

INTV WITH
MEZNER
ROLL.017

Intv: -

Well just tell me the background to how you got involved, oh actually just before we start I'm not going to go into any of the video-taping or any of that, the whole court side of things, that's not of any interest to us about the whole court appointed thing, any of this is just another story so you know. How did you get involved in this case?

Mezner: - 08.29.13

The way I got involved is I had been a consultant psychiatrist for the Colorado Mental Health Institute at Pueblo for many years beginning since 1980 and it became fair, fairly clear to the administrators at the hospital that it was very likely that Mr Holmes was going to plead not guilty by reason of insanity. And be sent down to the state hospital for a sanity examination. Because of recruitment issues at the state hospital related, it's hard to recruit down there due to the pay scale an arrangement for years has been with the university that they become university employees so they can one get paid more, and also have a university affiliation which helps with the recruitment it was anticipated that there was going to be a law suit against the university er because Mr Holmes had been treated there, so that precluded the state hospital doctors from being evaluated because of a potential perceived conflict of interest. So, the state hospital called me and asked me

08.30.09

whether I would be willing to be the evaluator if indeed he was sent to the state hospital, that's how that happened.

Intv: -

and you knew about at this stage that it was a massive, massive case. Did you have any hesitations about getting involved?

Mezner: - 08.30.47

I had some anxiety about getting involved because it was a massive case and it was a high publicity case er but as a forensic psychiatrist I was also a very interesting case so that was my hesitation was my anxiety but from a professional perspective it was a very interesting case to, to become involved with.

Intv: -

so what were you asked to do?

Mezner: - 08.31.18

so I was asked by the judge to address three legal issues, the first one was Mr Holmes competent to proceed, the second one did he meet the legal criteria for insanity and the third one, was whether any mental health related mitigating factors in the context of a death penalty.

Intv: -

and what was involved in having to evaluate the answers to those questions, what did you do?

Mezner: - 08.31.55

what I did is the first thing I did is I made appointments with the District Attorney's office and the Public Defender's office to hear from their side erm what happened and to hear from their side about erm helping navigating through the massive discovery that I soon learned there was, the discovery included there were about 260 DVDs of Mr Holmes during his incarcerations as well as his November 2012 hospitalisation, at Denver Health Medical Centre, there were another about 250 CDs of

discovery in addition at the time that I saw Mr, initially saw Mr Holmes, there was about 50,000 pages of discovery material some of which was repetitive of what we saw in the CDs by the time trial came there was about 100,000 pages of discovery.

Intv: - so this was a huge undertaking?

Mezner: - 08.33.14 to say the least

Intv: - and you had to familiarise yourself with all of these documents all of this evidence?

Mezner: - 08.33.20 I did, one of the things that was very helpful is I had a transcript of the January 2013 preliminary hearing which was much more extensive preliminary hearing than what you usually say and because I was erm court appointed, both sides were very helpful to me in helping me navigate through the discovery.

Intv: - when did you actually meet James Holmes himself?

Mezner: - 08.33.55 I first met him on August 8th, 2013.

Intv: - and that was in prison?

Mezner: - 08.34.02 not in prison, I met, he was sent to the state hospital Pueblo, Colorado so I

Intv: - sorry let me ask you that again?

Intv: - when did you first meet James Holmes?

Mezner: - 08.34.15

I first met Mr Holmes at the Colorado & Mental Health Institute, at Pueblo on August 8th of 2013.

Intv: -

so this is about a year after the shootings?

Mezner: - 08.34.26

that's correct the shooting was July 20, 2012.

Intv: -

and what was he like, what was his demeanour when you met him?

Mezner: - 08.34.38

he was not very talkative but I was with structure from me, would answer questions he was rather flat in his affect and what I mean by that is his mood, his emotional response, he was erm not demonstrating a lot of emotions, psychiatrist called blunted, flat emotional response erm I would not call him likeable but I would not call him unlikeable. Erm and part he didn't particularly like psychiatrists and so erm it was often difficult to get direct answers from him without asking the same question in many different ways.

Intv: -

I guess you are trained to deal with that sort of behaviour but was it difficult to compare with the sorts of interviews you are used to doing?

