

Parricide Podcast ◉
Always Sleep With One Eye Open
LeRoy Herbert Smith III

Marie: We got a question from a reader!

Sherry: What did they ask?

Marie: Hold on. (paper rustling) They said, “Why do you end your podcast with the phrase, sleep with one eye open? What does that even mean”?

Sherry: That's an excellent question. Who do we need to thank for it?

Marie: Jeff. Our newest Patreon patron.

Sherry: Really? Thanks, Jeff. You're the best on both counts. Thanks for listening. I hope the answer doesn't make you cry. It did me!

(Musical Intro) Ring around the rosy; A pocketful of posies; Ashes, ashes; We all fall down.

Sherry: Welcome to the Parricide Podcast. I'm Sherry...

Marie: ...and I'm Marie. And this story is about the murder of Leroy Herbert Smith Sr. He was murdered by his son Leroy Herbert Smith Jr.

Sherry: Wait! I thought Leroy Herbert Smith Sr. was actually Leroy Herbert Smith II and Leroy Herbert Smith Jr. was actually Leroy Herbert Smith III.

Marie: Well, they are; but 2 comes before 3 so we're calling them Senior and Junior.

Sherry: That makes a lot of sense. (laughter)

Okay. So, Leroy Jr. landed in Gardner with a big splash. For those of you not familiar with Maine, Gardner is a quaint, inland town near Augusta; nestled against the Kennebec River. In 2015 there was a big fire that really changed their town - but this was a year earlier than that.

First up, find a job. Leroy went down to Water Street, but the shopkeepers just seemed nervous when they saw him coming. He only needed part-time work, why was this so difficult? He looked in one of the plate glass windows of Renys. His wavy, brown, shoulder-length hair looked fabulous! It was accented by his scruffy mustache and unkempt beard. He looked good! Well, perhaps he looked very different from the passers-by who were clean-shaven and rather boring looking. But if you're both God and the Devil, you're bound to be a little different.

Marie: He certainly had quite the view of himself.

Sherry: He did! Umm. If you haven't noticed yet, he's delusional.

Marie: Ah. That makes more sense.

Sherry: Yeah. So, what Leroy viewed in his reflection contrasted sharply with the description provided by the employees on the other side of that window. According to the Sun Journal, the salesclerk at Renys said - and this is a quote – “When he came in, I thought it was someone who lived under the

bridge. He stood outside with his backpack, and when I went to leave and walk to my car I thought, 'Do I dare walk by him?' He was the kind of guy who creeped most people out."

Leroy would hang around Water Street for hours; preaching about how he'd gone down a wrong path but had found God. The patrons and shopkeepers of Water Street quickly came to see him as a source of worry - and with good reason. He'd only moved here because he'd run out of options.

Marie: So, had Leroy Jr. always been troubled?

Sherry: Well, he hadn't always been quite like this. According to the Sun Journal, he'd seemed to have a rather unremarkable childhood. He had lived with both of his parents in Massachusetts until he was about nine years old. His parents seemed to be into heavy metal - really loved the Grateful Dead, loved guitars, kind of loved that music - musician lifestyle. But they decided to divorce, and his father had moved to Maine. He and his mother remained in Massachusetts, and it was here that he graduated from high school in 2008. His high school graduation pictures looked very normal.

Marie: Oh! How old was he when he moved to Maine and was, kind of, thinking he was God and the Devil?

Sherry: This is about five years later. So, at this point - as he's graduating - he seemed like a clean-cut kid who loved the electric guitar (like his parents) and had a posse of good friends. It's said that he attended college off and on until 2011, but I couldn't find any source material confirming that. We do know that he would fall into a full-blown mental health crisis by the end of 2011. He claims he was in a bad car accident that left him on Disability, but most people say they think he started doing poorly after he started using hard drugs.

Marie: Well, if you think about it, it could have been both. 2011 was the beginning of the Opioid Crisis. If you want to learn more about the Opioid Crisis and how it came about, you can check out our story about Jonah Bryce Lake That's Episode 7 Parts 1 & 2 - Opioids Kill, So Do Kids.

Sherry: Um-hmm.

Marie: But long story short, doctors were trained to believe that Oxycodone was a safe and effective pain reliever. Which it is. That it was absolutely non-addictive. Which it most definitely is not. It was kind of a get-rich-quick marketing scheme (devised by Purdue Pharma) which swept the country, leaving many unsuspecting people addicted and in ruins. Which I think was likely a contributing problem with Leroy Jr. given his auto accident and the timing of it all.

Sherry: Well, that makes a lot of sense. I hadn't really thought of it that way. Family members report he had been diagnosed with schizophrenia but had not received adequate treatment. But that diagnosis was never confirmed by any source - and it wasn't validated during the legal proceedings. Here's a spoiler: Leroy is found to have a Delusional Disorder. The Examining Psychiatrist stopped short of diagnosing him as schizophrenic.

Marie: Well, what does that mean? He's having delusions but he's not schizophrenic?

Sherry: Uh. Yeah! That's exactly what it means. So, a Delusional Disorder is one in which a person holds strong, yet incorrect, beliefs which can't possibly be true. You can't shake their beliefs through any logic or facts. They may appear to be completely normal, but for their delusions. Drugs can cause a delusional

disorder; as can extreme distress or trauma. It's a diagnosis that is relatively new in the field of Psychology.

