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Washington State
Supreme Court

IN THE WASHINGTON STATE SUPERME COURT

JAMES ROBERT VINES,
Appellant,

vs.

STATE OF WASHINGTON
Respondent.

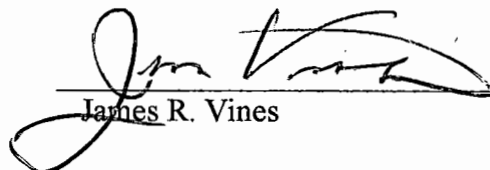
Supreme Court No.: 96525-1
Appellate Court Case No.: 50517-7-II
(consolidated with No. 52297-7-II

Request To Supplement The Record

FORENSIC
PSYCHOLOGICAL EVALUATION

JAMES ROBERT VINES requests this court to accept this evaluation when
Considering his petition for review. On page 4, Doctor Nevotti states "There is
substantial objective evidence that he experiences significant cognitive problems in the
areas of attention, language comprehension and memory , and that he has difficulty
remaining free from distractions that effect his memory and thought processes.
This evaluation is necessary when considering the defendants NEED for a forensic
psychological evaluation in trial court.

Dated This 31st Day Of January


James R. Vines

Joseph R. Nevotti, Ph.D.
Licensed Psychologist
321 High School Road NE, Suite D3
Bainbridge Island, Washington 98110
360.643.9113 JN5289@yahoo.com

SEALED December 31, 2010

FORENSIC PSYCHOLOGICAL EVALUATION

Ms. Michelle R. Ahrens
405 S. Peabody, Suite A
Port Angeles, Washington 98362

IDENTIFYING DATA

NAME:	VINES, James R.
DATE OF BIRTH:	March 24, 1964
CAUSE NUMBER:	10-1-00217-0
DATE OF EVALUATION:	12/29/10

The forensic psychological evaluation of Mr. Vines, as reflected in this report, was conducted pursuant to court order and under the authority of RCW 10.77.060. This report has been released only to Ms. Michelle Ahrens, attorney for the defendant, and is intended for her use only. Any other use of this report is not authorized by the undersigned.

REASON FOR REFERRAL

Pursuant to Clallam County Superior Court order dated 12/22/10, I re-examined the above named defendant. Defendant's attorney requested this second evaluation due to concerns defendant had seriously decompensated following his return from evaluation and restoration to stability at Western Washington State Hospital. As in the initial evaluation of 7/27/10, defendant's attorney requested that this evaluation address the following:

- Diagnosis of the defendant's mental condition;
- An opinion as to the defendant's competency to understand the nature of the proceedings against him and to assist in his own defense;
- An opinion regarding the defendant's sanity at the time of the alleged offense.

Mr. Vines is charged with Attempting to Elude Pursuing Police Officer (RCW 46.61.024), Reckless Driving (RCW 46.61.500), and Driving While License Suspended (RCW 46.20.342(1) (c)). A person is guilty of Attempting to Elude Pursuing Police Officer if s/he willfully fails or refuses to immediately bring his vehicle to a stop and who drives his vehicle in a reckless manner while attempting to elude a pursuing police vehicle, after being given a visual or audible signal to bring the vehicle to a stop. The signal given by the police officer may be by hand, voice, emergency light, or siren. The officer giving such a signal shall be in uniform and the vehicle shall be equipped with lights and sirens. A person is guilty of reckless driving when s/he drives any vehicle in willful or wanton disregard for the safety of persons or property. The requirement that an offense be committed willfully is satisfied if a person acts knowingly with respect to the material elements of the offense.

Available incident reports (Clallam County Sheriff's Department Narrative Report, Incident No. 2010-7952) allege Mr. Vines intentionally eluded a marked law enforcement patrol car with its lights and siren activated after he was observed driving a motor vehicle in a reckless manner with speeds of 65 M.P.H. in a 35 M.P.H. zone. It is alleged that Mr. Vines drove at excessive speeds which caused children to flee the roadway to avoid being struck. It is further alleged Mr. Vines concealed the vehicle behind the residence at 524 El Camino Drive, Sequim, WA, and fled the scene on foot prior to arrival of a law enforcement officer.

SOURCES OF INFORMATION:

- Forensic Psychological Evaluation, J. Nevotti, Ph.D., 7/27/10;
- Certification for Probable Cause, Clallam County Sheriff's Office, 5/14/10, Case No. 2010-7952;
- Clallam County Sheriff's Department Narrative Report, Incident No. 2010-7952, B. Knutson, 5/14/10;
- Clallam County Sheriff's Department Supplemental Report, Incident No. 2010-7952, B. Cannon, 5/13/10;
- Criminal History documents: Defendant Case History (DCH) 5/20/10;
- Medical Records, Olympic Medical Center (OMC), 8/30/89 to 2/01/10;
- Intake Evaluation, Peninsula Community Mental Health Center (PCMHC), 2/12/04;
- Forensic Psychological Evaluation, Western State Hospital, G. Galiardi, Ph.D., 12/09/10;
- *Neurobehavioral Cognitive Status Examination* (Cognistat);
- *Wechsler Memory Scale-Revised* (WMS-R);
- Interview and mental status examinations of Mr. Vines, 7/19/10 and 12/29/10, conducted by Dr. Nevotti (3.25 hours).

NOTIFICATION OF RIGHTS

Prior to my interview with Mr. Vines I presented him with a written Informed Consent agreement. He indicated he had difficulty reading so I read the agreement out loud to him. Mr. Vines indicated he understood it and had no questions. The agreement stated the purpose of the evaluation and that this evaluation was not confidential. He was advised that a report of my findings would be forwarded to his attorney for use in his case, and that my report may contain recommendations concerning further assessment

or treatment. He was informed that if I am called upon to testify, the findings of this evaluation and all supporting materials may be subpoenaed for examination by the opposing attorney, and that I am required by law to respond to questions regarding my evaluation of him and my findings. He was advised that my role was solely limited to assessment and evaluation; that no treatment or therapy was being offered or implied. He was advised that he could have an attorney present, and that he could decline to answer questions. Mr. Vines agreed to participate in the evaluation, and he signed the Informed Consent agreement.