Mezner: - 08.35.44

well it was difficult but that's one of the reasons I met with him on four different occasions. I met with him for over 25 hours and during a given day I might meet with him three times on the same day with breaks, so I met with him long enough that I developed a, some sort of a rapport with him and my interview style is also, I'm fairly direct with people, and let him know what I think and I think that helped in obtaining some information from him.

Intv: -

did you find at any point during these hours of conversations that he felt any sense of regret for what he'd done?

Mezner: - 08.36.34

yes erm probably the biggest regret that he expressed was that a child had been killed erm I would not say that he expressed erm a lot of remorse about having killed people but I also think that was related to his psychotic thinking.

Intv: -

were you surprised by that, just by his response to things even a year on?

Mezner: - 08.37.07

I was initially surprised I think I became less surprised when I understood that in my opinion that he was psychotic in that what he did was related to delusional thinking, and so it was a little less surprising.

BREAK

Intv: -

were you surprised that a year on he wasn't expressing more regret for what he had done?

Mezner: - 08.40.08

initially I was surprised that he wasn't expressing more regret because just from a legal perspective it would have been helpful for him to express more regret as I got more information from him er determined that he was, still had a psychotic belief, a delusional belief about er that led to what he did, that led to the reason he did what he did, it became less surprising to me.

Intv: -

after looking at all the evidence and speaking to him, himself were you able to pinpoint exactly when you think the delusional thinking started?

Mezner: - 08.40.51

I can pin point when the delusional thinking was first apparent based on discover and that was in the so-called March 26, 2012 G-mail chat with a former girlfriend in which er he talked about killing other people.

Intv: -

can I paus for a second cos I think it's the 25th that's all so just so we don't get back to the edit and he said 26th.

Intv: -

were you able to pin point when you think his delusional thinking actually started?

Mezner: - 08.41.37

I was able to pinpoint when, based on discovery material when his delusional thinking was first apparent and that was er based on March 25, 2012 G-mail chat with a former girlfriend who was also a classmate, in which he discussed killing other people.

Intv: -

did you come across any evidence that it might have begun earlier than that date?

Mezner: - 08.42.06

not based on discovery, although he clearly had had homicidal thinking for a long period of time and about when he first went to the university which I think was around March 21, of 2012, he expressed homicidal thinking, non-specific homicidal thinking to the social worker who evaluated him.

Intv: -

but the very first evidence that he was actively thinking about killing specific people, planning, fantasising about carrying out actual killings, the evidence that you have seen is the 25 March?

Mezner: - 08.42.48

well the 25th March is when he had thoughts of killing other people, the with, with regard to when he actually

began planning if you erm look at the so-called notebook it the notebook talks about, shows evidence of planning in May 2012.

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Intv: - so the very first evidence that he was really actively thinking about killing people was in that g-mail chat on 25th March?

Mezner: - 08.43.26 that's correct.

Intv: - now that chat happened four days after he was first prescribed setraline do you think there can be any link between starting on the anti-depressants and starting to think in that way?

Mezner: - 08.43.45 I think that that's very unlikely. Erm for a number of reasons, and probably the main reason is one of the things he told me was that the g-mail chat was the first time that he ever told another human being about these thoughts which implies to me that it wasn't the first time that he had those thoughts and I think erm starting the medication, so that means he had those thoughts before he started the medication.

Intv: - but couldn't it have played a part in his delusional thinking?

Mezner: - 08.44.25 did the medication played a part in his delusional thinking, I think it's very unlikely.

Intv: - why?

Mezner: - 08.44.33

because er one of the timing and two, my experience is starting on that kind of dose and that kind of medication doesn't result in delusional thinking, in fact those medications are designed to help with the erm, depression and sometimes disorganised thinking.

Intv: -

but wouldn't the timing, just a few days after starting the drug, if it were to lead to problems be just exactly the time that it would be leading to difficulties in his thinking?

Mezner: - 08.45.09

I, I don't mean to get argumentative with you but again erm that wasn't the first time after starting the drugs that he had those thoughts so it was the first time that he communicated those thoughts to another person.

Intv: -

how important do you think Holmes' notebook was in helping to explain what happened in the months prior to the shooting?

Mezner: - 08.45.34

sorry I missed the second part, how important was what?

Intv: -

sorry the notebook, it's my accent, it's alright I will ask you again.

Intv: -

how important was Holmes' notebook in helping to understand what happened?