Marie: Ah! Well, that makes sense - why I hadn't heard of it, then.

Sherry: Yeah. Delusional Disorders can destroy lives and relationships, but the person with the disorder - and this is the really important part - they don't have hallucinations.

Marie: Huh. Okay.

Sherry: So, if a person holds these really odd and unshakable beliefs – like, “I’m God.” But they tend to function in life - and they don't experience hallucinations - they would be diagnosed with a Delusional Disorder. So, a Delusional Disorder can be organic (meaning it starts in your brain) or it can be because of drugs.

Marie: Okay. So, what makes schizophrenia different?

Sherry: Well, that's a good question. To be diagnosed as schizophrenic, you need to be seen as having a profound loss of life function. Like, you're losing relationships, friendships, jobs; not doing well in school - things like that. *And*, you have to be having hallucinations. Plus, the symptoms need to be present for at least six months.

Marie: That's a long time.

Sherry: Um-hmm.

Marie: So, a delusion is, ‘I am powerful. I am God. I am Satan.’ But a hallucination involves at least one of your five senses. Like, ‘I touched the building and moved it 12 inches to the north - making room for the young girl to sit. Only I could see her. She was a secret to the world.’

Sherry: Yeah! You've got it. That's exactly what it's like.

Marie: Okay. So, does everyone who has a Delusional Disorder end up becoming schizophrenic?

Sherry: Um-mm. About 20% of those diagnosed with a Delusional Disorder will go on to be diagnosed with schizophrenia. But both diseases are treated with antipsychotic medications and psychotherapy - and sometimes require residential care.

Marie: Okay. Well, we've talked about a lot of people who were caught up in the Opioid Crisis, but none of them had psychosis like this.

Sherry: You're right! Some people have - I honestly don't know if there's a professional term for it - but I think of it as a fragile psyche. They do fine in life if they aren't subjected to incredible stressors, abject trauma, or drugs. For this special subset of people, unfortunately, the end result of any of the above usually ends up being a Delusional Disorder or schizophrenia.

Marie: So, does this only happen with hard drugs?

Sherry: Nope. For a lot of people with fragile psyches, their loved ones say that marijuana was what set them off every time. And the person with the disorder can't seem to stay away from it. So, their disease becomes cyclical and very difficult to deal with.

Marie: That's really sad. I think that drugs - whether legal, prescribed, illicit (or what have you) - have created many more problems than we realize when we run across cases like this one.

Sherry: I know, right?

Marie: Yeah. But back to Leroy. He lived in Massachusetts his entire life, but then just decides to go live with his dad?

Sherry: Well, sort of. Leroy Jr. had violent tendencies and it had become clear that he couldn't really live with his mom, Linda. He went to live with his grandmother in Northborough for a little while, but he was angry about this change. He even wrote about it on Twitter.

Marie: He tweeted.

Sherry: I know. I just can't force myself to say that. (laughter) He said tough love was for parents who'd failed to parent properly and were just being mean to try to cover up for their mistakes. Despite his - tweet - he did seem to appreciate having a roof over his head, but his grandmother kicked him out in April of 2013 when he brought marijuana into the house. And he was kind of a drama queen based on his description that he posted on his Facebook page. Here. I'll let you read it.

Marie: I am God! Today I got kicked out of my grandmother's house for just having a bag of pot. She said that I am a no good, deadbeat grandson just because I am disabled and cannot work and need cannabis daily just to overcome my migraine headaches, back pain from my bulged disc, and function normally. So, I said that I am gonna pack up my bags and turn myself into the cops. I got to the Northborough Police Station pretty stoned, after smoking a fat joint - walking through the center of the town with my bags in my hands - and walked inside. I asked to use the bathroom and took a decent heart-shaped bud and threw it away in the bathroom trash, picked up my bags, and walked out the front. I put my bags on the steps just beside the flag and pulled out and lit up another fat joint, stared at the flag, and just waited to be arrested. A cop walked out from the side, walked up to me, asked what I was doing, and put out my joint. He took me out for a sub at Venus Pizza, checked me into a hotel, and gave me the last 10 bucks in his wallet - and did not give me a ticket - and told me I did nothing wrong, and that cannabis isn't illegal. And to hear that from a cop was worth the gram and getting my joint put out.

Pretty dramatic, right?

Sherry: Very much so. Well, he stayed there at that hotel - at the Days Inn - for a few days just smoking and hanging around. He posted pictures of himself smoking joints, cigars, and cigarettes. This is the first time his Episode shows up on Facebook.

Marie: Oh! What does he say?

