

INTV WITH GEORGE BRAUCHLER

Intv:- 06:33:21

How big a case was this for you and your team?

George:-

Well I can't speak for them although I imagine it's similar, this is the biggest case, er I've ever confronted, frankly it's the biggest case I've, I've ever heard of, certainly at the local level and for the state of Colorado there just hasn't been anything like this.

Intv:-

So how much work was involved in just putting the whole case together?

George:- 06:33:41

Oh, my goodness, you can't really, and we didn't try to count all of the hours between what law enforcement did, not just the first responders, but the investigators, the amount of hours spent by our partner agencies at the federal level with the FBI and the ATF and others, er to the other local agencies that helped out. We even had help from agencies in other states, California, Texas; we had help from the Feds all the way out to India.

06:34:09

It's just hard to imagine that number, it's got to be tens of thousands, maybe hundreds of thousands of man hours of work just in terms of pulling off this case, you know, we started jury selection January twentieth of 2015 and we went almost unabated, er through August the seventh, er this case was enormous.

- Intv:- Now unusually in a, a mass shooting like this you actually had a live defendant and he, he wasn't denying he'd done what he did, why was there a need for a trial?
- George:- 06:34:44 To hold this guy accountable, I mean first off. Look, you're right to point out that most of these guys, and they're almost all guys, or don't live past their event, either they take their own lives or the good guys get them. And so it is unusual in this case that we had the shooter and the planner of this mass murder available to hold accountable through our criminal justice system. Now keep in mind I wasn't the district attorney when the crime occurred, I was just a guy who wanted to be the district attorney so I wasn't entitled to know everything that was going on until after I was elected to the office.
- 06:35:17 But what I knew just when I heard that the shooter had been taken alive behind the theatre was this was very likely going to turn into a trial and that trial was very likely going to turn on the issue of mental health.
- Intv:- Do you think it was important then to try and work out why he did this cos there was no question that he'd done it?
- George:- Absolutely, the why is what matters and, and not just to me and not just to this community, but to the victims that lost husbands, wives, sons, daughters, brothers, sisters. These are people who are invested in knowing why was this person ripped out of my life by this guy they'd never met and so yeah, the why was a big deal.
- Intv:- So when you were considering the question of mental illness what were the important questions, the important evidence as far as you were concerned to sift through here?

George:- 06:36:07

A couple things, one, you need to understand that there is street crazy, right? Like where someone does something that we just can't wrap our mind around or that's of such a huge nature like this that people's gut instinct is to say that's so abnormal, that's crazy and you hear people throw that term around a lot. That is not insanity, in our state, in the state of Colorado and the other states that have that defence it's something very different.

06:36:32

And for us, when someone says they're insane and that's why they shouldn't be held accountable for their conduct, they're saying I don't have the ability due to some mental disease or defect to know right from wrong based on societal standards of morality or because of mental disease or defect I can't form the culpable mental state, I can't form the intent to murder after deliberation and so I knew that that was our starting point from an analysis of this.

06:37:00

But the amount of preparation that this guy went through, the clarity of thought that he had about his goal and the fact that he knew that he would be murdering people and that was his intended outcome, everything pointed to the fact that this guy was sane and it wasn't even a close call, that's a different issue than was there mental illness to play. But this guy was sane and every qualified person that touched the case said so.

Intv:-

And of course in the end you won that, but there was some dispute between the psychiatrists involved in the case wasn't there?

George:- 06:37:31

Not between our psychiatrists and when I say ours we didn't actually have psychiatrists we put on the stand at the trial, the court appointed two experts it picked that it thought would be fair and both of those experts who were the only

06:37:52 Board certified in forensic psychiatry experts to testify, both said that this guy was sane and it really wasn't even close. The discrepancy came with the defence's handpicked experts who were not Board certified in forensic fill-in-the-blank anything, they're the ones paid to come up onto the stand and say things that would be beneficial to their client and they did and they said that they thought he was insane and the jury saw right through it.

Intv:- They both saw the defendant quite soon after the shootings occurred, do you not think that carried any weight in terms of their psychiatric evaluation?

George:- 06:38:21 Actually I think it cut against Doctor Woodcock. Remember within four days of this mass murder he is granted access to do an evaluation, a limited evaluation of the shooter here, but it comes with strings and he's willing to have those strings attached to him. He lets the Public Defender's Office tell him the areas he can go into, the areas he can't go into, in fact they require him to have in that cell where he's doing his interview another public defender investigator who ends up actually chiming in during the course of that interview.