Mezner: - 08.45.45

to me it was an essential crucial component, it's very rare the erm that well probably not only very rare, I'm not sure it's ever happened before that you've had someone who has done mass shooting who, wrote about his plans, prior to the mass shooting and then is still alive after the mass shooting to discuss with a psychiatrist er details on the notebooks so for me it was very important. I also placed a fair amount of

credibility in the notebook because the notebook which was written during June and July 2012 had elements in it that were very consistent with the g-mail chat from March of 2012 and er that showed some reliability of the history that I had obtained from him.

Intv: - you took him through that notebook line by line, didn't you?

Mezner: - 08.46.56 I did.

Intv: - and why did you think it was important to do that?

Mezner: - 08.47.00 well first of all when I first looked at the notebook there, there's passages in the notebook that very coherent, organised and erm self-evident what it means. There are other passages in the notebook that looks psychotic to me or certainly looked not understandable to me and that's why it was crucial to hear from his perspective exactly what, what each sentence meant.

Intv: - in the notebook he wrote about starting on the SSRI,

Intv: - in the notebook he wrote about starting the SSI medications, you said first appearance of mania occurs no more fear of failure, no fear of consequences. Do you find that plausible?

Mezner: - 08.47.59 well what I find plausible is that he talked about losing the fear, erm do I find plausible that he had mania. He had in the notebook he described he obviously did some internet search around mental illness and he described numerous symptoms. So, the fact that numerous diagnosis, I don't think he had all the diagnoses that he listed, I don't think he

had all the symptoms that he listed, erm but I do find it plausible that er after taking the medication and with the course of time making certain decisions that he quashed the fear of carrying out or acting on his delusional beliefs.

Intv: - so just to that extent it might have played a part in the whole chain of events?

Mezner: - 08.49.07 to to the extent that I might have er reduced some of his anxiety or reduced some of his obsessiveness, it's possible but I would emphasise that's it's a very limited role.

Intv: - he goes on to say in the notebook after starting on the medication hatred unchecked, start small, buy stun gun, a holding knife, buy hand gun, committed. Again, do you find that compelling is it evidence from him?

Mezner: - 08.49.40 compelling is I'm not sure of your question?

Intv: - well he seems to be suggesting their hatred uncheck now that he has started on the medication, then he starts buying weapons, then he is committed to the mission.

Mezner: - 08.49.56 so I tell you, I find it less compelling that it was due to medication what I find a little more compelling is what he told me is that as a result of the G-mail chat, in March, when he finally expressed these fantasies of killing lots of people to another person, that that became much more real to him and that it became easier to act on it and which then raised a whole other question for me is why if he has had chronic homicidal thinking, why if he has had these fantasies, why is he now, what's different now, why is he acting on it now. I think to me what was different is that it was not that he was on medication, to me what was

08.51.10

different is that I think that his mental illness became more severe and there, then there was a differential bit, his mental illness became more severe because of the natural course of natural history of his mental illness meaning the mental illness that he had whether he was schizophrenia, or schizoaffective disorder, is most likely to first become manifest at the age he was at, so it could have been just the natural course of his illness or and I think it's more likely is when people have a previous position to a serious mental illness it can often become apparent after significant stressful events. Around March he had several significant stressful events, first stressful event he had is the breakup of his first other girlfriend, of his first serious relationship, first sexual relationship, that was a significant stressor. The second stressor is it became apparent at that time that he was not doing well in school and that he, he was having significant problems in his, the talks presentations that he to give and I think the third one which was a significant one is you have got to look at why he went to graduate school and learned psychology and for years Mr Holmes had, in a perception that there was something wrong with him and something wrong with his mind, and part of going, that his brain wasn't working, that it needed to be fixed and one of his reasons for going to a graduate school learning psychology was to learn how to fix his brain and by March 2012, it became apparent to him that he wasn't going to be able to fix his brain I think those three stressor's contributed to him becoming psychotic and becoming more delusional and beginning to act on those delusions, on that delusion.

Intv: -

so that is the time line that you find compelling the fact that these things started to happen, and he started to articulate

the human capital idea after starting Which you think is just coincidental.

