



## ***Psychiatric Security Review Board***

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DOUGLAS A. DUCEY, GOVERNOR  
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[www.azdhs.gov/psrb](http://www.azdhs.gov/psrb)

# **ARIZONA STATE PSYCHIATRIC SECURITY REVIEW BOARD OPEN SESSION MINUTES**

**October 26, 2018**

**PSRB Hearing Room  
2500 E. Van Buren St.  
Phoenix, AZ 85008**

### Members:

James P. Clark, M.D., Chairperson  
Chandrika Shankar, M.D., Vice-Chairperson   
Susan Stevens, Esq.  
Paul O'Connell  
Michael J. Klemens, Ph.D.

 Absent

### Assistant Attorney General:

Thomas Raine, Esq., for the Psychiatric Security Review Board

### Staff:

Jaime L. Shapiro, Executive Director

### Guests Present and/or Participating:

Aaron Nelson, ASH	Erin Cohen, Esq., Assistant Attorney General, ASH
Andrei Grigorogita, ASH	Jamie Ramirez, Pinal County Public Defender's Office
Anna Branson	Jandely Eich, ASH
Brandi Howard, AHCCCS	Julie Rogers 
Brian Beckette, La-Fontera-EMPACT	Katrina Lepthian, ASH
Cindy Hostetter, AHCCCS	Kennedy Klagge, Esq., Yavapai County Public Defender's Office
Clayton Mathiesen	Krista Kipp, ASH
Cole Arigoni, Mercy Care	
Cyndi Froehlich, ASH	
Diane Wagner, ASH	

Lydia Pedrego, Maricopa County Public  
Fiduciary  
Michael Kielsky, Udall Shumway, PLC  
Nicole Floyd, ASH  
Nicole Sagman, ASH  
Stacey Heard, Esq., Pinal County Attorney's  
Office

Stefanie Jones-Campbell, Esq., Pinal County  
Public Defender's Office  
Stephen Morris, M.D., ASH  
Stevie Willis, La Forntera-EMPACT  
Stevy Ustace, ASH  
Susan Eazer, Esq., Yavapai County  
Attorney's Office ☎

☎ Participated by Telephone

### **Call To Order:**

James Clark called the meeting to order at 1:03 p.m. and read the Executive Session Confidentiality Statement:

“Minutes of and discussions made in executive session are required by law to be kept confidential and shall not be communicated to any person outside this meeting room, except to members of the Board, a person who is the subject of the discussion pursuant to Arizona Revised Statutes (A.R.S.) § 38-431.03(A)(1), the auditor general in connection with an audit authorized by law, and the attorney general.”

Dr. Clark swore in individuals who anticipated testifying.

### **Statutory Hearings:**

#### **Peter Rice Sherman – PSRB No. 10-03**

Peter Sherman was present with his attorney, Stefanie Jones-Campbell. The statutory hearing was held from 1:06 p.m. to 1:15 p.m. pursuant to A.R.S. § 13-3994(H) and 31-502(A)(5). ASH recommended a reduction in conditional release privileges to phase one, level two.

Dr. Clark summarized that Mr. Sherman violated his surveillance grid while on an off-grounds pass with a pass supervisor. Ms. Jones-Campbell requested that the hearing be continued to January so she and Mr. Sherman could meet with the treatment team to devise a plan to help Mr. Sherman. ASH did not object to the continuance.

Clayton Mathiesen testified that he was Mr. Sherman's off-grounds pass supervisor during the incident and was not aware that Ms. Sherman was prohibited from going anywhere not in the prescribed surveillance grid. Dr. Clark asked what type of education Mr. Mathiesen was provided as a pass supervisor. Mr. Mathiesen said there was nothing more than what Mr.

Sherman told him. Ms. Cohen clarified that someone from the ASH treatment team reviewed the applicable policy with Mr. Mathiesen, but he had no recollection of that.

A motion was made by Susan Stevens, seconded by Paul O'Connell, and passed 4 – 0 to continue the matter until January of 2019.

**Jamarall Jordan – PSRB No. 04-01**

Jamarall Jordan was present with his attorney, John W. Blischak. The statutory hearing was held from 1:16 p.m. to 1:19 p.m. pursuant to A.R.S. § 13-3994(H). Mr. Jordan requested permission to travel out-of-state.