06:38:53 So his access I think actually cut against them because of the way that they limit him in the way he was going to do his investigation. Now, er Doctor (UNCLEAR), Doctor Hanlin, they certainly had access to him closer in time than the court appointed experts, but it wasn't right afterwards. And while I think that those things could have been helpful had they had someone who was actually trained to do this and Board certified in forensic psychiatry the Public Defender's Office chose to go a different route.

- Intv:- So putting the question of legal sanity to one side, you obviously, you, you won that question, just what role do you think mental illness actually played in the whole events leading up to the shooting?
- George:- 06:39:36 I think mental illness helped provide some of the basis for his motive. I mean let's be clear with people that are watching this, mental illness and evil are not mutually exclusive, someone can be mentally ill and evil, one doesn't swallow the other.
- Intv:- And you think he was evil?
- George:- I do, I do and he admitted it, those are his words by the way, that term evil, that's not mine, those are words he put in his communications with his ex girlfriend, they're words that he wrote down in his notebook.
- 06:40:06 He knew what he was thinking of doing, what he wanted to do, what he desired to do since he was a young boy was evil, but he kept that at bay, in my opinion, because he thought he had an alternative route to happiness. Now look, if you get the chance to watch dad's testimony or interview dad they're very similar in terms of their affect and their presentation, but here's a kid that grows up and at some point becomes socially stigmatised, right? He, he can't do this, he couldn't sit here and have this conversation, he can't do a presentation in front of a group, but it doesn't matter because he's this super bright student who's able to rely on his smarts to get great grades.
- 06:40:41 He even graduates the University of California Riverside as a honours graduate from this incredibly competitive demanding, um programme and then he gets into the University of Colorado Health Sciences Center. And again,

he has these thoughts, but he's able to keep them at bay because he has a future and you know what that future's going to be? Just like dad he's going to get a PhD and just like dad he's going to find someone to love and in fact he does. He gets a girlfriend in that August September of 2011 timeframe and it's the first girlfriend he's ever had, it's the first intimate, physically intimate relationship that he ever has, but then things start to go wrong, right?

06:41:19

In class he just can't perform the way he's supposed to, in labs where it requires you to interact with others and to seek help and guidance on how to do these different, um formulas and these experiments he can't do it. Whatever his mental illness is keeps him from being able to do that and you know who he blames for it? He blames people because people make him feel inadequate and what he knows is on the inside he's wicked smart and he's clever and he's cute. And if you look at his writings, both to his girlfriend and his emails and even some of his texts he's a normal guy, but when it comes to looking someone in the face or looking at a group and having a conversation he can't do it and it's not going to be his fault for that, he blames them for making him feel that way.

06:42:02

So we get to the end of February, at the end of February he has now gone through two or three rotations in that very competitive neuroscience programme at CU and he's got to get one of these doctors to say I'll marry you for six or seven years for you to get your PhD, if you can't do it no PhD, no future. And within a week of that second of those three doctors saying don't come back here, I'm never going to put you in my lab for a PhD he realises he's going to fail.

06:42:30

His girlfriend dumps him and now he's at a crisis point here, he's not going to end up like dad, he's not going to get that PhD, he's not going to find that woman to love and have that

house with those two kids and the dog. And that's when he turns his sights on this lifelong passion that he's had to kill other people and that's when we see him start to set these things in motion.

Intv:-

And so was that the stage at which he became psychotic?

George:- 06:42:55

No, I don't think he was psychotic even then, I mean in fact I'm not convinced there was a psychosis here. Now if you listen to Doctor (UNCLEAR), the non Board certified, er non forensically trained psychiatrist, she testified that she thought that his psychotic break began as early as January. Well if you look at his conduct from January unabated through when he does this there is nothing that indicates a change in behaviour, only a change in purpose for him.

Intv:-

But don't all of the psychiatrists apart from Doctor Reed agree that there was psychosis?

George:- 06:43:28

Yeah, they all suggest that there is some psychosis involved at some point, but again some of this, because they don't get the chance to interview him right before or right after, it's hard to know when that psychosis, if it exists, begins, I mean.

Intv:-

You don't find that compelling, that, that all but one of the psychiatrists who looked at all the evidence thought he was psychotic, he was deluded?

George:- 06:43:48

No, no, listen, first off I, I get it, all, all the doctors have said that there's, there's some form of delusion, but you know what, it doesn't make sense to the lay person, it certainly didn't make sense with this guy here. When they define

delusion and you know by the way that definition continues to change through this burgeoning book we call the Diagnostic Statistical Manual, we're now up to DSM 5 and as we've grown it over the last fifty, sixty years we've gone from sixty diagnosable mental abnormalities up to over four hundred and in that process we keep changing the definition of delusion.

