

PAUL D. GOODMAN, M.D.
ADULT & CHILD PSYCHIATRY

316 STATE STREET
BANGOR, MAINE 04401
(207) 947-6178

104 MAIN STREET
P.O. BOX 878
ELLSWORTH, MAINE 04805
(207) 667-4373

August 18, 1986

J. Hilary Billings, Esq.
116 Hammond Street
Bangor, Maine 04401

Dear Mr. Billings:

Re: Otto Snow

The first time I met with Otto Snow was on August 15, 1985, prior to the commencement of the present legal proceedings. The very manner in which he came to see me was unusual. He complained that he was "suffering with severe indignation". After listing a few symptoms of his own, Mr. Snow went on to spend most of the hour talking about his mother's psychiatric condition. I noted that his thought pattern showed mild loosening of associations and that his thinking was not always logical. He was preoccupied to a pathological degree with the treatment his mother had received from a psychiatrist in New Hampshire two years previously. Even though she had subsequently made considerable progress, Mr. Snow was dreadfully afraid that the same thing would happen to her again. The real purpose for his visit was to "check me over" to see if I might be a suitable psychiatrist to continue his mother's treatment.

At the time of the first appointment the patient described how he was involved in his own private enterprise to produce new drugs which could replace pharmaceuticals currently on the market which had caused his mother severe side effects. The patient talked in a grandiose manner about his frequent telephone contacts with the Food & Drug Administration regarding a new drug application for research. Although the patient has never finished college, he speaks as if he has the training of a doctorate in psychopharmacology. He did display some familiarity with psychotropic medications; however interspersed were also numerous misconceptions and inaccuracies resulting from overgeneralization based on his mother's unfortunate experience (indeed his mother had suffered a somewhat infrequent but serious side effect of the drugs she was taking previously.)

Subsequently the patient has been seeing me for treatment of his own condition. He has been suffering from considerable anxiety, depression, insomnia and generalized stress resulting in part from his legal situation. Frequently he has been quite regressed and on the brink of overt psychotic decompensation. He continues to be grandiose in his conception of himself as a self-trained manufacturer of pharmaceuticals. In various ways he is out of touch with reality.

Mr. Snow has a long history of nervousness, limited capacity for independent living and inability to sustain any regular gainful employment. Recently he has been supported by his mother and father. As a result I have referred Mr. Snow to the Bureau of Rehabilitation in Ellsworth. Because of his psychiatric condition, the patient was found eligible for services. Hopefully he will be attending a vocational school if he is able to concentrate sufficiently.

I have given Mr. Snow a principal diagnosis of schizotypal personality disorder with a superimposed post traumatic stress disorder. The possibility of a schizophrenic disorder still exists. At your request I examined him more specifically on July 31, 1986, regarding competency to stand trial. I have used the standard outline for a pre-trial examination developed by the Augusta Mental Health Institute.

Mr. Snow understands that initially he was charged with trafficking in illegal substances but that now he is accused of intention to manufacture such substances.

The patient becomes quite upset when discussing his legal situation. He curled up on the couch in a fetal position. He becomes quite tearful and pessimistic. He feels persecuted by the legal system. He understands that he is charged with a serious offense which could lead to a prison sentence.

The patient has a knowledge of the criminal trial process. However he is rather paranoid about the police and the district attorney. He accuses the police of having lied about him and is afraid that further untruths will be told in court. He expresses a magical wish that the judge would sit down with him and talk to him instead of "crucifying me". The patient has been extremely frightened since the time of his arrest. He has difficulty sleeping and experiences frequent nightmares. The patient appreciates the adversarial nature of a trial to the point of perceiving it in terms of a persecution against himself. His capacity to assist counsel is basically intact but perhaps affected adversely by his notion that he is an expert in pharmacology. He expresses the feeling that he cannot defend himself and that the court should simply shoot him in the head.

Mr. Snow also expresses feelings of outrage and indignation over his arrest. At the time of the alleged offense, he knew that it would have been wrong to manufacture the illegal substance that he is accused of having intended to manufacture. He thought he was conforming to the requirements of the law by keeping in contact with the Food & Drug Administration. Clearly his intent was to manufacture a new psychotropic drug legitimately. I would note also that he was suffering from grandiose delusions at the time of the alleged offense.