ASSESSMENT¹

Interview & Document Review—During my 12/29/10 interview with Mr. Vines, this evaluator read the contents of my 7/27/10 report to him, and solicited his opinions about what was read to determine the veracity of that report. Mr. Vines agreed with all the facts and conclusions contained in my first report with one exception. In the section titled *Defendant's Understanding of the Nature of the Proceedings Against Him*, Mr. Vines now denies the quotation contained in that section that reads: "If he had turned on his lights and siren I would have stopped." During the 12/29/10 interview Mr. Vines stated "I don't think I could have stopped; I was scared to death beyond belief." It should be noted Mr. Vines made this change of his own volition, without any input or prompting from this evaluator whatsoever.

Current Mental Status Examination—The results of the current mental status examination of Mr. Vines, conducted 12/29/10, revealed a man who is much improved. He was again interviewed in the Clallam County Correctional Facility wearing standard prison-issue clothing. His grooming and hygiene were marginal. He was cooperative, he maintained eye contact, and he was ~~appropriately assertive~~. Mr. Vines presented as calm and stable, his demeanor was purposive and cheerful, and he displayed no emotional lability. He reported his mood was about a "6" on a 10 point scale, and his affect was within normal limits. The volume and rate of Mr. Vines' speech was within normal limits, and his ability to communicate was adequate. He was alert and oriented to person, place and time. Mr. Vines continued to show signs of a thought disorder. Specifically, he displayed symptoms of circumstantiality (i.e. overinclusion of trivial or irrelevant details that impede the sense of getting to the point), derailment (i.e. breakdown in both the logical connection between ideas and the overall sense of goal-directedness); flight of ideas (i.e. thinking that abruptly moves from idea to idea), and tangentiality (i.e. tendency to give replies that are appropriate to the general topic without actually answering the question). Moreover, Mr. Vines' thought content showed definite symptoms of delusional thinking (i.e. fixed, false beliefs not shared by others) of a paranoid nature. He denied any hallucinations or thoughts of hurting himself or others.

ANALYSIS & CONCLUSIONS

Ms. Ahrens has requested an evaluation of Mr. Vines to address the following questions:

¹ Please refer to my 7/27/10 report of Mr. Vines. The facts, opinions, conclusions and recommendations presented in that report remain unchanged except as noted in this report.

Question 1: What is the defendant's current mental status? Using diagnostic criteria established by the American Psychiatric Association (i.e. *Diagnostic and Statistical Manual of Mental Disorders, DSM-IV-TR*), the standard diagnostic reference used by mental health professionals in North America, I have rendered the following diagnosis of Mr. Vines' current mental status:

Axis I 297.1 Delusional Disorder, Paranoid Type
 309.81 Posttraumatic Stress Disorder
 308.4 Poly-Substance Dependence
 V71.01 Adult Anti-Social Behavior

Axis II V71.09 No Diagnosis on Axis II

Question 2: Is the defendant competent to stand trial? Yes. The conclusion stated in my report of 7/27/10 remains valid. During my second evaluation of Mr. Vines I found no evidence that would lead me to change my initial opinion regarding his competency to proceed to adjudication.

Question 3: Was the defendant sane at the time of the alleged offense? No. As discussed in the report of 7/27/10, he has a long history of paranoid delusions that have seriously impaired his reality testing and distorted his behavior for a number of years. He believes there is a local group of satanic worshipers who are out to get him; that members of the police force and CPS workers are part of this group; that he is "the victim of unrighteous plots to destroy me and murder me;" and that these activities have been on-going for at least the past 15 years. Mr. Vines believes "the cops have a conspiracy to kill me;" and the police "want me in prison and shut away."

In addition to Mr. Vines' Delusional Disorder:

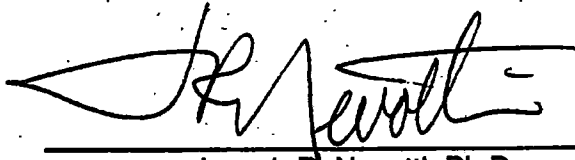
- He suffers from chronic PTSD which leads to panic attacks, high levels of anxiety, and flashbacks that further distort his thinking and exacerbate his emotional distress;
- There is substantial objective evidence that he experiences significant cognitive problems in the areas of attention, language comprehension and memory, and that he has difficulty remaining free from distractions that affect his memory and thought processes;
- He has a long history of substance abuse, and it is reasonable to assume the possibility that Mr. Vines was under the influence of drugs and/or alcohol at the time of the alleged offense.

As the direct result of his delusional thought process and other serious mental disorders he was experiencing at the time of the alleged offense, Mr. Vines believed that the police officer involved in the alleged offense was part of a group of Satan worshipers, and that he was "scared to death [of that officer] beyond belief and couldn't stop." Therefore, pursuant to RCW 9A.12.010, it is reasonable to conclude that, at the time of the alleged offense, Mr. Vines was unable to perceive the nature and quality of the act

with which he is charged; or (b) he was unable to tell right from wrong with reference to the particular act charged because of his severe mental disorders.

This evaluation is now complete. Thank you for allowing me to be of service to the Court and the *People of Clallam* County through my evaluation of Mr. Vines. Please feel free to contact me if further information or clarification is needed.

Respectfully submitted:



Joseph R. Nevotti, Ph.D.
Psychologist

Washington State License: PY 60043174

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