06:44:18

Well delusion is defined as this fixed false belief presumably in a fact and that belief is immutable even in the face of contrary and credible evidence. And so it makes sense when you talk about someone who says well, I, I wasn't shooting people, I was shooting aliens who had inhabited the body of people. Okay, that is clearly nonsense and that is a factual dispute with reality. Or God came down and told me if I don't murder those people in that theatre California's going to slip off into the ocean and millions of people will die. Again, a factual dispute with reality. This guy doesn't have that, right?

06:44:55

What he has is a plan that he created to justify his desire to murder and that plan was I'm going to turn it into a scoring thing where I'm going to give each life a one and every person I kill, that runs my score up. That is not a delusion, that is a belief system that he alone created, it wasn't based on anything else.

Intv:-

Well the first time he talks about this belief system, the human capital theory, is a few days after he sees the psychiatrist and he's prescribed Sertraline, he, there's no evidence that he has ever articulated this idea before is there?

George:- 06:45:36

I don't know if there's any evidence that he tried to come up with a scheme by which he could quantify the benefit to him

of killing people, but we know his desire, his lust to murder predates any contact with any psychiatrist ever.

Intv:-

But Doctor Reed didn't think that the, the longstanding thoughts about harming people were actually real, he, he thought that these were kind of common childhood fantasies, but, but everybody seems to agree they only really became a real plan, a real thought after he articulated the human capital theory?

George:- 06:46:12

I don't know if that's, if it's true that they became a real thought or if he decided to put those real thoughts into real motion and begin to act on them.

Intv:-

Well that once he actually articulated them he felt there was no going back.

George:-

Yeah, I don't know if that's true or not because listen, it wasn't like he was compelled to do it on July the twentieth. I mean my guess is if for whatever reason his car breaks down or he can't get tickets to the theatre or something he isn't just going to go home and decide oh well, I missed it, I can't act on my compulsion for July twentieth, he'd have done it on July twenty first or maybe he'd have done it on July nineteenth or some other day in some other place in some other way. So this compulsion wasn't something that drove him to act in a specific way at a specific time, this was something that he'd given thought to, he'd given purpose to once he decided that that alternative life, that normal life wasn't something he'd be able to achieve.

06:47:02

And frankly to blame it on the Sertraline is silly in light of the testimony and the evidence that we have and that is that

he was off the Sertraline for months before this event even took place.

Intv:- Well we'll, we'll come to that in a minute,

George:- Sure.

Intv:- but let's talk about the timeline when he started the drug. So he, he is prescribed the drug on the twenty first, er of March and then four days later he, for the very first time, describes the human capital theory to, to his former girlfriend. Do, do you think there's any significance to that at all?

George:- 06:47:35 No, I don't because remember when he comes in to see, um the psychiatrist before he gets to her he sees someone who's kind of the front door person and even with her he sits down and says before he's prescribed aspirin and says look, I'm having thoughts of killing people. Now this idea that this March twenty third, er conversation over Gchat with his ex girlfriend at the time that they were still friendly, um that this was the product of the Sertraline is not borne out by anything else that he has done or his conduct, he at this point is trying to come up with a theory.

06:48:10 He'll later tell Doctor Reed by the way that part of this was an attempt to try to recruit her to join him in this effort, but she thinks it's this theoretical philosophical sort of banter back and forth and she doesn't end up really becoming concerned until the very end of the conversation.

Intv:- Do you believe what James Holmes wrote in his notebook?

George:- About what?

- Intv:- About anything,
- George:- I mean I guess it.
- Intv:- I mean do you think it's a useful piece of evidence?
- George:- 06:48:34 Oh yeah, it's hugely useful, we got it into evidence, the defence didn't want it to get to the jury, they obviously thought it was impactful as well, yeah, it's, it's an important piece of evidence.
- Intv:- So he writes about Sertraline, 'first appearance of me, no more fear of failure, no fear of consequences'. Do you accept that even some small part of Sertraline may have provoked by making him calmer that any idea that he had in the abstract before and now suddenly he's not afraid of actually carrying it out?
- George:- No, I don't, I mean listen, he was off the Sertraline for more than two months before this and I don't accept the idea that but for him being prescribed this Zoloft, er and by the way they were tie trading this thing the whole time. He would come back in and talk about the effects on him and they would try to make, er changes to the different prescriptions.
- 06:49:25 He met with Doctor Fenton several times, er outside of the confines of a normal psychiatric sit down, er interview and counselling session. But no, I don't suggest that the responsibility for his decisions and his conduct lies anywhere other than with him.
- Intv:- Well Doctor Resnick who was one of the prosecution experts, I mean he wasn't called to give evidence, but he, he accepts that perhaps in the beginning that it might have

reduced his anxiety as, as he wrote about in the notebook, enough to lose his fear of consequences, his fear of, of actually starting to act out this plan?

