

IN THE MAGISTRATES COURT OF THE)
OF THE AUSTRALIAN CAPITAL TERRITORY)
CRIMINAL JURISDICTION)

CC2013/1534

LIAM ARMSTRONG
Informant



and

ALEXANDER BAILIFF
Defendant

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10 April 2012

CONFIDENTIAL

Office of the Director of Public Prosecutions
GPO Box 595
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Attention: Ms Sian Jowit

Telephone: (02) 6207 5399
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Dear Ms Jowit

RE: Alexander Marcel Andrei BAYLISS
DOB: 25/08/70
Your Reference: 201210593



Introduction

Thank you for your letter dated 25 January 2012.

You requested that I provide you with a psychiatric report in relation to the accused, Alexander Marcel Andrei Bayliss. This report represents a clinical evaluation conducted with the accused at the AMC on 10 March 2011 and a telephone call on 27 March 2011. The purpose of this report is to provide an opinion with regard to his mental state at the material time of the alleged offending.

He has been charged with a number of offences including minor theft for alleged offence that occurred on 27 November 2008, and between April 2011 and December 2011; improper use of an emergency call service for alleged offence, give false alarm of fire and emergency to other for alleged offence, contravene a protection violence order for alleged offence, trespass on premises for alleged offences.

I have previously provided a report dated 27 March 2012; this report corrects typing errors in that report.

Role Confidentiality and Consent

From the outset I explained to the accused that I was a psychiatrist requested by you to provide you with a psychiatric report in relation to his mental state. I explained to him that any information provided to me would not be confidential and could be made available to a wider public should it be tendered to Court. I formed the view that he understood this and consented to continue.

Sources of Information

I have read the Expert Witness Code of Conduct Part 28 Rule 9C and Part 28A, Rule 2 of the District Court Rules and agree to be bound by those Codes.

I had the opportunity to review:

1. The Police Statement of facts.
2. The criminal history.
3. The relevant law section.
4. A number of communications it appears provided to me by you, which are written by the accused.

Demographics

He was 41 at the time that I saw him he was incarcerated at the AMC; he was not seeing a psychiatrist or a psychologist regularly; he was single; he was not taking medication.

Clinical Issues

From outset it should be stated that the accused's presentation was unusual; he was wearing glasses, a hat, his affect was intense, he manifested pressured and rapid speech, he was difficult to interrupt and had an urgent need to speak to me about "AM" and from outset explained that he had previously been in a motor vehicle accident; he was overfamiliar, and perseverated (returning to the same topic repeatedly) and disinhibited.

He commenced by telling me that his solicitor was involved with his girlfriend, that BC had been a friend for 20 years and that he was having intercourse with his girlfriend (AM); he was distressed by this because BC was his solicitor and that having intercourse with his girlfriend was unprofessional; BC had been his neighbour for 20 years; he felt it upsetting that his confident (AM) told him she was having a relationship with the solicitor.

On one BC came into his driveway and told him that he should punch him and that on a second occasion BC came and told him that AM loved him; BC was still involved in his case; he kept had BC involved because was involved before BC had intercourse with his girlfriend.

He explained that the closest person in his life, Vanessa Bayliss (his sister), was killed when he was 16 years of age in a motor vehicle accident, it was very upsetting for him; he was in a coma he said after this for about four weeks with loss of consciousness for four weeks and broke his arm; he stated he was aged "15 years, 108 days and 12 hours" at the time that it happened.

He then again returned to the issue of how upset he was about the relationship that his confident (AM) was having with B; at this stage I noted that he appeared to me to be quite perseverative on this issue.

He then went onto state that following the accident, he had been told that he suffered "elevation of mood, reduced concentration span, overtalkativeness, expansiveness, overfamiliarity and euphoria"; he referred me to a book on brain damage brought out by Blackwell Press and Lishman referring particularly to page 127.

He went onto speak about Justice Higgins and then went onto speak about issues surrounding the World Health Organisation and what sounded to me like diagnostic criteria for head injury.

