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Date: September 15, 2015  
To: The Honorable Presiding Justice  
York Superior Court  
Re: Connor MacCalister  
Date of Birth – [REDACTED]  
Docket # 15-209  
Subject: Criminal Responsibility

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On the order of the Court, pursuant to 15 MRSA, §101D, dated 08/21/2015, a Criminal Responsibility examination of the above named defendant was attempted on 09/10/2015. Ms. MacCalister was seen in a private meeting room with her attorney at the York County Jail.

**Note:** This examiner has chosen to identify the defendant with female pronouns and prefixes. While biologically female, she previously has identified as male and reportedly has taken testosterone. However, at the time of the attempted evaluation, she indicated her desire ultimately to be placed in a female incarceration facility, and indicated her intention to stop taking testosterone. She indicated that she was amenable to being identified as female.

### Relevant Data

#### Charge against the defendant

Murder

Class M

1 count

**Conditions of the Examination:** As previously noted, Ms. MacCalister, with her attorney, Robert LeBrasseur, Esq., was seen in a private meeting room at the York County Jail. At the outset of the evaluation session, Attorney LeBrasseur met privately with Ms. MacCalister. At the conclusion of that meeting, they both indicated that she did not want to participate in the scheduled evaluation. Attorney LeBrasseur asked this examiner to query Ms. MacCalister to ascertain the caliber of her reasoning around her refusal to participate.

In preparation for a brief period of questioning of Ms. MacCalister, she was told that a report would be written summarizing the discussion and which would be submitted to the Court. Attorney LeBrasseur informed her that the report would be impounded. She also was told that she could discontinue the discussion at any time. Ms. MacCalister agreed to discuss her reasoning around her refusal to participate in an evaluation pertaining to issues of Criminal Responsibility. She willingly answered questions posed to her by this examiner and by her attorney.

**Observations:** Ms. MacCalister presented in jail issue clothing, was small in stature, and had a shorn head. She had an intent gaze and slightly bulging eyes. She was capable of engaging in spontaneous conversation and maintained steady eye contact. The tone, rate, and volume of her speech were roughly within normal limits. She appeared to be of roughly average intelligence.

Her recent and remote memories were grossly intact, although she professed to have gaps in her memory for periods of time proximate to the allegation. Her short-term memory was fully intact as she was able to recall key aspects of information previously presented to her during the brief interview for this evaluation. Ms. MacCalister was succinct, but her responses to questions were adequate and rational. Her insight was limited and she also was significantly fatalistic about all aspects of her future. Her impaired insight/fatalism appeared borne of some form of mental illness, most likely of a depressive quality. That fatalism, however, did not exceed the bounds of rationality. During the brief interview for this evaluation, there was no overt evidence of the presence of hallucinations, delusions, or other distortions of consensual reality.

### **Ms. MacCalister's Reasoning Regarding Refusal:**

Ms. MacCalister was able to indicate her factual understanding of the major players in a Court proceeding as well as a number of relevant legal terms. When specifically queried about the Not Criminally Responsible (NCR) plea, she noted that such a plea entails an assertion that the defendant was not responsible because the defendant was "not in a clear state of mind...was not thinking logically and rationally." Several other pertinent details pertaining to the NCR plea were explained to Ms. MacCalister and she appeared amply able to understand the explanations.

When asked about her understanding and appreciation of potential sentences should she be found guilty in her case, Ms. MacCalister indicated her understanding that she could face a "life sentence." Attorney LeBrasseur explained to her that she could face anywhere from 25 years to life in prison if convicted. The notion of exploring potentially mitigating circumstances also was explained to Ms. MacCalister. She was encouraged to consider that, by participating in a Criminal Responsibility evaluation, she would have an opportunity to present "her story." Ms. MacCalister indicated her disinterest in presenting any potentially explanatory/mitigating information. She noted her intention to plead guilty and her desire to proceed to sentencing as quickly as possible. She overtly rejected her attorney's offer to present a sentencing memorandum.

In an effort to ascertain the degree to which her decision-making was reality-based at the time of this attempted evaluation, Ms. MacCalister was asked if she was seeking incarceration. She indicated in the affirmative. Her rationale behind that wish was, in fact, reality based. When asked if incarceration had been her goal prior to the allegation, she said that it was not her overt goal and added, "I would rather be home with my cats and my brother." When asked if she was on any psychotropic medication at the time of this evaluation, Ms. MacCalister indicated that she was on Haldol (which she noted was being tapered, to be replaced by Latuda [both antipsychotic medications]), Cogentin [to address unwanted side effects of antipsychotic medication], Prozac [an antidepressant medication], and Hydroxyzine [an anti-anxiety medication]. She expressed her satisfaction with those medications. She noted that, in the past, she was diagnosed with Posttraumatic Stress Disorder (PTSD), Anxiety Disorder, Attention Deficit Hyperactivity

Disorder (ADHD), and Depression. Ms. MacCalister indicated that she previously was psychiatrically hospitalized at Riverview Psychiatric Center and at Spring Harbor Hospital.

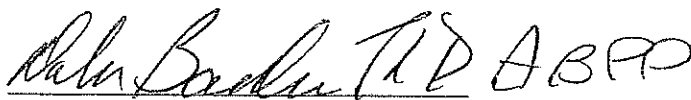
It should be emphasized that Attorney LeBrasseur went to extraordinary lengths to encourage his client to participate in the Criminal Responsibility evaluation. Additionally, he went to great lengths to reiterate Ms. MacCalister's legal options, to explain the importance of presenting information that would provide explanations as to her functioning, and to emphasize to her the irrevocability of her decisions, should she continue to advance them. He also encouraged Ms. MacCalister to not make a decision at the time of this evaluation, but to wait and carefully consider the information presented to her [she refused]. Attorney LeBrasseur also informed Ms. MacCalister of his ethical obligation to assess the caliber of her decision-making and mull his own path forward in her case, given her wishes.

**Summary:** The caliber of Ms. MacCalister's decision-making, while short-sighted and fatalistic and likely the sequelae of some mental health issues, was not so disordered as to impair her ability to make reality-based decisions. For example:

- She understood that she was being asked to make a decision (e.g., to participate in a Criminal Responsibility evaluation and to present mitigating information in the form of a sentencing memorandum);
- She had intact abilities to process information provided to her by her attorney, to consider [albeit briefly] that information, and indicate her comprehension of that information;
- She understood and was able to paraphrase her decision options (i.e., to participate at the time of this evaluation, to take time to reconsider, to contemplate various plea options, to consider a defense sentencing memorandum);
- She was able to articulate a decision (i.e., to not participate in a Criminal Responsibility evaluation, to plead guilty, to proceed directly to sentencing), and when asked, she provided rational reasons for her choices;
- She was able to enumerate the possible consequences of her decision not to participate in a Criminal Responsibility evaluation, to plead guilty, and to not advocate in any way for a lesser sentence (i.e. life imprisonment).
- She amply understood that, after listening to the advice of her attorney, she could make a decision about which he disagreed. She also repeatedly indicated her understanding that her decisions could be irrevocable.

During this evaluation, there was no overt evidence of symptoms of mental illness that rose to such a threshold as to impair her attention, concentration, decision-making, and contact with consensual reality.

**Note:** Should Ms. MacCalister eventually decide to pursue a Not Criminally Responsible plea, this examiner would be available to re-examine her with respect to her version of the allegations and submit an amended report to the Court.



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