George:- 06:49:59

Sure, it probably reduced his anxiety and that's an anxiety that is a thing that has haunted him for his whole life, this anxiety around people.

Intv:-

So to that extent it might be, this shooting might not have happened had his anxiety not have been reduced?

George:-

I don't know, I can't, I can't answer that, I just don't think it takes away from any of his personal responsibility for what he did. Reducing anxiety doesn't overcome will, he had the will to murder, he had the desire to murder, if some of that anxiety kept it in check it just happened to coincide with the fact that the rest of his life was falling apart at the time.

Intv:- 06:50:34

Again, after he started on Sertraline and then, you know, the dose keeps getting upped as well that's, it's after that event that the big spending starts, that he accumulates all the weaponry, that he's on multiple dating sites, that he's watching lots of porn. Do you think all of that is simply a coincidence, that it fits the timeline of when he started taking the drug?

George:- 06:50:59

No, I don't, I don't think it's a coincidence to his planning to want to do this, I mean the suggestion is that the Sertraline has to have overcome his will or overcome his ability to control himself. Nobody has said that, nobody has suggested that it prevented him from knowing right from wrong, nobody has suggested it prevented him from forming the intent to murder after he deliberated on it.

- 06:51:22 And every single step that he took was intended to either further this plan to murder others or to satisfy something he thought was a hole in his life. That's why he goes on these dating sites, that's why he changes his persona to become sort of this bad boy that he thinks that women will find attractive because he misses that, he's had a taste now, right?
- Intv:- So you think he's in control of his thoughts here?
- George:- Absolutely, absolutely, yeah.
- Intv:- So, so he told, um Doctor Woodcock for example that he felt that he was 'speeding up' on the anti depressants, you know, that there's this feeling that he's, he's, you know, he's got nothing to stop him now?
- George:- 06:52:02 Yeah, those are feelings, I mean what he doesn't say is I can't stop myself, I can't control myself, I don't know what I'm thinking, I'm having thoughts I've never had before, you don't see any of that.
- Intv:- Well he writes in the notebook, 'hatred unchecked, start small, buy stun gun and folding knife, buy handgun, committed'.
- George:- Yeah, that's right, that's right, but again, is it the Sertraline that has caused that hatred to be unchecked or?
- Intv:- That's what he's saying in the notebook.
- George:- 06:52:29 Well I don't know that that's exactly right because it also happens to coincide with the fact that he is on the verge, as he recognises, of not successfully completing this

programme. He doesn't have an alternative, right?

Remember that before he gets back in the neuroscience programme his life is living at home with mum and dad and working as a night shift pill coater with a bunch of people who don't speak English as a primary language, that's the life he gets to return to unless he gets through this PhD programme.

06:52:55

He doesn't have anyone to love and he doesn't have anyone to love him, he's got no other career prospects, those things are going away before he's ever prescribed any Sertraline.

Intv:-

Well again talking of not having someone to love when he's on the drug, when, when the dose is upped again then he, when the dose is upped again then he approaches Hilary Alan which is really out of character for him, he's never, he's never been that forward with girls before.

George:- 06:53:23

Not true, that's not true,

Intv:-

How's it not true?

George:-

remember how he gets his initial girlfriend is he sends her a text message over the CU system that says 'hey girl, I've lost my number, can I have yours'. That's almost exactly what he does with Hilary through text afterwards where he sends her a text asking her something, she doesn't know who it is and she's like who's this and he says hey, it's Jimmy James from neuro. So no, that's not the first time he's engaged in that behaviour.

Intv:-

There was some discussion in court about guarded data and who approached who first of all, or I think in her FBI report she actually said she asked him out.

George:- 06:54:00

She may have asked him out, but he's the one that approaches her about being able to contact her, now we had that text or email or whatever it was and we introduced that into evidence. Remember too, this is a guy who is committed now to putting in place things that are going to figuratively, if not literally, end his life, right? So he begins to take steps to try to, er supplant those things that he thinks are missing and reaching out to Hilary is one of them.

