

Matthew G. McHenry, OSB 04357
Levine & McHenry LLC
1001 S.W. Fifth Avenue, Suite 1414
Portland, Oregon 97204
503-546-3927
Email: matthew@levinemchenry.com

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,)	No. 3:16-cr-00051-BR-12
)	
Plaintiff,)	MOTION FOR PRETRIAL RELEASE
)	AND MEMORANDUM IN SUPPORT
vs.)	
)	
)	
SEAN ANDERSON,)	
)	
Defendant.)	

Sean Anderson, through his attorney Matthew G. McHenry,
respectfully requests pretrial release under the Bail Reform Act, 18 U.S.C. §
3142. A release hearing is set on the 1:30 Magistrate Calendar for Monday,
May 2, 2016, before the Honorable Paul Papak.

A. Procedural History

Mr. Anderson is one of twenty-six defendants in 3:16-cr-00051-BR. He is charged with Conspiracy to Impede Officers of the United States (Count 1), Possession of Firearms in Federal Facilities (Count 2), Use or Carry of a Firearm in Relation to a Crime of Violence (Count 3), and Depredation of Government Property (Count 6). All charges stem from Mr. Anderson's alleged involvement in events that occurred at the Malheur National Wildlife Refuge (MNWR) in early 2016. Mr. Anderson made his first appearance on February 12, 2016, before Magistrate Judge John V. Acosta. The Court initially scheduled a detention hearing for February 19, 2016, but on counsel's request struck that hearing with leave to schedule a full detention hearing at a later date (Docket No. 160). That hearing is now scheduled on the Magistrate calendar for Monday, May 2, 2016, before Magistrate Judge Paul Papak.¹

B. Proposed Release Plan

Prior to his arrest, Mr. Anderson was residing in a home he rented with his wife and co-defendant, Sandra Anderson, in Riggins, Idaho. On February 19, 2016, Mrs. Anderson was released on conditions and has been

¹ In an order dated March 9, 2016, Judge Brown instructed that all future reviews of detention be heard by Judge Jones. Docket No. 285. This is Mr. Anderson's first release hearing, not a review of detention, and as such is set on the magistrate calendar.

living in the rental home while reporting to U.S. Probation Officer John Godwin of the District of Idaho. Mr. and Mrs. Anderson have been allowed limited contact through letters screened by Officer Godwin.

Mr. Anderson proposes release under pretrial supervision, including permission to reside with his wife in the couple's rented home in Riggins, Idaho. Mr. Anderson also proposes the following special conditions of release:

- 1) No discussion of the case with Sandra Anderson.
- 2) Report regularly to the United States Probation Office for the District of Idaho, as Sandra Anderson is.
- 3) Report daily to the office of Sheriff Doug Giddings of Idaho County, Idaho, and submit to monitoring by that agency for compliance with pretrial conditions.
- 4) Have no involvement, affiliation, or contact with any "patriot movement" or militia organizations, as recommended by Dr. Alexander Millkey.
- 5) Seek and maintain gainful employment.
- 6) Any other conditions deemed necessary and reasonably by this Court or United States Pretrial Service.

Though Mr. Anderson’s strong preference is to live in his own home with his wife, if the court is not inclined to allow such contact, Mr. Anderson can stay in the home of Richard and Iva Henderson, residents of Mr. Anderson’s home town of Riggins, Idaho. U.S. Pretrial Services has contact information for the Hendersons.

C. Applicable Law

This case is governed by 18 U.S.C. § 3142, which provides that a defendant should be released pending trial unless “no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community.” *United States v. Hir*, 517 F.3d 1081, 1086 (9th Cir. 2008) (quoting 18 U.S.C. § 3142(e)). There is also a rebuttable presumption of detention because Mr. Anderson is charged with an offense under 18 U.S.C. § 924(c). 18 U.S.C. § 3142(e)(3)(B).

The government must establish flight risk by a preponderance of the evidence and danger by clear and convincing evidence. *United State v. Gebro*, 948 F. 2d 1118, 1121 (9th Cir. 1991); *United States v. Motamedi*, 767 F.2d 1403, 1406 (9th Cir. 1985). The Ninth Circuit’s “preponderance of the evidence” standard in pretrial detention matters is more than the usual “tips the scales slightly” test applied in civil cases. *United States v. Chen*,

820 F.Supp. 1205, 1208 (N.D. Cal. 1992). The court is to rule against detention in close cases, applying a “clear preponderance” test, to give effect to the principle that doubts regarding the propriety of release be resolved in favor of the defendant. *Id.* (citing *Motamedi*, 767 F.2d at 1405-06). Federal rules controlling admissibility of evidence in criminal trials do not apply, and the Court may base its findings on proffer and hearsay. 18 U.S.C. § 3142(f); *United States v. Winsor*, 785 F.2d 755 (9th Cir. 1986).

In making its release determination, the Court must take into account the available information concerning:

- 1) the nature and circumstances of the offense charged, including whether the offense is a crime of violence, a violation of section 1591, a Federal crime of terrorism, or involves a minor victim or a controlled substance, firearm, explosive, or destructive device;
- 2) the weight of the evidence against the person;
- 3) the history and characteristics of the person, including—
 - a) the person's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings; and
 - b) whether, at the time of the current offense or arrest, the person was on probation, on parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under Federal, State, or local law; and

4) the nature and seriousness of the danger to any person or the community that would be posed by the person's release.

