

**FORM P**  
**TRANSFER ORDER**

**STATE OF NEW YORK**

**[ X ] SUPREME COURT [ ] COUNTY COURT**

**PART: COUNTY: Orange**

**IN THE MATTER  
OF  
A TRANSFER ORDER  
PURSUANT TO CPL 330.20  
IN RELATION TO**

*L-51-1998*

**JOHN FORD  
DEFENDANT**

**INDICTMENT #: 1669A/96**

**Present:**

**Honorable ELAINE SLOBOD**

**[ X ] Justice of the Supreme Court**

**[ ] Judge of the County Court**

The above-named defendant, having been found not responsible by reason of mental disease or defect, was committed to the custody of the State Commissioner of Mental Health for confinement in a secure psychiatric center for care and treatment pursuant to a:

**[ X ] Commitment Order** issued under the provisions of subdivision six of CPL 330.20

**[ ] Recommitment Order** issued under the provisions of subdivision fourteen of CPL 330.20

by the following court on the following date:

**[Name of Court] Suffolk County Court**

**[Date of Order] 2/16/2000**

The above-named defendant, is currently confined in a secure psychiatric center of the State Office of Mental Health pursuant to a:

**[ ] First Retention Order** issued under the provisions of subdivision eight of CPL 330.20

Court finds that although there is no doubt that the patient is mentally ill, the Commissioner has not proved by a fair preponderance of the credible evidence that the patient suffers from a *dangerous* mental disorder within the meaning of CPL §330.20(1)(c), i.e., that he constitutes a physical danger to himself or others. See *In re Eric F.*, 152 AD3d 586 (2d Dept 2017). Accordingly, the Commissioner's petition that the patient be retained in a secure facility is denied.

The patient should be transferred to a non-secure facility with an appropriate order of conditions, including medication with Clozapine, if indicated. The Commissioner shall submit a proposed order of conditions on notice within 15 days of the date of this decision.

At the hearing, the Commissioner presented, among other witnesses, the testimony of Dr. Taina Ortiz-Velez and Dr. Amanda Miller. These mental health professionals have concluded that the patient still suffers from a dangerous mental disorder, that he has numerous risk factors, and that he should remain confined in a secure facility. The Court accepts that the patient has made no progress toward recognizing his delusions, delusions which he has apparently had since he was nineteen years old, and that these continued delusions constitute a risk factor for future violence. But this risk factor alone is not persuasive as to the degree of the patient's dangerousness. See *In re Eric F.*, *supra*.

Aside from decades-old reports from family members regarding threats by the patient (reports which predate his confinement), there is no evidence of homicidal ideation or violent impulses on the part of the patient while he has been at Mid-Hudson. He has never directly threatened anyone on the staff at Mid-Hudson, has never been involved in a physical altercation, and has never attempted to abscond. The Court finds that the evidence offered in support of the Commissioner's contention that the patient would pose a risk to others if he were transferred to a non-secure facility is speculative.

This decision constitutes the order of the Court.

E N T E R

Dated: May 17, 2019  
Goshen, New York

Elaine Slobod  
HON. ELAINE SLOBOD, JSC

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE

-----X  
IN THE MATTER OF

DECISION

A Retention Application Pursuant to  
CPL §330.20 in Relation to

INDEX NO. 240005/1998

JOHN F.,

Patient.

-----X  
P R E S E N T: HON. ELAINE SLOBOD, JSC

RECEIVED  
NYS OFFICE OF THE ATTORNEY GENERAL

MAY 24 2019

CLAIMS & LITIGATION  
POUGHKEEPSIE OFFICE

On May 6, 1996, the patient John F. pleaded not responsible by reason of mental disease or defect in Suffolk County Court to three counts of Conspiracy in the Second Degree, three counts of Criminal Solicitation in the Second Degree, Illegal Possession of Radioactive Materials, and Reckless Endangerment in the Second Degree in connection with a plot to poison local officials with radium. Since February, 2000, the patient has been confined at Mid-Hudson Forensic Psychiatric Center, a secure psychiatric facility.

The New York State Commissioner of Mental Health, represented by the Attorney General and the District Attorney of Suffolk County, has petitioned to retain the patient for an additional two-year period in the secure facility. The Court conducted a retention hearing on January 9, 11 and 14, 2019, and in April, 2019, the parties submitted their written closing arguments.

Upon consideration of that testimony at the hearing, the exhibits introduced, and the parties' closing arguments, the

☐ *Second Retention Order* issued under the provisions of subdivision nine of CPL 330.20

☒ *Subsequent Retention Order* issued under the provisions of subdivision nine of CPL 330.20

issued by the following court on the following date:

[Name of Court] Orange County Supreme Court

[Date of Order] 4/16/2014 and applications for subsequent retention orders were submitted to court 09/14/15 and 09/15/17 are pending

☐ And, an application having been made pursuant to subdivision eleven of CPL 330.20 by the State Commissioner of Mental Health for a *Transfer Order*,

☐ And, an application having been made pursuant to subdivision eight of CPL 330.20 by the State Commissioner of Mental Health for a *First Retention Order*,

☐ And, an application having been made pursuant to subdivision nine of CPL 330.20 by the State Commissioner of Mental Health for a *Second Retention Order*,

☒ And, an application having been made pursuant to subdivision nine of CPL 330.20 by the State Commissioner of Mental Health for a *Subsequent Retention Order*.