06:54:24

And that's important too by the way because Doctor (UNCLEAR), their, er psych, their psychiatrist is the one that said well listen, one of the main indications of schizophrenia taking hold is that people begin to withdraw from their surroundings and they cut off ties to all these people and look what he did with his friend and his ex girlfriend. And the fact is none of that happened because of schizophrenia because he's reaching out to Hilary Alan to say hey, I'd like to, in essence, have a more friendly relationship with you. But that doesn't work out either and that's why he goes to these porn sites, that's why he goes to Adult Friend Finder dot com and Triple X Finder dot com or whatever are those other ones.

Intv:-

But there was no evidence that that's how he behaved in the past, I mean I've, I've spoken to friends of him, his from the past who say that just wasn't the kind of guy he was?

George:- 06:55:12

Yeah, I get that too, but remember during all those times this is a guy who's able to hold his hatred and his desire to kill at bay because he has hope for a better tomorrow, he has a future. But that future goes away at the end of February and it becomes more permanent with every ensuing day afterwards and he begins to set these things in motion to

really come up with what he thinks is the answer, he's going to punish humanity, he wants to see them dead.

06:55:37

Those dreams and thoughts he had as a boy of blowing up humanity with a nuclear mushroom cloud and all those other things he talked about, well now was time to put it into action.

Intv:-

But Doctor Reed doesn't think those were anything but childhood fantasies?

George:-

They might have been childhood fantasies, but they go unabated according to him. He says in that notebook that he generates, 'I've had these thoughts since', I can't remember the language, since I was young or since I was a boy, he says that. So if we're going to believe him on some are we not going to believe him on that?

Intv:-

And do you believe he was being straight with Doctor Reed in his interview?

George:- 06:56:11

I think on a lot of things he was being straight, yeah.

Intv:-

When Doctor Reed asked him, er about was he basically saying the shootings wouldn't have happened without the medication James Holmes says, 'it's a possibility'. Professor David Healy thinks the shootings wouldn't have happened without the medication, what's your view?

George:-

I, I don't think the medications caused these shootings, I think this guy with his evil thoughts, having concluded that he had no other alternative future, with the mental illness, led to this, that's what I think did it.

- Intv:- You don't think the medication played any part whatsoever?
- George:- 06:56:51 Not, not one that is worthy of consideration for purposes of the criminal justice system, I'll tell you that and you know who else agrees with me? The defence team that refused to put on any evidence of that nonsense.
- Intv:- So that's what you think it is, nonsense?
- George:- I do.
- Intv:- So Professor Healy obviously is quite a, a respected figure in his field, he's looked at this issue in some depth over the years, you don't think his opinion on this carries any weight?
- George:- It's not just me that doesn't think so cos we were certainly prepared to give him a vigorous cross examination and I think anyone that watched that trial saw what a vigorous cross examination of mental health professionals who weren't qualified to give the opinions they gave, what that looks like.
- 06:57:33 But at the end of the day the defence made a decision, and my guess is it's the decision they thought was best for their client, to not put that issue in front of these twelve great jurors.
- Intv:- Might that be because it's just a very, you know, it is a very difficult thing for, especially when emotions are running so high, that, you know, and the death penalty is, er out there as a question as well, that yeah, it's, that is going to be a very hard argument to put, it doesn't mean it doesn't have any validity does it?

George:- 06:58:03

You'd have to ask the defence on that, why they didn't put it on, I can't tell you why they made the decision, I just know that they ran down the field pretty far with these endorsed experts and their reports and we were prepared to meet them on the battlefield and give them a vigorous cross examination that I think would have resulted in the exact same outcome, but they decided not to do that. And, you know, if you ask me my opinion the reason they didn't do that is because Doctor Woodcock ends up testifying under cross examination that this guy stopped taking this apparently crime-causing Sertraline months before he actually went out and did this crime.

Intv:-

Well my understanding from Doctor Woodcock's notes is he wrote down that James Holmes stopped taking Sertraline late May or June?

George:- 06:58:45

Yeah, I think when we talked to him on the stand, and I wish I could remember the exact words, I know that it's on You Tube or somewhere like that, but it was in May.

Intv:-

You're, you're sure about that?

George:-

I'm sure that May was part of his testimony, I can't tell you the exact time, but it's a couple of months before this.

Intv:-

But is there any other evidence that, that that's when he stopped?

George:-

Frankly it could have been before that, that's a good point, we don't know what medication he was or wasn't taking, we know that we found a bunch that was left over I think when they searched his apartment so.