18 U.S.C. § 3142(g).

D. Mr. Anderson Should Be Released Under The Bail Reform Act

The Supreme Court notes the “traditional right to freedom before conviction permits the unhampered preparation of a defense and serves to prevent the infliction of punishment prior to conviction.” *Stack v. Boyle*, 342 U.S. 1, 4 (1951). The Court further instructed that “unless this right to bail before trial is preserved, the presumption of innocence secured only after centuries of struggle, would lose its meaning.” *Id.* The Supreme Court has also observed that “[i]n our society, liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.” *United States v. Salerno*, 481 U.S. 739, 755 (1987). For this reason, under the Bail Reform Act, Congress has directed that “[o]nly in rare circumstances should release be denied, and doubts about the propriety of release should be resolved in the defendant’s favor.” *Gebro*, 948 F.2d at 1121. *See also United States v. Orta*, 760 F.2d 887, 890 (8th Cir. 1985) (en banc) (Bail Reform Act “continues to favor release over pretrial detention”).

Serious charges in themselves are not enough to justify detention. *E.g., United States v. Giordano*, 370 F. Supp. 2d 1256, 1258 (S.D. Fla.

2005) (granting release under appropriate conditions “even in a case involving serious economic crimes”). Regardless of the charges, the statute expressly provides that a defendant should be released on his own recognizance unless he represents a *serious* flight risk or a danger to the community. 18 U.S.C § 3142(b); *United States v. Eischeid*, 315 F. Supp. 2d 1033, 1037 (D. Ariz. 2003) (finding that threat of flight must be great). The government must point to more than the indictment to justify detention and “must prove by clear and convincing evidence that the defendant poses a danger to the community or by a preponderance of the evidence that the defendant poses a flight risk.” *Chen*, 820 F. Supp. at 1208.

1. The Nature and Circumstances of the Offense and the Weight of the Evidence.

Several events led up to the protest at the MNWR that began on January 2, 2016. Planning for the protest began at least as early as October 2015, after Dwight and Steven Hammond were resentenced for their federal arson convictions, and continued until the end of December, 2015.

Mr. Anderson had no involvement of any kind in the Hammond case, nor was he involved in any way in the planning of the protest at the MNWR. Mr. Anderson was living in Riggins, Idaho during those months. The only other eventual co-defendant he knew during that time period was his wife, Sandra Lynn Anderson (Sandy), with whom he was living.

Discovery provided describes a January 2, 2016 “takeover” of the MNWR. Mr. Anderson did not participate in any activities at the MNWR on January 2, 2016. He and Mrs. Anderson first arrived at the MNWR on January 5, 2016, when they spent one night there and left. They did not return until January 10, and left again on January 12. They returned again on January 18, staying until January 20. They returned to the refuge a final time on January 25, when they stayed until February 11, 2016. While Mr. and Mrs. Anderson were two of the last four defendants to leave the refuge, they were not there for the duration of protest, and were present on an off-and-on basis for much of the relevant timeframe. During the final days of the protest, Mr. Anderson made some inflammatory statements on video that were uploaded to social media platforms. The defendant expects the government will refer the Court to those videos in arguing that Mr. Anderson is a danger to the community. The videos are discussed in their context below.

The nature and circumstances of the offenses charged, with the exceptions of the videos and the 924(c) count, are unremarkable in terms of whether they provide significant evidence of a risk of flight or danger to the community. In any event, a charge involving violence is not a bar to release. Courts often release defendants charged with very serious offenses involving

violence or drugs, so long as conditions can be imposed that reasonably assure the safety of the community and the defendant's appearance. *See, e.g., United States v. Eischeid*, 315 F.Supp.2d 1033 (D.Ariz. 2003) (murder in aid of racketeering); *United States v. Hammon*, 204 F.Supp.2d 1157 (E.D. Wis. 2002) (racketeering and drug distribution); *United States v. Barnett*, 986 F.Supp. 385 (W.D. La. 1997) (attempted murder for hire); *United States v. Lopez*, 827 F.Supp. 1107 (D.N.J. 1993) (cocaine trafficking); *United States v. Soto Rivera*, 581 F.Supp. 561 (D.P.R. 1984) (bank robbery and murder).

Finally, Mr. Anderson is presumed by law to be innocent. Thus, the weight of the evidence is the least important factor, as the Court cannot make a pretrial determination of guilt. *Motamedi*, 767 F.2d at 1408 (9th Cir. 1985).

2. Mr. Anderson's History and Characteristics.

Mr. Anderson was born June 1, 1968, in Fort Dodge, Iowa. When he was 19 years old, he moved to Wisconsin and worked in a factory for several years. He has a high school diploma and has attended trade school. He is a union electrician, having joined the International Brotherhood of Electrical Workers in 1991. In 2014, he moved back to Iowa for a brief period of time. He married Sandy Anderson in May of that year, having known her for two

decades and been romantically involved for the prior four years. Sean and Sandy settled in the small rural community of Riggins, Idaho, in April 2015. There, the couple followed their dream and opened a camping and outdoor supply store, Hurricane Outdoor Supply. Unfortunately, the business had to close its doors after a local forest fire drastically reduced the number of campers and outdoor enthusiasts in the area. The Andersons hope to maintain Hurricane Outdoor Supply as an online retailer. Prior to his arrest, Mr. Anderson made a living harvesting firewood, doing electrical work, and other small jobs for members of the Riggins community. He can continue that work upon his release.