In an attempt to keep him focussed I enquired about his mental state; he said at the time that I saw him, his mood was normal, he denied euphoria or depression; he thought his concentration was "good" and then went onto tell me that he had read the Bible in 14 days from New Year's Day between 14 January 2012 and between 27 January 2011 and 31 January 2011; that he had also read 700 pages of a book about what the Bible explains; he said when he read, all he has to do was to be away from distractions and he could focus on his reading; he had high energy levels, by way of example he explained to me that he had ridden his bike from "Canberra to Queanbeyan to Captains Flat to Major Creek to the Araluen Valley and then to Moruya"; he had got Nelson Mandela's book "Road To Freedom" and read it in three nights and then returned to Canberra by bike, covering a distance of about 452 kilometres.

He then referred back to BC and GC who he said was Mel Gibson's actual name and then he asked me if I had watched the ABC news.

He went onto speak about David Spitzer who he said was the first cousin of his stepfather, that David's real name was Spitzer; he then referred to a Professor Bathe (?) and that her husband had brain tumours and they did a suicide pact in 1978; he spoke about the mother of Phillip W Bates and that Erik Spitzer was the brother of Dr George Spitzer when he changed his name to Spicer (anglicised) the name because he was a GP.

He said that he was found not guilty by mental impairment on 30 November 2012 and returned home and there was a restraining order and AM walked past his residence every single day.

He stated that AM was his neighbour, he had met her sister near the bus stop and had been introduced to her in about January 2011; he did not see her for a week and a week later they had coffee and then entered a relationship, which lasted between February and October 2011.

From February to October 2011 he had an intimate relationship with AM; he said at no point did she terminate the relationship.

AM told him that she used speed for 10 years and that she supported her speed habit by having three jobs; when she said this he took it to mean that she got money to buy speed; he believed that AM left Perth to avoid being involved in a legal matter involving her supplier; he thought this was important because AM would have realised by telling him about the speed habits and that she had three jobs; that in fact, in his view, she was dealing.

It was not until October 2011 when AM accessed his "entire letterbox" and read all of his mail; she wanted to access his trust account; she had met his lawyer and the public advocate; she met his lawyer, BC, who he said breached client confidentiality; she had looked through all his mail; she ascertained what his trust was.

He then again explained that previously he had been in a motor vehicle accident and was unconscious for a month; he said he now thought that his lawful entitlement as a consequence of this was "multimillion dollars"; he had never "participated" in it because he was in the "High Court"; by suing the RTA he would not be a millionaire, he would be a billionaire because he introduced a diode that admitted light to various luxury cars.

He went onto explain that he was a "savant" when he was 19, and he was offered a million dollars to buy his first idea; his mother's brother (Uncle Barker) not only won the proposal to the International Olympic Committee to hold the 2000 Olympics, he then raised \$260,000,000 in media and marketing rights for the Sydney Olympics.

He had told his mother his idea and Uncle Barker said that it was a "multimillion dollar idea"; he was given a Commodore 64 computer in 1983 when he was 13; he programmed in basic and observed that the Microsoft disc operating system had two spaces for dates, month and year; that in 1983 he had observed that on 31 December 1999 the date would change to 2000; thus he knew (in 1983) of the potential for the "Y2K problem"; he said that everyone then, 14 years later, spent money hiring programmers to overcome the Y2K problem; this caused everyone to be able to take a lawful action against Microsoft; he then went onto state that when they recouped their costs this would exceed the value of Microsoft and he knew this in 1983.

He pointed to a number of names on a piece of paper, one was "Bailiff"; he stated that Bailiff meant a "minor Court official with Police authority"; that "Barker" meant a "crier of the Court"; he stated that, as a result of the Barker's the list of people in all the Courts and colonies around the world were called the Barker's List.

When he was 10 his father was posted to Hamilton for one year; that he had gone to the Woomera Rocket Range and in the sand dunes (at age 10), he saw the sun being reflected from something, he followed the reflection and found a stone hunting tool; he realised that this fitted his thumb and finger perfectly; he realised at age 10 that he was in someone else's "backyard" and the rent for this place would be enormous.

