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FRANK DARRYL HOLDER  
8

9 UNITED STATES DISTRICT COURT  
10 CENTRAL DISTRICT OF CALIFORNIA  
11 EASTERN DIVISION

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 FRANK DARRYL HOLDER,

16 Defendant.  
17

NO. ED CR 08-244-VAP

DEFENDANT'S PSYCHOLOGICAL  
REPORTS IN SUPPORT FOR  
SENTENCING

Date: 11/30/2009  
Time: 9:00 a.m.

18 Defendant Frank Darryl Holder, through his attorney of record, Deputy  
19 Federal Public Defender Kay Otani, hereby presents psychological reports in support  
20 for sentencing.  
21

22 Respectfully submitted,

23 SEAN K. KENNEDY  
Federal Public Defender  
24

25 DATED: November 19, 2009

By   
KAY OTANI  
Deputy Federal Public Defender  
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## PSYCHOLOGICAL EVALUATION OF FRANK DARYL HOLDER

This evaluation is based on a 3 hour interview with Mr. Holder in my office, phone interviews with Mr. Holder's aunt, Mrs. Betty Vinson, and Mr. Holder's treating therapist, Charles Leeb, Ph.D. In addition, I reviewed notes from Mr. Jacob Etner, Investigator for the Federal Public Defender's office.

### IDENTIFICATION

Mr. Holder (herein after referred to as Frank) is a 61 year old Viet Nam Veteran and a retired policeman. He is married and lives with his wife, Terrylyn Holder, age 62, in ██████████, Ca. They have 2 adult sons. Phil, age 42, is a police lieutenant in ██████████, Ca. where he lives with his wife and 2 children. Scott, age 39, is a policeman and a member of a SWAT team in ██████████ where he lives with his common law wife who is an Emergency Room Physician; they have no children. Frank's father, Frank, Sr., died in 2007 at the age of 89. His mother, Louise, age 89, lives in Georgia with her daughter, Judy. Judy is Frank's older sister and is a widow with one adult daughter. His only other significant relative is his maternal Aunt Betty who also lives in Georgia.

### MENTAL STATUS

Frank was on time for the interview, and appropriately groomed and dressed. He made good eye contact, was alert, cooperative and candid. His speech and motor activity were normal although he did show mild agitation from time to time. His mood was

depressed and his affect was relatively flat. Although he had been suicidal over his financial crisis leading to his criminal behavior, and suicidal over his current legal situation, he did not show his emotional distress. Perception was normal and his intellectual functioning was average. There was no indication of thought disorder. However, his judgment and reality testing have been compromised.

## HISTORY

Frank's early history from conception to his retirement from the army 21 years later is traumatic in unusual ways, and contributes to the understanding of his offense. Therefore, it will be presented in considerable detail.

Frank was born in Georgia in 1948. He weighed only 3 pounds but was released from the hospital to his parents. Louise and Frank, Sr. were married for 7 years prior to the birth of their first child, Judy. Frank was conceived 4 years later. According to Frank's Aunt Betty, Louise asked her doctor for an abortion as she did not want more children after Judy was born. Following Frank's birth, she had her tubes tied to prevent further pregnancies. Louise's sister, (referred to as Aunt Betty), reported that "Frank was so tiny, we carried him around on a pillow". (Since it is customary to keep newborns in the hospital until they weigh 5 pounds, it's unclear why Frank was sent home but there did not seem to be any adverse consequences to his physical health.)

Aunt Betty described how she, then age 15, and her (and Louise's) mother would go to Louise's house after their respective school and work days, (their mother worked in the school cafeteria) to help Louise with her newborn and her 4 year old daughter, Judy.

Louise was the middle of 7 children and appears to have developed a narcissistic personality disorder. This personality disorder predisposed her to behaviors of selfishness, demandingness and a pathological sense of entitlement. She did not develop attributes of loving or caring, especially toward her son, Frank, who is described by Aunt Betty as having been "an affectionate, quiet, and loving child who was always verbally abused and emotionally neglected by his mother". There apparently was no physical abuse.

Frank was made to call his mother 'ma'am' and his father 'sir'; this did not apply to Judy. At the age of 4, Frank's family moved to California. He was separated from the

family of his aunt, uncle and cousins, who were the only source of affection and genuine love for him. This move to California is his first memory. He recalls all 4 members of his family sitting in the front seat of his father's truck, although he can't connect any feeling with this image.

Frank says his parents believed that children should not be talked to. There was never any talk about their school days, their activities, or friends. My parents were "just there". "They were neutral." However, Frank recalls his mother verbally abusing him by "giving me the silent treatment, calling me stupid, telling me I was no good at anything". Aunt Betty remembers that Frank played alone and outside much of the time to avoid his mother. He was allowed to wander off for hours. She witnessed Louise's abuse of Frank but could not intervene. Aunt Betty says of her sister that "she was the black sheep of the family. She was a hateful person and still is". Louise read to Frank, and made it clear that she did so to prove her excellence as a reader, implying that he was stupid, and she refused to let him read out loud! Frank played, in solitary, with his "green army men and read comic books about World War II".