In summary I find that Otto Snow is competent to stand trial at this time. However I am not sure whether he could maintain a suitable demeanor in the court room since he tends to regress easily under stress. If Mr. Snow

August 18, 1986

did commit an offense, I suggest that any criminal responsibility was affected by a mental disease. Please advise if you require any additional details.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul D. Goodman". The signature is stylized with a large, sweeping initial "P" and a long, horizontal stroke extending to the right.

Paul D. Goodman, M.D.

PDG/cas



U.S. Department of Justice

United States Attorney
District of Maine

156 Federal Street
Post Office Box 1588
Portland, Maine 04104

207/780-3257
FTS/833-3257

October 10, 1986

Mr. James DeBeck
Deputy Clerk
United States District Court
P.O. Box 1007
Bangor, Maine 04401

RE: United States of America v. Otto E. Snow
Criminal Number 85-00054-B


Dear Mr. DeBeck:

This letter will serve to advise the Court that the United States has no objections to the Recommended Disposition of Defendant's Motion for Determination of Mental Competency to Stand Trial, dated October 6, 1986, filed by United States Magistrate Edward H. Keith.

Thank you for your assistance.

Very truly yours,

Richard S. Cohen
United States Attorney


Nicholas M. Gess, Special
Assistant U.S. Attorney

NMG/s

cc: J. Hilary Billings, Esquire

STERN, GOLDSMITH & BILLINGS

ATTORNEYS AT LAW

116 HAMMOND STREET

P. O. BOX 1869

BANCOR, MAINE 04401-1869

(207) 942-6791

EDWARD STERN
1908-1981

MARSHALL A. STERN
JEROME B. GOLDSMITH
J. HILARY BILLINGS

OF COUNSEL
JAMES L. MARKOS, JR.

HANCOCK COUNTY
ELLSWORTH, MAINE 04805

February 26, 1986

Nicholas Gess
Office of the Attorney General
State House Station 6
Augusta, ME 04333

RE: U.S.A. v Otto E. Snow
Criminal Case No.

Dear Nick:

I have discussed with Tim Woodcock the procedure which is utilized by the Government whenever there is a question concerning the defendant's competency or mental responsibility vis-a-vis the indictment. I think that there is a serious question regarding Otto Snow's mental condition, and I feel it would behoove both of us to have this question addressed prior to trial.

I would suggest that we use both a psychiatrist and a psychologist at any mutually acceptable state or federal institution to determine whether the Defendant is competent to stand trial, as well as whether the Defendant may be suffering from any mental disease or defect which has any bearing on or relationship to criminal responsibility. Perhaps we can join in seeking such an evaluation. This appears to be a course the Government has taken on such issues in the past.

Perhaps you could give Jay or Tim a call concerning this and then let me know your thoughts.

Very truly yours,

J. Hilary Billings

JHB/rsn

Enclosures

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

US DISTRICT COURT
DISTRICT OF MAINE
BANGOR, MAINE

Nov 20 4 50 PM '85

BY: [Signature]
DEPUTY CLERK

UNITED STATES OF AMERICA

vs.

CRIMINAL: 84-00055-B

EARL J. WAHL,

Defendant

ORDER FOR PSYCHIATRIC
EXAMINATION OF DEFENDANT

Pursuant to Fed. R. Crim. P. 12.2(a), 28 U.S.C. §4242 and the 'Memorandum Concerning Psychiatric Evaluation Of Defendant,' filed on November 19, 1985 by the Government, it appearing that defendant and his counsel have assented thereto per oral notification to the Chief Deputy Clerk of the Court, it is hereby ORDERED that:

(1) the Government shall promptly retain Dr. Ulrich B. Jacobsohn, as its psychiatric expert and at its own expense, to examine the defendant on November 27, 1985 and at such other dates and places as Dr. Jacobsohn deems appropriate on an outpatient basis, and to prepare a written report for submission to the Court as soon as possible, but in no event later than December 20, 1985; and

(2) the defendant shall submit to any and all examinations as provided for in ordering paragraph number (1) hereof, failing which the Court reserves its right to impose sanctions, particularly to exclude any testimony of defendant's psychiatric expert Dr. Carlyle Voss, pursuant to Fed. R. Crim. P. 12.2(d).

