

STATE OF COLORADO

COLORADO DEPARTMENT OF HUMAN SERVICES

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December 24, 2001

Honorable Leland Anderson
Judge, 1st Judicial District
100 Jefferson County Parkway
Golden, CO 80401

RE: Defendant: GARTIN, Steve Douglas
CMHIP No.: 84244
Admitted: 11-28-01
District Court of: Jefferson County
Criminal Action No.: 00CR3371, Division 2

Dear Judge Anderson:

The above-named defendant was evaluated by Dr. Henry Tobey through the Colorado Mental Health Institute at Pueblo per your court order.

In compliance with C.R.S. 16-8-106(4), as amended, enclosed are three copies of the report of examination of this defendant.

Sincerely,

Robert L. Hawkins, ACSW
Superintendent
Colorado Mental Health
Institute at Pueblo

RLH:alr

Enclosure

Colorado Office of Attorney General's discovery file were reviewed, detailing the allegations against Mr. Gartin. Documents reviewed included many of Mr. Gartin's court submissions including his: Petition for Redress of Grievance in The Nature of a Private International Administrative Remedy Demand; Notice of Foreign Law – Common Law Pleas; a letter to Judge Anderson Regarding: Sergeant Gerlach & Deputy Neville – Verified Contempt Complaint; other letters or documents submitted to the court, labeled in this case as Exhibits A-3, A-4 A-5, A-6, A-7, A-8, A-9, A-10, A-11, and A-12; Verified Criminal Complaint Pursuant to C.R.S. 18-8-115; Reply to People's Response For Full Disclosure of Grand Jury Information and Demurrer for Lack of Probable Cause Supported by Grand Jury Record; Notice of Standing and Capacity; Mr. Gartin's personal Declaration of Independence; his letter to the Attorney General of the United States, John Ashcroft. Other reviewed documents included Judge Anderson's Orders Re: Basis for Ordering Competency Evaluation; and his Advisement Re: Competency; Reporter's Transcript from Mr. Gartin's court appearance before Judge Anderson on September 10, 2001. Additionally, Mr. Gartin's NCIC records were reviewed. Contact was initiated with defense attorney (advisory counsel), Mr. Daniel Edwards, and prosecuting attorney, Ms. Marlene Langfield.

ALLEGED OFFENSE:

The allegation against Mr. Gartin involves two counts of criminal extortion, in which it is claimed that Mr. Gartin threatened to file liens against the properties of Arabella Bonilla unless she gave him \$10, 000 or permitted him to open a marital arts school on her property. The allegation against Mr. Gartin further charges that he falsely submitted twelve liens against numerous properties in Denver, Jefferson, Gilpin, and Adams Counties, claiming that he was owed money for services rendered in connection with these properties. Many of these liens were submitted against property owned by Ms. Bonilla. One count of computer crime is also alleged against Mr. Gartin, claiming that he had used a computer in the commission of other crimes (generating the twelve fraudulent liens). Mr. Gartin is accused of unlawfully trying to influence a public servant. It is claimed that he threatened economic reprisal against the Attorney General investigator, Gary Coleman, who had previously participated in Mr. Gartin's arrest. Mr. Gartin demanded that Mr. Clyman return property that had been seized during the arrest and that failure to return that property would result in a \$50,000 per day penalty. The final allegation against Mr. Gartin is that he carried a concealed weapon, specifically a knife.

The specific claims that Mr. Gartin made in his Claim of Lien forms against Ms. Bonilla is that he had provided as professional services " high risk security operation and training, high-risk security services, state of the art web design, advanced sales training, trade show training, and good will introductions in specialty interest areas, security-dog

obedience training, Research and development specialty services, Management and Administration, databases management, Bonilla Services, Inc office management and secretarial services, vicious dog secure kenneling services, property management, videographic services," plus labor and materials. Also listed on one of the liens along with the above listed services were 'Mining operations, agricultural services'.

DEFENDANT'S VERSION OF THE OFFENSE:

While Mr. Gartin acknowledges filing the claims of liens, he offers his legal interpretation that the mechanic's liens he filed were not instruments in the specific sense that the charges against him allege he offered a false instrument for recording. He indicates, instead, that such liens become invalid after a certain time unless further action is taken and because he did not take those actions, he did not therefore file the instrument for recording.

