

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF BEHAVIORAL HEALTH**



May 29, 2014

**Our Reference: DBH/SEH/IMS/pas
Your Reference: Criminal Case Number
Report By: Iván N. Marín-Soler, Psy.D.**

**Lillian Alvarado (#928791)
2014 CF1 1333; PDID# 679-055**

**The Clerk, Criminal Division
Superior Court of the District of Columbia
500 Indiana Avenue, NW, Room 4110
Washington, D.C. 20001**

Dear Sir or Madam,

We wish to call to your attention the case of Lillian Alvarado, who was admitted to Saint Elizabeths Hospital on December 12, 2013 as a civil patient. Subsequently, on January 29, 2014, the Court issued an order for inpatient competency restoration and examination, under the provisions of Title 24, Section 591.03 of the D.C. Code for mental examination, with report due by March 21, 2014, with charges of Cruelty to Children and First Degree Murder pending.

Reference is made to our most recent letter to the Court dated March 20, 2014, in which we reported that Ms. Alvarado was incompetent to stand trial on the charges named above. Subsequently, we received notice that the case was continued until May 30, 2014.

On May 27, 2014, this evaluator, Dr. Iván N. Marín-Soler, Licensed Clinical Psychologist, re-evaluated Ms. Alvarado for competency to stand trial for the above referenced pending charges. Prior to this examination, Ms. Alvarado was informed of the non-confidential nature and purpose of the examination. Specifically, she was informed that a letter would be written to the Court and it would also be available to both attorneys. Ms. Alvarado stated her understanding of this condition and voluntarily agreed to participate in the examination. The evaluation was conducted in Spanish, Ms. Alvarado's native language and language of preference.

This report is based on a seventy-minute interview with Ms. Alvarado, a review of records, collateral information provided by her treatment team, and behavioral observations. During the current admission Ms. Alvarado has been described as cooperative with her treatment plan at the hospital, as demonstrated by her active participation in different interventions (e.g., group therapy, individual therapy, and medical consultations). Further, Ms. Alvarado's psychiatrist indicates that Ms. Alvarado has been interacting more with other female patients and that her mood is currently reactive to her environment (e.g., court dates and family).

Ms. Alvarado was aware of her upcoming court date and reported that she was charged with "First Degree Murder" and "Cruelty to a Child" When asked about the details pertaining to the police report, she was able to provide a detailed, comprehensive and sequential account of the circumstances surrounding her arrest as described in the police report. Ms. Alvarado stated that her charges were felony charges that each carried a possible sentence of one year to life in prison. Additionally, she correctly stated that a misdemeanor offense is less serious than a felony offense, and provided the minimum and maximum sentences for a misdemeanor charge.

Ms. Alvarado identified her plea options as "Guilty, Not Guilty, and Not Guilty by Reason of Insanity." Ms. Alvarado stated that a defendant pleading Not Guilty is stating to the Court that the defendant did not commit the crime and indicated that the Judge will set a date for a trial to determine if the defendant is Guilty or Not Guilty. She also knew the important roles of evidence and witnesses during a trial. Ms. Alvarado mentioned various individuals who might be called as witnesses in her case and described several examples of the types of evidence that might be used in her case. In addition, she was also able to weigh the evidence in her case, provide a rational understanding of how the evidence and witnesses can affect her case, and also understood that the process in the court is a fair one.

Ms. Alvarado was able to mention and describe the roles of various courtroom participants, including the defense attorney, prosecutor, defendant, judge and jury. For example, she stated that the defense attorney's role is to "defend me, represent me in court, and convince the court that I'm Not Guilty." Ms. Alvarado indicated that she trusts her defense attorneys; however, she reported that her attorneys only came once to the hospital and reported that she would like to interact with them more often in order to receive legal support, ask them about certain legal information, and talk about a legal strategy. It should be noted that Ms. Alvarado reported that she believes her attorneys have her best interest in mind. In addition, she verbalized a basic knowledge of the cross examination process in the courtroom. Further, Ms. Alvarado verbalized that the judge "maintains the order in the courtroom, and set the sentence." Ms. Alvarado indicated the judge does not want to prove that she is Guilty or Not Guilty, and described the judge as a neutral person in the court proceedings. In addition, she indicated in the absence of a jury, a judge makes decisions of Guilty or Not Guilty. Ms. Alvarado correctly reported the prosecutor "tries to convince the court that I'm Guilty beyond reasonable doubt." Ms. Alvarado indicated that the role of the jury is to "make decisions of Guilty or Not Guilty (during a trial), but always the judge will be the one providing the sentence." She added that a jury is composed by "twelve people and the twelve of them have to agree on a decision. If one of them is in disagreement they drop the charges, but if there is a felony, there is a new trial." Ms. Alvarado also understood her role as a defendant and was able to identify proper courtroom behavior. Additionally, she understood the possible consequences of a Guilty verdict (described below) and Not Guilty verdict relating to her case.