Dated at Bangor, Maine this 20th day of November, 1985.

ATTEST: William S. Brownell, Clerk

By: [Signature]
Deputy Clerk

[Signature]
Chief Judge

STERN, GOLDSMITH & BILLINGS

ATTORNEYS AT LAW

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EDWARD STERN
1908-1981

MARSHALL A. STERN
JEROME B. GOLDSMITH
J. HILARY BILLINGS

OF COUNSEL
JAMES L. MARKOS, JR.
HANCOCK COUNTY
ELLSWORTH, MAINE 04605

September 9, 1986

Jim DeBeck, Deputy Clerk
U. S. District Court
P. O. Box 1007
Bangor, ME 04401-1007

RE: U.S.A. v Otto Snow
Case No. 85-54-B

Dear Jim:

Enclosed for filing in the above matter please find a copy of the August 18, 1986, report of Paul D. Goodman, M.D. This report is Defendant's independent psychiatric evaluation submitted in accordance with the Court's Order of July 31, 1986. Copies of this report are being forwarded to the Magistrate and Mr. Gess.

Also, in accordance with the Court's July 31, 1986, Order, I am hereby formally advising the Court that Defendant does not wish an evidentiary hearing on this matter.

Cordially,

J. Hilary Billings

JHB/rsn

Enclosure

cc: Edward H. Keith
U. S. Magistrate

Nicholas Gess
Ass't U. S. Attorney

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

APR 6 1 04 PM '86

BY

DEPUTY CLERK

UNITED STATES OF AMERICA,

vs.

OTTO E. SNOW,

Defendant

Criminal No. 85-0054-B

ORDER ON DEFENDANT'S MOTION
FOR DETERMINATION OF MENTAL
COMPETENCY TO STAND TRIAL

By motion filed March 14, 1986, the defendant, pursuant to 18 U.S.C. § 4241, moved for a hearing to determine his mental competency and that a psychiatric or psychological report be filed with the court pursuant to 18 U.S.C. § 4247(b). The defendant further moved that the court, pursuant to 18 U.S.C. § 4241, commit him for a reasonable period not to exceed thirty (30) days to the custody of the Attorney General for placement in a facility suitable for conducting the necessary examination. The government does not object to the motion. The court has held a conference with counsel and has considered the motion and the affidavit of J. Hilary Billings in support of the motion. The court finds that there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him and to assist properly in his defense.

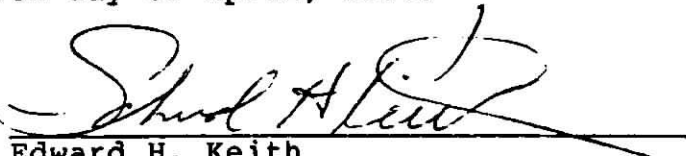
Accordingly, the defendant's motion is granted and it is

Ordered that:

1. A psychiatric or psychological examination of the defendant be conducted and that a psychiatric or psychological report be filed with the court pursuant to the provisions of 18 U.S.C. § 4247(b) and (c).

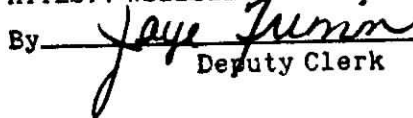
2. For the purposes of such examination the defendant is committed, pursuant to 18 U.S.C. §4247, for a period of thirty days to the custody of the Attorney General for placement in a suitable facility. The defendant is not now in custody and his counsel shall arrange with the representatives of the Attorney General a date on which the defendant shall surrender to the custody of the Attorney General for such period of committment. Defendant shall report to such place as shall be determined by the Attorney General.

Dated at Bangor, Maine this 7th day of April, 1986.