Sherry: Well, he refers to himself as God and he castigates the Westboro Baptist Church for picketing in "his name." He hangs out at the Palladium, claiming they kicked him out three times and starts talking about heavy metal rockers mocking him and trying to communicate with him from the stage. And then he writes this:

Marie: So, I am god? I went and smoked a blunt on the front door of the Northborough police station and wrote on Facebook about all the trash I saw on the side of the road in front of the station, and the next day the trash bombs blew up at the Boston marathon. On April 20th, I talked to Scott Ian, from

Anthrax, told him that we had to play music, and he told me he was too busy to. So, I smoked a fat joint on the front of his bus, took a picture, and posted it on Facebook. Almost immediately, the shooting tragedy in Colorado at a 420 Rally happened. On this past Tuesday, April 30th, I sold my old acoustic guitar - the one with the Jerry Garcia Forever sticker on the case - along with two amps and my Squire Strat - and Bob Weir collapses on stage that night with Further. Just recently, on May 1st, I sent Kerry King on Slayer's Facebook page a public telling him that I am God, I love you Kerry, You are great at what you do, and that it's all about religion, and wrote a letter to President Obama asking what has happened with this country's sense of pride in which I mentioned the bands Slayer, Phish, the Grateful Dead and the guitar gods group G3, and them not answering their fan mail. The next morning at 11 am their guitarist, Jeff Hanneman, passed (his funeral, of course, is being threatened by the Westboro Baptist Church to be protested at). This World, you are something else..."

Sherry: And, he is something else!

Marie: He is. I don't know if I don't understand what he's saying because I'm just not cool enough - or if it really makes no sense. What does Jerry Garcia have to do with Bob Weir?

Sherry: Well, Bob Weir and Jerry Garcia were both in the Grateful Dead.

Marie: Okay. So, he just thinks that everything is connected in these very strange ways.

Sherry: Yes. This is that Episode that I'm talking about. He's starting to make really strange, delusional connections: I see trash - the bombs blow up at the Boston Marathon. Did I do that?

Do you see that? That's why I call it an Episode.

Marie: Okay.

Sherry: So, then he starts posting, asking for a place to sleep because - remember - he's been kicked out of his grandmother's. He continued posting long, circuitous posts which often ended in him asking if anyone would teach him how to ride a bike.

Marie: A bike?

Sherry: A motorcycle. It's what they call bikes.

Marie: Oh. (laughter) Okay.

Sherry: I know. It looks like his mom helped him get a place of his own And in June of 2013 he excitedly posted that he had applied to attend the Berkeley College of Music. He claimed he'd been accepted after an outrageously successful audition. But it doesn't look like he ever attended.

Marie: So, maybe more delusions.

Sherry: Yes. Anyway, he was stunned on September 15, 2013, when a member of the Hell's Angels beat him up. Leroy had been standing on a street corner, smoking, and proclaiming he was God, when the biker had come by and asked him, "You got a problem?" Leroy had responded, "Only with the Hell's Angels." And then he said a few things about what specific members could do to - um, well - it was crass and specific. And the biker told Leroy to prepare to die.

Marie: Oh my.

Sherry: And it looks like he would have if the police hadn't been cruising and noticed the fight. They broke it up and he ranted about it on Facebook.

Marie: No sense of self-preservation.

Sherry: Umm No. He was really self-destructive; in a million different ways.

Meanwhile, back at his apartment, Leroy terrorized the other tenants with his bizarre rantings and erratic behaviors.

Marie: Yeah. If he was that bad on-line, I can't imagine real life.

Sherry: Just wait! On September 25th, Leroy doused his guitar and amplifier with gasoline and lit them on fire on the patio of his apartment.

Marie: It had to be terrifying for the other tenants.

Sherry: I think so. He said he had to destroy them because they were emitting evil music. The Landlord tried to work things out with him but wound up filing a Protection From Harassment Order against him on October 29, 2013. He'd violated it by October 30th.

Marie: Wow! Less than a day.

Sherry: Yes. He headed for Maine to live with his dad.

Marie: That makes more sense now.

Sherry: One month after moving in with his dad - in December - he posted a threat against the President of the United States. At the time it was President Obama - saying he planned to shoot him in the head.

Marie: Oh dear. This is not going to end well for him.

Sherry: Right. He's a little out of control. And his post did, indeed, draw the attention of the authorities. The next day, he calls out the Hell's Angels on his Facebook page. It's like this kid had a death wish.

Marie: Yeah. That is not smart.

Sherry: Um-mmm.

Marie: So, did his dad know - or care - that he was doing drugs?

Sherry: It was rumored that Leroy Sr. partook a bit, himself. But I can't say that for a fact. He didn't appear to realize that drugs made his son worse, but - to be fair - Leroy Jr. had arrived at his house in a pretty psychotic state.

Marie: Oh. Well, what was his dad like generally?

Sherry: LeRoy Sr.- which is Leroy II - was kind of a jack-of-all-trades. He was a wizard at carpentry and mechanics, and he pretty much could do anything; he could figure anything out. And everyone said he would show up to help them; he was only a phone call away. He'd moved to Maine about 15 years ago, when his marriage to Linda had gone south - when he realized he needed a new start. He had a bit of family nearby and he knew he could make friends and carve out a good life for himself.

Marie: Seems like a smart move.

Sherry: I think so. It sounded like a really nice, um, new start; but not too far away from his son. His love of guitar was surpassed only by the love for his son, Leroy Jr. Leroy wasn't into making money. He only cared about having enough to be comfortable. He was all about friends and fun. LeRoy Sr. also played the guitar. He and his friend, Jimmy Shirland, would get a bunch of their musical friends together to perform at The Wharf in Hallowell just for fun. His friends remember him as happy; always laughing and making everyone around him smile. Jimmy remembers him as passionate about serving others. He was always a friend indeed to a friend in need.

