

Victim's Impact Statement

State v. Long, CR 2004-00659

I am forced to take a few moments of your honor's time to express my concerns and thoughts regarding probationer Patricia Long and the choices confronting the Court. I saw your interview with DA Brandenburg and I realize you consider such information critical to your decision making process and I understand you face tough choices with Probationer Long

Summary

- Mr. Shook's description of Probationer Long is in character with her actions over the last five years.
- Mr. Shook's report also paints a picture of actions taken on the part of healthcare providers and supervisors that borders on unbelievability or irresponsibility. Specifically, Mr. Shook outlines seven incidents within a few weeks where providers acted in complete disregard of probationer Long's actions and health needs.
- Although Mr. Shook recommends civil commitment to Las Vegas for Probationer Long, he fails to discuss her time spent there during April of this year and how circumstance now make this a viable alternative.
- Within a few weeks of her release from Las Vegas in May, Petitioner Long returned to the harassment and endangerment of the victim by again filing false charges of domestic violence against the victim in this criminal case, abet at the direction of Mr. Shook. This incident also raises questions about the quality of care and the environment at the Dismas House.
- The victim in this case sought and obtained an order of protection against the Joseph Sanders, mentioned in Mr. Shook's report, in November of 2005 for fronting himself as a hit man against the victim of Probationer Long's case.
- The qualification of Probationer Long in Mr. Shook's report as a danger to the community combined with the relationship with Mr. Sanders supports my belief that neither the children or I are safe while Petitioner Long is in the community unrehabilitated.
- Given this and the previous failure in Las Vegas, I request the Court return Probationer Long to Grants for a ninety day evaluation in hopes of finding a method of rehabilitation that will address the needs of the community, the victim, and the probationer.

Comments on Probation Report

Mr. Shook, Probationer Long's probation officer, makes his frustration with Long clear. I empathize with his position. I remember John Romero, now a district judge, expressing similar frustrations about Long when he served as our children's Guardian Ad Litem in 2002 and 2003. "Welcome to my world, John" were my thoughts at the time. I express a similar sentiment toward Mr. Shook.

Yet, my long knowledge of Probationer Long and simple common sense raises several questions around Mr. Shook's report.

Taken at face value, the report makes me wonder about Probationer Long's tenure while incarcerated at the Women's Correctional Facility. For the last two years I publicly characterized your honor's initial judgment and sentence as both just and the best opportunity for true rehabilitation by Probationer Long. Just as publicly, I criticized the Department of Corrections for failing to follow your orders -- specifically the two years of treatment your honor stated at the sentencing Probationer Long would require. The Department attempted to release Probationer Long after only a year of incarceration at Grants.

I am now left to wonder, after reading Mr. Shook's report, if Probationer Long proved as difficult at Grants as she subsequently proved in the Albuquerque Community Corrections Program. If true, then the inability of the Department of Corrections to comply with your honor's orders seems understandable, although their attempts to respond to this lack of cooperation by the seeking to discharge Probationer Long remains a mystery.

This then, is the first question -- *Are the actions described by Mr. Shook in his report in character with Probationer Long's behavior while incarcerated at the Women's Correctional Facility?*

If so, then Probationer Long shows an extend history, reaching back to before the date of her arrest, of amoral behavior and acting in complete disregard of the consequences. Mr. Shook's comment "In essence, when Probationer Long fails to get her way, she pouts like a child, and then acts aggressively towards her target at the time" resembles the comment by the physician at the Metropolitan Detention Center in February of 2004 when Probationer Long accused a guard of sexually assaulting her. Dr Yurzy is quoted in the police report as stating Long was a "manipulator and was not mentally ill as she was leading". Mr. Shook's descriptions certainly are in keeping with the action leading to Long's conviction, substitute myself for case manger Wilson.

Honestly, I would not be surprised by either possible answer to my first question. Probationer Long's extensive history makes it perfectly possible her habit of no

cooperation and aggressiveness carried through her entire period under the Department of Corrections.

On the other hand, many of the alleged facts found in Mr. Shooks' report display either a complete disregard for the truth or common sense.

Mr. Shook describes a pattern of treatment or mistreatment that borders on lunacy on the part of the mental health providers involved in Long's case. Simply place the events described in Shook's report in sequence:

1. "Probationer Long had made two or three suicide attempts while in prison". Mr. Shook states all three attempts were the result of overdoses on prescription medicine (I am aware of only one attempt involving prescription drugs). Thus, Probationer Long went into probation with a known history of suicide attempts on prescription drugs.
2. Long is discharged from her first half-way house, Dismas, due to her "overmedicated state". Despite her known history, Long overdoses at Dismas.
3. Long overdosed on prescription drugs the first time after admission to La Posada, despite her history in prison and at Dismas.
4. Long is caught on four different occasions with her prescriptions medications in her room at La Posada. Presumably, this does not include the first or second overdose referenced as point 3.
5. Probationer Long overdoses on prescription drugs, described as anti-depressants, a second time at La Posada and is hospitalized as a result. Shook ends this hospitalization by arresting Probationer Long.

Maybe I simply should have never watched "One Flew Over the Cuckoos' Nest" or "Girl Interrupted". Is this responsible supervision for a patient, probationer or otherwise, actively attempting suicide? Shook describes the history leading up to what appears to be seven incidents within a few weeks.

Besides the lack of professionalism Shook describes in the management of Probationer Long's treatment, there are serious questions about the drugs prescribed. To continue to prescribe tricyclic antidepressants to a patient with a history of overdose borders on attempted murder or assisted suicide. These drugs are the leading cause of death by *accidental* overdose among women Long's age, only a fool continues to prescribe these drugs under the circumstances of poor supervision described by Shook.