Moreover, Ms. Alvarado indicated that a defendant pleading Guilty is stating to the Court that she/he did commit the crime, and explained that the defendant will give up the right to a trial and an appeal by so stating. In addition, she understood why the defendant will lose the aforementioned rights. Ms. Alvarado reported that after a Guilty plea, eventually a sentence would be issued, and was able to mention and describe accurate examples of possible sentences (e.g., jail, probation, time served and suspended sentence). In addition, she talked about the differences between jail, probation, and time served accurately.

Ms. Alvarado described a plea bargain as a "deal that the prosecutor offers to my lawyer. I have to plead Guilty in order to have a lower sentence. I have to be in agreement with the deal. The judge, the prosecutor, my attorney and I have to be in agreement with the deal." Ms. Alvarado

was able to decide when it would be in her best interest to accept or reject a plea bargain when given hypothetical scenarios. In addition, she reported that she would consider the advice of her attorneys if she is offered a plea bargain. Ms. Alvarado was able to engage in a rational conversation about a legal strategy that she could use with her attorneys, and she also talked in a rational and coherent manner about the advantages and disadvantages of the pleas available to her. Furthermore, it should be noted that this writer presented a hypothetical case, and she was able to identify the charge, the severity of the charge, the evidence that might be used against and for the defendant, and the witnesses available. She was also able to weigh the evidence and accept or reject a plea bargain taking into consideration the best interests of the defendant.

Ms. Alvarado described the plea of Not Guilty by Reason of Insanity (NGRI) as when the defendant says, "he/she committed the crime, but was not in the right state of mind when he/she committed the crime." Ms. Alvarado was able explain the consequences of this plea, including the possibility of the defendant being admitted to the hospital for an indefinite period of time until the defendant is not dangerous to himself or others.

During the examination, Ms. Alvarado was alert, cooperative and in no acute distress. She was oriented to time, place, person and situation. Her speech was articulate, and normal in pace, volume and tone. Ms. Alvarado's thought process was linear, goal directed, and reality-based. Her verbalizations were coherent and logical, and she did not appear to be influenced by psychotic thought processes. Ms. Alvarado did not evidence any symptoms of psychosis and she did not report or endorse any delusional beliefs related to her legal case or otherwise. Also, Ms. Alvarado's mood was assessed to be euthymic with congruent affect. It should be noted that Ms. Alvarado became tearful when discussing the circumstances of her arrest; however, she was able to regain her composure and continued with the evaluation without major difficulties.

In sum, based on her having sufficient factual and rational understanding of the legal process, as well as sufficient present ability to assist in her defense with a reasonable degree of rational understanding, it is opined that Ms. Alvarado is currently competent to proceed with her case. Ms. Alvarado is currently diagnosed with Major Depressive Disorder, Recurrent, Severe, without Psychotic Features; Posttraumatic Stress Disorder; and Amnesic Disorder, Not Otherwise Specified. She is currently prescribed medications for treatment of her mental conditions. It is recommended that she continue to take medication for the treatment of her mental illnesses; however, she does not need to remain hospitalized for maintenance of competence. Ms. Alvarado is connected to Community Connections, and the phone number of her case manager, Ms. Sonia Shuhart, is (202) 528-0287.

In accordance with procedures for criminal defendants adopted by the Superior Court and approved by the Board of Judges, please make arrangements for taking this person into custody for further disposition.

If you have any questions regarding this matter, please contact Dr. KyleeAnn Stevens, Director of Forensic Services, at 202-299-6318 or KyleeAnn.Stevens@dc.gov.

Sincerely,



Ivan N. Marin-Soler, Psy.D.
Licensed Clinical Psychologist

**ALVARADO, Lillian - The Clerk, Criminal Division, Special Proceedings
The Superior Court of the District of Columbia**

4

Reviewed by:


**KyleeAnn Stevens, M.D.
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For:

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Chief Executive Officer
Saint Elizabeths Hospital**

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