Louise was a homemaker until Frank was 8 or 9 when she then went to work as a salesperson at Sears. Frank always felt that he was a mistake, that he should never have been born. "I felt like an accident. It didn't matter if I was there or not." When he cried as a child, he was ignored. "No one noticed. Kids didn't count. It would have been better to have been beaten. Physical abuse is some kind of contact. They would have had to notice me to beat me." Under pressure of the silent world of his home environment, and under the negativity from his mother, Frank turned inward. He did not express anger or disappointment after learning that his cries were ignored; nor did he develop a conduct disorder. His negative self image led to depressive affect and further social isolation.

Louise was also argumentative with her daughter, Judy, but did not ignore her. Frank says they "really didn't get along". He also says that Judy "hated me as much as my mother did". "We were never close." Aunt Betty confirmed that Louise preferred Judy. Yet, Louise wanted Judy to be "thin" and she never was. Louise was unrelentless in criticizing Judy for not being thin. According to Aunt Betty, Louise is the only thin one in the family and continues to this day (at age 89) to be pathologically critical of everyone else. When Judy was 15, she ran away and got married. A few months later, her father

went after her and got the marriage annulled. Then at age 17, Judy ran away again and married a man 20 years older than she was. Frank never saw his sister after that.

Frank has wondered about the relationship between his father and sister. "Things were weird between them. I don't think there was sexual abuse but he was so attached to her. She never got along with my mother. She was spoiled and she was a hellion. But she was a straight A student. I think I blocked out the trauma in my home."

Frank, Sr. was alcoholic when he married Louise but stopped drinking until Frank was in high school. He worked mainly as a mechanic and as a service manager for Lincoln-Mercury. They moved many times, presumably for his work. Frank, Sr. was also a gambler, "mostly playing the horses. He always had a wad of money in his pocket." Frank's parents apparently didn't talk very much to each other either, except when his mother would argue about money. According to Aunt Betty, Louise demanded that her husband buy her things. "She was a terrible whiner." Aunt Betty saw Frank, Sr. as the better parent but unable to stand up to Louise and intervene with the abuse of their son, Frank, including her insistence that Frank call his father "sir" instead of "Dad".

Frank, Sr., became alcoholic again when Frank was in high school. It was Aunt Betty's observation that Louise continued to demand more and more material things from him which he tried to provide but which also increased his gambling and drinking. Aunt Betty thought that Frank, Sr. was somewhat weak and passive in his personality and never stood up to Louise. Frank does not recall seeing his father drunk but does know he was drinking and he felt that his mother expected him to control his father!

Frank's education was disrupted because of the many different places they lived in. (They lived in at least 7 different places by the time he finished high school.) He seems not to have had the intellectual ability that his sister had, or if he did, he was unable to make use of it. He attended junior high and began high school in Las Vegas. He says he was "no star student" but played sports. He finished high school back in California as the family moved once again. He never asked for scholastic help, barely passed his courses, and did not excel in any subject. He essentially went through the motions, did as he was told, and did not try to use his mind.

Childhood trauma does not require physical and/or sexual abuse. Chronic abuse such as the acute paternal neglect and maternal verbal abuse Frank suffered can represent

a “personal Holocaust” (Chefetz, 2000). The extreme emotional deprivation created a very bleak environment; it wasn’t just benign absence of maternal caring but a presumably consciously motivated infliction of complete indifference. In conjunction with the verbal abuse on his person and his developing self, this traumatic developmental environment created grave consequences for Frank’s overall psychological development. He lacked a developed sense of self or a sense of agency. He suffered a silent and ignored depression which led to a social isolation, preventing him from developing expectable social skills or personal goals and interests.

In high school, he said he “wasn’t really into girls”. He meant that he did not know how to talk to a girl as he never had any adult conversations. Nor did he ever think anyone would be interested in him. However, it was here that he met his future wife, Terrylyn. She had moved from another school and was also isolated. Somehow, they drifted together, and were married soon after graduation.

Because Frank had no career ideas and was at a loss as to what to do following graduation, he joined the army. He was sent to basic training and then had advanced training as an Airborne soldier. Prior to being sent to Viet Nam, he and Terrylyn were married; shortly thereafter she became pregnant. He did not see his son, Phil, until he returned from Viet Nam when Phil was then 4 months old.