He then explained that his father had been in London and was a "bobby" and that his mother's grandfather (Billy Barker) was the longest serving Policemen in the history of Australia, serving between 1983 and 1931; at this point he ~~urged~~ me to read the case of R v Bailey.

He then made reference to the first case he prepared in the High Court; at age 21 he was contracted to develop products that complemented Scrabble; the first case he did in the High Court was against the Chief Justice which was reported on; this case prompted every Police Commissioner in Australia to contact Canberra for the Australian Crime Commission to be established.

When he was 30 his uncle asked him if he was doing the "Mabo" case; he was not a lawyer but his family name was Bailiff; he matched his challenge by doing a case for an Aboriginal man; he prepared "a High Court Writ"; as a result all the embassies undertook investigations using international law, then took "it" back to their country and eventually there was a "Papal Bill".

I had frequently lost the thread of his account-his rapid speech made it difficult for me to follow and understand what he was communicating to me.

I asked him about AM; he stated that AM told him about her speed habit in October 2011; the moment he became aware she used speed AM got a good idea he was going to report it; he was not in a position to associate with someone who did speed because he was doing cases in the High Court.

Account of the Alleged Offending

The offending period November 2008 until about December 2011; he stated that during that period time his mood was good, he did not endorse any significant depressive symptoms; he endorsed adequate sleep, appetite, energy, motivation, concentration, self esteem; he denied any interests; he denied suicidal thoughts.

He did not endorse any perceptual disturbances such as voices, visions, tastes, smells, messages from the TV, the radio or the newspaper; he did not believe that anybody was plotting to harm or kill him; he denied any external control.

He denied that in that time that he was utilising any drugs or alcohol.

27 November 2008

He said he never stole anything, he was financially secure, that "the guy" at the newsagency refused to sell him stamps; he said he had bought thousands of stamps; he told the owner that it "was pretty serious rubbish to be before the High Court"; he then bought a \$1,000 worth of stamps elsewhere; that night he took all the owner's junk mail off the newsagents windows and signage as well and threw it in the rubbish bin because he felt disrespected; he said this was not theft; he had no intention to permanently deprive him; at that stage he was 38 living opposite the shop; he was not taking medication; he was not seeing a psychiatrist; he was working to build cases; he posted information around the country about cases involving negligence of the Chief Justice of the High Court because his solicitor was representing him to expose the criminal activity to the High Court.

14 April 2011

He went to the police station; had junior person who he thought was not a police officer; he thought the only way to speak to the police officer was to make a phone call; he thought person was a junior volunteer; he made the emergency call because in phoning "000", they would have no choice but to take it to a higher level; in addition other people call "000" on him; he was not prepared to put up with the insolence by the Woden police station.

14 June 2011

In June 2011 he was age 40, living at home; he was not taking any psychiatric medication; he had spent most of that year removing old trees from his old block and planting different seeds and trees; he was collecting these from many different places; he said the ground in Canberra is dry so he was collecting these for his backyard to cover the ground so it did not get dry and he would have more insect activity under the leaves and increase fertility.

In June 2011 he said he had a leaf bag; he was in Canberra Avenue (at the chiropractor); he had filled about four one tonne bags with leaves; he had raked up the leaves and he told "the man at the gym" that the leaves were on the nature strip; he asked this person if he minded if he raked up the leaves and took them; he went into reception and asked if he could borrow a rake; when he went in they had a bag of peanuts there and he said he would be more than happy to collect all the needs in exchange for a bag of peanuts; the person told him it was only for members; the accused suggested he become a member of the gym; he said that the person's behaviour was "hostile and threatening to him"; he said this person had no idea that he knew that he had illegally converted his premises in a gym; the person told him "if you do not leave I will call the Police", so the accused said he would call an ambulance; he took the four bags of leaves to the house next door and then hid in a caravan; explained that when someone calls a ambulance, police can hear this as well, by calling the ambulance he was also notifying the police of a "problem"; this meant that when the police arrived at the gym and the person would have to explain that the police were called because a man was raking his leaves; the ambulance would also speak to the man at the gym; he hoping the police and ambulance would calm the man and the gym down; the ambulance arriving would indicate that he feared for his safety (the police had previously shot a person and made him paraplegic so this was protective for him); after the police came he went to the pictures and he was arrested later; they arrested him on the day he triple "000" after they came to his house and climbed a tree; he stated that one of the negotiating officer's had said he would like to shoot him but did not have his gun with him as he was there as a negotiator; he stated the police regularly threatened him, and climbing the tree was his only safety.