A young nephew lived locally and when his father died Leroy took him under his wing and looked out for him. He would do anything for anyone.

Marie: He sounds like a really nice guy.

Sherry: He seems like he was a real gem of a man. He even agreed to let Leroy Jr. move in with him - despite his being afraid of him. He knew Leroy Jr. was out of options and also quite dangerous. But that's what you do when you have a child with mental illness; you keep them from being homeless, stay under their radar as much as you can, and you try to make safety plans.

Marie: Well, how can you make a safety plan when your psychotic child is part of your household?

Sherry: That's a good question. And the answer to it is really sad. It isn't just the parents of psychotic children who are faced with this dilemma. People don't like to talk about it, but many families are working under a Safety Plan to stay safe at home under difficult circumstances. And from what I can find there aren't any great answers.

Some safety plans involve people trying to remove all of the knives or other sharp objects from the home. They might have friends or relatives at the ready to receive them should violence break out. They plan to run out the door, call for help, dial 9-1-1, etc. But many people don't make it out the door and usually help doesn't come before it's too late.

Marie: That's so sad. Such a stressful life.

Sherry: It is. It seems like it would be a very terrifying life. There's a lot of fear and distress involved in living with someone who has proven themselves to be dangerous and erratic - and the tension is heartbreaking. You're committed to ensuring your loved one isn't homeless, but you have to balance this against your desire to remain alive.

This is where Leroy Sr. was when he agreed to let his son come to live with him. Leroy Sr.'s friends were worried for him They were aware of the problems Leroy Jr. was having. Michael Parady told the Online Sentinel he'd had a serious discussion with Leroy Sr. about all of this. He asked him if he had a Safety Plan for when Leroy Jr. got dangerous. Leroy Sr. had said, "I sleep with one eye open."

Marie: Oh, that is a sad backstory.

Sherry: Yeah. Leroy seemed to be optimistic. But in many cases like this, the parent is simply resigned. They know they haven't been able to orchestrate a realistic Safety Plan, so they rely on luck.

Marie: So, was Leroy Sr. feeling safe at all?

Sherry: Not really. Leroy Jr. was getting worse. He was irritated that the Secret Service started looking into his activities. On February 3, 2014, Leroy wrote again on Facebook, "Now, FBI and CIA, do your jobs and keep going with your 24-hour infrared surveillance of me, the biggest terrorist in the world. Signed God. And then he wrote a lot of racist stuff that I'm just not willing to repeat.

Marie: Wow!

Sherry: He's very, very racist in a lot of his comments. Well, anyway, this is one of the few times Leroy Jr. sounded paranoid and was actually correct to be paranoid.

Marie: Yeah, you can't really threaten the President, right?

Sherry: No, you can't. The United States takes all threats to the President seriously - even threats made on a Facebook wall by a psychotic young man. His Facebook was rife with paranoid rants against various governmental agencies and declarations that he was God. Here is one of his Facebook postings as per the New York Daily News: "I have no depression, anxiety, or other mental issues. I just have an issue with you knowing who I am and letting me rot on society's edge. Signed God."

Marie: These are all very intense and angry.

Sherry: Yes. They are - and very disturbing. But even as Leroy Sr. watched everything spinning out of control during the six months that Leroy Jr. lived with him, he couldn't just kick his son out. You just don't render your kid homeless when he's in the middle of a mental health crisis, for goodness' sake.

Marie: That would be really hard.

Sherry: I think that's one of the most difficult decisions that parents have to make. And, also, just any... in any domestic situation, you see spouses worrying about this; you see parents worrying about this - it's just heartbreaking.

Marie: And there's not a lot of good options, it's not like there's somewhere safe to take them until they get better.

Sherry: No. There's nowhere for these people most of the time.

Leroy Sr. was determined to ride it out on luck, mixed with a whole lot of luck. He knew he was in trouble, but also knew there was nowhere to turn for help with his kid. And Leroy Jr. just kept getting worse. Suddenly he was believing his auto accident back in 2011 had been orchestrated by the government, who had covertly taken over control of his jeep and caused the accident. Then he wrote - and this one is somewhat edited:

Marie: "I got myself in trouble. I am operated by a branch of the government by a microchip in my head that was activated at a Phish concert on July 2, 2011. My whole entire life has been a lie to me and the world around me knows of everything that happens to me, and because of me, and never stops playing their games. I have gotten in too much trouble with the FBI and CIA and have turned into the biggest terrorist in the world. They are going to arrest me and kill me in private if no one does anything and never allow the world to know who I am or what I could do. Please send help and bring bombs and guns. I need to die. Thousands of others do as well; as I am declaring this to be World War III."

Sherry: Whew.

Marie: It's a lot.

Sherry: It's really a lot. And I can't imagine being the parent and reading this.

Marie: It would be terrifying.

Sherry: True. Anyway, on January 6th, Leroy Jr. landed himself in a Psychiatric Crisis Center because he had threatened Leroy Sr. He remained there for approximately one week and then returned to live with his father.