Mr. Anderson is a trusted and valued member of his community. His landlord, Martha Stolberg, describes Mr. Anderson as “very friendly,” and hired him to do some electrical work on some of her rentals. “He did an excellent job.” Stolberg Letter, attached. The rent and utilities on the house the Andersons rent from Ms. Stolberg is current—all bills are paid, and Sandy Anderson continues to reside there. *Id.* The “general consen[su]s in town is that Sean and Sandy were a friendly couple and everyone has accepted them into the community even if they did not agree with their opinions.” *Id.*

Mr. Anderson has a minor criminal record consisting of a misdemeanor trespassing conviction in 2002 and a misdemeanor disorderly conduct conviction in 2008, both from Rock Creek, Wisconsin. He also has a non-extraditable misdemeanor warrant out of Rock Creek stemming from an incident in September of 2014. Undersigned counsel has been in contact with the District Attorney's Office in Rock Creek, but thus far has been unable to speak directly to Mark Jonkee, the assistant DA handling the Rock Creek case. Upon release from custody, Mr. Anderson, with the assistance of counsel, will make arrangements to appear and clear the Wisconsin warrant. He will enter a plea of not guilty on that case and intends to take it to trial.

3. Mr. Anderson Is Not A Flight Risk.

The *possibility* that a defendant will flee cannot establish that a defendant is a serious risk of flight; otherwise such a determination would be made in every case. *See Chen*, 802 F.Supp. at 1208 (the “opportunity to flee [is not] enough to justify detention . . . Congress did not require guarantees in enacting the Bail Reform Act”). The question is whether Mr. Anderson is a *serious* risk of flight. Importantly, conditions for release need not guarantee the defendant's presence, but need only *reasonably assure* such presence. 18 U.S.C. § 3142(e). In assessing the defendant for a risk of

flight, the Court should consider ties to both the community of arrest and the community where the defendant normally resides. *United States v. Townsend*, 897 F.2d 989, 995 (9th Cir. 1990); *United States v. Robinson*, 710 F. Supp. 2d 1065, 1088 (D.N. Mar. I. 2010). Here, Mr. Anderson's community ties are to his home in Riggins, Idaho.

Mr. Anderson presents no risk of flight and has every intention to make court appearances in this case. Mr. Anderson, like several of his co-defendants, understands the public nature of this case and his involvement in it. He embraces the opportunity to be heard in a court proceeding, and looks forward to his appearances. He is a faithful husband and member of the Riggins community. He is not a risk of flight.

Any remaining concerns the Court may have regarding flight is addressed by the proposed special conditions. The sheriff of Idaho County, Idaho, in which Mr. Anderson resides, has agreed to monitor Mr. Anderson's compliance with pretrial release conditions imposed by this Court. In a letter dated April 13, 2016, Sheriff Doug Giddings writes:

If Sean were to be released from lockup and return to the Riggins area, the Idaho Co. Sheriff's office could and would monitor any stipulations placed on Sean for his release. We have one corporal who lives downtown Riggins, and one Sgt. who lives above Lucile, about 10 miles out. We have 24 hour coverage, and we all know who Sean and Sandy are. They have not been any trouble in the time they've lived in Riggins, and have been very cooperative with local law enforcement.

However, a no contact order would be difficult to monitor due to the size of Riggins. (400 population).

Giddings Letter, attached.

The willingness of the county's chief law enforcement officer to act as a third party custodian of sorts should be particularly reassuring to this Court when determining whether Mr. Anderson is a flight risk. Congress expressly recognizes that the existence of a third-party custodian is a condition that can reasonably assure a defendant's appearance. 18 U.S.C. § 3142(c)(B)(i). Moreover, federal courts have traditionally viewed third party custodians as a strong safeguard that ensures the defendant's compliance with the conditions of his release. *See, e.g., United States v. Pineyro*, 372 F.Supp.2d 133, 134 (D.Mass 2005) (defendant charged with felon in possession of a firearm released on conditions, including that he "reside with third-party custodian"); *United States v. Cruz*, 363 F.Supp.2d 40, 47 (D.P.R. 2005) (fraud defendant released on condition, among others, that he have "third party custodian approved by" pretrial services); *United States v. Walters*, 89 F.Supp.2d 1217, 1219 (D.Kan 2000) (in case involving conspiracy to distribute methamphetamine, defendant released on condition that certain persons act as third party custodians).

4. Mr. Anderson Is Not A Danger To The Community

Conditions for release must *reasonably assure* community safety—a guarantee is not required. 18 U.S.C. § 3142(e); *Orta*, 760 F.2d at 891. Indeed, courts often release defendants charged with very serious offenses involving violence or drugs, even where the defendant is deemed a danger to the community, as long as conditions can be imposed that reasonably assure the safety of the community and the defendant’s appearance. *See, e.g., United States v. Eischeid*, 315 F.Supp.2d 1033 (D.Ariz. 2003) (murder in aid of racketeering); *United States v. Hammon*, 204 F.Supp.2d 1157 (E.D. Wis. 2002) (racketeering and drug distribution); *United States v. Barnett*, 986 F.Supp. 385 (W.D. La. 1997) (attempted murder for hire); *United States v. Lopez*, 827 F.Supp. 1107 (D.N.J. 1993) (cocaine trafficking); *United States v. Soto Rivera*, 581 F.Supp. 561 (D.P.R. 1984) (bank robbery and murder).

Moreover, a comprehensive psychological evaluation and violence risk assessment shows Mr. Anderson is a low risk for future violence. Dr. Alexander Millkey, Psy.D., conducted the evaluation. Dr. Millkey’s extensive CV is attached to this motion, and his full report (Millkey Report) will be filed under seal as an exhibit for this Court to review in its entirety. Importantly for Mr. Anderson’s Motion for Release, Dr. Millkey’s evaluation focused particularly on assessing Mr. Anderson’s risk for future

violence. As such, the evaluation consisted of the administration of several psychological tools specialized for that assessment, the results of which are all fully detailed in the report. Dr. Millkey assessed both Mr. Anderson's "Chronic Violence Risk," (the risk over the next several years) and his "Acute Violence Risk," (the risk over the following few months). Dr. Millkey's professional opinion is that Mr. Anderson's Chronic Violence Risk is "low," which means "the defendant does not require an action or plan to manage risk of violence." Millkey Report 15. Dr. Millkey is also of the opinion that Mr. Anderson's Acute Violence Risk is "presently low, and would remain low if he were discharged from a custodial environment." *Id.* If released, Dr. Millkey's professional opinion is that Mr. Anderson would not be a danger to his community.

