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The Honorable Tim A. Duket  
Circuit Court Branch II  
Marinette County Courthouse  
1926 Hall Avenue  
Marinette, WI 54143

MARINETTE COUNTY  
CIRCUIT COURT BRANCH II

Re: Scott J. Johnson  
DOB: July 19, 1970  
Case No. 08 CF 124

Dear Judge Duket:

In accordance with Wisconsin State Statute 971.16 and your Court Order, I have completed a psychological evaluation of the above-named defendant. Mr. Johnson was charged with 1 count of Second Degree Sexual Assault for an incident that occurred on July 30<sup>th</sup> of this year and 3 counts of First Degree Intentional Homicide and 6 counts of Attempted First Degree Intentional Homicide for a series of incidents that occurred on July 31<sup>st</sup>. He entered pleas of Not Guilty by Reason of Mental Disease or Defect when he appeared before you in early September and the current evaluation was ordered. The purposes of my involvement were to determine if he was suffering from a mental disease or defect at the time of the alleged crimes and, if so, whether that condition prevented him from appreciating the wrongfulness of his acts and/or prevented him from conforming his conduct to the requirements of the law. What follows is a summary of my findings and opinions that are offered to a reasonable degree of professional certainty and that I would gladly defend through sworn testimony if needed.

For this evaluation, I reviewed the Criminal Complaint and hundreds of pages of collateral records that supported the filing of the charges and that provided contemporary and historic information about Mr. Johnson social and psychological adjustments and I clinically examined him at the Marinette County Jail on November 11<sup>th</sup>. The information the investigating police officers were able to obtain from him and from other witnesses about the alleged offenses was consistent and indicates the alleged victim of the sexual assault immediately identified him to the police. Mr. Johnson became aware that the police were looking for him and he purposefully evaded them by hiding out in a wooded area he was familiar with and where he had kept various survival supplies, including a high powered rifle. He later described his actions at that site to the police in a way that



was congruent with the victims' and witness' reports and that indicated he shot several people as described in the Criminal Complaint.

According to information various law enforcement agencies were able to retrieve, it appears Mr. Johnson's early psychological adjustment was unremarkable. He was physically healthy as a child and adolescent, he demonstrated no significant academic or behavioral problems in school, he had no contact with the juvenile justice system, and he had no contact with mental health professionals. He was assessed by a school psychologist when he 11 or 12 years old and found to be functioning at the upper end of the High Average range of working intelligence (n.b. estimated IQ of 119) and his high school records suggest he was a mild underachiever as he graduated 63<sup>rd</sup> in a class of 164 from Kingsford High School in 1989. He entered the United States Army soon after graduating, was well adjusted there, and was honorably discharged in 1993. While in the service, he married Theresa and the union produced 2 children, a now 16 year-old son and a now 11 year-old daughter. He remained living in Louisiana where he was last station while on active duty and he enlisted in the Army National Guard soon after leaving the service. He worked part-time and pursued additional education, initially in a university program and then in a plumbing apprenticeship. He and his family appear to have functioned effectively during this period though early signs of marital discord were emerging as his wife later reported he was physically abusive, threatened to kill her, and had once pointed a gun at her. Mrs. Johnson left her husband in 1999, taking their children with her, and filed for a divorce in Ohio that was eventually granted in early 2002. Mr. Johnson was granted very limited periods of visitation with his children, apparently because he had threatened her during their separation, and was required to provide child support payments. He did not see his children, however, after the final divorce order was entered and he soon quit his job, dropped out of his apprenticeship, and left Louisiana to return to his mother's home in Kingsford.

When I met with Mr. Johnson earlier this month, he presented as a clean, well groomed, and neatly dressed man who appeared in standard jail-issue clothing. I explained the purposes of the examination to him, that it was occurring in response to his utilization of the special not responsible plea, and that he could agree or decline to participate in the evaluation. He agreed to speak with me and he added he had previously spoken to the 2 other examiners under the Order you issued. He revealed he was taking no psychotropic medications or other medicines that might affect his emotionality or mentation and he was consistently alert, oriented to the setting, and in sufficient control of his mental faculties for the evaluation to proceed. Mr. Johnson easily understood everything that was said to him and expressed his ideas in words without difficulty. He spoke at a normal rate and in a normal tone of voice and he demonstrated no pressured speech and no psychomotor agitation or retardation. He demonstrated no apparent wariness or anxiety about the evaluation and he was easily engaged in conversation. In