Marie: That's not a very long stay, is it?

Sherry: For a psych stay, it's fairly long. Usually there are three days and they're out.

Marie: Can they possibly be better in three days?

Sherry: Um. When someone is admitted to a Psych Center, they either will go voluntarily or involuntarily - and usually the hospital or the center will only keep them until they're stable - and then they pop them right back out. So, six days to get stable is a little serious.

Marie: It sounds like, from his posts alone, that it was pretty serious.

Sherry: Right.

(musical interlude)

Sherry: On Saturday, May 3, 2014, Leroy Sr.'s luck ran out. Leroy Jr. stabbed his father to death somewhere between 3:00 and 4:00 in the afternoon, in the apartment they shared. After he killed him, he dismembered his body and left his remains in the woods about eight miles from home, along with any household items which appeared to contain evidence of the murder and the cleaning products he'd used. He had tried to be very thorough in his cleanup, but he also disposed of a few pieces of evidence - including couch cushions and a baggie of white powder (which was purported to be drugs) in the dumpster there at the apartment complex.

Marie: That's a surprising murder for someone who's psychotic. Usually there's not really much of an attempt to cover up.

Sherry: You're absolutely right. And I think that is one of the biggest differences that is highlighted in this case - and why they weren't willing to say he was schizophrenic. I think he had delusions, but not hallucinations. And he was planning. It was obvious that he was planning and that he was carrying out his plans. There wasn't that, um, lack of cohesive thought processing that you see in a schizophrenic person.

Marie: That makes sense. It is very different from the schizophrenic cases we've seen.

Sherry: Yes. Most of them have much gorier stories - and no planning.

Marie: And they don't attempt to cover up, because it's not part of their reality - that what they've done is a problem.

Sherry: Yes. And when it gets time for trial, that's exactly what they usually look at. A lot of states use the M'Naughton Rule and that's exactly what it is.

Marie: Ah, yeah. The idea that they didn't know at the time that what they were doing was wrong.

Sherry: Right. Anyway, Leroy Jr. was arrested early the following Monday morning - after he flagged down some officers hoping they could give him some directions. They ran his name through their system - like policemen do - and he was arrested for the fugitive warrant in Westbrook, Massachusetts (from that apartment landlord). He took it upon himself to share the details of his father's murder with the arresting officer.

Marie: Oomph. That's a bad night for that guy.

Sherry: Yes, indeed! The officers followed his detailed description of where he'd left his father's remains, and to their horror they found those remains. But they had to be careful. Leroy had advised them that he'd booby-trapped those woods with pyrotechnics because he was camping and growing marijuana in them - and figured the pyrotechnics would let him know when people were about to stumble upon his camp.

Marie: Ah. Very logical. Blow things up.

Sherry: He's a charmer, isn't he?

Marie: That will ruin his crop.

Sherry: And ruin the people that go after his crop.

Marie: Some strange logic. I guess it's to be expected in this kind of situation though.

Sherry: Exactly. They took him to jail and, at first, held him on that Fugitive From Justice warrant. Eventually he was charged with Intentional or Knowing or Depraved Indifference Murder. Leroy told one of his Examining Psychiatrists that he was forced to take peyote. And that he believes he was being tested for not living the right kind of life or not playing music correctly. But he told authorities a couple of other things, too.

Firstly, he said, "I did this to get my name out there. How else will I get the attention for yourself? I'm a no one sitting up here in Maine."

Marie: Ooo.

Sherry: Then he alleged that he'd murdered his father because he had sexually assaulted him his whole life, that he was a political prisoner, and that he was God and affiliated with Hell's Angels, head of the KKK, and working hard to facilitate the beginning of World War III - and that his father was poisoning him with rat poison. He quickly dropped the allegation of sex abuse within the first few months post-murder. Which was good - because there was no forensic evidence whatsoever of a sexual assault committed by his father. They did check that out.

Marie: Wow! Those are a lot of different accusations.

Sherry: Um-mm. His mind is just gone.

Marie: It's sad.

Sherry: It's really sad. Anyway, Justice Martin quietly nodded his head as he listened to all of these stories, deemed Leroy incompetent to stand trial, and ordered him to undergo a Psychiatric Examination. He was taken to Riverview Psychiatric Center.

(musical interlude)

Sherry: So, he gets away with murder?

Marie: No. That isn't how it works; although a lot of people mistakenly think that.

Sherry: Then how does it work?

Marie: Well, if a person is deemed incompetent to stand trial the next step is to try to restore competency so that they can stand trial. The defendant is Involuntarily Committed to a mental hospital so they can try to restore competency. So, for Leroy, once he got to the mental hospital - he refused medication. But laws were changing, and in 2016 he would become the first person in Maine to be forcibly medicated under the law.

Sherry: Wow!

Marie: Yeah. It's a kind of grim honor, isn't it?

Sherry: Yes.

Marie: This meant that he went through a legal hearing in order to ensure his Constitutional Rights were protected for the period of time in which he would be forced to take psychotropic medications.

Sherry: That seems to make sense.