Mr. Gartin became familiar with the Bonilla family during the two years that he was a roommate with one of the adult children of Arabella Bonilla. During the time he was in contact with the Bonilla family, he claims he started numerous enterprises with them based on his expertise, including a knife business, a martial arts business, a computer repair business, a real estate business, and a book writing effort. He feels that his liens were justified because he was in reasonable compliance with his contractual commitments. He reports that he finally realized that the Bonilla's were a multi-generational crime family and his business with them came to an end.. Of the other charges, he denies that he committed any computer crime or concealed any weapon, and concerning the charge that he attempted to influence a public servant, he said that he was only submitting a constitutionally protected redress of grievances.

It is apparent from speaking with Mr. Gartin and from reviewing documents he has submitted to the court that the issues which are paramount in importance to Mr. Gartin are not the same issues presented through the charges against him. For one thing, he feels the prosecution has disregarded the existence of the Bonilla's as a multi-generational crime family. More critically, he feels that his life has been endangered by SWAT teams that on numerous occasions came to his home with murderous intent. This endangerment represents to him serious government misconduct. It appears that this is for Mr. Gartin the key issue which needs to be addressed. To a certain extent, he understands how come the government responded to him as they did. He is aware that they knew about his martial arts background, and that in combination with the government's belief that he was an adherent of the Patriot political movement resulted in (from his perspective) an unnecessary presentation of government force. Mr. Gartin during this interview indicated that he dislikes the "Patriot" label, feeling that this

"rubric" has negatively determined how he has been dealt with by the police and how he was portrayed to the Grand Jury. He mentions being especially offended by a comparison of him with the bombers of the Oklahoma City federal building. He strongly disavows any violence. He feels he has been "misconstrued" as a patriot; he only asks that he wants government officials to adhere to the constitution in their dealings with him.

PSYCHIATRIC, SUBSTANCE ABUSE HISTORY:

Mr. Gartin indicates that he has received no mental health treatment of any sort, either sought or forced upon him. Specifically, he indicates that he has not engaged in psychotherapy or other mental health counseling. He has had no psychiatric hospitalization, no outpatient treatment with a psychiatrist, nor have any psychiatric medications ever been prescribed for him.

LEGAL HISTORY:

Mr. Gartin reports that he worked as a traveling salesman for a knife company but had a great amount of his income stolen by the company bookkeeper (who was supposed to deposit his money while he was on the road). In his narrative, he indicates he only learned that a portion of his salary had been stolen after the IRS audited the company and he was given a \$40,000 tax bill on unreported (though stolen) income. This resulted in the IRS placing a lien against his home and creating a huge problem which went on for five years before it was finally resolved.

After Mr. Gartin's divorce, he was charged with violating a no-contact restraining order. His violating behavior, per his report, involved a phone call he placed to his children who were living with his ex-wife and her boyfriend. His conviction on this charge resulted in a one year incarceration in the Jefferson County Detention Center. Other charges in his arrest record include Commercial Sex Pandering, Traffic Offense, Contempt of Court, Failure to Appear, Assault and Menacing, a Weapons Offense, and a Harassment charge.

SOCIAL, EDUCATIONAL, AND EMPLOYMENT HISTORY:

Steve Gartin was born in California and is the only child of parents who divorced when he was only a year old. He was raised by his mother who worked as a professional jazz musician. She traveled frequently and Mr. Gartin estimates that he moved to new

locales, mostly in the western United States, "virtually every month". His mother would frame these frequent moves as a "great adventure" and he agrees with that assessment. His father, a former Marine, worked as an engineer. His step-father was, like his mother, a professional musician and Mr. Gartin's nomadic life continued even after his mother remarried. He estimates that he attended between 30 and 40 schools but still managed to get straight A's. He went to two years of college at Arizona State University but left school during the Vietnam War to join the Coast Guard. As a Seventh Day Adventist, he identified himself as a Conscientious Objector, but he hoped to be trained as medic, a means through which he could serve his country but not violate his religious precepts. Instead he was shipped out to Antarctica on an icebreaker. After finishing his time in the service, he reports going to Alaska as a salesman. It was in Alaska that he began his thirty year interest in Martial Arts. This finally evolved into his crafting his own version of Martial Arts which he has named Kuntao Silat. Mr. Gartin in Kuntao Silat blended the martial art methods of various oriental cultures.

Mr. Gartin reports being involved in a number of different business enterprises. In one of his more successful efforts, he was a "pitch" man for a line of knives and sharpeners; he also developed his own line of knives. He later started an automobile trader magazine; most recently he has worked as a website designer. Mr. Gartin was married and had two children, a boy who is now 12 and a girl who is now 14. He has not seen either of his children for six years. He was divorced in 1995.