Sheriff Doug Giddings of Idaho County, where Mr. Anderson resides, relates to the Court his belief that "neither Sean nor Sandy are real threats to anyone." Giddings Letter, attached. The chief law enforcement officer of the very community in which Mr. Anderson resides has no concern about Mr. Anderson's release—powerful evidence that he is no danger. Moreover, that Sheriff Giddings is willing to lend the resources of his office to monitor, locally, Mr. Anderson's compliance with conditions of pretrial release speaks volumes of the community's faith in Mr. Anderson.

The government will likely rely on videos posted to social media during the last days of the protest as evidence of Mr. Anderson's danger to the community. While some of these videos are alarming in terms of the rhetoric expressed, they must be considered in the context in which they were produced, as Dr. Millkey does in his evaluation.

Mr. Anderson's final days at the refuge were marked by physical and psychological fatigue, significant feelings of isolation and abandonment, and the very real fear that he and his wife's lives were in grave danger.

Individuals at the refuge received word that another protester, Lavoy Finnicum, had been shot and killed by the government, and panic ensued. Protesters thought the government was moving in. They had seen members of the media pull out, and thought this was in anticipation of an ambush.

They were left without communication from other members of the protest.

Mr. Anderson, who "does not hold attitudes that generally condone violence," was in the midst of what Dr. Millkey describes as an "acute emotional crisis" which caused him to act out in a "dramatic" fashion due to him feeling "threatened or overwhelmed." Millkey Report 15. It was Mr. Anderson's feelings of being "threatened with harm or death" that "prompted him to make the inflammatory statements" in the videos. *Id.* at

16.

Dr. Millkey recognizes that a minutes-long video, a miniscule fractional snapshot of a man's life, cannot be the sole basis for assessing risk. Dr. Millkey notes that "because Mr. Anderson does not hold attitudes that generally condone violence he is likely only to act violently or encourage violence when he feels threatened or overwhelmed. This factor is presently absent, and I anticipate that it would remain absent if he were in a noncustodial environment." *Id.* at 15.

Dr. Millkey's report, and his final recommendations, make clear that there *is* a combination of conditions that can reasonably assure his appearance in court and the safety of the community. While already low, Dr. Millkey advises that Mr. Anderson's risk for future violence would be diminished if he avoids affiliation with "patriot movement" groups and leaders. *Id.* at 17. Mr. Anderson is willing to do so and will comply with any condition the Court imposes in this regard with respect to his release.

Dr. Millkey also advises that Mr. Anderson's already low risk for future violence would be mitigated further by removing obstacles to him maintaining his relationship with his wife Sandy. *Id.* Dr. Millkey notes that Mr. Anderson's relationship with his spouse is of the utmost importance to him, and that he would choose his marriage over anything else, such as political views, that could threaten it. Mr. Anderson would of course abide

by any conditions this Court imposes that would remove obstacles to his relationship with his wife. More specifically, Mr. Anderson proposes a release plan that would allow him to live in his home, the home he rents, with his wife Sandy. For her part, she is gainfully employed in Riggins, checks in regularly with her supervising officer, and has been abiding by all conditions. Further, Mr. and Mrs. Anderson would comply with any order instructing them not to discuss the facts of the case. Indeed, Mr. and Mrs. Anderson are currently allowed limited contact through letters—screened by pretrial services—and there have been no issues with those communications.

Dr. Millkey also recommends that if released, Mr. Anderson find and maintain steady employment. *Id.* Mr. Anderson is a skilled electrician, and can find work in that field as well as harvesting firewood. If he is released, he will abide by any conditions the Court imposes regarding employment. Furthermore, Mr. Anderson is willing to report daily to pretrial services and/or to his local Sheriff's Office. *See United States v. Hare*, 873 F.2d 796, 801 (5th Cir. 1989) (“In considering the facts concerning risk of flight and dangerousness, [the defendant] may present to the court any condition he is willing to abide by if he is released, such as daily reporting to an appropriate government official.”).

E. Conclusion

The Court is charged with determining whether there exists “*any* condition or combination of conditions set forth in [18 U.S.C. § 3142(c) that] will reasonably assure [his appearance] as required and the safety of any other person and the community.” 18 U.S.C. § 3142(f) (emphasis added).

Thus, given the “wide range of restrictions available” Congress intended “that very few defendants will be subject to pretrial detention.” *Orta*, 760 F.2d at 891. The Bail Reform Act is structured so that every other form of release, including release on conditions, must be considered before detention is ordered. *Id.* at 892. Congress “envisioned the pretrial detention of *only a fraction* of accused individuals awaiting trial [thus] every form of release [must] be considered before detention may be imposed.” *Id.* (emphasis added).

The presumption of detention has been rebutted. Mr. Anderson enjoys the full support of the chief law enforcement officer in his community. He has stable housing and a support network in Riggins, Idaho. A professional psychological risk assessment evaluation has determined he is a low risk for future violence, and has provided several suggestions to

mitigate his already low risk—suggestions that can easily be incorporated into pretrial release conditions. Mr. Anderson should be released.

Respectfully Submitted this 28th day of April, 2016:

/s/ Matthew G. McHenry

Matthew G. McHenry
Counsel for Sean Anderson

LETTER FROM LANDLORD MARTHA STOLBERG

April 17, 2016

To Whom It May Concern:

I have been requested to state how I have known Sean and Sandy Anderson.