## VIET NAM

Frank’s experience in Viet Nam was traumatic (as it was for many young men) but somewhat unusual. When he joined the army, his parents told him to “learn a skill”. He felt that since he was going to be in the army, he “wanted to be a soldier”. Following basic training, he volunteered for Airborne duty. He had training in Georgia where his wife joined him and where their first child was conceived. Frank became part of the First Calvary Division 11<sup>th</sup> Airborne Pathfinder Division which assisted in long range reconnaissance and intelligence work. He was sent to Viet Nam. He and 5 other volunteers were then put on a helicopter and taken into the jungle. They were told to remove their dog tags and all other identification. He realized that “something could have happened to me and no one would ever know.” Another helicopter came to pick them up to fly them into Cambodia which was restricted area to the U.S. Army. Frank described

this second helicopter as silver in color rather than army green. It was flown by the CIA under the guise of an Air America civilian helicopter. They then parachuted into the jungle in Cambodia with the task of looking for the enemy and reporting back, setting up landing areas for the army, and also setting up ambushes to destroy innocent people who might interfere with their goals. Frank found the beginning of this work to be very stressful but he quickly 'accommodated' to it; there was really no choice. "The ambushes were against International Law but we had to do them. We killed unarmed women and children as well as unarmed men who were carrying supplies. And we had to make sure they were dead so no one would escape and get word to the North Viet Nam Army as to where we were. We had to locate and blow up hidden supplies and then hide ourselves. If we found a large unit, we would call for air strikes or ground attacks. We were a small group, only 5. We were shot at, suffered mortar injuries, and my friend was killed sitting right next to me. I thought 'it ain't nothin'. A few hours later I realized it could have been me. But I was used to saying 'it ain't nothin'. That's how I grew up. You get used to it. 'It ain't nothin'."

"We were told never to admit that we had been in Cambodia. Even after we were out of the army, it was supposed to be a secret. I never told my wife any of this. But I actually got good at it. After we returned from a year over there, I was asked to be a Pathfinder Instructor at Fort Benning. No one had ever, in my life, told me I was good at anything. This was an honor. It was prestigious to be an Instructor. However, I didn't make the army a career because I was married and my wife didn't want me to. If I hadn't been married, I would have stayed in the jungle."

The phrase 'it ain't nothin' represents an attitude Frank developed in childhood to deal with the cold and cruel environment in which he grew up. He developed an attitude of 'nothingness' which reflected how he felt about himself, as nothing, and which reflected his belief about the way his parents, especially his mother, viewed him, as a nothing. His flat affect covered a deeper depression and enabled him to "just go on".

This attitude served him well in the army where he was expected to do inhumane things. He continued his defensive childhood attitude of denying the horrific reality of his situation. When Frank returned from Viet Nam, his aunt and uncle were the first family members to greet him at the airport. Aunt Betty described him as "quiet as a mouse...he

had nothing to say". She was unaware of the difficult transition he was undergoing, returning directly from the jungle in Cambodia and the things he had done there, to the United States where he was supposed to "act normal and not say anything about" where he had been or what he had been doing.

As soon as Frank returned to California, following his assignment in Georgia as a Pathfinder instructor, he began training to become a policeman. He worked for 35 years in a "black and white". When he was given a promotion to detective and given a desk job, he became restless and depressed and asked to be put back "where the action was". He worked nights because there was more "action" than in the daytime. There was also greater social isolation at night which he preferred.

The intensity of danger and fear in Frank's experiences in Cambodia organized him psychologically; he derived a sense of purpose and a sense of triumph out of repeated survival. He was highly focused on a task and was not required to think about his actions; they were well prescribed for him. He was able to be active and successful unlike his experience of life prior to becoming a soldier. This highly focused psychological orientation was continued in his police work and became a necessary condition to ward off underlying depression. Both the army and the police force offered him structure and discipline. In addition, he felt emotionally gratified to be "making things safer" for people by finding and destroying the enemy in Cambodia and in his police work. He was well respected and earned commendations as a police officer and held the title of sergeant when retiring.

#### INSTANT OFFENSE

During Frank's married life, he attempted to provide for his family by giving them things which he could not really afford. In spite of not having a close relationship with his own father, it would appear that he identified with his father's behavior of buying things for his (demanding) wife (Louise). Frank's wife was never demanding but Frank's lack of self esteem and personal self worth motivated him to be an even better provider, as though his very real love, involvement, and guidance were not enough. He used his credit cards and paid the minimum monthly amount required. He also opened new credit cards to cover existing debt.

When he retired, Frank worked part time for the police department doing background searches on potential recruits. Due to budget restrictions, he lost this work. Around the same time, the required minimum monthly credit card payments increased to a level he was no longer able to manage. Terry and Frank did not fight during their marriage except when financial issues were a source of anxiety for her. Over the years, when their debts became known to Terry, she told Frank that she would leave him if he "did it again". In 2008, when he was faced with debt that he could no longer handle, he believed that he faced the impending loss of Terry. He had no idea how to get the money to pay his debts and keep the problem from Terry. He began to panic, further diminishing his reality testing and judgment. Because he knew that robbing a bank was a crime he might get away with, he impulsively did so. When he did not get caught, he did it 3 more times. He robbed the last bank in such a careless, and likely an unconsciously purposeful, manner as to ensure his getting caught. Prior to robbing this last bank, Frank thought seriously of committing suicide; he decided against it because of the pain it would inflict on his family and it seemed cowardly. Frank never used a gun in these robberies and never intended to cause any physical harm.