☐ And, a demand for a hearing not having been made,

☐ And, a demand for a hearing having been made, and such a hearing having been held on \_\_\_\_\_,

☒ And, the court, on its own motion, having conducted a hearing on January 9, 11, and 14, 2019,

And, due deliberation thereon being had, the court having found;

That the above-named defendant does not have a dangerous mental disorder as that term is defined in paragraph (c) of subdivision one of CPL 330.20 and that the issuance of a *Transfer Order* is consistent with the public safety and welfare of the community and the defendant, and that the clinical condition of the defendant

warrants his transfer from a secure psychiatric center to a non-secure psychiatric center.

It is hereby,

AND THE SUFFOLK COUNTY DISTRICT  
ATTORNEY,

**ORDERED**, over the objection of the Commissioner of Mental Health, that the Commissioner of Mental Health is directed to transfer the above-named defendant from a secure psychiatric center to a non-secure psychiatric center under the jurisdiction of the said Commissioner or to any non-secure psychiatric center designated by the said Commissioner.

Dated: July 16, 2019  
GOSHEN, N.Y.

Elaine Slobod  
Signature HON. ELAINE SLOBOD  
☒ Justice of the Supreme Court  
☐ Judge of the County Court

**FORM N-IP**  
**INPATIENT ORDER OF CONDITIONS**

**STATE OF NEW YORK**

**[ X ] SUPREME COURT [ ] COUNTY COURT**

**PART: COUNTY: Orange**

**IN THE MATTER  
OF  
AN ORDER OF CONDITIONS  
PURSUANT TO CPL 330.20  
IN RELATION TO**

*L-51-1998*

**JOHN FORD  
DEFENDANT**

**INDICTMENT #: 1669A/96**

**Present:**

**Honorable ELAINE SLOBOD**

**[ X ] Justice of the Supreme Court**

**[ ] Judge of the County Court**

(1) The above-named defendant was committed to the custody of the State Commissioner of Mental Health for confinement in a secure psychiatric center for care and treatment for six months pursuant to a;

**[ X ] Commitment Order** issued under the provisions of subdivision six of CPL 330.20,

**[ ] Recommitment Order** issued under the provisions of subdivision fourteen of CPL 330.20,

by the following court on the following date;

**[Name of Court] Suffolk County Court**

**[Date of Order] 2/16/2000**

(2) Subsequent to the issuance of the order referred to above, the above named defendant has been under the custody of the Commissioner pursuant to a series of CPL 330.20 retention orders. The current retention order was issued by the following court on the following date:

[Name of Court] Orange County Supreme Court

[Date of Order] 4/16/2014

The current retention order expired on 10/16/2015 and applications for subsequent retention orders were submitted to court 09/14/15 and 09/15/17 are pending.

[ X ] (3) And, this court having issued on this date, and over the objection of the Commissioner of Mental Health, a *Transfer Order* pursuant to the provisions of subdivision eleven of CPL 330.20.

[ ] (4) Subsequent to the issuance of the *Transfer Order* referred to in paragraph (3) of this application, *Inpatient Order(s) of Conditions* were issued by the following court(s) on the following date(s):

Name of Court

Effective    Expiration

[ ] (5) An application having been made by the Commissioner of Mental Health for a *Transfer Order* pursuant to subdivision eleven of CPL 330.20. [select if *Transfer Application*]

[ ] (6) An application having been made by the Commissioner of Mental Health for an *Extension or Revision of an Inpatient Order of Conditions* for five years pursuant to the applicable provisions of CPL 330.20. [select if applying to *Extend or Revise Inpatient OCs*]

[ ] And this application having been made during the effective period of either the *Transfer Order* or the most recent *Inpatient Order of Conditions*, referred to above, the Commissioner of Mental Health requests the court issue an *Inpatient Order of Conditions* authorizing continued custody of the above-named defendant by the Commissioner of Mental Health for a period not to exceed five years from the date of the issuance of the order.

[ ] And this application having been made at a time when the period prescribed by the *Transfer Order* or the most recent *Inpatient Order of Conditions* has passed, the Commissioner of Mental Health requests that



the court issue one or more *Inpatient Orders of Conditions* as necessary, **Nunc Pro Tunc**, as to authorize continued custody of the above-named defendant by the Commissioner of Mental Health for a period not to exceed five years from the date of the issuance of the order. As such, this court having determined it to be necessary to issue the following *Inpatient Orders of Conditions Nunc Pro Tunc*, with corresponding dates of effectiveness as follows:

(1) Effective Date _____	Expiration Date _____
(2) Effective Date _____	Expiration Date _____
(3) Effective Date _____	Expiration Date _____
(4) Effective Date _____	Expiration Date _____

- ☐ And, a demand for a hearing not having been made,
- ☐ And, a demand for a hearing having been made by the defendant and such hearing having been held on \_\_\_\_\_.
- ☐ And, the court, on its own motion, having conducted a hearing on \_\_\_\_\_.

**And, due deliberation** thereon having been had and good cause having been shown;

**It is hereby,**  
**ORDERED** that the above-named defendant shall comply with his or her treatment plan, and shall not leave that psychiatric center without authorization, and it is further,

**ORDERED**, that the above-named defendant shall comply with the following conditions:

1. Submit to random screenings as directed.
2. Abstain from use of alcohol and substance use.

**And it is further,**

## INPATIENT ORDER OF CONDITIONS

**ORDERED**, that the above-named defendant comply with this *Inpatient Order of Conditions* for a period of five years from the date the date of the issuance of this order, unless the court shall sooner terminate this order, or unless the court, for good cause shown, shall extend the period for an additional five years.

Dated: JULY 16, 2019  
GOSHEN, N.Y.

Elaine Slobod  
Signature - HON. ELAINE SLOBOD  
☒ Justice of the Supreme Court  
☐ Judge of the County Court