Sean and Sandy opened an outdoor equipment store selling camping gear, etc. in the summer of 2015 on Main Street, Riggins, Idaho (pop. 410) called "Hurricane". In the back was a large travel trailer where they were living. Daily while I was walking my dog we would pass their store. We always exchanged greetings and they were very friendly. I learned Sean had been an electrician in Wisconsin so hired him to do some work at one of my rentals. He stated he was thinking of getting licensed in Idaho. He did an excellent job.

When it was obvious that their business was not going to prosper I inquired as to what they would do next. At this point Sandy was working at the gas station. When they mentioned they were looking for some land to build a house I told them I had 2 acres, 6 miles out of town, that already had a "pad" ready to go. Also there was a 1 bedroom manufactured home to one side of the property completely set up with phone, electrical, septic, etc and it was for sale. They immediately agreed to rent it for \$200/mo, and we would work out the sale eventually.

I gave them the keys and then left for business in California and only returned after Thanksgiving. After 2 weeks I left again for Christmas with family. I felt comfortable doing this without contract or deposit.

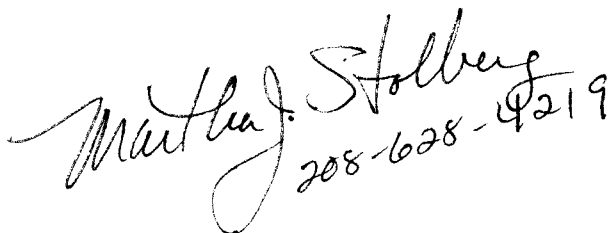
I returned mid January. I texted and left phone messages asking to get together, but to no avail. Finally while reading NPR news on my iphone (no radio or TV reception in Riggins) I saw Sean and Sandy's name mentioned as being at Malheur Wildlife Preserve.

They had never missed paying their rent on time. Soon I got a phone call from Franklin Graham who said he would pay 2 months rent for them, so they were good til March 31.

Meanwhile I was concerned with pipes freezing since temperatures had dropped severely. I used the key Mr Graham had sent me to check on the heater and indeed the sensor was not working properly. Upon entering the house with my workman I observed a very neat and tidy home---looking as if someone would be returning shortly. The yard was kept up too.

Sandy returned in March and made her rent payment on the first of April. She also paid me back for a propane bill I had taken care of while they were gone. Sandy continues to work at the gas station and has been helped by a fund collected while they were gone. The general consences in town is that Sean and Sandy were a friendly couple and everyone has accepted them into the community even if they did not agree with their opinions.

Respectfully yours,
Martha J. Stolberg
Landlord to Sean and Sandy Anderson



Martha J. Stolberg
208-628-4219

**LETTER FROM SHERIFF DOUG GIDDINGS, IDAHO
COUNTY, IDAHO**



Idaho County Sheriff's Office

320 West Main
Grangeville, Idaho 83530

Fax 208 983 1359
Phone 208 983 1100



Doug Giddings, Sheriff

Jim Gorges, Undersheriff

April 13, 2016

District of Oregon- Federal court

RE: Sean Anderson

To Whom: It May Concern,

I am the Sheriff of Idaho County, Idaho where the town of Riggins is located. I've talked with Sandy Anderson, who is currently living in Riggins and working at the Chevron. She is doing just fine, causing no problems, which is what she did prior to all the federal arrests. She said that Sean is restricted from calling her, writing her, or making any contact with her, and is currently unable to bond out.

If Sean were to be released from lockup and return to the Riggins area, the Idaho Co. Sheriff's office could and would monitor any stipulations placed on Sean for his release. We have one corporal who lives downtown Riggins, and one Sgt. who lives above Lucile, about 10 miles out. We have 24 hour coverage, and we all know who Sean and Sandy are. They have not been any trouble in the time they've lived in Riggins, and have been very cooperative with local law enforcement. However, a no contact order would be difficult to monitor due to the size of Riggins. (400 population)

Regarding potential housing for Sean, I have no good suggestions. I just don't know Sean well enough to know his friends who might be able to help in that regard.

Overall, I don't see Sean as being a local (city, county, or state) problem, but I can't speak to his thoughts on the federal government. I would guess that his wings have been clipped when he pushed "SEND" on his cell phone after spewing some pretty damaging language. My guess is that he's not interested in going forward with any of his prior threats. I still believe that neither Sean nor Sandy are real threats to anyone. They got caught in a corner - due to their own shortcomings- and lashed out verbally, but I don't expect to see or hear any more of that coming from them.

Feel free to call me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Doug Giddings".

Doug Giddings
Sheriff

Teamwork-Integrity-Excellence
www.idahocountysheriff.org

CV OF DR. ALEXANDER MILLKEY, PSY.D.

ALEXANDER M. MILLKEY, PSY.D.(971)285-7931 • Alexander.Millkey@nwforensic.org

CURRICULUM VITAE**LICENSURE**

- Licensed as Clinical Psychologist October 2006
- License Number 1792

CERTIFICATIONS

- Certified Forensic Evaluator – January 1, 2012

EDUCATION**Pacific University School of Professional Psychology****Forest Grove, OR**

- Doctor of Psychology, Conferred 2005
- Dissertation: Comparison of attitude change in state prison inmates following substance abuse treatment in a therapeutic community and a shock incarceration program.
- Chairperson: Genevieve Arnaut, Ph.D., Psy.D.

Pacific University School of Professional Psychology**Forest Grove, OR**

- Master of Science, Doctoral Program, January 2002
- Thesis: Religiosity and substance use in adolescents.
- Chairperson: Sydney S. Ey, Ph.D.