fact, he reported he was motivated to tell his story because much of the information that has been rumored about him and his behavior was not been accurate. He demonstrated excellent control over his actions, emotions, and thought processes and his verbalizations were consistently logical, coherent, and rational. He asserted, when asked about his mental status and the rationale for using the special not responsible plea, with humor and glibness "I didn't know anything about that (i.e. the plea). Kachinsky was bad and I had to 'flush' him. I have no mental illness. I'm not mentally ill. . . . I broke that day but I'm healthy and wise, but not wealthy". He went on to add "maybe there's something I'm not aware of. Like maybe a crazy person doesn't know he's crazy". When questioned about the existence of symptoms historically and recently that might indicate a major mental illness or mental defect (e.g. hallucinations, delusions, obsessions, compulsions, ideas of reference, mental confusion, syncope, memory impairment, specific learning disability, and others), Mr. Johnson denied ever having experienced them and no signs of a severe mental disorder were elicited during the exam other than he tends to ruminate about the ways in which he has been mistreated by others and about his own superior assets and virtues. When questioned about the existence of symptoms that might indicate a major unipolar or bipolar affective disorder (e.g. dysphoria, such neurovegetative symptoms as a sleep or appetite disturbance, emotional outbursts, sudden mood changes, lack of emotional control, inability to compose himself when motivated), Mr. Johnson denied any serious concerns though reported he has experienced periods of depression at various times in his life. He reported he was depressed during his freshman year in high school because of an injury he received that prevented him from playing football and he became depressed in 2001 after his wife left him and he was denied access to his children. He reported "I did a lot of stupid shit because I was depressed back then. I quit my job and wrote some bad checks. . . . about \$ 6,000 to \$ 7,000 worth". He reported his depression lifted some when he left Louisiana in late 2001 and returned to Kingsford to "get off the 'grid' (i.e. produce no record of his existence) but then I was still depressed because I was lying to everyone and had to distance myself from everyone and stuff kept building up. . . . but everything lifted when I came to jail, after the murder was done. The incident. The nasty". When asked whether the "building up" feelings were symptomatic of depression or anger or something else, he conceded he felt a great deal of accumulated anger. And, when asked whether he experienced other symptoms of emotional distress besides the anger from 2001 until the present, his reports indicate he continued to be physically active (n.b. he swam frequently and ran up to 8 miles every other day), he had no difficulties with his appetite or sleep, he retained a variety of interests that he pursued, and he was able to sustain concentration on activities he enjoyed. He did have only limited interest in social interaction and he tended to avoid other people though these actions were in response to his desire to not be discovered. Mr. Johnson denied ever having sought or received mental health treatment aside from a couple of brief visits by a counselor after he was initially incarcerated, he reported he has

never taken any prescribed medication for his psychological well being, and he asserted he did not need any treatment at this time.

Mr. Johnson's background was reviewed and he revealed he was born in Iron Mountain, Michigan to parents who never married and who remained together for less than a year before his father left the family. He took the surname of his older brother's father though he was raised primarily by his mother and for approximately 10 years by a step-father. He attended public schools while growing up in the regular curriculum, with some college preparatory courses, and graduated from Kingsford High School in 1989. He reported he was involved in "a few fights" in high school but was never suspended or expelled and was never referred to the juvenile court. He stated "I was a trouble maker in school but I got away with a lot of stuff because my teachers liked me". He reported he entered the Army in part to get away from home and that he enjoyed the structure and excelled in basic training and in his advanced training. He was honorably discharged in late 1993 or early 1994 and enlisted in the "reserves" soon after. He was invited to enroll in Officers Candidate School soon after he entered and was in the program for less than a year before he quit. He left "Because they pressured me to. My grandma died while I was in Kansas and they got pissed off because I took 2 days for the funeral. They got pissed off and fucked with me a lot after that. It was very unprofessional so I wrote a letter to the commander and dropped out. . . . If I would have gotten another commander I would have made a career of it (i.e. military)". Mr. Johnson reported he married Theresa, "an Army brat", in 1991 and that the family remained in the Shreveport, Louisiana area after he completed his military duties. He reported "I gave up on school after 'OCS' didn't pan out so I got into plumbing in 1997. . . . I started an apprenticeship through the union and worked full time and went to night school 2 nights a week. . . . It was a 5 year program and I was in my 5<sup>th</sup> year when I quit and went off the 'grid'. . . . I went into hiding in 2001 and moved back up here". When asked his reasons for going "into hiding", Mr. Johnson reported "My wife left me in June of 1999. She left to go to her sister's wedding in Akron, Ohio. She called me up and said she wasn't coming back. . . . She had Sean and Amanda with her". He indicated he saw his children "a couple of times" between the time of the separation and the divorce but that his wife made it so difficult for him that he eventually became frustrated and gave up trying to see them. He stated "What she did was very hurtful to me. Missing out on all the good stuff with the kids and therein lies my rage and anger". He added "I dropped out when I was making \$ 12 an hour and paying \$ 600 a month in child support. When I got my plumber's license it would have jumped to \$ 1200 a month. With that money she'd shack up with some other guy and I'm not going to pay for some other guy screwing my ex-wife and raising my kids - there's lots of stories about step-dads screwing their step-daughters - so no way did I want that for my kids". He continued "They were automatically deducting the child support and then I went off the grid so they couldn't get it anymore. It wasn't going to end. She was going to go for more and more and more and it would never stop

