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Letter to the Prosecution From Dr. Lawrence Siegel

Dr. Lawrence Siegel was the only psychiatrist that the prosecution could persuade to meet Ralph Tortorici. After examining him, Siegel determined that Tortorici was suffering from such acute psychotic delusions that it was impossible to evaluate his state of mind at the time of the hostage-taking incident. Additionally, in this nine-page letter to prosecutor Cheryl Coleman, Siegel argues that -- despite the court's finding to the contrary -- Tortorici was not even mentally competent to stand trial and assist in his own defense.

Coleman presented Siegel's letter to presiding Judge Larry Rosen, who ruled that the trial would proceed despite Siegel's misgivings. Neither Coleman nor defense attorney Peter Lynch objected to the ruling.

January 7, 1996

Re: Ralph Tortorici

Cheryl F. Coleman, Esq.
Assistant District Attorney
County Court House
Albany, New York 12207

Dear Ms. Coleman:

At your request I examined Ralph Tortorici in order to determine his mental state at the time of the alleged offense. The defendant is a twenty-seven year old man who has been indicted in Albany County for Attempted Murder in the Second Degree, Assault in the First Degree, Kidnapping in the Second Degree, and Criminal Possession of a Weapon in the Second and Fourth Degrees. It is alleged that on December 14, 1994, he held several persons at gunpoint at the State University of New York, Albany. He is said to have shot at persons in another room, and shot Jason McEneny in the groin. He also is said to have possessed a knife with intent to use it.

I examined the defendant on January 4, 1996, for approximately one hour at the Albany County Correctional Facility. I reviewed the defendant's college records, Grand Jury testimony of Jason McEneny, records from Albany Medical Center, 730 Examination Reports, and the Mid-Hudson Psychiatric Center discharge summary & doctor's typed progress notes of the defendant's

treatment as an incapacitated person. I reviewed the handwritten notes of defense experts, Drs. Thalman and Klopeh. I have discussed this matter at some length with you and A.D.A. Preiser.

: FORENSIC PSYCHIATRIC OPINION:

Mr. Tortorici is currently exhibiting signs and symptoms of acute psychosis. He is incapable of rational participation in court proceedings. He requires hospitalization and treatment with medication to restore him to fitness. An opinion concerning his mental state at the time of the alleged offense is deferred until such time as he can be examined while in a competent state.

: REVIEW OF RECORDS:

The defendant was enrolled at SUNY, Albany since 1989. His grades varied over the years, with his higher grades coming mostly early on. He was taking classes in the Fall semester of 1994, when the alleged offense occurred.

Jason McEneney testified before the Grand Jury. Mr. McEneney indicated that the defendant entered the classroom after the class had started. The defendant brandished a rifle and "proclaimed that the class was being held hostage..." The defendant let three female students leave. He was telling persons in the room why he was "doing this and giving us all sorts of stories, which he changed about five times." He sent the departing students to the financial aide office, to the bursar and the office of the President. He sent the last girl out with orders to summon the "President of the United States, the State Assembly, the United States Congress and all of the media."

The defendant instructed that items be moved to barricade the front doors of the room. The defendant was ordering others around. The defendant, after about an hour and a half, fired at a projection screen. He then said that he was showing the rifle worked, "just so you know I'm not fooling around."

The defendant eventually began confronting Mr. McEneney, asking, "Do you want to play the hero? Do you want to play the tough guy, I know who the tough guys are." He told Mr. McEneney that if Mr. McEneney made another move, the defendant would blow Mr. McEneney's head off. The defendant told the police that "if something doesn't start happening and if I don't start seeing action or getting results I'm going to start shooting students, and they know who they are."

Eventually the defendant repositioned himself with three others around him. Mr. McEneney felt the defendant did this to use the students as a shield should the police come into the room shooting. Eventually Mr. McEneney lunged at the defendant and grabbed the rifle. Mr. McEneney recalled two or three shots being fired. Mr. McEneney was struck twice.