7 July 2011

He said AJ had a café; when he was dragging a bag of leaves down the road AJ tooted his horn because he was dragging leaves down the road; he dragged leaves past AJ and said "fatso do you want me to drop the leaves", AJ had earlier tooted his horn and had got a restraining order against him; once he got the restraining order he said AJ called Police saying he had breached the restraining order; he knew that by the Police taking a statement the Magistrate would dismiss this out of Court which he said happened, so AJ felt humiliated.

2 August 2011

He had been served a summons breach of restraining order; because he had been served a summons he photocopied it; he climbed a tree and got onto the first floor and through the window of the real estate agent; the restraining order said he could not walk within 10 m to he climbed a tree to avoid breaching the restraining order and then gave copies to the "word Worth Writing Place" and gave photocopies; he then went down the fire exit so he did not go within 10 m of the café and on 4 August 2011, he went to Spirit and Beauty Salon and also gave them a copy of the document; he slept in the spirit of beauty because the door was not locked to protect the white goods from being stolen, this was over the road from where he lived; on 5 August 2011 he gave a document to Danny's Bakery.

October 2011

Between October 2011 and 14 November 2011, he visited AM on numerous occasions; he said he did not understand what was going on with her; in addition his BC was lending AM his car and paying for his fuel; AM had said he should leave a note if he wanted to talk, so he left a note saying "talk" and then police came and arrested him for trespass and served him with the restraining order so he could not go to AM.

24 December 2011

An AVO was taken out against him by AM in October/November 2011; AM lived near to him; he was sitting at the shops talking to one of his neighbours, she was 100 metres away from him; the shop was in front of his house; she walked 50 metres from him, he never left; he sat there the whole time; when he had first seen her he said to his Italian friend "Dominic, BC is shagging AM"; when she came close he knew she was in breach of the protection order and he had three independent people witnessing the breach of the order.

He said that AM made a complaint because she was a "control freak" and had presumed that he had told Dominic and his friend that his friend was shagging BC; it was in fact that he said BC was shagging AM and so she was incorrect; he said she made a complaint because she was angry that she had no ability to control his faxes.

AM made a condition that she could not visit him, so he faxed her workplace and made phone calls about what he was thinking; he explained he had been in a relationship with her and he was communicating with her; there was no restraining order served at time

She had asked for written consent to access his trust account; he had got written consent and tore it up into four pieces, he had gone to the toilet and she had tried to stop him; AM was over behind and he was trying to stop her; he denied any aggression; he denied making any threats; he went to her place of employment; he said that she came out of the conference room.

Other Issues

In 2011 he continued to post envelopes out; he posted them he said to 659 shires, 800 Police stations and a 1,000 emergency services locations; he stated the more he did this (alluding to a document that he provided to me headed Royal Military College of Australia – Duntroon); he said the more pages went around the country the more people contacted Duntroon to complain about the fact that the Australian Federal Police had proceedings against a RP for making a false allegation that he had a gun to her head; he had reiterated that this was a false allegation.

He said the Chief Justice of the High Court and he had since become friends and this page became evidence in the Supreme Court last year.

He stated that RP had not been dealt with; his life had been effected by her; by the time he put the case in the High Court he had been arrested 60 times for allegations that had no substance; he had been arrested by people who wanted to discredit him because he had proceedings in the High Court against people who were continually conspiring against him.