so. . . .” When asked to explain his reasons for returning to Kingsford, Mr. Johnson stated “I stayed in Shreveport until December 1<sup>st</sup>. I was depressed and drinking a lot and smoking pot. I was self destructing. I quit my job, wrote some bad checks, and ran before they could catch me. . . . I got a passport and planned to leave the country but then I went up to Kingsford to see my mom before I left and then it just got easy to stay in Michigan. . . . I couldn’t work because they’d catch me so I did a couple of little jobs or got money from my mom and brother. I just leeches off them”. When questioned as to whom it was that might catch him, Mr. Johnson stated “I had warrants in Louisiana for the bad checks and in Ohio because of the child support. . . . I thought about trying to get a new identity but that’s too hard. . . . I thought about going back to Louisiana and do some time for the bad checks and then go to Ohio for the child support but I’d still be obligated to pay after that so what was the use. If I did 3 years in Ohio prison I’d still have to pay child support and where would that money go when the kids grew up? To her. . . . See, there wasn’t any good decisions. I was holding shit sandwiches in each hand so I had no good choice. Once Theresa settled in Ohio, I was screwed”.

When asked about the events that led to the current charges, Mr. Johnson reported “The thing with Jennifer (n.b. the alleged victim of the sexual assault) was the beginning of the whole scenario. It was the straw that broke the camel’s back”. He described how he had known Jennifer for about 6 months, how he was aware she was a loner like himself, and how he liked her because she “never got nosy or pressured me”. He liked talking to her and going for bike rides but asserted he was never sexually attracted to her. He stated “She’s butt ugly but I thought she was nice to talk to. I’d been a recluse for years so it was nice to talk to someone who wasn’t digging or nosy. . . . I used to get beautiful women when I was working but after I went underground you’re not attractive to women then. I had no future so how could I date?”. On the day of the alleged assault, he stopped at her house and talked with her for awhile and then invited her to go for a bike ride with him. They “rode to a place about a mile out of town, on the river, and we parked and walked across the train bridge into Wisconsin. We’d done the same routine before a couple of times. She’d never been there before I took her and we were just walking and talking and. . . This is where I stop. I won’t talk about what happened next”. After a period, however, he volunteered “I made a physical advance on her. She rejected me and I felt insulted. . . . I persisted after I felt insulted. I was frustrated and angry and starving for human affection and touch. Compared to what I was used to, this half retarded woman rejected me and that pissed me off and I snapped. Like I told Debby (i.e. Dr. Deborah Collins), it was like I was used to going to fancy restaurants and then I go to McDonald’s and I was starving and they wouldn’t serve me. You’re starving so you’re going to take it and eat it. . . . I’ve been with drop dead gorgeous women and it was very embarrassing (to be rejected by the alleged victim)”. He further reported “After I rode back to her house and left her there I went home. Now I was really rattled. I couldn’t believe what had just happened so I went for a walk and thought ‘if this blows

over, I'm going to face all the bad checks and child support but she wanted blood so I went home and waited for the cops to come but I decided to get out of there so I went by the train bridge because I had a sleeping bag and clothes stored out there. I had it there because I had the warrants out so at least I had a place to stay if they came after me. . . . I slept by the bridge and I was scared and everything was running through my head. I was convinced the police were looking for me – I put 2 and 2 together – so I woke up early and unpacked my rifle and loaded it. I waited for the police to come and I thought about killing anyone that came out there. If they were going to chase me, I'd give them more than what they wanted, but nobody came. . . . I went back to the house around 10 and I asked her (i.e. his mother) if the cops came and she said 'no' so we talked for about an hour and then a cop drove by and I left and went back to the train bridge and lay on my sleeping bag and was thinking but nobody came so I defused and calmed down and broke everything down and went back home and mom said 'the police were here'. I took the police card and asked for some money to go to Subway before I went to jail. I ate and went to the pay phone to call the police but from the time I ate to walking the 200 yards to the phone I was thinking about what I was going to do. Turn myself in or what. I was thinking about doing time in Louisiana and time in Ohio and time for the sexual thing and then still be labeled as a sexual predator and would be labeled for the rest of my life so that's when I said 'fuck it'. I threw the detective's card away and went out there and loaded up. . . . I decided I'd rather die than go to jail. I figured I'd kill some people and then they'd kill me. I couldn't kill myself. I just wanted to be sniped; a bullet to the head and be done with it. . . . I was going to mow any motherfucker down. I was going to do something so they'd have to kill me. I wanted it quick, not get 7 shots in the chest and gurgle to death. I didn't want to die that way". And, he reported later "The thing is, I didn't want to be turned into swiss cheese. The worst case would be to get shot up and not be dead and be in a wheelchair for the rest of my life".