Marie: Um-hmm. A year after psychological treatment, he was said to be more pleasant and coherent. But was still firmly grounded in his delusions; insisting that the murder was justifiable. He was excited to have been assigned attorneys, because he firmly believed they were there to help promote his notions about his Godhood to heavy metal rock bands - like Slayer. His name was getting out there!

Sherry: Wow. I have a lot of questions.

Marie: Okay, what's your first question?

Sherry: Even medicated, he was holding fast to his delusions. Was the medication not working properly?

Marie: Um. The brain is a tricky organ. If you suffer from delusions and or/hallucinations, your brain often keeps telling you that your delusions or hallucinogenic narrative is what literally and actually happened - even if logic tells you it didn't.

Sherry: I didn't know that.

Marie: A lot of people don't. The incorrect information is permanently incorporated into your memory as your lived experience - and - so far - there is no known way to rewire your brain to stop believing it. A post-delusional person isn't lying when they insist that what didn't happen, actually happened. They literally can't convince their brain that it didn't happen. Which is why experienced practitioners and family members usually just don't try to discuss or untangle the delusions even after the person is medicated and doing better.

Sherry: Wow! I hadn't even considered that. I guess I always thought treatment would help them see that their delusions or their hallucinations were fake.

Marie: It would be nice if it did, but it often doesn't. There may be some exceptions, but your brain is a very powerful organ.

Sherry: Very true you said he was the first person to be forcibly medicated in Maine I thought everyone who got committed was medicated whether they agreed to it or not. Wasn't he required to be treated because the court had sent him there to have his competency restored?

Marie: No. Because adults live under a set of laws which protect their Constitutional Rights, and under which forced medication hearings are based. The First Amendment gives you the right to free speech - and addresses whether the government has the right to interfere with your mental processes if you don't want them to do so. Which is an important right.

Sherry: That is an important right.

Marie: The Eighth Amendment protects you from Cruel and Unusual Punishment - such as taking medicine that has side effects; which many of these antipsychotics do have.

Sherry: That's probably really important, when you see how some out of control, evil governments behave.

Marie: Yeah. We have these rights for a good reason; but it can be a barrier for treatment when someone can't make healthy decisions for themselves.

Sherry: I agree.

Marie: And then the last amendment we rely on - which has been used a lot since the late 70s - is the 14th Amendment. Legal Precedent allowed an emerging Right of Privacy which gave us the right to protect our thought processes from governmental interference.

Sherry: Also important.

Marie: Yeah – and, hopefully, that will hold up given what the Supreme Court is doing with Privacy Rights right now.

Sherry: Oh, that's right. That is the 14th Amendment.

Marie: Um-hmm.

Sherry: Oh dear.

Marie: Yeah. A lot of people think of it as simply an abortion decision; but it's rooted in Privacy Rights.

Sherry: True.

Marie: So, at least at this time, a patient can refuse medication, and this can be - as we've said - very problematic when you're trying to stabilize or treat a delusional patient, because sometimes their delusions include delusions that include fear of pills. They might be thinking that they're being persecuted, that these are poison, that they contain trackers, all sorts of things like that.

Sherry: Very true.

Marie: Yeah. So, it can be tough; but the 14th Amendment says that. “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States. Nor shall any State deprive any person of life, liberty, or property without Due Process of Law.”

The recognition of this Right as a Right to be treated in the least restrictive environment is relatively new. Like I said, it started to appear in the late 70s. And they cannot take this right away without assuring that you were afforded Due Process - which is guaranteed to American citizens through the 14th and 5th Amendments.

Medication became an issue in a case Rennie v Klein - when John Rennie, a patient at a mental hospital in New Jersey, sued for the right to refuse medications. It took him a while to win that right, and it came with a few caveats. The lawsuit was filed in 1978, and it ended up being decided by the Supreme Court in 1983. They decided an involuntarily committed patient who has not been found incompetent, absent an emergency, has a qualified right to refuse psychotropic medication. But it also set the scene for Forced Medication Hearings; when a Medical Examiner - not a court of law - is used to determine whether a person can exercise that right. If the patient is found to be a threat to themselves or to others, medication can be forced. This was established by the Department of Mental Health through their Administrative Bulletin 78-3. Well, that Bulletin was actually put in place at the beginning of this case, but the Judge went a little rogue - so it took five years to actually get the case settled.

Sherry: Oh. I did hear a little bit about that case. I think the judge was trying to dictate specifically what medication he could take or couldn't take, and when he could and couldn't take medicine. The Judge really overstepped his boundaries.

Marie: Yeah. It's hard, because the Judge obviously gets a little vested in the case; but he's still not a doctor.

Sherry: Right. So, is this Forced Medication so the patient can stand trial?

Marie: Well, in this case, Rennie hadn't committed any crimes.

Sherry: Oh!

Marie: There was nothing for which he needed to stand trial. He was not in a Criminal Commitment, like Leroy's. It was only a Civil Commitment. So, he hadn't broken any laws, but he was a danger to himself or others.

Sherry: Oh, okay. So, a Criminal Commitment, they've broken laws - and Civil Commitment, they haven't broken laws.

Marie: Um-hmm.

Sherry: Okay; makes sense.