After discussion, a motion was made by Michael Klemens, seconded by Susan Stevens, and passed 4 – 0 to grant Mr. Jordan permission to travel out-of-state as outlined in the report and for him to submit a urine drug screen upon his return from both trips.

**John Michael Lewis, Jr. – PSRB No. 08-04**

John Lewis was present with his attorney, Timothy J. Eckstein. The statutory hearing was held from 1:20 p.m. to 1:24 p.m. pursuant to A.R.S. § 13-3994(J). The PSRB's jurisdiction ends November 28, 2018; the outpatient treatment team recommended expiration with no further action.

Mr. Eckstein urged the Board to follow Amadu Konteh's recommendation.

After discussion, a motion was made by Susan Stevens, seconded by Paul O'Connell, and passed 4 – 0 to allow its jurisdiction over John Lewis to expire without ordering the County Attorney to initiate civil commitment proceedings based on the evidence presented.

**Jorge Garcia Aceves – PSRB No. 17-01**

Jorge Garcia was present and his attorney was not. The statutory hearing was held from 1:25 p.m. to 1:30 p.m. pursuant to A.R.S. § 13-3994(H). This was an initial hearing and there was no recommendation.

Mr. Aceves' attorney was not present and the Board took a break so Board staff could phone the attorney.

*The PSRB took a break from 1:26 p.m. to 1:28 p.m.*

After the break, Ms. Shapiro stated that the public defender previously assigned to the case was no longer Mr. Aceves' attorney and recommended a continuance so she could petition the sentencing court for a new appointment.

A motion was made by Paul O'Connell, seconded by Michael Klemens, and passed 4 – 0 to continue the matter to December of 2018.

**Cuauhtémoc Aguilla Carrasco – PSRB No. 12-13**

Cuauhtémoc Carrasco was present with his attorney, John W. Blischak. The statutory hearing was held from 1:31 p.m. to 1:33 p.m. pursuant to A.R.S. § 13-3994(H). This was a two-year hearing and ASH recommended no change in status.

Dr. Clark stated that Mr. Carrasco is currently on phase two, level three of conditional release which entails off Hospital grounds passes with pass supervisors.

A motion was made by Paul O'Connell to deny conditional release for Cuauhtémoc Carrasco based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Carrasco did not prove by clear and convincing evidence that he no longer suffers from a mental disease or defect, that the mental disease or defect is in stable remission and that he is no longer dangerous. Cuauhtémoc Carrasco shall remain committed to the Arizona State Hospital.

After discussion, Mr. O'Connell withdrew the motion.

A motion was made by Paul O'Connell, seconded by Susan Stevens, and passed 4 – 0 for no change in status.

**Robin Louise Hill – PSRB No. 15-04**

Robin Hill was present with her attorney, John W. Blischak. The statutory hearing was held from 1:34 p.m. to 1:38 p.m. pursuant to A.R.S. § 13-3994(J). The PSRB's jurisdiction ends on November 22, 2018 and ASH recommended a court-ordered evaluation for civil commitment.

Mr. Blischak explained that Ms. Hill will go to a group home in Tucson.

After discussion, a motion was made by Susan Stevens, seconded by Paul O'Connell, and passed 4 – 0 to order the Pima County Attorney to initiate civil commitment proceedings for Robin Hill pending the expiration of the PSRB's jurisdiction based on the evidence presented by the Arizona State Hospital's treatment team, and that the Arizona State Hospital's

treatment team be allowed to conditionally release Ms. Hill to the custody of an appropriate law enforcement agency for transportation up to five days prior to the PSRB's jurisdiction expiration date.

**Ronald Craig Mueller – PSRB No. 06-05**

Ronald Mueller was present with his attorney, John W. Blischak. The statutory hearing was held from 1:39 p.m. to 1:49 p.m. pursuant to A.R.S. § 13-3994(H). This was a two-year hearing and there was no recommendation.

Dr. Clark pointed out that Mr. Mueller had recently been appointed a guardian upon a court's finding of clear and convincing evidence of incapacitation. Lydia Pedrego from the Maricopa County Public Fiduciary's Office was present and sworn in. Ms. Pedrego testified that she is working to get Mr. Mueller approved for Arizona Long Term Care System (ALTCS) so that he may be placed in a long-term care facility. Steven Dingle stated that when an appropriate facility is identified, ASH will present Mr. Mueller to the PSRB for conditional release to the community for discharge to that placement.