Mezner: - 08.53.25

you told one of the other psychiatrist that you saw really soon after the shootings

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Intv: -

one of the other psychiatrists we spoke to just in the days after the shooting Dr Woodcock, he told him he felt things went into hyper-speed after he started taking the drug that he started doing a whole bunch of stuff that he had never done before, spending money, he was a frugal guy, accumulating weaponry, never had an interest in weapons before and no sign of violence, going on multiple dating sites and looking at porn, that's his own account of, of how he saw things, do you find that has any credibility?

Mezner: - 08.54.57

well when I talked with Dr Woodcock I didn't get that history from Dr Woodcock. Erm the history that I did get from Mr Holmes is that he talked in his notebook about how a er what he called manic disphoria, dysphoric mania and in my history er that I paved for him, I specifically asked him about manic symptoms and he. I didn't think that he met criteria for a manic episode and I think the other thing that was convincing to me is during this period of time he was seeing er Dr Franklin on a regular basis and he was not only not reporting manic symptoms or, as he was an observer of manic symptoms. Someone who is manic, even if they don't report manic symptoms, usually has the erm, is usually obvious to a trained observer that you are experiencing manic symptoms.

Mezner: - 08.56.16

so erm

- Intv: - so the behaviour itself would be an indication of mania. I suppose everyone has agreed that he is a very high functioning person and perhaps he was able to conceal that in the interviews and yet still be displaying manic behaviour.
- Mezner: - 08.56.31 I don't think you can conceal manic behaviour erm very well over a period of time to a psychiatrist. People with manic behaviour have rapid speech, they had a hard time sitting down, they can be very irritable I don't, I don't think that he had a manic episode.
- Intv: - what do you think of the interview that he did with Dr /Reid. Do you think he was telling the truth in that interview?
- Mezner: - 08.57.08 the interview that he gave with Dr Reid, was not dissimilar to the interview that I, the interviews that I had with him and it's it's not a matter, well yes I do, I think that he was telling the truth, I think that both with Dr Reid and with me that various times he was telling the truth and I think there is times that he wasn't telling the truth. Which is not unusual and not forensic evaluation. I think in general I found the history that I paved from him to be consistent and credible but the, there are discrepancies and also the things that I asked him that I didn't believe his answer, erm but again in the forensic evaluations, what else is new.
- Intv: - he told Dr Reid that thought it was a possibility that the shootings might not have happened without the setraline, do you think that is a possibility?

Mezner: - 08.58.12

I don't think I don't think that the setraline caused the shootings particularly since er he, had stopped the setraline er some time sort of about late June. And erm so I don't find causation for setraline in the shootings.

Intv: -

though if he was suffering from discontinuation symptoms might not that also help it explain how he was feeling around the time of the shootings?

Mezner: - 08.58.47

discontinuation syndrome, or withdrawal syndrome, people can get erm GI symptoms, they can feel jittery, they can feel irritated it does not make you have a delusion that was pre-existing, to begin with so unrelated to delusion, and it, I it does not make you go out and shoot mass numbers of people.

Intv: -

can people in the group of psychotic delusions still actually plan things in great detail like he did?

Mezner: - 08.59.29

oh yes that's fairly consistent. The fact that your delusional doesn't mean that you can't be organised. He was extremely organised, in carrying out his delusional beliefs. He erm, that's not inconsistent at all.

Intv: -

so the level of planing involved in this whole case isn't any evidence in itself of the fact that he was of you know of sane mind.

Mezner: - 09.00.00

now that's a when you are using sane mind, if you, I'm, when you use the word sane and I think of legal insanity, if the question was the fact that he was able to carry out the act, organise behaviour, that doesn't mean that he didn't have a mental illness, erm that's exactly true you can be very organised and have a severe mental illness, however

09.01.07

the fact that he, his organised behaviour was erm and the type of behaviour was very important in my assessment of whether he met the legal criteria, the criteria for legal insanity. The criteria for legal insanity erm is basically as a result of a mental illness was he unable to distinguish the different between right from wrong, with respect to the shooting. So his organised behaviour was in preparing for the shooting, one the way he did it was he didn't just go out and buy all the guns and all the ammunition all the arms at the same time at the same place, he did that over time because he didn't want to arouse suspicious. That's, that's one that's one factor that helped me determine that he knew the difference between legal right from legal wrong.

Intv: -

so in the end what is your own view of the man James Holmes?