The list had incited RP to make false allegations and that all the people on this list (the document alluded to) were communicating with each other; he did not currently believe they were still communicating but they had before.

But he was seeing injustice in that he had been bullied by society because he had brain damage.

Between August 2011 and November 2011 he had sent AM numerous faxes; AM had been his lover for nine months; he thought that doing this was "good communication"; he stated that it was common knowledge that no-one ever went out with friends; I asked him if he understood that AM had refused contact with him and asked him if he understood "no" in terms of interpersonal relationships; he stated "you don't understand who I am, I take the issues to the High Court, I continued to follow her because she morally came to talk to me".

Previous Psychiatric, Family, Medical and Substance Abuse History

He first saw a psychiatrist on 21 September 1992 when he was admitted to Woden Valley Hospital for five days; he was not sure what the diagnosis was, he thought it was "nothing"; he did not believe he had ever received any consistent ongoing treatment by a psychiatrist.

He suffered a motor vehicle accident in 1985, as already described, and told me that he had brain damage; he had never taken any psychiatric medication, he had never attempted suicide; he told me he had had neuropsychological testing which had showed frontal lobe damage.

He denied knowledge of a family history of mental illness.

He had never abused drugs; he drank socially but drank infrequently.

He had never been diagnosed with diabetes, high blood pressure, cancer, heart disease, epilepsy, convulsions, meningitis, encephalitis, head injuries, thyroid or hormonal problems.

Background History

He denied antenatal difficulties; his thought his milestones were normal but he was born eight weeks premature.

He achieved year 12; he said he had no learning problems; he was an above average student; he had no difficulty making or maintaining friends; he got on well with teachers; he was never expelled or suspended but stated that after the accident he became isolated from close friends and spent a significant period of time in the Royal Canberra Hospital; he did not endorse memory or significant behavioural problems.

He came from a family of three; he was the second eldest; his parents separated when he was 10; he was brought up by his mother but did continue to see his father; he denied being exposed to domestic violence, sexual abuse or physical abuse; he thought he came from a loving and supportive familial environment; his sister had died when she was 15.

In relation to employment he seemed to be somewhat vague; he alluded to being offered a million dollars for an idea at age 19 and starting his own company; he said he was employed by "numerous people" in the "private sector" and "public service" but it did not appear that he could give me any specific details in relation to this.

His first relationship had been in year 11 and 12 for two years, his next relationship was 12 months in 1997 and the following relationship had been for nine months with "AM".

Documentation Review

There was a report by Dr George dated 24 August 2003 in relation to his fitness to plead; in this report he reviewed the opinions of Dr Sidney Smith, Dr Greg Hew and Associate Professor Kathy Owen noting that Dr Sidney Smith saw him on 7 May 1996 and thought he had a diagnosis of manic episodes; on 14 January 1999 he saw Dr Greg Hugh who thought the diagnosis to be "contentious", considering the diagnosis of a psychotic disorder due to brain injury with delusions and mood disorder and also frontal lobe syndrome but he thought he possibly had a primary psychotic disorder; Associate Professor Kathy Owen saw him on 12 October 1999 and believed he suffered from "pseudologia fantastica", that is a factitious disorder and that he suffered from symptoms of frontal lobe damage; that there was, over time an improvement in his level of cognitive function but mild cognitive impairment continued noting that he had suffered a closed head injury in 1985; Dr George was of the view that he had an organic mental disorder incorporating changes in cognitions, mood and personality; bipolar affective disorder and possible evidence of factitious disorder and a mixed personality disorder in the context of his brain injury; he noted that he was circumstantial, tangential, and expressed delusional ideas with grandiosity; he barely drew a breath during the interview; his affect was positive and affable; he was preoccupied with matters associated with the High Court believing the Chief Justice to be incompetent.