## DIAGNOSES

AXIS I. DSM.IV-TR. 300.40. DYSTHYMIC DISORDER, Early onset

AXIS I. DSM.IV-TR. 309.81. POSTTRAUMATIC STRESS DISORDER

Frank suffers from the symptoms of dysthymia and posttraumatic stress. His Dysthymia, which began in early childhood, manifested in a chronically depressed mood, low self esteem, poor concentration, and feelings of hopelessness. As a result, Frank's school performance in childhood and adolescence and his social interactions were impaired. His feelings of inadequacy led him to feel like an uninteresting and incapable individual. When serving in the army and working as a police officer with highly focused tasks, he was able to overcome his depressive affect and function well. Following retirement, he began to have difficulty managing his depression and tried to make himself feel like a more adequate father and husband by providing things beyond his financial means.

Frank's posttraumatic stress disorder began early in his life. In his own home environment he was exposed to events that threatened his physical and psychological integrity, and caused him to feel helplessness and intense fear. In childhood and in adulthood, Frank has tried to avoid thoughts, feelings, or conversations associated with the trauma of his childhood, his experiences in the army, and as a policeman. He also has very poor memory for details of his traumas. He still can experience feelings of detachment or estrangement from others and definitely has a restricted range of affect. He conducts his life within a narrow range of activities and almost no social interaction except with his wife and children. When faced with the threat of loss of his wife due to his financial problems, he had no psychological or cognitive resources to turn to, panicked, and took destructive action over the course of a few months, culminating in getting caught because he could no longer manage the stress of his behavior.

#### SUMMARY AND RECOMMENDATIONS

The most outstanding feature of Frank's life is the experience of SOLITARY CONFINEMENT in which he lived for the first 18 years of his life. If mankind can be identified as a social animal, it seems absolute that involuntary social isolation from whatever source can be seen as cruel and unusual punishment, whether in a home under a parent's control with overly regimented rules, or in a prison for criminals or terrorists, that ignores human needs. While Frank was not locked in a room, the emotional and psychological isolation his parents created had disastrous consequences for him. It seriously distorted his perspective of human interaction and severely deprived him of significant interaction required of a young developing brain. The brain requires mental stimulus to develop and function. Frank's development was limited and narrowed. The drastic reduction of the amount and quality of normal emotional and social interaction, of reasonable mental stimulus, of exposure to things in the natural family environment, of the things that make life human, was psychologically, emotionally, and physically destructive to him. There was no positive interaction of feedback.

Humans are social. They require emotional and social interaction in order to learn how to live in the world. There is a wealth of literature describing developmental needs starting at birth. Frank was housed and fed; his physical needs were taken care of. But he

was deprived of developing a sense of self, a sense of agency, specific ego strengths, self confidence, and social skills in order to verbally communicate with others and to know how to predict the behavior of others. His mother and father did not speak to him. He was not allowed to engage in conversation with them. He was made to call them sir and ma'am. There was an almost total absence of recognition of him as a person from birth on.

The kind of deprivation Frank suffered is very much like the solitary confinement of prisoners, and causes depression, anxiety, despair, rage, lack of impulse control, and impaired ability to think, to concentrate, and to remember. Frank was unable to succeed academically in spite of his intellectual potential. He had no friends as a child or adolescent. The only experience of love came from his Aunt Betty and her family but he was separated from them by age 4.

It would seem that Frank naturally gravitated to a position in the army which required little social interaction. As a Pathfinder, he lived in the jungle with 4 or 5 other men. Their work was very focused and they were required to suppress their emotions in order to carry out their tasks which required killing unarmed children, women and men. When his "buddy" was killed right next to him, he told himself "it ain't nothing".

As a policeman working nights, he had little social contact and was very focused on his task of maintaining "law and order". He chose to work nights. He was used to being isolated and he had very limited skills to interact on a social basis.

Frank became a devoted father and husband. He knew that it was important to talk to his children and to become involved in their lives. It is truly amazing that he was able to do so and clearly he was drawing on his own natural instincts. It is also likely that his early memories of the love he experienced with his aunt and her family made an enormous contribution to his natural proclivity to relate as a loving father and husband. His family was everything. He worked, had no friends, and focused on his sons and his wife. In his misguided efforts to be the best he could be for them, he ended up in debt. He did not believe that his presence, love and care would be adequate.

In 1842, Charles Dickens condemned solitary confinement, writing that "I hold this slow and daily tampering with the mysteries of the brain, to be immeasurably worse than any torture of the body; and because its ghastly signs and tokens are not so palpable

to the eye and sense of touch as scars upon the flesh; because its wounds are not upon the surface, and it exhorts few cries that human ears can hear; therefore I the more denounce it, as a secret punishment which slumbering humanity is not roused up to stay”.