Guilford College**Greensboro, NC**

- Bachelor of Science, May 1995
- Major: Psychology; Minor: Religious Studies; Concentration: East Asian Studies

PROFESSIONAL EXPERIENCE**Clinical Positions**

12/2008 – Present	Forensic Psychologist, Founding Partner, Northwest Forensic Institute	Portland, OR
7/2008 – Present	Forensic Psychologist, Forensic Evaluation Service, Oregon State Hospital	Salem, OR
1/2007 – 7/2008	Consulting Forensic Psychologist, Oregon State Hospital	Salem, OR
10/2005 – 12/2007	Contracted Evaluation Psychologist, The Christie School	Marylhurst, OR
9/2005 – 1/2007	Psychologist Resident, Oregon Department of Corrections	Wilsonville, OR
8/2004 – 8/2005	Psychology Intern, Mendota Mental Health Institute	Madison, WI
8/2004 – 8/2005	Outpatient Therapist, University of Wisconsin Psychology Clinic	Madison, WI
8/2003 – 8/2004	Psychological Assessor, Oregon Department of Corrections	Salem & Wilsonville, OR
8/2002 – 8/2003	Outpatient Therapist, PeaceHealth/Mental Health Northwest	Vancouver WA
8/2001 – 8/2002	Outpatient Therapist, Pacific University Psychological Service Center	Portland, OR
2/2002 – 4/2002	Group Therapist, Raphael House	Portland, OR

Supervisory Positions

11/2009 – 4/2010	Associate Supervisor, Psychologist Resident, S. Paige Wilcoxson, PsyD
1/2009 – 10/2009	Primary Supervisor, Psychologist Resident (Risk Assessment), Brooke Howard, PhD
3/2009 – 6/2009	Associate Supervisor, Psychologist Resident, Kate Schoeneman, PhD

Research Positions

11/1999 – 8/2004	Research Assistant II, Oregon Research Institute	Portland, OR
12/2001 – 9/2003	Graduate Assistant, Pacific University	Portland, OR
2/1999 – 2/2000	Research Assistant II, Project Alliance, Oregon Social Learning Center	Portland, OR

Teaching Positions

Fall 2002	Teaching Assistant, Assessment I, Pacific University	Forest Grove, OR
Spring 2003	Teaching Assistant, Assessment I, Pacific University	Forest Grove, OR
Spring 2004	Teaching Assistant, Assessment I, Pacific University	Forest Grove, OR

HONORS

Privileged for General Psychology, Fitness to Proceed, & Criminal Responsibility, Oregon State Hospital
Employee of the Quarter – Coffee Creek Correctional Facility – November 2006
Pacific University Community Service Award – August, 2005
Dissertation Featured in Gradpsych Magazine's Research Roundup - June, 2004
Oregon Psychological Association Student Research Award - April, 2004
Pacific University Service Scholarship - June 2003
Professional Commendation, Pacific University – 2001, 2002

ACADEMIC SERVICES

- **Dissertation Reader**, *Predicting Risk of Recidivism Among Domestically Violent Men*, Jennifer Ulmer, MS, George Fox School of Professional Psychology, 2012
- **Dissertation Reader**, *Relationship Between Solitary Confinement and Disciplinary Infractions in Adult Correctional Environment*, Bryce Roby, MS, George Fox School of Professional Psychology, 2012.
- **Dissertation Reader**, *The Value of Mental Health Testimony to Legal Professionals*, Krystal Gregg, MS, George Fox School of Professional Psychology, 2010-2011
- **Dissertation Reader**, *Competency to Stand Trial: Special Challenges for the Population Diagnosed with Mental Retardation and Borderline Intellectual Functioning*, Diomaris Jurescka, MS, George Fox School of Professional Psychology, 2009-2011
- **Dissertation Reader**, *Characteristics of Female Firesetters*, Kushanthi Sumaratange, M.S., Pacific University School of Professional Psychology, 2008-2009
- **Dissertation Reader**, *Detecting Malingering among a Correctional Population: A Comparison of Several Psychological Tests*. David Hill, M.S., Pacific University School of Professional Psychology, 2008-2009
- **Co-Chair**, Treatment of Severe and Persistent Mental Illnesses in Correctional Settings Symposium, American Psychological Association convention, New Orleans, LA, 2006
- **Co-Chair**, Treatment of Non-Psychotic Disorders in Correctional Settings Symposium, American Psychological Association convention, New Orleans, LA, 2006

ADMINISTRATIVE SERVICES

- **Member**, Oregon State Hospital/Oregon Health and Science University Continuing Medical Education Committee, 2011
- **Member**, Oregon State Hospital Short-Term Assessment of Risk and Treatability (START) Implementation Team, 2008 - 2011
- **Member**, Oregon State Hospital Risk Review Panel, 2007 – 2011
- **Chair**, Research Committee, Department of Psychology, Oregon State Hospital, 2008
- **Member**, Research Committee, Department of Psychology, Oregon State Hospital, 2007 - 2010
- **Member**, Oregon State Hospital Research Committee, 2007 – 2010
- **Member**, Risk Assessment Committee, Department of Psychology, Oregon State Hospital, 2007 – 2010
- **Member**, Risk Assessment Work Group, Department of Psychology, Oregon State Hospital, 2007.
- **Member**, Oregon State Hospital Morbidity and Mortality Committee, 2009-2010
- **President**, Pacific University School of Professional Psychology Student Association, 2003-2004
- **President-Elect**, Pacific University School of Professional Psychology Student Association, 2002-2003 Academic Year
- **Selected Member**, Pacific University School of Professional Psychology Admissions Committee, 2002 & 2003
- **Member**, Vancouver Wellness Project Core Planning Committee, 2003 – 2004

- **Member**, Vancouver Wellness Project Student Utilization Task Force, 2003 – 2004
- **American Executive Committee**, 48th Japan America Student Conference, 1996
- **Facilitator and Co-Organizer**, Social and Ethnic Minority Day, 48th Japan America Student Conference, 1996

PUBLICATIONS

Jurecska, D. E., Peterson, M. A., & Millkey, A. (2012). Comparative study of the MacCat-CA and CAST-MR for individuals with intellectual disabilities. *American Journal of Forensic Psychology*, 30(2), 67-83.