During a meeting with Shook's supervisor Angela Gieri on August 23rd, Ms. Geri three separate times described Probationer Long to me as "seriously mentally ill". Ms. Geri's sincerity was such that she convinced me to drop pursuit of why

Long filed for an order of protection against me within a month of her release from Las Vegas,

I also am curious as to Long's focus on only one method of suicide. In the past Long made suicide attempts/gestures utilizing methods other than overdose such as carbon monoxide poisoning (May 2003) and a jump (April 2003). Long's brother committed suicide in 1994 with a firearm. Shook's report seems either horribly incomplete or a description some sort of bizarre game for control between Long and her supervisors.

This series of events articulates in my second question -- *Given the sequence of events described by Mr. Shook, how does the quality of care impact the Court's decision on Probationer Long's future.*

Relevant Facts

I also should convey some relevant facts that the parties may fail to bring to your honor's attention.

First, Shook neglects to mention in his report that Probationer Long was originally released from the Women's Correctional Facility to Las Vegas on April 27th only to be discharged on May 15th. I am curious as to the differing circumstances surrounding Probationer Long Shook believes would result in a civil commitment to Vegas would be different this time.

Second, on June 18, 2007 Probationer Long filed a complaint in Judge Jewell's civil domestic violence court alleging that I had called the Dismas House some six times within a couple of weeks. The case was dismissed in July because Probationer Long refused to participate.

I bring this case up because of the circumstances which led to Probationer Long filing the petition raises additional questions concerning the quality of care. According to the petition, someone from Dismas House named "Sandy" reported these telephone calls to Probationer Long.

During a meeting on August 23rd with Ms. Duran and Ms. Gieri, I raised the following questions about this Sandy:

- Is Sandy a felon?
- Does Sandy always answer the phone at Dismas or only when Long's ex husband allegedly calls?
- What is the relationship between Sandy and Long (good, bad, or ugly)?
- What is Sandy's character?

Ms. Gieri not only stated that she did not know any answers to these questions but admitted that Mr. Shook had instructed Long to file the complaint without the answers to

these questions. Not only did Mr. Shook revictimize the victim, myself, but the State itself placed Probationer Long and I back into conflict.

There is little doubt in my mind that Probationer Long maintains an avatar of the demon 'Stephen' within her mental illness. For this 'Sandy' to utilize this fragility to torment Probationer Long is an indication that the dynamics at Dismas house proved a little more complicated than Mr. Shook reports.

I also wish to inform your honor that Joseph Sanders, mentioned in Shook's report, is the subject of an order of protection I received in November of 2005. Commissioner Sheppard found Mr. Sanders guilty of threatening me as another hit man.

Conclusion

The District Attorney's office always treated this crime as a family's internal burden imposed on the State. I perceive an attitude that the State's protection is only for women and their children, not men and their children. The very first words I heard from my initial Victim's Advocate from the DA's office was an attestation that there were no services available for men.

The truth is that Long managed her mental illness for the sixteen years of our marriage with the support of her family. She proved a contributing member of society as she graduated from college and even taught for a year at La Cueva on a temporary assignment. The mental illness was there and it took effort, but it was not until the very State the DA's office feels we impose on, became involved did Long's mental illness become unmanageable. Only when she surrendered our lives to the State by filing for divorce, did the madness exert itself. The State provided tools for Long to use in expressing the anger Mr. Shook describes -- the Family Court, the civil domestic violence system, victim advocacy groups, CYFD, and dozens of mental health professionals to include the one who characterized me in your honor's court as a rapist based on nothing but Long's representation. Each with an agenda having nothing to do with the specifics of our case, and when Long failed to fulfill their agenda, they withdrew their resources from her. When they finished with her, she turned to the internet and sought a hit man.

The only moment for hope in the last five years arose when your honor, relying on the pre sentence report, drafted a judgment and sentence that offered a chance for rehabilitation.

We do not see a great deal of hope in Las Vegas. It is doubtful they will keep her for any significant length of time as demonstrated in April. This action could lead to a cycle of commitment, release, violation, commitment and so on.

The same may be true for a return to finish her sentence. If the Women's Correction Facility could not rehabilitate the probationer over the last two years, the

Court must consider the likely outcome of incarceration as a simple delay of the inevitable death of the probationer or harm to others.

As stated previously, Mr. Shook paints a picture of the probationer familiar to me as an individual full of anger and most willing to act on this anger. Add to this her willingness to start the cycle of conflict and violence once again by filing a petition for an order of protection within a month of her release from Vegas and I am forced to consider her not only a threat to the community as a whole but a specific threat to the children and myself.

Given these factors, I can only plead with the Court to return to its previous wisdom and send the petitioner back to Grants for another ninety day evaluation. Perhaps they can identify a treatment program or action that can result in rehabilitation.

Reviewing this statement with others, I am forced to spend a few moments addressing my motivation. It is actually pretty simple. One would think that after seven or now possible eight suicide attempts or gestures over the last four years, the children and I would have adjusted to these events. Unfortunately the opposite is true, the long term stress is impacting all of us. I told the children that I would not inform them of future hospitalizations, but I can not help but remember a discussion among the children after their aunt died from breast cancer in 2003. They noted that her son would now have some peace, unlike their relationship with their own mother. And this was a full ten months before the actions leading to Long's arrest.

I just want peace for my children.

Thank you for your time, I will provide a copy of this statement to both the DA and defense counsel.

Stephen A. Avery