The Albany Medical Center Hospital Summary indicates the defendant was treated there from December 14, 1994, to December 16, 1994. He had sustained a knife wound to his right hand during the alleged offense. His laceration was surgically repaired.

While at the hospital he appeared to have psychiatric problems. A psychiatric consultant saw the defendant on December 14, 1994. The defendant complained that the government had planted a computer chip in his brain. He thought the government was controlling his thought processes and bodily functions. He "thought that his professors were communicating with him by planting thoughts into the computer chip in his brain. [Patient] wanted to expose this '[government] conspiracy' by talking to State, University and [government] officials. He looked at himself as a leader who needed to be heard. While holding SUNY students hostage, [patient] was tackled by 3 students, shooting one student in the groin..." The defendant was subsequently subdued.

The psychiatrist noted prior psychiatric contact with "CDPC." The note indicates the defendant was released in the past "since he was highly functional." On mental status examination the defendant was felt to have normal speech. He was "hostile, but cooperative toward interviewer." His mood was judged grandiose, with inappropriate smiling throughout the interview. There was no indication of illusions or hallucinations. He was alert and fully oriented. He was delusional in this thinking, with "paranoid, persecutory, grandiose, somatic delusions." His thought processes were judged to be "tight, coherent, but illogical." The diagnostic impression was of chronic paranoid schizophrenia.

The 730 Examination Reports indicate the defendant was taken to the Albany County Correctional Facility after leaving the hospital. The examiner noted that the defendant had been subdued by several of the hostages. The defendant described the incident leading to his arrest in great detail. "He firmly believes he needed to pursue such a course of action to draw the media and the government into a position where they could first admit they implanted a device into his brain and penis and then to remove it and remove the pain it is causing him...He claims he never meant to hurt anyone, and waited a long time to take drastic action. He claims 'I did what I had to do, and thought the evidence would come forward and the problem be solved.' He says this all in a very matter-of-fact sense with no remorse expressed..." He spoke of his being in the role of a leader. He spoke of being controlled by and influenced by the media. He said that he had been drinking and using cocaine fairly frequently prior to his arrest.

It was noted that he had evaluations by the Mobile Crisis Unit. He was seen on August 31, 1992, and on December 18, 1992. The second contact was for about three days. He had been brought in by the police and admitted involuntarily. After the three days he refused to sign in voluntarily, and was released. During that stay he was given anti-psychotic medication, and "experienced the side-effect of impotence which greatly worried him." On February 28, 1994, he was seen after his mother had called because she was concerned about his behavior. "Although one evaluator thought that he appeared very psychotic at that time, subsequent assessments at the CDPC Crisis Unit indicated that Mr. Tortorici had used a large amount of cocaine on that day and he was diagnosed with cocaine intoxication. He was not admitted to the hospital on this date."

Both evaluators felt the defendant to be suffering from a psychotic mental disorder. Both opined that he was unfit to proceed.

The defendant was admitted to Mid-Hudson Psychiatric Center as an incapacitated person on January 6, 1995. Early in his stay he was felt to be irritable and to harbor some delusional thoughts. His speech was pressured and his mood euphoric. He refused medication. The hospital had planned to seek to medicate him over objection, but his condition improved without medication. On February 28, 1995, he was staffed and felt to be fit to proceed. "He was well aware of the situation he had been in...He was well aware of his problem using large amounts of cocaine and drinking...His mood was euthymic, his affect was appropriate...The patient was found fit to proceed and was certified to go back to court to face his charges." The hospital diagnosed the defendant as having a paranoid personality disorder, alcohol abuse, and a cocaine induced psychotic disorder with delusions. He was discharged from Mid-Hudson on March 20, 1995.