Frank's childhood 'solitary confinement' skewed his grasp of life. When he found himself faced with insurmountable debt, and the threat of losing his wife, the only true positive attachment he had, he became overwhelmed. He had no cognitive skills at problem solving, of thinking through a situation to find possible solutions, and he had no sense that he could ask for help. His childhood deprivation and its consequences had finally caught up with him and rendered him unable to act rationally. The ego strengths required were simply absent. On impulse, he decided to rob a bank.

Frank is not a criminal. He does not have a criminal mind. He believed he was only hurting himself by robbing a bank. But he also knew that this was legally and morally wrong and he got himself caught before he committed suicide. When considering sentencing, it is hoped that the courts will be mindful of his early traumatic childhood history, of his traumatic involvement in the Viet Nam War, of his excellent work history as a policemen, and of his very positive and constructive parenting. Needless to say, incarceration of a police officer brings its own traumatic characteristics and dangers. Probation would provide Frank the opportunity to recover, through psychotherapy, from a life of considerable trauma. It will also enable him to learn how his early life interfered with the development of average and expectable social skills, judgment, and reality testing and to make the changes required for a constructive future.

*Carole W. Morgan, Ph.D.*

Carole W. Morgan, Ph.D.

April 15, 2009.

**Chuck Leeb, Ph.D.**

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October 30, 2009

In re: Frank D. Holder

To Whom It May Concern;

Mr. Holder voluntarily came to me for psychotherapy beginning January 8, 2009. Since then I have seen him two times a week for a total of 72 sessions per date. Much of the focus of our therapy has been on his time in Vietnam and the numerous ways that experience has impacted his life. It is to be noted that I have 40 years of experience dealing with veterans and other trauma survivors in dealing with Post Traumatic Stress Disorder (PTSD).

As I understand Mr. Holder's military history, he joined the service right out of high school on August 4, 1965. He was just 18 years old. He spent 8 weeks at Fort Ord in basic training. He returned home for 4 weeks during which time he married his high school sweet heart (they just celebrated their 44<sup>th</sup> anniversary). He then shipped to Fort Gordon for 8 weeks for advanced infantry training, had 2 weeks off at Christmas, then went to Fort Benning for 4 weeks of jump school. One week after jump school, he was in Vietnam (about February 6, 1966 at 1330 hours). While there he spent 80-85% of his time in the field. He was always in the lead helicopter going in on missions.

Many of the missions in which he was engaged were secret and often illegal. He was ordered to never discuss his actions with anyone, which he never did until now. On several of his missions into Cambodia he had to kill people who were wounded or unarmed, including women and children. His missions were secret and no witnesses to their presence could be left for fear that the mission could be compromised. Mr. Holder was aware, as were his companions, that if captured, the U.S. government would deny their existence and it was all over or, as Mr. Holder stated "If you were caught-tough shit."

The first week of February 1967 he was on a reconnaissance mission. His commanding officer called and said the base was sending a helicopter to pick him up. He was at base camp by early afternoon, left the next morning for the U. S. and was home about 24 hours later (February 6, 1967 at 1330 hours).

Twelve hours later he was at home in the States where he saw his then 4 month old son for the first time.

He was home for one month and then sent to Fort Benning where he was assigned to Pathfinder School as an Instructor.

He was never debriefed about his tour of duty in Vietnam.

He was now 20 years old.

He was discharged on August 4, 1968 with the rank of E5 sergeant combat.

He was awarded the Air Medal (usually reserved for pilots and their crew) for participation in over 50 helicopter assaults in unsecured combat zones.

He was awarded the Combat Infantry Badge for an infantry man engaged in combat for over 6 months.

He has several shrapnel wounds from mortars that would have qualified him for a Purple Heart but the code of their unit was unless you were med-evac'ed out you did not put in for a Purple Heart ("It ain't nothin'").

He survived three helicopter crashes.

He has 10% disability from malaria contracted in Viet Nam.

He has 16% disability from hearing loss incurred in Viet Nam and from his 30 years on the police force.

He never discussed his experiences in Vietnam until he began therapy.

After his return from Viet Nam, his family and friends described his mood as very flat and unemotional. He has remained that way until this day.

When asked how he dealt with what was going on around him during missions, he stated we just said, "It ain't nothin'. It just ain't nothin'." This phrase accurately describes how Mr. Holder has dealt with almost all emotional issues since Viet Nam. He has worked very hard to split himself off from his emotions and to deaden himself to his feelings. Emotional issues that are brought up or that occur are met with the response "It just ain't nothin'."

After his discharge from the military he became a police officer; first with the Montclair Police Department (1968-1974), then with the Pomona Police Department (1974-2004). He served as a sergeant with the Pomona Police Department for 17 years. During his tenure on the force he received numerous citations for excellence.