Mezner: - 09.01.49

in the end the reason, it's my opinion the reason James Holmes did a mass shooting is he had a delusional belief that if he would kill people it would increase his self-worth. And part of his delusion was also that it would make him feel better, in my opinion he was significantly depressed. And he was significantly depressed enough that his judgement was so impaired that it didn't seem unreasonable to him to act on these delusional beliefs.

Intv: -

do you think there are any lessons we can learn from all of this, people obviously want to try and make sure that something like this never happens again, looking at the progression of James Holmes' illness and what happened are there any lessons we can learn?

Mezner: - 09.02.50

well part of my evaluation didn't involve looking at the student health services of the university. And there are a

number of things that were extraordinarily done at the university, erm by Dr Fenton. Dr Fenton was concerned enough about Mr Holmes that he obtained consultation for him another psychiatrist psychiatric supervisor and we both jointly interviewed Mr Holmes. They were concerned enough that they alerted the Bada team about Mr Holmes, erm what, I don't have enough information to know what the Bada team did other than to know that people felt comfortable about more comfortable people felt less concerned about his dangerousness and they looked at his reaction to failing school and decided to leave and he didn't seem to upset about that. My short answer, there may be some things to learn about the school health service. I just don't know.

09.04.11

Intv: -

there must be some concerns that there was a missed opportunity there, obviously with hindsight but a missed opportunity perhaps to have interviewed him more deliberately.

Mezner: - 09.04.29

with hindsight you would say maybe we should have pushed the psychotic medications that we were recommending to him, maybe we should have erm pressed him more about his homicidal thinking but that's from hindsight but because when I talked to Mr Holmes, he made it very clear when those kind of questions were asked to him about his homicidal thinking he didn't answer truthfully and he deflected the questions.

Intv: -

okay

BREAK

Intv: -

did you come to a view on whether James Homes knew that what he was going to do was immorally wrong?

Mezner: - 09.05.52

I did it was, based on a number of factors. Er starting with the g-mail chat that in March it was clear that he knew it was morally wrong to tell people because he explains in the email chat it was evil and he explained why he couldn't kill people that he knew. Erm in the other factors were, prior, immediately prior to the shooting, ten minutes prior to the shooting, he, when he was out in his car, he called the university, emergency hot line and when I questioned him about that it was why he did that is, is one more chance to turn back and now of course much more knowing that it was morally wrong. Er he also after he was arrested, when he was going to the interrogation room he saw a sign that mentioned children and he asked whether he had killed any children and when I questioned him about that he said he hoped that he hadn't killed any children. Which again gives you a sense of he knew the difference between moral right and moral wrong.

09.07.01

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Mezner: - 09.07.31

another he told me that he took steps to make the killing not personal and that was another indication that if it's personal that he knew the difference between right from wrong from a societal moral perspective.

Intv: -

when you went to see him over a year after the shootings you described his effect as one of flat, why do you think that was his mood?

Mezner: - 09.08.03

I think predominantly the reason why is that flatness, the bluntness was a symptom of his illness, it's a well-known symptom.

Intv: -

not the anti- psychotic medication?

Mezner: - 09.08.18

anti-psychotic medication sometimes can give you that flat appearance but erm he had that flatness before he was on anti-psychotic medication.

Intv: -

was he psychotic when you were speaking to him?

Mezner: - 09.08.32

I think he was psychotic because he continued to maintain the delusional belief about human capital.

Intv: -

why do you think he is still holds onto the human capital delusion so long after the shootings?

Mezner: - 09.08.48

I think the main reason he is not had adequate treatment. The only treatment that he has had is anti-psychotic medication and he is predominantly erm been locked up by himself at the time I saw him which was well over a year and there is really no treatment guidelines in this country or around the world that says the treatment choice for someone who is psychotic is to lock them up 23 hours a day in a 70ft square cell.

Intv: -

of course a lot of people watching won't care what sort of treatment he is getting or not getting what do you think of that?

Mezner: - 09.09.31

I think for the same reason if someone in jail and they had diabetes you need to treat the diabetes and a serious mental illness is it's just as real as any physical disorder and I think

from a moral perspective we can see that from a legal perspective there is no question that it needs to be treated.

Intv: - can you explain the difference between very long standing hatred and that he had in childhood and his delusional thinking?