Edward H. Keith
United States Magistrate

A TRUE COPY

ATTEST: William S. Brownell, Clerk

By 
Deputy Clerk

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

UNITED STATES OF AMERICA

v

OTTO E. SNOW, Defendant

)
)
) Criminal Case 85-54-B
)
)
)
)

Motion for Determination
of Mental Competency to Stand Trial
[Pursuant to 18 U.S.C. 4241(a)]

NOW COMES the Defendant and moves this Honorable Court to order that a psychiatric or psychological examination of the Defendant be conducted, and that a psychiatric or psychological report be filed with the Court, pursuant to the provisions of 18 U.S.C. 4247(b). The Defendant further moves that a hearing be held after completion of said examination and report to determine whether the Defendant is presently suffering from a disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceeding against him or to assist properly in his defense.

As grounds for this Motion, counsel for the Defendant states that the Defendant has been preliminarily examined by Patrick Kamm, M.D., a licensed psychiatrist, who has represented


to Defendant's counsel that there may be a question of the Defendant's competency to stand trial as well as a question whether the Defendant is suffering from a mental disease or defect.

For the purposes of the above-requested examination pursuant to Court Order under 18 U.S.C. 4241, Defendant prays the Court commit Otto Snow pursuant to 18 U.S.C. 4247(b) for a reasonable period not to exceed thirty (30) days to the custody of the Attorney General for placement in a facility suitable for conducting said examination.

Defendant asserts that, under the terms of 18 U.S.C. 4241(a), this Motion is timely "at any time after the commencement of a prosecution for an offense and prior to the sentencing of the defendant". There are no speedy trial implications with this Motion because the Speedy Trial Act timetable is suspended during the pendency of the Defendant's Motion to Suppress and Motion for a Bill of Particulars.

An affidavit in support of this Motion is filed herewith.

Dated: March 14, 1986


Hilary Billings
Attorney for Defendant

STERN GOLDSMITH & BILLINGS
116 Hammond Street
P. O. Box 1869
Bangor, ME 04401-1869

STERN, GOLDSMITH & BILLINGS

ATTORNEYS AT LAW

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EDWARD STERN
1908-1981

MARSHALL A. STERN
JEROME B. GOLDSMITH
J. HILARY BILLINGS

OF COUNSEL
JAMES L. MARKOS, JR.

HANCOCK COUNTY
ELLSWORTH, MAINE 04605

July 16, 1986

Otto Snow
P. O. Box 197
Hancock, ME 04640

RE: U.S.A. v Otto Snow

Dear Otto:

Enclosed is a copy of Ulrich Jacobsohn's report regarding the issue of your competency to stand trial. Your case has now been placed on the trial docket for August 1, 1986, at which time you would need to be present in Court for the selection of a jury. However, there is a pretrial conference scheduled in your case for Monday, July 21, 1986. At that time, the scheduling of your case will again be discussed.

Would you please contact Dr. Paul Goodman as soon as possible to schedule an appointment for a further evaluation in regard to competency. We are not satisfied with Dr. Jacobsohn's report and feel that certain points need to be further explored by Dr. Goodman. I have let Dr. Goodman know that you will be calling; and, since your Court deadlines are coming up quickly, please act expeditiously as possible in scheduling an appointment with Dr. Goodman.

Cordially,


J. Hilary Billings

JHB/rsn

Enclosure

Maine Department of Mental Health and Mental Retardation Augusta Mental Health Institute

P.O. Box 724, Augusta, Maine 04330 (207) 622-3751 - TTY (207) 289-2000

JOSEPH E. BRENNAN
Governor

KEVIN W. CONCANNON
Commissioner

JUN 30 1986
BY
85-00054-8



WILLIAM C. DAUMUELLER
Superintendent

June 23, 1986

Edward H. Keith, United States Magistrate
United States District Court
District of Maine
Federal Building
Bangor, ME 04401

Re: United States of America vs Otto E. Snow

Dear Magistrate Keith:

In response to your order for an examination to determine competency to stand trial on Otto E. Snow, dated the seventh day of April, 1986, I saw Mr. Snow in psychiatric evaluation on May 19, 1986.