Mr. Blischak requested that the Board continue the hearing until a placement is identified. The Board agreed that a continuance is not necessary based on the process as explained by Dr. Dingle.

A motion was made by Michael Klemens, seconded by Susan Stevens, and passed 4 – 0 to deny the motion to continue.

A motion was made by James Clark, seconded by Paul O'Connell, and passed 4 – 0 to deny conditional release for Ronald Mueller based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Mueller did not prove by clear and convincing evidence that he no longer suffers from a mental disease or defect, that the mental disease or defect is in stable remission, and that he is no longer dangerous. Ronald Mueller shall remain committed to the Arizona State Hospital.

**Cuauhtémoc Aguilla Carrasco – PSRB No. 12-13**

Cuauhtémoc Carrasco's attorney, John W. Blischak, asked for Mr. Carrasco's matter to be reopened and waived Mr. Carrasco's presence. The hearing was held from 1:50 p.m. to 1:52 p.m. Ms. Pedrego wished to address the PSRB regarding the Maricopa County Public Fiduciary's recent appointment as his guardian.

Ms. Pedrego notified the PSRB that Mr. Carrasco has received ALTCS eligibility and hopes that he will be stable enough to be discharged to a long-term care facility.

**Ronald Michael Motisko – PSRB No. 14-01**

Ronald Motisko was present with his attorney, John W. Blischak. The statutory hearing was held from 1:53 p.m. to 2:23 p.m. pursuant to A.R.S. § 13-3994(H). ASH recommended conditional release to ASH, phase one, level two.

Ms. Stevens shared that the report to the PSRB does not indicate whether Mr. Motisko's mental disease or defect is in stable remission and asked for clarification.

A motion was made by Susan Stevens, seconded by James Clark, and passed 4 – 0 to recess into executive session at 1:55 p.m. to discuss confidential information pursuant to A.R.S. § 38-431.03(A)(2).

After discussion in executive session, the Board reconvened in open session at 2:08 p.m.

In open session, a motion was made by James Clark, seconded by Susan Stevens, and passed 4 – 0 to recess into executive session at 2:09 p.m. to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

After discussion in executive session, the Board reconvened in open session at 2:14 p.m.

In open session, Dr. Dingle stated that the most recent report to the PSRB on Mr. Motisko falls short of opining that he is in stable remission and thus, ASH administration cannot support the recommendation for conditional release.

A motion was made by James Clark that the PSRB deny conditional release for Ronald Motisko based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Motisko did not prove to the SCC by clear and convincing evidence that he no longer suffers from a mental disease or defect, that the mental disease or defect is in stable remission, however Mr. Motisko is longer dangerous in light of phase one, level one of conditional release. Mr. Motisko shall remain committed to the Arizona State Hospital on conditional release, phase one, level one.

Mr. Raine asked Dr. Clark if he would amend his motion to be “did not prove to this Board” in lieu of “did not prove to the SCC”.

Dr. Clark amended his motion to read “did not prove to the SCC and the PSRB” and Susan Stevens seconded.

After discussion, Dr. Clark amended his motion to strike “SCC” from the motion.

Discussion was held about A.R.S. § 13-3994(F)(3). Susan Stevens seconded the amended motion and it passed 4 – 0.

**Jean Alutaya Cataline – PSRB No. 14-12**

Jean Cataline was not present and her attorney, John W. Blischak, waived her presence. The statutory hearing was held from 2:24 p.m. to 2:28 p.m. pursuant to A.R.S. § 13-3994(H). The two-year hearing was continued from August and September and there was no recommendation at that time.

Julie Rogers, lawful representative of the victim, was teleconferenced into the hearing. After discussion, Mr. Blischak waived Ms. Cataline's presence.

A motion was made by Susan Stevens, seconded by Paul O'Connell, and passed 4 – 0 to deny conditional release for Jean Cataline based on the evidence presented by the Arizona State Hospital's treatment team, that Ms. Cataline did not prove by clear and convincing evidence that she no longer suffers from a mental disease or defect, that the mental disease or defect is in stable remission and that she is no longer dangerous. Jean Cataline shall remain committed to the Arizona State Hospital.