- Intv:- There were a few pills left over from an old prescription, but
- George:- Sure.
- Intv:- he had a prescription on the twenty seventh of May.
- George:- 06:59:19 Sure, but you, you'd have to believe that he was complying with the requirements to take these medications when we know that he wasn't, when he said that he stopped taking them, we just don't know when he stopped.
- Intv:- Well he told Professor Healy he stopped in June.
- George:- Who, who told Professor Healy that?
- Intv:- James Holmes.
- George:- So when he told Doctor Woodcock the May to June part he's now clarifying that to make it June? I mean look at.
- Intv:- Well if Doctor Woodcock said late May or June it, that's not inconsistent with what he told Professor Healy?
- George:- 06:59:47 Sure, I guess you're going to want to believe the one that's most favourable towards an analysis that points the finger at Sertraline instead of this guy.
- Intv:- But if he picked the prescription up at the end of May have we got any reason, he didn't, you didn't find those pills in the apartment that, have we got any reason to think that he didn't actually take them?

- George:- Well he said he discontinued taking them, um and I don't have any reason to think that he did or didn't comply with anything.
- 07:00:11 Look, we know he misled the psychiatrists that he met with, we know that he withheld information, he lied to them about his future plans, why do we now think that he's being accurate when he says he stopped taking pills? I don't know the answer to that, I just know that I didn't believe it, I didn't believe that the Sertraline caused it, I didn't believe he was on Sertraline when, er he engaged in this mass murder and I know that the jurors didn't either.
- Intv:- If the police had carried out blood tests when they arrested James Holmes then that might have given us an answer to whether there was any Sertraline left in his bloodstream?
- George:- I don't remember what we did with that, I don't remember what the blood test situation was.
- Intv:- Oh, there were no blood tests, there was no toxicology report, is that not unusual in a case like this?
- George:- 07:00:54 I cannot remember what the procedural impediments were to that or what decisions we made or if we had to get a, I can't remember, I didn't, again I wasn't on the case back then, I wasn't the DA so I don't remember exactly what led to us not getting the blood, Rich probably would.
- Intv:- I guess it's one of those decisions you've got to take really early on before you know all of the facts, who knows what he might have been on that night? Um it just seems really unusual that there wasn't any, any evidence of whether he had anything in his bloodstream, legal or illegal?

George:- 07:01:28

Well we're not allowed in this country to just take someone's blood because they commit a heinous crime, it doesn't work like that, you don't just forfeit your right to your individual and personal integrity because you've been, you've created this horrible mass murder. So unless we had some probable cause to believe that he had something on board that would have intoxicated him in some way we don't get to just stick a needle in someone and take their blood.

Intv:-

So we have to go on the evidence that there is, his last prescription was the end of May, those pills, the amount of pills in that prescription could have taken him up to the end of June, the, the, the remaining pills weren't found in his house so there's every reason to believe that he might have taken it up until about three weeks before the shootings happened?

George:- 07:02:09

Not every reason, there is some reason, I think there's also reason to believe that what he told Doctor Woodcock in the less than one hundred hours after this occurred when he met with him as opposed to whenever he seemed to have met with Doctor Healy that he was being more accurate in his recollection when he stopped taking them.

Intv:-

And we know that the discontinuation problems from SSRIs can last up to about six weeks?

George:-

I know some people say that, yeah.

Intv:-

Well The Royal, Royal College of Psychiatrists say that, for example.

George:-

Okay.

- Intv:- So it, it's entirely possible then that he could have been suffering discontinuation problems from the drug at the time that the shootings occurred?
- George:- 07:02:50 I suppose almost anything is possible, just like he told Doctor Reed, but in terms of holding someone accountable for their conduct those possibilities don't get aired in front of a jury unless the defence thinks those possibilities have some chance of being believed and clearly they did not, nor did I.
- Intv:- And ultimately regardless of any of those facts you think it, it comes down to what he intended to do and there was a huge amount of planning involved in this?
- George:- 07:03:19 I don't see evidence that his will was overborne by anything, this was a plan that he'd had for a long time, he set it into motion and worked on it diligently for a long time. And it's just interesting to me that there is no other change in his life in terms of what he does with his day, he still goes to class every day, he still turns in his assignments, he still gets great scores on his written work.
- Intv:- Well there's, there's some big changes, I mean there's the, he's, he's spending like he's never spent before, this used to be a frugal guy, he's accumulating loads of weaponry, he's never shown any interest in weaponry before, he's on dating sites, he's on porn sites, you know, I mean there's a lot going on that never happened before?
- George:- 07:04:00 Well hang on, he's never planned for a mass murder before, right? So once he sets that in motion this is a super smart, a wicked smart guy, he knows he's got to spend to put these things in place, that's not that unusual. It's like saying it's