Mr. Snow was informed of the non-confidential nature of the examination and that it was in response to your order. He appeared to understand the nature of the examination and that it was based on your request, and could appreciate the lack of control that I would have in regard to the distribution of any report made to you. He was cooperative throughout the examination and had come with his parents, who were able to contribute to the examination when seen with him.

I concentrated on the issue of competency, but did also take additional information regarding his general upbringing, his past behavior, and some of the circumstances surrounding the alleged offense.

Mr. Snow had a clear understanding of the charges against him and identified them as being "intention to manufacture illicit drugs, two counts of trafficking".

Mr. Snow was able to discuss defense strategy and indicated that his attorney was working actively with him and that he had confidence in his abilities.

Mr. Snow had a clear understanding of the process of trial and could identify the basic functions of all the actors in the courtroom drama, indicating an appreciation for the role of his attorney as well as the adversarial nature of the proceedings and the role that the prosecutor would play in any potential trial.

Mr. Snow has a clear understanding of the process of plea bargaining as well as having an understanding regarding the possible jeopardy in which he may find

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Edward H. Keith

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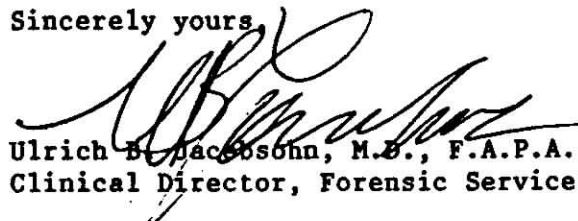
June 23, 1986

himself in regard to various plea alternatives, and has an appreciation for the possible outcome of a trial and the degree of jeopardy in which he finds himself. He has a clear intention to exonerate himself and feels that he has a proper explanation for his unusual conduct.

Mr. Snow was able to conduct himself in a way that demonstrated to me his capacity to learn from new information and that he would be able to retain information given to him by his attorney for the conduct of a proper trial. He has awareness of the requirements placed on the defendant in a courtroom in regard to decorum and etiquette, and should have no difficulty in abiding by the generally accepted rules of courtroom procedure.

I would recommend a finding of competent to stand trial to the court based on the above determinations and could find no evidence that Mr. Snow lacks capacity that would affect competency in any way.

Sincerely yours,



Ulrich B. Jacobson, M.D., F.A.P.A.
Clinical Director, Forensic Service

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

UNITED STATES OF AMERICA

v

OTTO E. SNOW, Defendant

Criminal Case 85-54-B

Affidavit in Support of
Motion for Determination
of Mental Competency to Stand Trial
[Pursuant to 18 U.S.C. 4241(a)]

NOW COMES your Affiant and states as follows:

1. I am J. Hilary Billings, counsel for the Defendant, Otto E. Snow, in the above-captioned action.

2. I have spoken with Patrick Kamm, M.D., a Bangor psychiatrist, who has done a preliminary evaluation of the Defendant, Otto E. Snow, and he has represented to me that there may be a question of the Defendant's competency to stand trial as well as questions concerning whether the Defendant is suffering from a mental disease or defect which may have bearing upon his criminal responsibility.

3. Your Affiant asserts there are reasonable grounds for submitting the Defendant, Otto E. Snow, to a full psychiatric or psychological evaluation pursuant to 18 U.S.C. §§4241 and 4247(b).

Dated: March 14, 1986


J. Hilary Billings

STERN, GOLDSMITH & BILLINGS

ATTORNEYS AT LAW

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EDWARD STERN
1908-1981

MARSHALL A. STERN
JEROME B. GOLDSMITH
J. HILARY BILLINGS

OF COUNSEL
JAMES L. MARKOS, JR.

HANCOCK COUNTY
ELLSWORTH, MAINE 04605

April 17, 1986

Otto E. Snow
Post Office Box 187
Hancock, Maine 04640

RE: U.S.A. v. OTTO E. SNOW
Criminal Docket #85-0054-B

Dear Otto:

Enclosed is a copy of the Order for determination of mental competency to stand trial.