Marie: Yeah. So, the seminal case for Criminal Convictions was Sells v US. When Sells - a dentist who had committed Medicaid and insurance fraud - was found incompetent to stand trial due to a Delusional Disorder. Meaning he was too mentally ill to understand the proceedings and/or assist his attorney in preparing for his trial.

Sherry: Okay. So...his mental illness didn't really have anything to do with what he'd done; is that right?

Marie: Yeah. It wasn't being used as a Defense to the crime - just that he wasn't able to stand trial at the moment.

Sherry: Okay.

Marie: The Lower Court said the doctors could medicate him to promote the government's interest in trying him on the charges, but the Supreme Court said no. They held that there is a "delicate balance between one's interest in being free from medication and the government's interest in getting him to trial. And that balance hadn't been considered in this case." Some basic conditions must be met if the government wants a Defendant restored to competency just so that he can stand trial. So, 1) the question is - is the treatment medically appropriate; 2) are the medications substantially unlikely to have side effects that may undermine the trial's fairness; and 3) taking account of less intrusive alternatives, is medication imperative to further important government trial-related interests. His case was remanded - meaning sent back - to the Lower Courts - for kind of a redo.

Sherry: Wow!

Marie: Any other questions?

Sherry: Um. I think just one. What happens during a Forced Medication hearing?

Marie: The hospital must show that you will continue to be a danger to yourself - or someone else - if you are not forcibly medicated. Because of our 14th Amendment rights, the period of Forced Medication is necessarily as small a window as possible - because of that least restrictive environment clause.

Sherry: Okay.

Marie: In most cases, the person who is forcibly medicated will quickly decide to be voluntarily medicated - at least for a period of time - when he or she recognizes the relief the medication gives them. As their brain settles down and they come back to themselves, they want to feel better.

Sherry: That's so interesting.

Marie: Yeah. Unfortunately, it doesn't always last. Some people with Delusional Disorders, like schizophrenia, have an ongoing struggle with medication and a lifetime of sorrow. While others sail right through that issue and don't have a problem taking the medication, because it allows them to have the full and productive life they wanted. No one really understands why it goes one way or the other. Researchers suggest it is tied to whether or not they are self-aware when it comes to this disorder. That doesn't mean they aren't *acknowledging* it; they literally cannot *see* it based on something that is most likely happening in their right brain hemisphere.

Sherry: Oh! Like some patients who've had a stroke, right? Isn't the medical term for that, anosognosia?

Marie: That's it, exactly! There's no telling them that something is incorrect. There's no way they can comprehend that. So. according to CentralMaine.com, Leroy claimed at his 2017 Competency Hearing that there was an incident in July of 2011 in which he was held captive by the Hell's Angels and the heavy metal group, Slayer, during a Phish concert. All the members of Slayer were present when a gun

was held to his head, and he was sworn to secrecy regarding who he was. He was told at that meeting that his father would try to poison him.

Sherry: And who was he?

Marie: Well, he claimed that he was both God and Satan - calling himself Icarus - in reference to a heavy metal band. He believed his mission in life was to become a famous heavy metal rock star in order to convey his message to the world. And that he was to be trained up into his calling through well-known guitarists.

Nevertheless, the judge ruled that Leroy Jr. was competent to be arraigned at that point. Leroy pled Not Guilty - and the Judge interceded and suggested he could instead enter a plea of Not Criminally Responsible.

Sherry: Wow!

Marie: Yeah. The District Attorney said that he would not object to that plea. And, for Leroy Jr., the case was pretty much over. But he did have one question.

Sherry: What was that?

Marie: He said, "At any point, am I allowed different lawyers?"

Sherry: Oh, wow.

Marie: Um-hmm. He was still itching for what he referred to as his day in court. He was mad that his attorneys were refusing to subpoena famous guitar players to testify regarding the night at the Phish concert - believing that those testimonies would clear everything up. Leroy also mentioned he was reluctant to be deemed Not Criminally Responsible, because he was acutely aware that such a plea would leave him held at Riverview for an indeterminate amount of time. So, he would be there - for who knows how long - waiting for a judge to say he could be discharged; rather than just serving a straightforward prison sentence, wherein he could toll his time.

Sherry: Some people call this crazy like a fox.

Marie: Yeah. For someone who is having a mental health crisis, he's really thinking things through - and kind of making plans for himself pretty well.

Sherry: Yes.

Marie: So, what ended up happening was that Leroy Jr. was committed to the Riverview Psychiatric Center; the place he called home since 2014. Immediately after his commitment he was allowed to leave Riverview for up to three hours at a time and traveled within five miles of the facility, as long as he was under one-on-one supervision and was consistently following his treatment plan. The court stipulated that he was to be subjected to a careful nursing assessment focusing on the presence of any anxiety or agitation prior to each outing. If either emotion was present, he would not be allowed into the community. Also, his belongings were to be thoroughly searched after each trip into the community.

Sherry: Umm. So, is this typical?

Marie: It's hard to say typical - but this is that Least Restrictive Environment. It's keeping the community safe, while allowing him as much freedom as they can.

Sherry: Okay.

Marie: So, in 2019 Leroy is approved to spend up to six hours of supervised time in the community – again, as long as he had one-on-one supervision. His five-mile travel radius was increased to 60 miles.

Sherry: What was he doing?