PROFESSIONAL PRESENTATIONS

Gregg, K. R., Millkey, A., Peterson, M. A., & Gathercoal, K. A. (August, 2012). Criminal responsibility evaluations: Defense attorneys' preference between psychologists, psychiatrists, and social workers as mental health experts witnesses. Poster accepted for presentation at the annual meeting of the American Psychological Association; Washington, D.C.

Millkey, A.; deBros, G.B; Jurecska, D.E; & Peterson, M.A. (2010, August) *The Malingered Ignorance of Legal Knowledge Test (MILK): A measure of forensic symptom validity*. Poster presented at the annual meeting of the American Psychological Association, San Diego, CA.

Jurecska, D.E; Becker, T; Peterson, M.A; & Millkey, A. (2010) *A Convergent Validity Study of Forensic Adjudicative Competence Tests: MacCAT-CA v. CAST-MR; Are We Lowering the Bar When Measuring Competence in Individuals with Intellectual Disabilities?* Paper presented at the annual meeting of the American Psychological Association, San Diego, CA.

Millkey, A.M., Balduzzi, E., Howard, B., Walker, D., Thomas, N., & Wilson, S. (2010, May). *The adoption and implementation of the Short Term Assessment of Risk and Treatability at Oregon State Hospital*. Paper presented in the *Implementing Risk Assessment and Management in Forensic Mental Health Services Symposium* at the 10th Annual Conference of the International Association of Forensic Mental Health Services, Vancouver, BC, Canada. Symposium Chair: Johann Brink, MD. Symposium Discussant: Christopher Webster, PhD.

Millkey, A.M., Balduzzi, E., Walker, D., Howard, B., Wilson, S., & Thomas, N. (2010, May). *Making the Short Term Assessment of Risk and Treatability (START) congenial to a civil psychiatric program: Success Formulation, policy, and education*. Paper presented at the 10th Annual Conference of the International Association of Forensic Mental Health Services, Vancouver, BC, Canada.

Balduzzi, E., Millkey, A.M., Howard, B., Walker, D., Thomas, N., & Wilson, S. (2010, May). *Using Key and Critical Items on the Short Term Assessment of Risk and Treatability (START) to guide treatment*. Paper presented at the 10th Annual Conference of the International Association of Forensic Mental Health Services, Vancouver, BC, Canada.

deBros, G. B., Jurecska, D. E., Millkey, A. M., & Peterson, M. (2010, May). *The Malingered Ignorance of Legal Knowledge Test (MILK): A brief measure of forensic symptom validity*. Poster presented at the 10th Annual Conference of the International Association of Forensic Mental Health Services, Vancouver, BC, Canada.

Juecska, D.E.S, Millkey, A.M., Peterson, M., Gathercoal, K., Gregg, K., & Adams, W. (February, 2010). *The Malingered Ignorance of Legal Knowledge (MILK): Initial Development, Validation, and Psychometric Testing*. A poster presented at the International Neuropsychology conference, Acapulco, Mexico

Gathercoal, K.A., Jurecska, D.E.S., Millkey, A.M., Peterson, M., Gregg, K., & Adams, W. (July, 2009).

Competence to Stand Trial: Challenges in assessing competence of defendants with intellectual disabilities. A paper presented to the Douglas K. Detterman Research Symposium, Cleveland, Ohio.

Millkey, A.M. & Webb, L. (2009, June). *Forensic Services for Individuals with Intellectual Disabilities.* Oregon Disabilities Mega Conference.

Millkey, A.M. & Arnaut, G.L. (2006, August). Co-chairs of *Treatment of Severe and Persistent Mental Illnesses in Correctional Settings Symposium*, American Psychological Association convention, New Orleans, LA, 2006.

Arnaud, G.L. & Millkey, A.M. (2006, August). Co-chairs of *Treatment of Non-Psychotic Disorders in Correctional Settings Symposium*, American Psychological Association convention, New Orleans, LA, 2006.

Millkey, A.M., Arnaut, G.L., Brockwood, K., Tolan, A., & Bellatty, P. (2006, August). *Relative Effectiveness of Correctional Boot Camps and Therapeutic Communities for Treatment of Substance Abuse and Dependence.* Paper presented at the Treatment of Non-Psychotic Disorders in Correctional Settings Symposium, American Psychological Association convention, New Orleans, LA, 2006.

Millkey, A.M. & Ey, S. (2004, August). *Correlates of religiosity in adolescents.* One-speaker paper presented at the annual convention for the American Psychological Association, Honolulu, Hawaii.

Hyde, J., Smith, M., Millkey, A.M., & Heilweil, R.E. (2004, May). *The Wellness Project: A mental health free clinic/training institute.* Poster presented at the annual convention for the Oregon Psychological Association, Portland, Oregon.

Millkey, A.M. & Ey, S. (2004, April). *Differential correlates of religiosity in African American and European American adolescents.* One-speaker paper presented at the annual convention for the Western Psychological Association, Phoenix, Arizona.

Millkey, A.M. (2003, May). *Freud, Jung, and a duck walk into a bar: The relationship between joke-telling and delivering effective interpretations in psychodynamic psychotherapy.* One-speaker paper presented at the annual convention for the Western Psychological Association, Vancouver, British Columbia, Canada.