- unusual for someone to have bought a ski mask when they've never gone skiing before they go rob a bank, well they got the ski mask so they could go rob the bank.
- 07:04:22 That's not a sign of mental illness or a change in behaviour, this is exactly what this guy does, he researches things, he learns about it, he figures out a way to be great at it and then he goes out and he executes and that's exactly what he did here. Every dollar he spent was towards the goal of killing people, there was no wasted dollars here. It's not like he went out and bought sixteen pounds of Gummi Bears or foil to line his home or his hats, he didn't do any of that nonsense, everything he did was a tactical decision to help him pull off this giant mass murder.
- Intv:- Do you think it was the, the planning element in the end then that really persuaded the jurors that this was just a cold-blooded, calculated murder, even, even if he was mentally ill?
- George:- 07:05:09 Well it's not even if he was mentally ill, this guy has a mental illness, I've never disputed that, I've never told the jury not to consider that, I've said yeah, sure, he's mentally ill, but mental illness and evil are not inconsistent; one's not mutually exclusive to the other. At the end of the day I think the planning was a big part of this, but his own words and his own conduct were hugely supportive of a person who knew what he was doing was wrong based on normal societal standards of morality and that he absolutely had the ability to form the intent to murder after he deliberated on it.
- 07:05:41 The key piece of evidence from all the jurors that we've spoken to after this, the single most important piece of evidence were the recorded psychiatric forensic interviews of this guy by Doctor William Reed, that was indispensable.

And in fact, and you may not know this, it was so indispensable it has changed the way not only I look at this, but we found a sponsor for a bill last year at the Colorado State Legislator and it is now the law of the land that future psychiatric forensic interviews like Doctor Reed's on murder cases and some other high class charges have to be video taped, that's how important it was.

Intv:- You were seeking the death penalty, were you disappointed in the end that the, the jurors didn't go for that?

George:- 07:06:23 Yeah, who wouldn't be disappointed at not hitting your mark, not achieving what you thought was justice? Yeah, I was disappointed.

Intv:- Why do you think they, they backed off that?

George:- Well I don't think it's a they, I mean again we've talked to, um almost all with the exception of maybe three or four of the primary plus the alternate jurors and I think that ended up being about nineteen-ish people, um. And what we know is that that first night when they were deliberating when they broke up to go home, and everybody has told us this, they took a vote around the table to see where they were and on a scale of one to ten there were ten ten out of tens and two eight out of ten.

07:07:01 So everybody left that day that we know of thinking we're going to get there, we just need to keep deliberating, I mean eight, eight out of ten's pretty close. So they come back the next day, they begin deliberating and sometime in the middle of the day when they go back around and just check where everybody is one of the ten out of ten jurors stands up and says I, I need to say something to you, when I said ten out of

ten last night I meant, I meant ten out of ten for life, I could never vote for death in this case.

07:07:28

Well the deliberations almost came to a screeching halt, they tried one more thing and it was something I asked them to do at the end of the second phase of sentencing when I said look, if you're really stuck on this ask the judge to let you watch that crime scene video again, that horrible traumatising crime scene video of this, in silence, this camera walking up and down the, the theatre and going down the aisles and seeing people dead where they lay and all the phones and the shoes and the blood and the brains and all of that stuff.

07:07:54

I said if you ever get stuck you ask to watch that video again and sure enough when they got stuck they asked to watch the video and I had people asking me hey, is that a good sign. I think everybody on the team thought no, that's not a good sign, that means someone's stuck cos nobody would willingly watch that video a second time, I wouldn't willingly watch that video a second time. And then she said after she watched the video I'm unchanged and I'm not going to change my mind, I am never going to vote for death on this case and that's how it ended. So I don't think it was a they, I think the deliberations came to a screeching halt because of one juror. Why did she vote that way?

07:08:30

I don't know and candidly I'd say I hope she watches this and I put this out into the public stream as well, I'd love the opportunity some day to sit down with her and hear her thoughts on this and what she went through and her perception of the case and the evidence and the arguments, not to be critical, but to add that on to what I already know about what we went through. I mean I could be confronted with having to make this decision again in the future and having that perspective, having those thoughts, that matters

to me in terms of no. She's a constituent of mine, just like the rest of them are, just like most of the victims in this case so I can't tell you why she did that.

Intv:-

In the end he got one of the longest sentences that anyone's ever got in this country for, for carrying out a mass murder, what, what do you think about the circumstances now in which he's held?