Mr. Holder's father was an emotionally absent alcoholic. His mother was also emotionally absent. He was taught from an early age that he did not count and that he was

an intrusion in his parents' lives. For example, while playing on his high school baseball team, he hit a 410 foot home run and his parents never attended a game. His parents only gave him two birthday parties as a child because his aunt insisted they do so. His sister had a party every year.

In spite of his emotionally bereft early environment, Mr. Holder has been married for 44 years. He has raised two sons. His oldest son is a lieutenant with the ██████ Police Department his youngest son is a leader of the SWAT Team for the ██████ Police Department and coordinates the Police Department's efforts with those of Homeland Security. Unlike his parents, he volunteered to coach his sons' teams and would arrange his work schedule to attend their games and events.

Mr. Holder gave the following explanation for why he committed the bank robberies. The only major fights he and his wife have had occurred over finances, primarily, his tendency to overspend. During these arguments, his wife has threatened to leave him. Mr. Holder has only had one secure base in his life, his wife. If she were to leave him, he states that "there would be no reason to go on living". Just prior to the robberies, Mr. Holder had gotten in over his head in debt, the last argument he had had with his wife, she told him this was it, if it happened again, and she was gone. He panicked. Given the ways in which Post Traumatic Stress Disorder affects thinking, it seemed logical to Mr. Holder that all he had to do to solve the problem was to rob a bank. It was either that or he loses his wife.

Mr. Holder's traumatic experiences in Viet Nam have overwhelmed his mental capacities, disturbed affective experience and expression, and interfered with his capacity for logical thinking, thus contributing to the breakdown of meaning. It also interferes with his mental processing of trauma-related fantasies and memories. The psychic trauma he experienced effected changes in his sense of self and in the quality of his interpersonal relationships.

When confronted with the belief of the only person in his life who ever accepted now abandoning him, his fear was so overwhelming as to affect his thinking. When an individual is confronted with a major threat to survival of the self he neurologically rolls up into a ball for protection. The paths to logical thinking literally shut down and are overwhelmed by chemicals that produce fear. It is nearly impossible to think logically in this type of situation. It is even more difficult when one suffers from PTSD.

Affective states related to his traumatization include the dissociation of affects (manifested by numbness, blankness, and the inability to connect disturbing feelings with the events that gave rise to them). His handling of affect in general has been profoundly affected by the trauma.

Critical ego functions, including reality testing, sense of reality, judgment, affect regulation, defense, and organization-integration of memory, have been negatively affected. There has occurred a substantial interference with Mr. Holder's capacities for self-reflection and organized action.

Mr. Holder's relationship patterns have changed as a result of the trauma he experienced. These changes are based on decreased trust and increased insecurity, as well as states of numbness, withdrawal and impaired critical thinking.

He now realizes it was the PTSD shaping his thinking and not logic. Had he not suffered from PTSD he never would have committed the robberies nor suffered the impulse control disorder of overspending. Serving in Viet Nam caused Mr. Holder's Posttraumatic Stress Disorder. He was never offered treatment nor aware that he even had PTSD.

It is not uncommon to see those suffering from PTSD to have major problems with drugs, alcohol, gambling, violent outbursts, impulse control disorders, relationships, and finances. Mr. Holder has done a remarkable job of controlling almost all of these impulses. In fact, he was commended by the Pomona Police Department for refraining from the use of violence in situations that would have professionally warranted it.

None of us can imagine the horror Mr. Holder experienced in combat. Nor the numerous acts of inhumanity he witnessed, not only while serving his country in Viet Nam, but while serving his community for thirty years as a police officer. Through all of this he raised two very responsible children who give back to their communities every day, a solid relationship of 44 years with his wife and, serves as a caretaker for his ailing 89-year-old father in law.

There have been numerous times during therapy that Mr. Holder has expressed great remorse for his behavior. He accepts responsibility for his behavior

Our country put Mr. Holder in harms way which resulted in his damage. Putting him in jail for behavior that resulted from that disability seems morally incomprehensible.

I urge the court to show leniency with Mr. Holder. I would recommend probation and continued therapy. The odds of Mr. Holder re-offending are zero.

Respectfully submitted,

Chuck Leeb, Ph.D.

## **Chuck Leeb, Ph.D.**

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### **LICENSURE:**

- Psychologist, PSY 7880, State of California, 1983
- Psychologist, License number 532, State of Kansas, 1980
- Psychologist, License number 82, State of Nevada, 1979
- Diplomate of the American College of Forensic Examiners-Child Psychology
- Diplomate of the American Board of Psychological Specialties-Clinical Psychology
- Certified in Biofeedback
- Certified in NLP

### **Forensic Experience:**

- Expert Witness Los Angeles County Superior Court; civil and criminal, 1974 - present.
- Expert Witness San Bernardino County Superior Court; civil and criminal, 2000 - present.
- Expert Witness Orange County Superior Court; civil and criminal, 2006 - present.
- Conducted numerous Psychological Evaluations for both civil and criminal cases 1974 - present.