Marie: Well, he appeared to be spending his time hanging around, playing the guitar, watching sports on tv, and listening to heavy metal music - like Slayer.

Sherry: So, that's what he did while he was at home - at Riverview. Right?

Marie: Um-hmm.

Sherry: And what about when he left?

Marie: Well, his time away from Riverview appears to be for jaunts where he shops, looks at guitars and amps (so he'll know which one to buy next), and dreams of owning his own cannabis business.

Sherry: So, he hasn't really changed a lot?

Marie: No. He is in a more controlled environment, but he continues to do the things he did before.

Sherry: That's true.

Marie: I guess a little bit less preaching. Um, but pretty much the same things. He's still preoccupied with heavy metal music and enjoying his, um, guitar playing and thinking about cannabis a lot.

Sherry: I guess as long as he pulls the delusions out of it, that's kind of...a life that someone might choose to have.

Marie: Yeah. It's sad that his father lost his life in this, but he seems to be fairly stable. Um, he remained a resident of Riverview Psychiatric Center until just before Christmas in 2021. He appears to be spending 2022 - so far - reconnecting with friends, learning the ropes of Independent Living, updating his guitar, and writing music.

Sherry: Okay. So, 2014 to 2022. He's been eight years in custody for a murder that he planned.

Marie: Um-hmm.

Sherry: The psychiatric rules are so different.

Marie: They are different. And it's hard; because obviously you want people to receive appropriate care if they committed a crime because of a mental health disorder - but it doesn't quite seem fair to some of the other murderers who spend a long time in a much more restrictive environment.

Sherry: I'd have to agree with that. And...and at the very same time I think, 'Oh, but if they weren't having psychotic episodes, maybe I wouldn't agree with that.' I think the justice system is so complicated.

Marie: Yeah. It's hard to know what's really fair - and you have to keep in mind that the point of the justice system is not supposed to be to dole out the same punishment to everyone. It's supposed to be to keep the community safe.

Sherry: That's true.

Marie: And if this is the best way to keep the community safe, then this is what they need to do.

Sherry: Very true.

Marie: Yeah. But I think we need to take a minute to talk about Leroy Sr. and remember him.

Sherry: Okay.

(musical interlude)

Sherry: Leroy Sr. was a happy man who had a lot of friends, but not a lot of wealth. His death devastated his family and friends; but there was no money to spare for a memorial service. One of his friends could not stand that he had suffered such an ignoble death and would depart from this world without a proper memorial; so, she started a GoFundMe (wherein they raised more than \$2,500) which was used to honor his memory.

His ex-sister-in-law, Nadine Blaisdell, summed up Leroy Sr's life the best – saying, “He was always there to help, no matter what. He was a friendly simple guy.”

Marie: That's a wonderful thing for people to say about you.

Sherry: I think so, too.

Marie: Before we sign off today, we want to remind our listeners of a couple of places that you can contact if you're struggling - or have a loved one who's struggling - with a delusional disorder, schizophrenia, or other mental health issues. Today we're spotlighting just two organizations; but there are many more. First, is the National Alliance on Mental Illness (also known as NAMI). These folks provide support via support groups, referral services, and a crisis hotline. The number for the crisis hotline is 1-800-950 NAMI or 6264. And that's 1-800-950-6264. If you are in a crisis but aren't sure you feel like talking to someone on the phone, you can text 741-741 to receive free crisis support counseling via text. And if you want to talk on the computer, you can type NAMI into your search bar, click on NAMI, and then do the chat in the bottom right-hand corner of your screen.

Another organization is part of the U.S. Department of Health and Human Services - and it's called the Substance Abuse and Mental Health Services Administration. This helpline is a free, confidential treatment referral and information service. Their hotline is open 24/7, 365 days a year. For individuals and families facing mental health and/or substance use disorder challenges. If you are looking for treatment alternatives for a loved one, you can type samhsa.gov into your computer search bar. After the first paragraph at the top of the page, you will find an Online Treatment Locator that just might come in handy.

And we'd also like to recommend a book for you - in case you are living with, or caring about, someone who experiences mental health crises. This book discusses the L-E-A-P (Leap) Method of communicating – Listen, Empathize, Agree, Partner. And is invaluable. It's called, I Am Not Sick. I Don't Need Help: How

to Help Someone Accept Treatment, by Xavier Amador - and it's available on Amazon or probably your local bookstore. It will help you understand why it's important not to challenge a loved one's delusions while they are in active psychosis, and it teaches you to communicate with each other in a healing manner.

We'd like to thank Mentalillnesspolicy.org, oyez.org, the Sun Journal, CentralMaine.com, the New York Daily Times, the Portland Press Herald, Facebook, and the National Library of Medicine for the information and data we used to create this podcast. And, of course, we have to thank Jade Brown for our music.

Sherry: And thank you for listening to the Parricide Podcast. We appreciate you, and hope you learned something new today. We hope you'll hop over to our Patreon page and consider supporting our research - and our show. And thank you again, Jeff, for your question and your ongoing support. We'll see you in two weeks!

Sherry: This has been the Parricide Podcast and remember...

Marie: Always sleep with one eye open.

(Musical outro) Ashes, ashes; We all fall down.