George:- 07:09:19

Wish I knew more about the circumstances in which he's held, I mean what your viewers may not know is that our Department of Corrections, under the cover of secrecy, have whisked him out of the state, changed his identity and now he is in prison somewhere we don't know, victims don't get to know. The only two people I know who absolutely know where he is are the Governor of the State of Colorado and the Executive Director of the Department of Corrections. I think that's unfair, I think it's unjust and I think it's an affront to the victims in this case.

Intv:-

How important do you think it was for the whole community just to hear all of the evidence in this trial?

George:- 07:09:52

Pivotal, critical, um you know, when we went through the process, when I went through this process personally of speaking to as many of the hundreds of family members who represent the deceased, whether it's brothers, sisters, fathers, mothers, all that other stuff, in talking with them and getting their input on look, what do you, what do you think I ought to do with this case, there's the ability to just simply plead it guilty and have him get life in prison and there's the ability to seek death which most assuredly would mean a long plotting trial.

07:10:21

There was different views, right? I mean you had everything from people who as a matter of faith said I, I cannot support the death penalty even if it's my son that's dead. And then you had other people who said I want to be there in the room and put the needle in his arm and then you had everything else in between. Well there was a good number of people who came to the trial almost every day that were opposed to me seeking death, but do you know what, something interesting that happens is by the end of this case, even before we got that final sentencing verdict, each of those families had approached me at different times and different places in the courthouse and hugged me or shook my hand and said thank you, thank you for doing this, if you hadn't done this I wouldn't know about the last moments of my son's life, I wouldn't know about the man, the guy who took his life, I wouldn't know any of these things and thank you for doing that, every one of them, I mean that, that sticks with me.

07:11:16

I heard the same thing from Chief Oates, I hadn't seen Chief Oates in, well a couple of years since before the trial and I heard him talking to a group and he said the same thing, he said I think this was a healing moment for the community to really wrap their minds around what happened, why it happened, who did it. And then to try and answer the other questions afterwards like how can we ever prevent something like this from happening again.

Intv:-

Do you think any lessons have been learned from this case?

George:-

Oh I think in different areas, yes.

07:11:44

I mean in terms of how do you tackle a mass murder case from a prosecution standpoint I know there's a ton of lessons and me and the other team members have gone out across the

country to sort of do trainings for other prosecutors in advance, God forbid, of something like this happening again. I know law enforcement in terms of first responders, I know that our relationships that we built with, er the different federal agencies, FBI Chief among them, I think these are all things that we've learned lessons from that are going to be this new paradigm in how to address these things, and I want to say if, but really when they happen again.

07:12:16

I think that the state has struggled from a policy perspective to try to figure out are there laws we can put in place that will truly protect us from someone like this or prevent this from happening and I don't think we've come up with a law that can do that. I mean we live in a country that has a Second Amendment that people take pretty seriously and we're in a state that are strong believers in the Second Amendment and the availability of firearms to law abiding citizens.

07:12:40

Well this guy up until this moment he'd been a law abiding citizen, there was no reason to deny him access to these firearms. I don't know what that law is that we can change that will prevent something like this in the future.

INTERRUPTION

Intv:- 07:13:22

Professor David Healy's opinion after considering the evidence, interviewing James Holmes in prison is that these shootings wouldn't have happened without Sertraline?

George:-

You know, we spent a long time taking a look at Doctor Healy and his credentials and his history of basically making a career out of blaming Zoloft for people's conduct and frankly at the end of the day we came to the conclusion that

there was just no scientific validity to his claims, to his, er past testimony.

07:13:55

And frankly we didn't think it was going to be, er something that made much of a difference here in this particular case, we were ready to dismantle him on the stand through some vigorous cross examination.

INTERRUPTION

Intv:- 07:14:47

Professor David Healy after reviewing the evidence, after speaking to James Holmes himself in prison came to the conclusion that these shootings wouldn't have happened without the Sertraline?

George:-

You know, we took a pretty strong and detailed look at Doctor Healy's credentials, his past work, his past testimonies, some things we found on You Tube, you know, at the end of the day we didn't find him to be very credible, we did not find the science that he claims to exist to have had much weight at all and in fact it is extremely contested in the rest of the qualified psychiatric world.

07:15:25

This is not something that is accepted almost anywhere, you know, this is a sort of, you know, his big, er Don Quixote moment I think with Sertraline and we didn't think it had much credibility and certainly the defence didn't either, that's why they didn't put him on the stand.