There was a report dated 23 July 2004 by Dr George; he noted that in interview he moved from subject to subject but there were links in the different subjects; he had difficulty following his associations on occasions; he manifested grandiosity and mood elevation; he found it difficult not to draw the conclusion that he was delusional; he thought he suffered a mental illness with a mood disorder and association with prior brain damage presenting with frontal lobe damage.

There was a report by Ray Lines, intern psychologist, which is dated 11 November 2004, who noted that they first had contact with him on 17 September 2004 and had met him on seven occasions; he remained fixated on legal issues and the desire to make common law, and continuously informed him of his brain damage; he presented him with envelopes containing his numerous documents; he was preoccupied with whether or not he had read it; it was difficult to have a two way conversation when he seemed to control it; he tried to get him to commence mood stabilising medication but he did not see the need; it was felt that he was in "no way willing" to change his offending behaviour despite motivation; it was doubtful whether or not he would positively respond to non pharmacological interventions.

There was a report dated 17 June 2005 by Ray Lines noting that he continued to engage with Mr "Bailiff"; his attendance had been satisfactory with ongoing difficulties in therapeutic engagement, an exaggerated concept of self importance and sense of entitlement, narcissistic traits and ideas of grandeur; he was fixation on legal matters; he seemed to have little empathy for others; he could not see negative consequences to his behaviour; he thought attending the service was a waste of time; he did not seem to be contemplated with changing his behaviour.

There was a report dated 29 May 2006 by Dr George who continued to believe he suffered from an organic mental disorder with predominantly frontal lobe syndromes and organic personality disorder characterised by reduced goal directed activities, emotional ability, shallow and unwanted cheerfulness (euphoria, inappropriate jocularity), irritability and outbursts of anger and aggression, not considering consequences or social convention; he noted that the symptoms could mimic hypomania but their true elation was absent because the person did not report feeling overly happy; he had limited ability to anticipate social or legal consequences of his actions.

There was a report dated 29 May 2008 by Dr George who remained of the same view.

There was a report dated 22 May 2009 by Dr George who continued to believe that he had a diagnosis of organic personality disorder with frontal lobe syndrome and described in previous reports.

There was a further report by Dr George dated 7 August 2009; at that stage he was under a treatment order and Dr George recommended he was placed on injectable medication in the form of Risperdal Consta 50mg; he did not believe his behaviour would change without this type of medication.

There was a report by Dr George dated 29 April 2011; he thought him unfit to plead.

There was a transcript of proceedings in the matter of Alexander Bailiff dated 16 September 2011; it appears that Mr Bailiff represented himself during this hearing; in his evidence Dr George noted that there was neuropsychological testing and MRI findings to confirm brain damage on the left side of his brain.

Mental Status Examination

The accused's demeanour has to a large degree been described at the beginning of this report; generally he was reasonably kempt but unusually attired; he spoke rapidly with intensity manifesting suppressive speech, was overly talkative, over familiar, expansive in his affect; he, in my view, manifested a tendency towards perseveration, flight of ideas (it is difficult to determine); he was able to be brought back to topic but quickly moved onto other topics; he manifested difficulty in inhibiting his underlying urgency and in conforming it to the circumstances that he found himself in in interview with me; his mood, in my view, was euthymic although his affect was expansive; he endorsed a number of symptoms that could be seen to be consistent with hypomania; there was no evidence of depression; he was intense giving the impression that he was highly anxious to have his perspective understood by me; he denied any suicidal ideation, plan or intent; he had a number of grandiose ideas for which I have limited evidence at this stage and thus the symptoms could be construed as being of a delusional nature. I did not perform formal cognitive testing as the nature of the interview was somewhat disorganised and I had run out of time; his capacity for insight and judgment, in my view, was severely impaired due to his executive functioning.

OPINION

In my opinion when I saw the accused he was manifesting symptoms consistent with severe executive dysfunction derived from a brain injury that he suffered in 1985, at approximately age 15 to 16 years, when he was involved in a motor vehicle accident that claimed the life of his younger sister.