: MENTAL STATUS AND EXAMINATION:

The examination is conducted in a room in the Albany County Correctional Facility. Prior to the examination the examiner attempts to explain to the defendant the purpose of the examination, who has requested it and the lack of confidentiality involved. The defendant interrupts by saying, "You are aware of me. You are a Jewish man. You will find yourself on a hit list to be destroyed." He says he doesn't want to speak with me. "I don't speak to Jewish men who lie to me."

You, A.D.A. Preiser, and defense counsel Mr. Lynch are present for the examination. Early on, the defendant and his attorney leave the examination room and converse. It is apparent that defense counsel is encouraging his client to participate in the examination. The defendant continues.

The defendant is a young man dressed in jail garb. He is alert. His speech is pressured. He is verbose. During portions of the examination he grimaces and puts his hands to his ears. When asked about this, he says he is being influenced by particle beams from the government. He correctly gives the date as January 4, 1996, and the place as the Albany County Correctional Facility. He declines to have his memory tested. "I asked you not to ask these moronic questions." He again grimaces and says, "They are playing with my brain. I will not be able to take direct coherency with what you are doing." He turns toward you and Ms. Preiser and avers that you can communicate by brain waves. He can do a simple arithmetical calculation.

During the bulk of the examination the defendant is tense and irritable. Many of his verbalizations are fast and illogical. Much of the defendant's verbalizations are difficult to follow. Even though the examiner is writing as the defendant is talking, it is difficult to exactly transcribe what the defendant is saying due to the rapidity of his speech and the illogical, autistic threads. Therefore, what is contained in quotes may not be an exact duplication of what the defendant says, but the best attempt by the examiner to document the defendant's verbalizations.

The defendant tells the examiner that Mr. Greenberg knows about him. He says, "I had Rabin killed." He says he (the defendant) is causing Arabs to fight with Jews.

The examiner attempts to focus the defendant. What are his charges? "Attempted Murder. Kidnapping. Every other violation in the book." What is the date of the alleged offense? "December 14, 1995." Does he mean 1995, or 1994? "1994." Where is this said to have occurred? "University of Albany." The defendant appears distracted. Is he hearing voices? "I do not desire to speak with you at length right now."

He is able to name his attorney as Mr. Lynch and understands Mr. Lynch is supposed to help him. He says the D.A. prosecutes, the jury decides if one is guilty or not guilty, and the judge is the "arbitrator between the prosecuting attorney and defense attorney, and instructs the jury on matters of the law."

The defendant says he is experiencing problems with airwaves. "The government developed atomic particle beams. Work sound waves and airwaves." He says these waves control his mind and body. He puts his hands to his head and says he is trying to block off the experimental mind control.

The defendant then asks the examiner about the crime rate in New York City. When the examiner says it is the examiner's understanding crime is down in New York City, the defendant responds that either the examiner is wrong or the defendant's reports are wrong. He then avers that the examiner knows Mr. Greenberg. The defendant says it is his feeling that the government is behind the case against him. He asks the examiner if the examiner knows "Eric Oblemeir." The examiner says he does not. The defendant says that Eric Oblemeir is "almost as powerful as Bob Dole. The second most powerful man in the world."

The defendant then goes on to speak about NATO, Israel and communist countries banding together to create a world leader "after the scenario of the World Christ figure." He says this is the same person as the Anti-Christ. He says he is the person designated to be world leader, the World Christ figure and the Anti-Christ.

The defendant, in speaking about his arrest and trial, says it has been set up to be his "graduation party" prior to assuming his leader role. He says he is not staying in the court room during the trial. "I resist the Government too much; them and their Jewish friends." At this point in the examination the defendant makes a comment as if speaking to the airwaves. He says he will kill every Jew who does not make contact with the examiner. "I'm the world's most powerful man, being held in jail by other powerful men."

The defendant says he doesn't want to go to court. When asked about this, he replies, "Speak to Rosa Breslin. If they don't speak to you, I will have them both killed."