### **COMMUNITY / PROFESSIONAL AFFILIATIONS:**

- Member Claremont Sunrise Rotary – Member 1993 – Present
- Claremont Sunrise Rotary –President, 2000-2001
- Member of Youth & Family Master Plan Steering Committee for City of Claremont – 2006-2007
- Member of The Mental Health Coordination Committee, City of Claremont 2007 – Present
- Delegate to the Tri-City Restructuring Committee, City of Claremont Summer 2007
- Member of the Governing Board of Tri-City Mental Health-2008-present
- Member of the American Psychotherapy Association

- Member of the California Psychological Association
- Member of the Los Angeles County Psychological Association
- Member of the American College of Forensic Examiners
- Charter Member of Prescribing Psychologists' Register, Inc.
- Consultant to the U.S. Olympic Weight Lifting Team, Colorado Springs, CO – 1980

**PROFESSIONAL EXPERIENCE:**

- 1982 – Present *Private Practice* – Claremont, CA
- 1992 – December, 2008 *Clinical Director, Live Oak Canyon School*  
(a non-public educational institution) – Claremont, CA
- 1991 – 2002 *Clinical Director, Research & Treatment Institute*  
(a non-profit corporation) – Claremont, CA
- July 1991 – October 1992 *Director, Children’s Residential Treatment Services –  
Charter Oak Hospital*  
Covina, CA
- July 1990 – June 1991 *Director, Children & Adolescent Services –  
Charter Oak Hospital*  
Covina, CA
- June 1989 – June 1990 *Director, Adolescent Chemical Dependency Program –  
Charter Oak Hospital*  
Covina, CA
- June 1986 – May 1988 *Director, Psychological Services – Horizon Hospital*  
Pomona, CA
- January 1986 – May 1986 *Director, Psychological Services – Renaissance Chemical  
Dependency Program – West Covina Hospital*  
West Covina, CA
- August 1982 – June 1983 *Director, Psychological Services – Raleigh Hills Hospital*  
San Gabriel, CA
- March 1979 – August 1982 *Director, Children’s Section of the Biofeedback and  
Psychophysiology Center at The Menninger Foundation*  
Topeka, KS
- March 1979 – August 1982 **Director, Athletics & Biofeedback Section of the Biofeedback  
& Psychophysiology Center at The Menninger Foundation**  
Topeka, KS
- February 1976 – February 1979 *Director, Desert Development Center*  
Las Vegas, NV
- February 1976 – February 1979 *Associate Southern Regional Director for Mental Retardation  
for the State of Nevada*  
Las Vegas, NV

## PAPERS:

1. Leeb, C.S. Hello! We're Not Rutabagas! CAPSES 27<sup>th</sup> Annual Conference, Asilomar, CA (March 1999)
2. Leeb, C.S., Morrison, D.R. East is East, West is West: Part II 11<sup>th</sup> Annual Research Conference, Tampa, FL (February 1998)
3. Leeb, C.S., Morrison, D.R. East is East, West is West: Observations from the Field. 10<sup>th</sup> Annual Research Conference, Tampa, FL (February 1997)
4. Leeb, C.S. Placebo and Biofeedback. Biofeedback Society of America, Colorado Springs, CO (March 1982)
5. Leeb, C.S. Redefining the Placebo Effect. American Association of Biofeedback Clinicians, Kansas City, MO (October 1981)
6. Leeb, C.S. The Practical Application of Biofeedback to the Learning Disabled Adolescent in the Classroom. American Association of Biofeedback Clinicians, Kansas City, MO (October 1981)
7. Leeb, C.S. EMG and Writer's Cramp: A Case Study. Biofeedback Society of America, Colorado Springs, CO (March 1980)
8. Leeb, C.S. Biofeedback, Creativity and Behavior Modification. Southern California Conference on Behavior Modification, Los Angeles, CA (October 1974)
9. Leeb, C.S. Biofeedback and Its Role with the Mentally Retarded. California Association for Hospital Administrators, Newport Beach, CA (May 1975)
10. Leeb, C.S. The Application of Biofeedback to Marriage and Family Counseling. American Association of Marriage and Family Counseling, Las Vegas, NV (May 1976)
11. French, D., Leeb, C., & Fahrion, S. Biofeedback Hand Training for Relaxation With the Mentally Retarded. American Association of Mental Deficiency, 99th Annual Meeting, Portland, OR (May 1975)
12. French, D., Leeb, C., & Fahrion, S. Biofeedback Hand Temperature Training in the Mentally Retarded. Biofeedback Research Society, Monterey, CA (January 1975)
13. Fahrion, S., Leeb, C., & French, D. Personality Change Associated with Biofeedback Training. Western Psychological Association, San Francisco, CA (April 1974)
14. Leeb, C., Fahrion, S., & French, D. Proposed Practicing Standards for Biofeedback: A Working Paper. Biofeedback Research Society, Colorado Springs, CA (February 1974)