MENTAL STATUS EXAMINATION:

The defendant is a 52 year old man who appeared older than his chronological age probably because he wears a foot long beard that is graying in color. Mr. Gartin was pleasant in manner, polite, even jovial throughout the interview. In response to many questions he provided complex, over-elaborated answers. It is apparent that he has a good intelligence and appreciates being able to display that intelligence. Although, Mr. Gartin had wanted this interview witnessed or recorded, once the judge ruled against Mr. Gartin on that issue, Mr. Gartin cooperated without any apparent reluctance.

Mr. Gartin rates his present mood at this time as positive; that was consistent with presentation. His affect appeared bright. His general attitude was optimistic and determined. Mr. Gartin denies all symptoms of mental illness including auditory hallucinations, visual hallucinations, or other perceptual disturbance. He denied any history of affective disturbance of either a depressed or manic nature. Sleep and appetite were reported as normative.

In many of the documents that Mr. Gartin has submitted to the court he expressed his fear that he might be murdered by SWAT teams. He does not present as paranoid in a way which resembles psychotic symptomology. Instead, he displays suspiciousness and wariness, and is quick to interpret as hostile the ways that others, particularly those in law enforcement or the court system, interact with him. His expressed fear of being murdered, as discussed in his court submissions, appear more as a sign of his anger and even as a functional tool in his legal arguments, than as a genuine paranoid fear that his life was endangered.

He holds strong religious ideas, which are somewhat different than typical Christian theological beliefs. Mr. Gartin signals his beliefs in unusual ways in many of legal submissions as he invokes a Hebrew word to help identify himself. His religious beliefs appears to contain the idea that the lost tribes of Israel traveled north and became the Caucasian people and he identifies himself, a Caucasian, as descending from this stock. Despite his private scriptural interpretations, his beliefs do not present as religious delusions. He does appear to hold beliefs of a sort that would suggest he feels God is directing his behaviors in any immediate way or that God has a special mission for him. His religious beliefs do not appear as over-consuming or unusual to the degree which suggests they interfere with his judgment

In formal assessment of mental status, Mr. Gartin demonstrated full orientation, an excellent fund of knowledge, good short term memory, unimpaired capacity for abstract thinking, and appropriate common sense social judgement.

DIAGNOSES:

Axis I:	No diagnosis on this Axis
Axis II:	Narcissistic Personality Disorder with additional Antisocial Traits
Axis III:	Healthy Adult Male

FORENSIC CONSIDERATIONS:

When asked his understanding of competency, Mr. Gartin started by offering a generic definition, "the ability to proceed in any endeavor in an endeavor specific manner."; he then continued by relating the definition to a court of law indicating that it involved understanding the foundations of the law being considered in the specific court. He then enumerated various courts, bankruptcy courts, juvenile courts, criminal courts, among others, and indicated that each court has a jurisdiction based on the law that

supports the court, such that to be competent in any court a person would need to understand the applicable laws of that court including statutory law, case law, the Constitution of Colorado, the Constitution of California (the state in which he used to reside but still claims as his residence), the Constitution of the United States, and the common law from which all these other laws were derived. This evaluator explained that the specific concern of this competency evaluation was considerably narrower, that the issue related to whether he understood the nature of the charges against him, whether he would be able to understand the procedures of a trial, and whether he would be able to work with his advisory counsel to formulate and mount a defense. Mr. Gartin appeared to understand this narrower context of the competency question and was then able to cooperate throughout this evaluation to demonstrate his understandings and capacities.

He was very clear, for instance, in his understandings about all the charges against him and the number of counts of each different charge. He was able to offer cogent, as opposed to grossly disturbed or flagrantly delusional, responses to these charges. His denials of such allegations as carrying a concealed weapon, committing a computer crime, or unlawfully attempting to influence a public servant all had sensible internal structure; which is to say that separate from whether or not the court supports him in his contentions, his presentation of them is reasoned, organized, and absent any of the formal qualities of a thought disorder.