The examiner attempts to obtain a history from the defendant. He is able to give his address, and the names of his parents and siblings. He is able to give their ages, places of residence, marital status, number of children and occupations. He says his parents separated about three years ago. He denies a family history of mental illness or substance abuse. He is able to relate some details about his schooling. He says he stayed away from some classes by being truant. When asked, he agrees this was due to governmental

interference. He is none too clear if he was aware of this interference at the time, or has only surmised this in retrospect. His responses seem more consistent with the latter.

The defendant relates that he was a boxer. He denies having been knocked out, although he says he was "stunned once or twice." He never felt dizzy after a fight. He was in the Army National Guard. He says he has been a full time student. He says he has been training to go back into boxing. He is hesitant to discuss his relationships with women, but says he has had a girlfriend.

The defendant says his hobbies include chess. He says he had been using marijuana and cocaine in the past. Again he is unclear, but seems to say he had cut back on his marijuana use prior to his arrest, and had been increasing his use of cocaine. "It gave me reason and hope to live...Euphoria." He says some of the airwaves wanted him to use cocaine to injure his reputation, others did not. He says he has been arrested several times in the past. He says charges of menacing were "conjured up." When asked about prior surgery for hypospadias, he says, "That's of no concern to you." The defendant then makes a comment about the Channel 13 news giving information about his trial.

How does he plan to defend himself? "Straight up attack the government. Speak the truth about what they have done..." He says the government caused the incident at the University. "I was at the direction of them. I did it as a sense of urgency. I was inert and inefficient and ready for complete suicidal death." What does he think about the insanity defense? "The defense is by the analysis that my imagination has gone wild and; the jury will believe I am insane by the words I am speaking here."

The defendant is asked if the minds of persons in the court will be manipulated by the government. He says they will be. The defendant says that the examiner has been effected by the "power waves" during the examination. The examiner responds that the examiner has not experienced this. The defendant says that the defendant has observed the examiner's limbs jerk or move quickly. The defendant explains that these movements are indications of the power waves. (The examiner has no twitches, and did not "jerk" during the exam.) The defendant says he has "buckled" often due to the power waves and when he couldn't do the "manipulative things" the government was trying to have him do.

The defendant says that the government is trying to control the defendant's growth to power. Are there computer chips in him now? He says there are not. "That was a false interpretation." He says the government was using an "experimental device" on him, but that he misinterpreted this as being a computer chip. The defendant talks some about government experiments with dolphins and monkeys, He says dolphins can be trained to carry bombs into ships, and the government is trying to control others in a similar manner.

The defendant says the government has a "tape" of what happened in the University. The examiner says the examiner has not received a copy of this "tape." The defendant doesn't seem surprised by this. Did he say he would shoot troublemakers in the school? "They were jeopardizing my mission." He says he had to shoot people who were charging at him, and told them that if they charged him he would shoot them. He says it was his idea to say he would shoot them, not things he said because of the power waves. He says he tried to

direct the man to get away from him, but the man lunged at him. He says "the device inspired the trigger to go off...And also my own free will...I wanted to stop him. And keep the show going. I did not want to injure him. I did not want to fire the weapon at him."

Does he recognize the authority of the current tribunal to decide his fate? "I was supposed to rise above the tribunal to power. Rosa and Breslin were supposed to know this." The defendant then speaks about Jews and military power. He wants the examiner to contact Mr. Greenberg to tell Mr. Greenberg that the defendant had Arabs hurt Jews, and gave them the authority to kill.

: DIAGNOSIS:

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| Clinical Syndrome | Psychosis not otherwise specified Rule out paranoid schizophrenia Rule out cocaine induced psychotic disorder Alcohol abuse (by history) Cocaine abuse (by history) |
| Personality Disorder | Deferred |
| Physical Disorder | Hypospadias |

: DISCUSSION:

Ralph Tortorici is a twenty-seven year old man who has been indicted in Albany County for Attempted Murder in the Second Degree, Assault in the First Degree, Kidnapping in the Second Degree, and Criminal Possession of a Weapon in the Second and Fourth Degrees. It is alleged that on December 14, 1994, he held several persons at gunpoint at the State University of New York, Albany. He is said to have shot at persons in another room, and shot Jason McEneny in the groin. He also is said to have possessed a knife with intent to use it. He is examined to determine his mental state at the time of the alleged offense.