15. Leeb, C., Fahrion, S., French, D., & DeJoseph, F. Voluntary Control of Hand Temperature Increases and Decreases. Biofeedback Research Society, Colorado Springs, CA (February 1974)
16. Leeb, C., Fahrion, S., & French, D. The Effect of Instructional Set on Autogenic Biofeedback Hand Temperature Training. Biofeedback Research Society, Colorado Springs, CA (February 1974)
17. Leeb, C., Fahrion, S., French, D., & Thommes, M. Shifts in Internalization-Externalization Following a Massed Practice Multi-Modality Biofeedback Training Period. Biofeedback Research Society, Colorado Springs, CO (February 1974)
18. French, D., Leeb, C., & Fahrion, S. Self-Induced Scrotal Hyperthermia: An Extension. Biofeedback Research Society, Colorado Springs, CO (February 1974)
19. French, D., Leeb, C., Fahrion, S., Law, O.T., & Jecht, E. Self-Induced Scrotal Hyperthermia. Biofeedback Research Society, Boston, MA (November 1972), Germany (December 1972) (by Julian Davidson). Western Psychological Association Anaheim, CA (April 1973)

#### **PUBLICATIONS:**

1. French, D., Leeb, C., Fahrion, S., Law, O.T., & Jecht, E. Voluntary Reversible Control of Fertility in Man via Testicular Hyperthermia: A Preliminary Report. International Research Communication System, 1973, 1,1, 34
2. French, D., Leeb, C., Fahrion, S., Law, O.T., & Jecht, E. Self-Induced Scrotal Hyperthermia in Man Followed by a Decrease in Sperm Output: A Preliminary Report. Andrologie, 1973, 5 (4), 311-316.
3. Leeb, C., Fahrion, S., & French, D. Instructional Set, Deep Relaxation and Growth Enhancement: A Pilot study. Journal of Humanistic Psychology, 1976, 16, 71-78
4. Fahrion, S., Leeb, C., & French, D. Practicing Standards for Biofeedback. American Psychologist, 1974
5. French, D., Palestino, D., & Leeb, C. Preference for Warning in an Unavoidable Shock Situation: Replication and Extension. Psychological Reports, 1972, 30, 72-74
6. French, D., Leeb, C., & Jecht, E. Reduction in Spermatogenesis due to Febrile Attacks of Familial Mediterranean Fever. Fertility and Sterility, June 1973, 4, 6
7. French, D., Leeb, C., & Boerner, G. Theoretical Applications of Biofeedback Hand Temperature Training to the Lamaze Method of Childbirth. Perceptual and Motor Skills, 1973, 37, 326
8. Leeb, C. The Practical Application of Biofeedback to the Learning Disabled Adolescent in the Classroom. Learning Disabilities: An Audio Journal, 1981

## HONORS:

- Who's Who in America
- Who's Who in the Biobehavioral Sciences
- Who's Who in California
- Who's Who of Emerging Leaders in America
- Who's Who in Executives and Professionals
- Who's Who in Medicine & Healthcare
- Who's Who in Science & Engineering
- Who's Who in the West
- Who's Who in the World

1 PROOF OF SERVICE

2 I, the undersigned, declare that I am a resident or employed in Riverside  
3 County, California; that my business address is the Federal Public Defender's Office,  
4 3801 University Avenue, Suite 150; Riverside, California 92501; that I am over the  
5 age of eighteen years; that I am not a party to the above-entitled action; that I am  
6 employed by the Federal Public Defender for the Central District of California, and  
7 am a member of the Bar of the United States District Court for the Central District of  
8 California. I served the DEFENDANT'S PSYCHOLOGICAL REPORTS IN  
9 SUPPORT FOR SENTENCING.

10 On November 19, 2009, following ordinary business practice, service was:

11  Placed in a closed  
12 envelope, for collection and  
13 hand-delivery by our internal  
14 staff, addressed as follows:

11  By hand-  
12 delivery addressed  
13 as follows:


11  Placed in a sealed  
12 envelope for collection and  
13 mailing via United States  
14 Mail, addressed as follows:

14 Sean Lokey & Priya Sopori—VIA ECF  
15 Assistant United States Attorneys  
16 United States Attorney's Office  
3880 Lemon Street, Suite 210  
Riverside, California 92501

14 Melinda Nusbaum  
15 United States Probation Officer  
16 600 U.S. Courthouse  
312 North Spring Street  
Los Angeles, CA 90012

17  
18 This proof of service is executed at Riverside, California, on November 19,  
19 2009.

20 I declare under penalty of perjury that the foregoing is true and correct to the  
21 best of my knowledge.

22  
23   
24 Kay Otani