

STATE OF NEW YORK
SUPREME COURT APPELLATE DIVISION
THIRD JUDICIAL DEPARTMENT
MENTAL HYGIENE LEGAL SERVICE



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March 16, 2006

Karen Patterson, Forensics Committee Chair
Elmira Psychiatric Center
100 Washington Street
Elmira, NY 14901

Re: Kevin Saunders - Retention and Unescorted Furloughs

Dear Ms. Patterson:

I am writing to express my concern and bewilderment about two facets of Kevin Saunder's case. I hope that you can help me understand what has led to what appears to be an undue delay in processing both the retention petition and the application for unescorted furloughs for Kevin.

Taking the retention issue first, the last retention order in this case, issued by Judge Rowley of the Tompkins County Court, expired November 22, 2005. On or about December 15, 2005, you mailed papers to Chemung County Court seeking a one year retention. No petition (Form J) was submitted with these papers. It was my belief that the papers were defective since there was no petition, and that this defect needed to be, and could readily be, fixed. Also, it was my feeling that the retention petition should be filed in Tompkins County Court. Kevin's original criminal charges were handled in that court, as was the recommitment procedure in 2003, and the retention proceeding filed in late 2004. In talking with Assistant Attorney General Carol Cocchiola it was my impression that she agreed that the retention papers should be filed in Tompkins County. But to this date, no new or amending papers have been filed anywhere with respect to the retention issue.

Regarding the issue of unescorted furloughs, I understood that the EPC Hospital Forensics Committee determined at a meeting on December 7, 2005, that it would pursue unescorted furloughs for Kevin. On or about December 15, 2005, you mailed a packet of papers to the state Forensics Services Bureau recommending unescorted furlough privileges for Kevin. The packet contained an affidavit by treating psychiatrist Dr. S. Satti recommending the unescorted

privileges. However, at Kevin's treatment team meeting on March 9, 2006, social worker Colleen Larrison indicated that she had just started the paperwork that she needs to complete in order to make the recommendation of unescorted furloughs to the Forensic's Services Bureau. It isn't clear to me just what became of your application of December 15, or why, three months later, paper work is just being started.

Kevin has been a model patient for a long time now, with no active signs or symptoms of his mental illness. He has been compliant with hospital routines, programs and medications. He uses his escorted furloughs appropriately. Kevin evinces an understanding of his illness, the treatment he needs, and the underlying offense in this case. He is committed to following through with treatment upon his discharge. Kevin owns his home, and has computer skills that will lead to employment after he is discharged. He has operated his own software business, as well, in the past. The treatment team and the Hospital Forensics Committee endorse Kevin's progress.

Any light you could shed on the status of things would be appreciated.

Very truly yours,
Bruce S. Dix, Esq., Director
by

A handwritten signature in cursive script, appearing to read "Kevin Moshier".

Kevin Moshier, Esq.

cc: Richard Wenig, Esq. , MHLS, Binghamton Regional Office
Carol Cocchiola, Esq., AAG, Binghamton
William Benedict, Executive Director, Elmira Psychiatric Center



Sharon Carpinello
Commissioner
New York State
Office of Mental Health

William L. Benedict
Executive Director

Venkata Satti, M.D.
Clinical Director

M. Shawn Rosno
Operations Director

Mark E. Stephany
Administration Director

Frederick Manzella
Quality Director

Pamela Seeley
Nursing Director

April 17, 2006

Nancy M. Joch, Chief Clerk
Tompkins County Court
320 North Tioga Street
Ithaca, New York 14850

Re: Kevin Saunders
CPL 330.20 Patient
Indictment #97-019

Dear Judge John C. Rowley:

The above named individual is currently at the Elmira Psychiatric Center. Recently, December 2005, the Division of Forensic Services submitted an application for a "Retention Order" pursuant to the provisions of subdivision fourteen of CPL 330.20.

During the assembly process, the enclosed documents were inadvertently omitted. More specifically the documents are Form L (Application for a Subsequent Retention Order and Notice of Application), Form M (Subsequent Retention Order), and Affidavit of Services.

I ask that you take whatever actions that you deem appropriate to include the enclosed materials with aforementioned Retention Application. If you should have any questions about this matter, please bring them to my attention.

Sincerely,

Karen Patterson, LCSW
Forensic Coordinator

Enclosures

cc: Kevin Moshier, Esq. - MHLS
Carol Cocchiola, AAG
Hon. Gwen Wilkinson, DA
Dr. Venkata Satti, Clinical Director
Rebecca Briney, Division of Forensic Services
Kevin Saunders w/o enclosures
file

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