Mezner: - 09.10.06 well he had not only what he talked about get the hatred of mankind came out in his notebook and er what was more prominent than the hatred of mankind was chronic homicidal thinking and the chronic homicidal thinking that he had prior to graduate school I think was qualitatively different than the homicidal thinking he developed related to his distributional release. The homicidal thinking pre-delusion was more generic not specific, the homicidal thinking and his delusional, related to his delusional beliefs was related to the human capital er belief in which he would feel better about himself, gain more self-worth, er by killing people, that was very different.

Intv: - if it wasn't the medication that helped lead to these consequences what do you think the explanation is?

Mezner: - 09.11.32 I think what ultimately the fear of the consequences is how bad he was feeling, he said that he was feeling so bad that within his delusional thinking, he perceived that he would feel better if he acted out on the delusions and the fear of going to jail forever was erm I think much less scary to him than continuing to feel as bad as he was feeling.

Intv: - so essentially, he had nothing to lose at that stage?

Mezner: - 09.12.18 correct

Intv: -

in the many hours of conversation you had with James Holmes, when do you think it was that he wasn't telling you the truth?

Mezner: - 09.12.26

well for example when I asked him er why do you dye your hair, er he initially said I don't know and I didn't believe that if you are going to dye your hair, first of all you have got to think about it and then you have got to take actions to get the dye and actually do that and when I pressed him harder he gave me his, another answer er same thing when the night before he took pictures of himself. And he had also these black contacts and when I asked him well why did you take pictures of yourself, he said I don't know. I don't believe that, if he not only had to put in the contacts and dress up and he also had to get the camera and take a selfie and I think he was whatever the reason was he clearly wasn't very comfortable in telling me what it was.

Intv: -

why do you think James Holmes did what he did?

Mezner: - 09.13.27

I think James Holmes did what he did because he had a delusional belief about killing people, he was depressed and felt very bad and he saw this as a way of feeling better.

Intv: -

is there anything that might have stopped him carrying out these killing?

Mezner: - 09.13.44

if he, yes, I think if he had been placed on a psychotic medication or if it had been known to Dr Fenton er what he was planning to do she would have hospitalised him and that even one of them would have prevented that most likely.

Intv: - Professor Haley thinks that the shooting would not have happened without the medication, what do you think would have had to have been used for the shootings not to have happened?

Mezner: - 09.14.29 well I'm assuming, Professor Haley is hypothesising that the medications, I'm not sure what Professor Haley.

Intv: - well I guess what I'm trying to get around to is what you told us before about mental the mental illness you know shootings, you see what I mean ...

Intv: - is there something that might have prevented these shootings do you think?

Mezner: - 09.15.03 well it's clear in my mind that but for his mental illness he wouldn't have done what he did and had the extent of his mental illness been known or had it be known what he was planning to do er his treatment would have been different and he would have been hospitalised, that would have prevented the shootings.

Intv: - good.

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Intv: - what was your view on whether he was of a state of mind that would have made him, should have faced the death penalty?

Mezner: - 09.16.01 so that, one of the things I was asked to evaluate whether was whether there were any mental health related mitigating factors that should be considered by the jury in the death penalty er proceedings and I had a strong opinion

09.16.57 about that. I thought but for the mental illness Mr Holmes would never had done that, I think it is a very strong mitigating factor, erm if someone had a medical, if someone had a key head injury that made them go shoot someone I don't think people would be talking about the death penalty to that particular crime. It should be no different in my opinion that if someone's actions were directly related to a serious mental illness yeah I think that's a very strong mitigating factor.

Intv: - so you don't think he should have faced the death penalty?

Mezner: - 09.17.12 that, that, that's a jury decision but it needs to be weighed. I think that but for the mental illness he would have never have done that and I think that's a factor that needs to be strongly considered and clearly was by some jurors.

Intv: - okay thank you.

BREAK

Intv: - As a rule of thumb if just saying I don't know to Dr Reid's questions is that an indication that he is lying? Is that the rule of thumb? The answer you gave when he said I don't know ..

Mezner: - 09.17.59 no, no I don't think that's a rule of thumb, I think that if you get if you get too many I don't know questions that raises credibility issues but erm a lot of times you don't know, erm he doesn't know.

Tape up to 09.18.17