On examination the defendant presents with disordered thinking most consistent with a psychotic illness. He is extensively quoted in the body of the report to communicate the disordered manner in which he expresses himself, and the difficulty faced by one trying to understand him. The fact that the defendant is psychotic is gleaned from the manner of his speech and his presentation. This is more difficult to feign than is the feigning of the content of mental illness, such as hearing voices or having delusional beliefs. While Mr. Tortorici clearly expresses many delusional beliefs, his unusual syntax and verbalizations provide some confirmation of the genuine nature of his current affliction.

Much of Mr. Totorici's communication regarding his legal situation makes sense. He is aware of the names of the charges against him and has an understanding of what he is alleged to have done. However many of his ideas

concerning how he should deal with his legal situation, and how others might perceive his ideas, betrays his problems with his thinking. His thought that his current criminal trial is a test prior to his being made a "leader" is clearly erroneous. His thought that persons in the court are influenced through "air waves" and "power waves," interferes with his capacity to understand the true nature of the proceedings.

The defendant is oriented to time and place. He has more than a rudimentary understanding of the process of trial and the roles of the Judge, jury, prosecutor and defense attorney. However this understanding is tainted by his conviction that there are external governmental forces influencing these persons through waves. His mental condition does not appear sufficiently stable to enable him to withstand the stresses of a trial without suffering a serious, prolonged or permanent breakdown. Based upon the examination he has deteriorated into a psychotic state.

His abilities to perceive, recall and relate are variably impaired. His perceptions are filtered by his psychotic beliefs. For instance he perceives that the examiner has moved in a manner that proves the examiner has been subjected to power waves. He appears able to recall, but much of his recollections are of psychotic material. His ability to relate is impaired by difficulty expressing himself in a rational manner. While he is capable of forming a relationship with his attorney (and appears to have formed one), his delusional system is such that there cannot be a joint understanding of the meaning of the trial currently going on. He does seem able to consider advice given to him by his attorney.

It would have been preferable for me to have reviewed full records of the defendant's psychiatric treatment at Mid-Hudson and the Albany County Correctional Facility. I would have liked to have reviewed full records relating to the alleged offense, including the defendant's statements, witnesses' statements, police reports, etc. I remain available to review these records. Based upon the information available at this time, it is my professional opinion with a reasonable degree of psychiatric certainty that Mr. Tortorici is not fit to proceed to trial.

At this time evaluation of the defendant's mental state at the time of the alleged offense is complicated by his current, apparently psychotic condition. His current perceptions are impaired -- he tells the examiner that the examiner is influenced by waves. He expresses numerous delusional ideas. His apparent psychosis precludes the examiner from confronting the defendant about his prior beliefs, and having the defendant respond in a rational manner. In forming a professional opinion about whether the defendant lacked substantial capacity to appreciate that his conduct was wrong, it is difficult to determine how much of his recollection is influenced by his current psychotic thinking, and how much was present at the time of the alleged offense.

Although it is my opinion that the defendant is not currently feigning mental illness, I cannot completely rule out the possibility that he is feigning. It seems somewhat inconsistent for one to posit that he lacked criminal responsibility at the time of the alleged offense due to a genuine psychotic mental disorder, but that his current psychotic symptoms are not genuine or do not cause him to be

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an incapacitated person. I defer an opinion about his mental state at the time of the alleged offense until such time as I can examine him while he is able to participate in the examination in a rational and competent manner.

Thank you for the referral in this matter. If I may be of further assistance please do not hesitate to call me.

Sincerely,
Lawrence A. Siegel, M.D.