I will contact you with information regarding the place of designation as soon as we receive that information along with the date for you to self report.

Cordially,

J. HILARY BILLINGS

JHB/cj
Enclosure



U.S. Department of Justice

United States Attorney
District of Maine

156 Federal Street
Post Office Box 1588
Portland, Maine 04104

207/780-3257
FTS/833-3257

May 14, 1986

J. Hilary Billings, Esq.
STERN, GOLDSMITH & BILLINGS
116 Hammond Street
Bangor, ME 04401

Re: United States of America v. Otto E. Snow

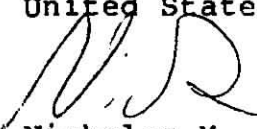
Dear Hilary:

Confirming my conversation with your office of this date, pursuant to the Court's Order concerning a competency examination for the defendant, such examination has been scheduled for May 19, 1986 at 3:00 p.m. with Ulrich B Jacobsohn, M.D., Clinical Director, Augusta Mental Health Institute at the AMHI. Would you kindly forward copies of any materials you believe may assist Dr. Jacobsohn, directly to his attention at the Institute.

Please ask your client to self-report to Dr. Jacobsohn's office at that time. Many thanks for your assistance.

Very truly yours,

Richard S. Cohen
United States Attorney


Nicholas M. Gess, Special
Assistant U.S. Attorney

NMG/br

cc: Jaye Trim, Deputy Clerk, U.S. District Court

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

Criminal No.: 85-00054-B

UNITED STATES OF AMERICA,

Plaintiff

v.

OTTO E. SNOW,

Defendant

ORDER

Upon the Defendant's Motion requesting a continuance of the trial currently scheduled in this matter for jury impanelment on August 1, 1986 and upon receipt of the Defendant's duly executed Limited Waiver of Speedy Trial Rights, and upon representations made to the Magistrate during the pretrial conference on July 21, 1986, it is hereby Ordered that the jury impanelment and subsequent trial currently scheduled to commence in this matter on August 1, 1986 be continued. It is further Ordered that the Defendant arrange for an independant phychiatric evaluation within a reasonable time to assit in the determination of mental competency. It is further Ordered that counsel for the Defendant report to the Court upon completion of an independant phychiatric evaluation whether a full evidentially hearing,pursuant to the Defendant's Motion for a Determination of Mental Competency will be necessary.

The Court further finds that the ends of justice served by excluding the time period of this continuance from the Speedy Trial Act time table outweigh the best interests of the public and the Defendant in a Speedy Trial. It is therefore, further

Ordered, with this Order being effective nunc pro tunc as of the filing of the Defendant's Motion for a Determination of Mental Competency to stand trial, that the time period from said filing, up to and including a final determination by the Magistrate upon said Motion be excluded from the computation of time within which the trial of cases must commence under the Speedy Trial Act, Title 18, U.S.C. §3161, et sec.

Dated: _____

7/31/86

S

Edward H. Keith
United States Magistrate

STERN, GOLDSMITH & BILLINGS

ATTORNEYS AT LAW

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EDWARD STERN
1908-1981

MARSHALL A STERN
JEROME B. GOLDSMITH
J. HILARY BILLINGS

OF COUNSEL
JAMES L. MARKOS, JR.

HANCOCK COUNTY
ELLSWORTH, MAINE 04605

July 16, 1986

Otto Snow
P. O. Box 197
Hancock, ME 04640

RE: U.S.A. v Otto Snow

Dear Otto:

Enclosed is a copy of Ulrich Jacobsohn's report regarding the issue of your competency to stand trial. Your case has now been placed on the trial docket for August 1, 1986, at which time you would need to be present in Court for the selection of a jury. However, there is a pretrial conference scheduled in your case for Monday, July 21, 1986. At that time, the scheduling of your case will again be discussed.

Would you please contact Dr. Paul Goodman as soon as possible to schedule an appointment for a further evaluation in regard to competency. We are not satisfied with Dr. Jacobsohn's report and feel that certain points need to be further explored by Dr. Goodman. I have let Dr. Goodman know that you will be calling; and, since your Court deadlines are coming up quickly, please act expeditiously as possible in scheduling an appointment with Dr. Goodman.