Millkey, A.M. and Ey, S. (2003, May). *The absence of a relationship between religiosity and substance use in adolescents.* One-speaker paper presented at the annual convention for the Western Psychological Association, Vancouver, British Columbia, Canada.

Millkey, A.M. (2001, October). *Gay, lesbian and bisexual affirmative psychotherapy.* Poster presented at the Pacific University School of Professional Psychology's Diversity Day Forum, Forest Grove, Oregon.

Millkey, A.M. (1996, August). *Psychotherapy from a Buddhist framework.* One-speaker paper presented at the 48th Japan America Student Conference, Washington University, Saint Louis, Missouri.

Millkey, A.M. (1995, August). *The psychological structure of Eastern and Western religions: An interpretation through Maslow's hierarchy of needs.* One-speaker paper presented at the 47th Japan America Student Conference, Kyoto University, Kyoto, Japan.

GUEST LECTURES, TRAININGS AND ACADEMIC PRESENTATIONS

- Millkey, A.M. (2012, April). *Use of the Broset Violence Checklist to predict short-term risk of violence*. Oregon State Hospital, Oregon State Hospital Security Department.
- Millkey, A.M. (2011, August). *Competency to waive appeals among death row petitioners*. Oregon State Hospital, Forensic Evaluation Service.
- Millkey, A.M. (2011, January). *The Use of the Inventory of Legal Knowledge*. Oregon State Hospital Forensic Evaluation Service.
- Millkey, A.M. (2010, May). *Forensic Considerations of Posttraumatic Stress Disorder*. Oregon State Hospital Forensic Evaluation Service.
- Millkey, A.M. (2010, May). *Approaches to Risk Assessment*. Oregon State Hospital Department of Psychiatry.
- Millkey, A.M. (2009, July). *Basics of Risk Assessment*. Oregon Health and Sciences University Forensic Psychiatry Fellowship.
- Millkey, A.M. (2009, May). *Predicting is Hard, Especially About the Future: A Survey of Risk Assessment Techniques*. Oregon State Hospital Forensic Evaluation Service.
- Millkey, A.M. (2008, November). *Using the Short-Term Assessment of Risk and Treatability*. Oregon State Hospital Forensic Psychiatric Services.
- Millkey, A.M. (2008, May). *Forensic Psychology: Guilty Except for Insanity, Competency to Stand Trial, and Risk Assessment*. Interview for documentary film *Guilty Except for Insanity*.
- Balduzzi, E. & Millkey, A.M. (2007, November). *Risk Assessment at Oregon State Hospital*. George Fox University School of Professional Psychology.
- Millkey, A.M. (2007, November). *Forensic Psychology: Elements of Practice and Ethical Dilemmas*. Portland State University, Gender and Madness Class.
- Millkey, A.M. (2007, October). *Basics of Personality Assessment Inventory Interpretation*. Counseling and Treatment Services Annual Retreat, Oregon Department of Corrections.
- Millkey, A.M. (2007, July). *Evaluation of firesetters*. Department of Psychology Training, Oregon State Hospital.
- Millkey, A.M. (2006, December). *Behavior Management and Risk Assessment*. Correctional Employee Training, Oregon Department of Corrections.
- Millkey, A.M. (2006, December). *Treatment of the Mentally Ill in Prison*. Correctional Employee Training, Oregon Department of Corrections.
- Millkey, A.M. (2006, November). *Antisocial Personality Disorder and Psychopathy*. Introduction to Psychology Class. Art Institute of Portland.
- Millkey, A.M. (2006, November). *Risk Assessment, Diagnosis, and Treatment with Correctional Populations*. Forensic Seminar Lecture Series. Pacific University School of Professional Psychology.
- Millkey, A.M., Hutson, A., & Purley, J. (2006, November). *Public Safety Mental Health Challenges*. AFSCME Northwest Region Public Safety Employees Conference.

Millkey, A.M. (2006, October). *Fundamentals of Personality Assessment Inventory Interpretation*. Training Seminar. Practicum Student Training Seminar. Pacific University/Oregon Department of Corrections.

Millkey, A.M. (2006, Various Dates). *Suicide prevention*. Correctional Employee Training, Oregon Department of Corrections.

Millkey, A.M. (2006, Various Dates). *Communicating with Counseling and Treatment Services staff*. Correctional Employee Training, Oregon Department of Corrections.

Millkey, A.M. (2006, Various Dates). *Working with low functioning inmates*. Correctional Employee Training, Oregon Department of Corrections.

Millkey, A.M. (2005, July). *Stalking and obsessional harassment: Classification, threat management, and risk assessment*. Training Seminar, Mendota Mental Health Institute Psychology Department.

Millkey, A.M. & Sharma, R. (2003, January). *Stress and stress management*. Portland State University Masters in the Art of Teaching (MAT) program. Portland, Oregon.

Ey, S., Versteeg, E., Millkey, A.M. & McWatters, D. (2002, September). *Graduate student self-care during practicum*. Panel Member, Pacific University's Psychological Service Center. Portland, Oregon.

Millkey, A.M. (2002, May). *Treating a dually diagnosed elderly Buddhist clergy member integrating a Buddhist framework with Western psychotherapeutic techniques*. Paula Truax, Ph.D., Discussant. Grand Rounds Presentation. Pacific University's Psychological Service Center. Portland, Oregon.

INVITED BOOK REVIEWS

Millkey, A.M. (2011). Review of *Handbook of Violence Risk Assessment* (Christopher Webster and Randy Otto). *Psychiatric Services*, 62(6).

Millkey, A.M. (2009). Review of *The Black Swan: The Impact of the Highly Improbable* (Nassim Nicholas Taleb). *Psychiatric Services*, 60(11), 1564.