

COUNTY OF WAYNE  
DEPARTMENT OF MENTAL HYGIENE  
WAYNE BEHAVIORAL HEALTH NETWORK

AHR 704 (4-78)

State of New York  
(OMH - OMR & DD)\*

**EXAMINATION REPORT  
(C.P.L. Article 730)**

STATE OF NEW YORK  
LYONS VILLAGE COURT  
COUNTY OF WAYNE

THE PEOPLE OF THE STATE OF NEW YORK  
VS  
John Murtari  
DEFENDANT

EXAMINATION REPORT  
Docket No.  
Indictment No.  
Information No.  
Charge: Making Graffiti

in violation of §

I, the undersigned, duly certified pursuant to law as a certified psychologist, having been designated by James Haitz, LCSW-R, Director of Community Services for Wayne County, pursuant to an order signed by Hon. Nicholas Forgione, Judge, Lyons Village Court, Wayne County, dated 11/23/09, to examine the above-named defendant, pursuant to Article 730 of the Criminal Procedure Law, to determine if the defendant is an incapacitated defendant, have conducted such examination with due care and diligence.

The nature and extent of the examination was as follows:

Clinical interview, Review of records

I have come to the following opinion as a result of such examination:

*(NOTE TO EXAMINER: If the following paragraph sets forth the opinion of the examiner, sign the report where indicated below and do not complete Page 2. Otherwise, strike out the following paragraph, complete fully the remainder of this report and sign on Page 2.)*

It is my opinion that the above-named defendant does not as a result of mental disease or defect lack capacity to understand the proceedings against him or to assist in his defense.

SIGNATURE: Mark Reynolds, PhD  
Certified Psychologist

DATED: 12/8/09

Print Name Signed: Mark Reynolds, PhD

\*Office of Mental Health - Office of Mental Retardation and Developmental Disabilities

COUNTY OF WAYNE  
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James M. Haitz, LCSW-R  
 Director of Community Services

• ADULT CLINIC  
 • ADULT CASE MANAGEMENT  
 Stacey Welch, LCSW - Acting

• CHILDREN & YOUTH CLINIC  
 • C&Y CASE MANAGEMENT  
 • SCHOOL BASED CLINICS  
 • ADDICTION SERVICES  
 Deborah Hall, LCSW-R

• CONTINUING DAY TREATMENT  
 • CLUB REHABILITATION SERVICES  
 Patricia McKinny, LMHC

• SUPERVISING SOCIAL WORKER  
 Stacey Welch, LCSW

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 A. MA, MA  
 .C017

PLANCE OFFICER  
 d Hunt, Jr.

CHIATRIC &  
 EDICAL SERVICES  
 Royle Miralles, MD  
 Psychiatrist & Medical Director

• PSYCHOLOGICAL SERVICES  
 • FORENSIC SERVICES  
 • SINGLE POINT OF ACCESS  
 • FAMILY PRESERVATION TEAM  
 Mark Reynolds, Ph.D.

Psychological Evaluation Report  
 C.P.L. Article 730

NAME: John Murtari

DOB: 10/2/56

DATE OF EVALUATION: 12/2/09

**REFERRAL INFORMATION**

Mr. Murtari was evaluated in response to an "order for psychiatric examination" signed on 11/23/09 by Hon. Nicholas Forgione, Judge of Lyons Village Court.

**BACKGROUND AND OBSERVATIONS**

At the time of the present evaluation, Mr. Murtari was made aware, and exhibited understanding, of the purpose and intended use of the evaluation, limits on confidentiality, and his right to have counsel present. Mr. Murtari was interviewed at WBHN.

WBHN records indicate that Mr. Murtari was incarcerated at the Wayne County Jail in late 2008 and at that time, he also refused to eat temporarily. He was evaluated by mental health staff, but he wasn't found to be suffering from mental disorder.

Mr. Murtari presented with appropriate dress and hygiene. He was alert and fully oriented. His thoughts were organized. Speech was normal in rhythm and rate. He didn't appear to be responding to internal stimuli and he denied perceptual disturbance. He was cooperative and maintained good eye contact. Informally, he appeared to be of at least average intelligence. His mood was euthymic and affect was congruent. He displayed a good sense of humor. He denied any thoughts about harming self or others, or any history of attempts at such. Mr. Murtari denied being subject to excessive sadness, anxiety, or anger. He reported healthy patterns of sleep, appetite, and energy. He reported that he enjoys cooking and that he has been eating in a healthy manner since his release from jail. Mr. Murtari reported that he enjoys a number of supportive relationships. He denied substance abuse.

Mr. Murtari reported that he was raised as an only child by his biological parents in Lyons. He denied a family history of substance abuse and reported that one aunt may have experienced some paranoia. He gave a positive view of childhood and didn't report having been abused or neglected. He described school in a positive manner and reported that he holds an M.A. in computer science and also studied philosophy. Mr. Murtari reported that he owns his own business that provides web site hosting. He stated, though, that not having a driver's license has impeded his ability to run his business.

Mr. Murtari reported that he was married in 1987 and divorced in 1997. He stated that he has one child, sixteen-year-old Dominic. He stated that following the divorce, Dominic resided with his ex-wife and had visits with him. He stated that once his ex-wife and son moved to Colorado in 1998, it became more difficult to keep the visits, but he did so, often traveling to Colorado. He noted that he was able to work his schedule around these visits due to owning his own business. He described a very close relationship with his son and stated that he feels fortunate to have the level of contact with Dominic that he does. Mr. Murtari noted, however, that his driver's license was suspended for failure to pay child support. He related that he took issue with the manner in which the Court handled the issues within his family and thus he became politically active in this regard. He stated that he started a group related to parenting rights and that he has communicated his message in a nonviolent manner, thus the refusal to eat for a period of time while incarcerated and his practice of using chalk to write politically-based messages on sidewalks. He stated that the messages simply ask political leaders to pursue family rights issues and that he has made no threats of harm to others. He stated that he behaves in a uniformly polite manner during political demonstrations and Court appearances related to his political activity.

Mr. Murtari reported that he was recently charged with making graffiti. He was aware of the consequences of his charge. He reported having made appearances in Court several times in the past related to his political activity and he noted that he has had a very good attorney in the past. He also stated that he has represented himself at times. Mr. Murtari was able to provide accurate descriptions of the roles of the officers of the Court. He was able to describe a plea bargain as well as a number of rights that a defendant may exercise during a Court appearance.

Given the information available from a review of WBHN records and an interview with Mr. Murtari, he doesn't appear to be suffering from mental disorder at the present time. He denied substance abuse. Thus no recommendations for treatment are made. Mr. Murtari should be considered competent and able to assist in the development of a rational defense.