Cordially,

J. Hilary Billings

JHB/rsn

Enclosure

STERN, GOLDSMITH & BILLINGS

ATTORNEYS AT LAW

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EDWARD STERN
1908-1981

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J. HILARY BILLINGS

OF COUNSEL
JAMES L. MARKOS, JR.

HANCOCK COUNTY
ELLSWORTH, MAINE 04605

July 16, 1986

Paul D. Goodman, M.D.
P. O. Box 878
Ellsworth, ME 04605-0878

RE: Otto Snow

Dear Paul:

Enclosed please find a copy of a report which I have received from Dr. Jacobsohn at the Augusta Mental Health Institute regarding the issue of Otto Snow's competency to stand trial. I believe the letter is a summary effort to touch on all the legal "buzz" words related to competency without any serious effort at a true understanding of Otto's psychiatric condition and how it might genuinely reflect on his competency to stand trial. Otto may very well be competent to stand trial, but I believe Dr. Jacobsohn's letter displays no desire whatsoever to understand the patient's true psychiatric condition.

In your letter of May 21, 1986, you indicate your impression that Otto is "borderline psychotic and only minimally functional". Further, you indicate that, "In addition to the accute difficulties, the patient has a more chronic psychiatric disorder."

Dr. Kamm had indicated to me preliminarily that Otto may have a problem with being able to maintain concentration on a topic of conversation and, therefore, have difficulty through this inability in assisting his attorneys in the preparation of his defense for trial.

I would be very interested in hearing your impressions of Otto's competency to stand trial, as well as your description of his chronic psychiatric disorder. To that end, I have asked Otto to make a further appointment with you for your evaluation of his competency to stand trial.

Please let me know your findings at your earliest convenience.

Cordially,

J. Hilary Billings

JHB/rsn



U.S. Department of Justice

United States Attorney
District of Maine

202 Harlow Street
Post Office Box 1196
Bangor, Maine 04401

207/945-0373
FTS/833-7344

March 12, 1986

Linda Jacobson, Clerk
U.S. District Court
202 Harlow Street
Bangor, ME 04401

RE: United States of America v. Otto Snow
Crim. No. 85-0054-B

Dear Linda:

With respect to the "Affidavit in Support of Defendant's Motion to Continue," dated February 26, 1986, filed by J. Hilary Billings, Esq., I believe it prudent to make the Government's position clear.

Although I attended a debriefing session with the defendant in January of this year and have no basis to doubt defendant's competency, Mr. Billings has certainly had access to a better quality of information than have I.

The Government would not oppose a motion filed pursuant to 18 U.S.C. §4241 seeking an examination pursuant to 18 U.S.C. §4247(b). However, the Government would request that the Court order the defendant to notify the Government and the Court within 10 days of the filing of this report, whether or not competency will be an issue.

The Government further notes that F.R.Crim.P. 12.2 requires the defendant to file a notice with respect to the insanity defense within the time for the filing of pre-trial motions. This time having long expired and the Court not having enlarged such time, the Government notes that a request for examination with respect to insanity, 18 U.S.C. §4242, is not timely.

However, should the Court permit defendant additional time to file a Rule 12.2 notice, the Government would then request an examination.

Sincerely,

RICHARD S. COHEN
United States Attorney

By: 

NICHOLAS M. GESS
Special A.U.S.A.

NMG/drp

CC: J. Hilary Billings, Esq. ✓

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

US DISTRICT COURT
DISTRICT OF MAINE
RECEIVED AND FILED

1985 NOV 19 AM 10:08

UNITED STATES OF AMERICA)

v.)

EARL J. WAHL)

Criminal No. 84-00055-B

lly
DEPUTY CLERK

MEMORANDUM CONCERNING PSYCHIATRIC EVALUATION OF DEFENDANT

NOW COMES the United States of America, by and through Richard S. Cohen, United State Attorney, and William H. Browder, Jr., Assistant United States, and the defendant Earl Wahl, by and through his counsel, John Whitman, Esq., and indicate to the court that the parties have reached an agreement for obtaining a psychiatric evaluation of the defendant. This memorandum is being filed on behalf of both parties in satisfaction of Paragraph 1 of the court's Scheduling Order dated November 15, 1985. This Memorandum will be the only written submission offered to the court by the parties at this time relative to Paragraph 1 of the Court's Order, absent further request and/or instruction from the court.