*The PSRB took a break from 2:29 p.m. to 2:31 p.m.*

**Patrick Michael Williams – PSRB No. 12-17**

Patrick Williams was present with his attorney, Kennedy Klagge. The statutory hearing was held from 2:32 p.m. to 2:35 p.m. pursuant to A.R.S. § 13-3994(H). This was a two-year hearing and there was no recommendation at that time.

Susan Eazer, Yavapai Deputy County Attorney, was teleconferenced into the hearing. Kennedy Klagge stated that Mr. Williams takes no objection to the report and is working toward phase one of conditional release. Ms. Eazer added that the State concurs with the Hospital's recommendation that there be no change in Mr. Williams' status.

A motion was made by Michael Klemens, seconded by Paul O'Connell, and passed 4 – 0 to deny conditional release for Patrick Williams based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Williams did not prove by clear and convincing evidence that he no longer suffers from a mental disease or defect, that the mental disease or defect is in stable remission and that he is no longer dangerous. Patrick Williams shall remain committed to the Arizona State Hospital.

**Carter Stewart Katchen – PSRB No. 14-15**

Carter Katchen was present with his attorney, Kennedy Klagge. The statutory hearing was held from 2:36 p.m. to 2:44 p.m. pursuant to A.R.S. § 13-3994(H). This was a two-year hearing and there was no recommendation.

Ms. Klagge stated that Mr. Katchen is continuing to work with his treatment team to determine the best course to move toward conditional release, and he is pleased at the progress he has made.

A motion was made by Michael Klemens, seconded by Susan Stevens, and passed 4 – 0 to recess into executive session at 2:37 p.m. to discuss confidential information pursuant to A.R.S. § 38-431.03(A)(2).

After discussion in executive session, the Board reconvened in open session at 2:43 p.m.

In open session, a motion was made by Susan Stevens, seconded by Paul O’Connell and passed 4 – 0 to deny conditional release for Carter Katchen based on the evidence presented by the Arizona State Hospital’s treatment team, that Mr. Katchen did not prove by clear and convincing evidence that he no longer suffers from a mental disease or defect, that the mental disease or defect is in stable remission and that he is no longer dangerous. Carter Katchen shall remain committed to the Arizona State Hospital.

**Call to the Public**

Dr. Dingle asked the Board if he could address a topic unrelated to an agenda item. After discussion, Mr. Raine said it would be okay for the Board to listen to a public comment, but Board members may not respond.

Dr. Dingle informed the PSRB that he has been stressing to the treatment teams that the statute calls for clinical stability and non-dangerousness. He went on to describe internal ASH discussions where he has directed the treatment teams to view the process as one standard of clinical stability for all levels of conditional release to ensure that those processes are vetted in ever-less restrictive settings without consideration for the specific levels of privileges. The Board will see this reflected in psychological reports moving forward. He explained that the reason for this is, for example, if someone goes absent without official leave (AWOL) or goes “off-grid”, it’s a safer position for ASH to be very clear and therefore risk assessments will address more specifically what those limitations may or may not be.

**Discussion, Consideration and Possible Action Related to:**

Review and approval of the 2019 regular meeting schedule:

After discussion, a motion was made by James Clark, seconded by Michael Klemens, and passed 4 – 0 to approve the draft 2019 regular Board meeting schedule.

Verbal update from the Executive Director regarding the sixteen-hour outpatient residential facility staff knowing the whereabouts of GEI individuals at all times:

Jaime Shapiro stated that there is one individual in the community whose order of conditional release contains the language in question. Cole Arigoni reiterated that the only type of facility that would be able to fulfill this provision is a 24-hour facility. The Board members directed Ms. Shapiro to place the person on the next available agenda for a hearing on this matter.

**Discussion, Amendment and Approval of Minutes:**

Open session minutes from the September 28, 2018, meeting:

After discussion, a motion was made by James Clark, seconded by Paul O’Connell, and passed 3 – 0 – 1 to approve the open session minutes from the September 28, 2018, meeting, as amended.

*Michael Klemens abstained.*

Executive session minutes from the August 31, 2018, meeting:

After discussion, motion was made by James Clark, seconded by Susan Stevens, and passed 3 – 0 – 1 to approve the executive session minutes from the September 28, 2018, meeting, as amended.

*Michael Klemens abstained.*

**Adjournment:**

The Board meeting was adjourned at 3:00 p.m.