It is likely that prior to this head injury that he was a relatively high functioning and intelligent individual; it is also likely that the predominant area of damage was in the area of the frontal lobe which has impacted specifically on his capacity to conform his behaviour to social norms, to inhibit responses to certain social situations and to some degree, his capacity to appreciate and understand the impact of his behaviour on others; on clinical interview he appears to have maintained intact capacity for memory, language, perception, concentration and intelligence; as a result of this his cognitive impairment can be initially overlooked by others.

However he manifests a severe cognitive impairment in his ability to conform his behaviour to social norms; as a consequence he manifest disability in the area of his interpersonal relationships, social interactions, social reasoning and social convention; he is prone to become preoccupied and perseverative in regard to specific ideas that he has, to hold them and interpret his environment in a relatively concrete fashion in relation to those ideas; importantly he lacks capacity to inhibit his responses in relation to his perception of what is happening in his environment and thus is severely compromised in his capacity to conform his behaviour; he maintains the emotional ability to feel aggrieved, angry, hurt when treated, in his view, unfairly by others (which I suspect is a daily experience for him because of his unusual presentation).

His presentation is similar to hypomania in that he manifests pressured speech, is talkative, expansive, and overfamiliar with poor social judgment and he could also meet criteria for a hypomania, however his hypomanic symptoms are not fluctuant but are relatively persistent and thus would be more attributable to impairments as a consequence of his brain damage.

Whether or not he is delusional is a difficult determination to make; he manifests grandiose beliefs about himself as being a millionaire; he justifies his difficult behaviour that brings into regular contact with the legal system in the belief he has talents in relation to challenging issues in the Higher Courts, that his apparent offending is defensible, and that in defending himself he will be able to establish precedent in court; he feels himself to be persecuted by a number of individuals relating to a person RP and believes that various individuals have, at least in the past, conspired against him in the past, suggestive of a persecutory delusional beliefs; overall these beliefs are probably driven by an impairment in rational appraisal of his experiences, probably derived from his brain damage.

He describes coming from a relatively difficult development background; his parents separated when he was relatively young; he was brought up by his mother but maintained contact with his father; he denied exposure to domestic violence, sexual abuse or physical abuse; while he endorses a reasonable scholastic trajectory there is some evidence to suggest changes in his social interactions; he has a limited relationship history and, in my view, probably a poor employment history but I would not diagnose a personality disorder as his presentation is likely due to head injury.

He denies any other major medical problems, but I did not formally physically examine him.

The most significant stressor impacting on him at the time that I saw him related to his current incarceration and his distress at his perception of an inappropriate relationship between his ex-girlfriend (AM) and someone who he perceived as his solicitor (BC).

His functioning in my view is severely impaired in the area of interpersonal social and occupational domains and this is likely a stable characteristic and long term.

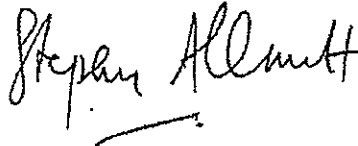
I noted that there are two periods of offending, one period in 2008 and then a further period of offending in 2011.

He suffered a head injury in 1985; between 2008 and 2012 the consequences of that head injury would have remained stable and persistent; it is likely that the same difficulties that he was experiencing at the time that he saw me were likely present for the duration of the offending period both in 2008 and 2011.

On this basis, in relation to all offences, he would have been suffering a "mental impairment"; as a consequence of brain damage.

It is unlikely that his mental impairment seriously impaired his capacity to know the nature and quality of his conduct; it is also unlikely that he was compromised in his capacity to know that his conduct was wrong; however during the period of his offending (2008 and 2011) his mental impairment had the effect that his capacity for controlling his conduct was seriously compromised and on balance he would have available to him a defence of "mental impairment".

I trust that this is helpful.



Dr Stephen Allnutt
FRCPC, FRANZCP, Fellowship in Forensic Psychiatry (Canada)
Senior Consultant Forensic Psychiatrist
Conjoint Senior Lecturer UNSW