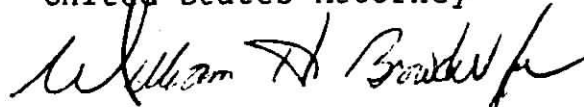
Subject to court approval and order, the parties have agreed to the following:

The Government will retain Dr. Ulrich B. Jacobsohn as its expert. Dr. Jacobsohn will examine the defendant, Earl Wahl, and the defendant agrees to submit to that examination. It has been further agreed that the defendant, Earl Wahl, will make

himself available for examination on November 27, 1985 and at any other dates which Dr. Jacobsohn deems appropriate. It is further agreed that the defendant Earl Wahl will be examined by Dr. Jacobsohn on an outpatient basis on all occasions. It is further understood by the parties that Dr. Jacobsohn will prepare a report which will be submitted to the court as soon as possible but not later than December 20, 1985.

Dated at Portland, Maine this 19th day of November, 1985.

Richard S. Cohen
United States Attorney

A handwritten signature in dark ink, appearing to read "William H. Browder, Jr.", is written over the typed name.

William H. Browder, Jr.
Assistant U.S. Attorney

STERN, GOLDSMITH & BILLINGS

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OF COUNSEL
JAMES L. MARKOS, JR.

HANCOCK COUNTY
ELLSWORTH, MAINE 04605

September 9, 1986

Jim DeBeck, Deputy Clerk
U. S. District Court
P. O. Box 1007
Bangor, ME 04401-1007

RE: U.S.A. v Otto Snow
Case No. 85-54-B

Dear Jim:

Enclosed for filing in the above matter please find a copy of the August 18, 1986, report of Paul D. Goodman, M.D. This report is Defendant's independent psychiatric evaluation submitted in accordance with the Court's Order of July 31, 1986. Copies of this report are being forwarded to the Magistrate and Mr. Gess.

Also, in accordance with the Court's July 31, 1986, Order, I am hereby formally advising the Court that Defendant does not wish an evidentiary hearing on this matter.

Cordially,

J. Hilary Billings

JHB/rsn

Enclosure

cc: Edward H. Keith
U. S. Magistrate

Nicholas Gess
Ass't U. S. Attorney

bee: Otto Snow

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

UNITED STATES OF AMERICA

v

OTTO E. SNOW, Defendant

Criminal Case 85-54-B

Affidavit in Support of
Defendant's Motion to Continue

NOW COMES your affiant and states as follows:

(1) I am J. Hilary Billings, co-counsel for the Defendant Otto E. Snow in the above-captioned action.

(2) I have spoken with Patrick Kamm, M.D., a Bangor psychiatrist, who has done a preliminary evaluation of the Defendant, Otto E. Snow, and he has represented to me that there may be a question of the Defendant's competency to stand trial, as well as questions concerning whether the Defendant is suffering from a mental disease or defect which would have bearing upon his criminal responsibility.

(3) I have undertaken to agree with the Government regarding a pre-trial psychiatric and psychological evaluation of the Defendant to determine the issues of competency and mental responsibility. In that regard, I have written to Special Assistant United States Attorney Nicholas Gess asking the Government to join in and agree to a motion requesting such an evaluation. I have not yet received the Government's response to that request.

(4) Based upon the necessity for the above-described evaluation, I represent to the Court that this matter is not in order for jury impanelment or for a final pre-trial conference.

Dated: February 26, 1986


J. Hilary Billings

State of Maine
Penobscot, ss

February 26, 1986

Personally appeared the above-named J. Hilary Billings and
made oath to the truth of the foregoing Affidavit by him signed.

Before me,


Notary Public

Reva Shaw Newey
Notary Public
Commission Expires 12/19/87