Regarding potential pleas that a defendant might enter, Mr. Gartin attempted to discuss the 36 Common Law pleas that he had previously sent to Judge Anderson in a document dated September 1, 2001. Despite his investment in the content of that document, Mr. Gartin was able to be re-directed to the issue of whether he understands the difference between a guilty plea, a not guilty plea, and a not guilty because of insanity plea. He was able to offer cogent statements about how that latter plea, in particular, does not apply to him. On the related matter of why the judge ordered this Competency Evaluation, Mr. Gartin offered his opinion that it must be obvious to all parties that he is setting up his current case so that it will be followed by a federal suit and that he thinks Judge Anderson is, therefore, overwhelmed by his filings. But, Mr. Gartin reasons, if the present evaluation concludes that he is "just a kook" then the judge could dismiss the allegations that SWAT teams were after him.

Mr. Gartin was then able to appropriately discuss the function and practice of plea bargains, even though he has philosophical dispute with how plea bargains oblige people to perjure themselves in admitting guilt to charges of which they are not guilty. Mr. Gartin was able to sensibly discuss his reasons for not using a defense attorney. He stated that his previous experience using a defense attorney was fully unsatisfactory to him, and while he understood the defense attorney's role in the abstract – to present a defendant in the best possible light before a judge and jury – he believed that he could do

a better job of presenting his side of this case than any attorney since the issue was of critical interest to him but any attorney would have no "vested interest" in his case but instead would only be in it for the money. His position is that people need to take "responsibility for their own defense." Towards that end, he indicated that he has been studying law for ten years, since the conviction in a trial where he did feel he was well represented by a Public defender, which resulted in a year's incarceration. He also offered his opinion that by representing himself, he was able to "operate in the common law" implying that an attorney is bound by case and statutory law. He went on to state that "To challenge jurisdiction, you have to operate In Propria Persona".

When asked about other court personnel and procedures, Mr. Gartin was able to provide ordinary and appropriate responses. He identified the judge's role, for instance as the "arbitrator of the law and of the [trial] procedures". He differentiated between the function of a judge and of the jury, stating that generally the judge decides questions of law while the jury decides questions of fact. Mr. Gartin stated that a prosecuting attorney's responsibility is to "seek justice, to convict the guilty and to exonerate the innocent." Even as he offered that last comment, it was clear that Mr. Gartin understood the adversarial nature of a criminal proceeding. Mr. Gartin appreciated the seriousness of his charges and knew how many years' incarceration he might serve if found guilty on all charges. He explained, though, that he thought he would be found innocent in a trial based on a fair presentation of the facts of the case but additionally he thought his case might not even go to trial because of what he viewed as prosecutor error.

SUMMARY:

Mr. Gartin is charged with twelve counts of offering a false instrument for recording, criminal extortion, computer crime, attempting to influence a public servant, and carrying a concealed weapon. While Mr. Gartin offered explanations that will probably be utilized in his defense, he demonstrated greater interest in the behavior of the police, and feels that their offenses against him are significant. He reports that SWAT teams came to his house with the intent of murdering him. In the opinion of this evaluator these are not paranoid beliefs, as they might initially appear, but instead are statements which express his antipathy towards law enforcement and towards how he has been treated through these legal proceedings. Despite his unusual legal submissions and the difficult procedural impact his submissions have had on the court, it is the opinion of this evaluator that Mr. Gartin has elected on a fully volitional level to engage the court in this manner. His behavior, in other words, has not been manifested out of a major mental illness. That he has acted in ways which have lengthened the legal process is instead a reflection of his personality and not any psychotic mental illness. It could be hypothesized that Mr. Gartin developed his biases based on his past encounters with the

court system such as the difficult time when the IRS placed liens against his property and then time when he was sentenced to a year's incarceration, a guilty finding which he felt was unjustified. These situations undoubtedly served to increase his wariness and lack of trust of attorneys or the court system.

Mr. Gartin, in his words, "is not a kook". By that he means he is not insane or incompetent. He wants to be able to proceed with his case rather than have it sidetracked because of issues relating to his mental status. Despite the difficulties that he may present to the smooth operations of the court, it is apparent that these difficulties arise from volitional choices he makes and not because he lacks understanding of his case or how to formulate a defense.

FORENSIC OPINION:

It is my professional opinion that Mr. Gartin is not presently suffering from a mental disease or defect which renders him incapable of understanding the nature or course of the criminal proceedings against him or of participating or assisting in his defense or cooperating with his defense counsel.

This evaluation's concluding forensic opinion is that Mr. Gartin is currently competent to proceed.

If you have questions about the content or opinions in this evaluation, please contact me at 303-832-3308.



Henry Tobey, Ph.D.
Forensic Psychologist
Consultant to the Institute for Forensic Psychiatry