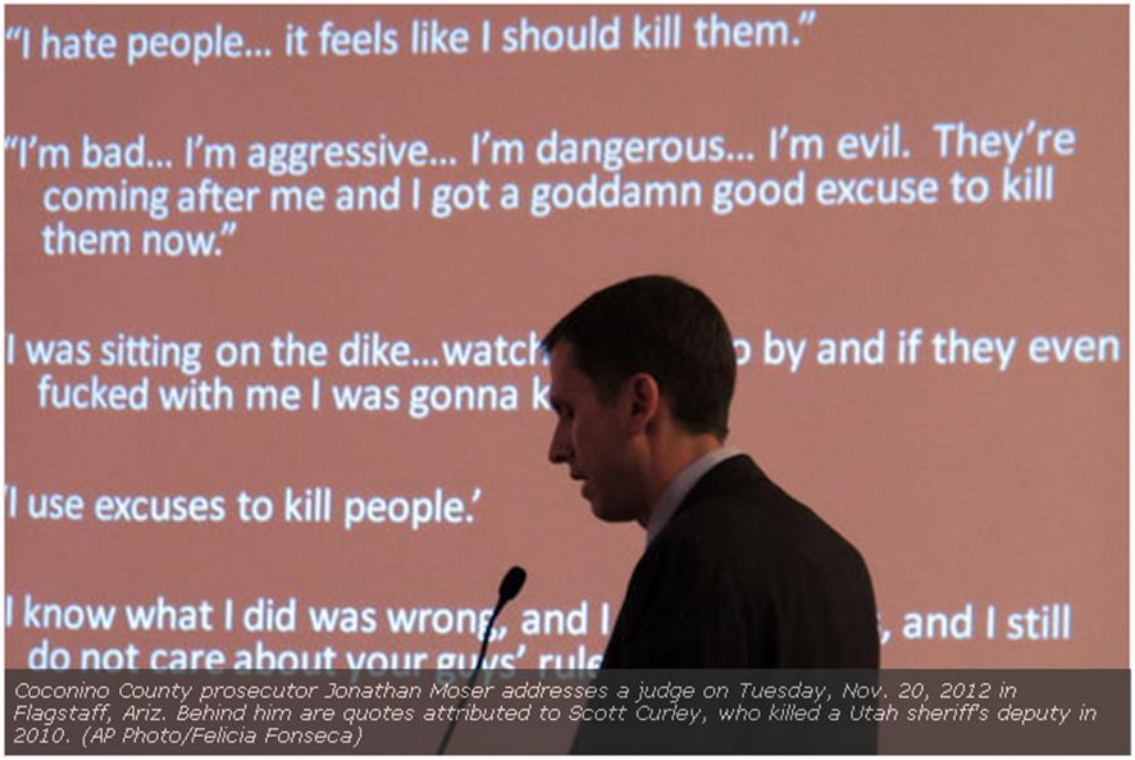
If I had that kind of power, I'll just kill people . . . I would still kill him.

I hate people . . . It feels like I should fucking kill them for some odd fucking reason.

YOU AIN’T RODE IF YOU AIN’T BEEN THROWED…

Man who fatally shot Utah sheriff's deputy gets life in prison with possibility of parole

FELICIA FONSECA Associated Press
November 20, 2012 - 8:36 pm EST



Coconino County prosecutor Jonathan Moser addresses a judge on Tuesday, Nov. 20, 2012 in Flagstaff, Ariz. Behind him are quotes attributed to Scott Curley, who killed a Utah sheriff's deputy in 2010. (AP Photo/Felicia Fonseca)

FLAGSTAFF, Ariz. — A schizophrenic man who holed himself up in the wilderness with a stolen assault rifle and killed a Utah sheriff's deputy during an around-the-clock manhunt was sentenced Tuesday to life in prison with the possibility of parole after 25 years.

Photo Gallery:

Couldn't help but make me feel ashamed

To live in a land where justice is a game

-Bob Dylan, *Hurricane*