When questioned about his thoughts and feelings that led to the homicides and attempted homicides, Mr. Johnson reported "I got myself set up so I'd at least have the options to kill whoever was there – there's always people around there in the summer – but I still didn't know if I'd do it or if I'd chicken out". He added "After I got set up, the kids that were swimming from the Michigan side to the Wisconsin side started walking toward me like toward a cliff where kids would jump off. I couldn't tell if they were coming at me and then all of a sudden they were almost on top of me and I just jumped up and just let go. It's like when you're hunting and a bird jumps up its just instinct. If they would have gone the other way I don't know if I would have shot them". However, when questioned further about his 'instinct' comment since it implied a lack of intent, Mr. Johnson stated "I never had the opportunity to sneak away because once they saw me I knew they'd call the police since every kid has a cell phone now and then there'd be a ton of police out there and it'd be one more thing added to the pile. . . . I just set off a volley and left it to chance whether they got hit or not. . . . There were people on the

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Michigan side jumping up and down thinking it was like fireworks or something and I let go on them. I started spraying but I don't know if I hit anyone. I think I did because a guy was holding on to someone and screaming – it was Bud, the one guy I knew. It's harder to hurt someone you know". He then described his activities that followed the shooting, including how he eluded the police and how and why he eventually turned himself in to the police. His reports were again consistent with what he had reported to the investigating officers and what the investigating officers reported of their experiences and observations.

Throughout the several hour interview and especially when discussing his allegedly illicit activities, Mr. Johnson was logical, rational, coherent, and emotionally controlled. He openly discussed his motives and revealed he was extremely fearful about going to prison for lengthy sentences in 3 states where he believed he was wanted by the authorities and he revealed that the prospect of having to register as a sex offender was even more intolerable. He indicated he was not afraid of death and was mentally prepared to die rather than face the alternative consequences and he asserted he preferred a sudden and dramatic death at the hands of the police over suicide (n.b. a motive often referred to as "suicide by cop"). When asked if he was responding to any extrasensory stimuli that may have pressured him into the illicit acts (e.g. command hallucinations), Mr. Johnson asserted he was not. When asked whether he was acting in response to delusional beliefs that others were intent on harming him for no legitimate reason, he asserted he was not. When asked whether he realized at the time of the events that his conduct was illicit and contrary to his understanding of the law, Mr. Johnson asserted that he did. And, when asked whether he could have controlled his impulses and avoided engaging in the conduct that led to each of the 10 criminal charges, he asserted "It's not like I planned all this. If I had planned it, it would have been a hell of a lot worse. This was half-assed. I didn't have the right clothes, I didn't have no food or water. . . . but, see, I just didn't give a shit. I had no future at all. What was I going to do if I went to prison and then have to register as a sexual predator? It just didn't matter if I killed 2 or 100. . . . It was building up since the shit with my kids and the child support and the incident with Jennifer is the straw that broke the camel's back so it just didn't matter anymore".

Based upon the evidence I was able to review and analyze, I offer the following opinions for judicial consideration. First, it is my opinion that Mr. Johnson is not currently suffering from a mental defect and was not suffering from one at the time of the alleged crimes in July. He maintains High Average working intelligence, he has no history of concentration or memory impairments, no history of syncope or mental confusion, and no deficits in his ability to think and reason in a logical, coherent, rational, goal directed, and purposeful manner. Second, it is my opinion that Mr. Johnson is not currently suffering from a mental disease and was not suffering from one at the time of

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the alleged crimes in July. He has no history of a significant mental disorder, he has never sought nor received treatment from a psychiatrist or psychologist, and he has never been identified by others as being mentally ill. He has always been independent, self directed, and goal directed and his actions have never been controlled by intrusive irrational beliefs. He was not experiencing any hallucinations, delusions, or disordered thinking at the time of the alleged crimes and the paranoid-like beliefs he had about being wanted by the police were rational and congruent with his reality. Third, it is my opinion that Mr. Johnson was experiencing feelings of dysphoria, frustration, resentment, and anger from approximately 1999 onward though he felt no need for treatment and no recommendation for treatment was made by those who knew him. Despite his stated awareness of his depressed and angry feelings, he seems to have led a physically and mentally active lifestyle. He avoided people he could not trust and avoided engaging in activities where his identity might be discovered though these activities were purposeful and not an indication of a lack of social interest as might be found in individuals with disabling clinical depression. Fourth, it is my opinion that at the time of the alleged crimes in late July, Mr. Johnson did not have a mental disorder of sufficient severity to significantly influence his behavior. He was not suffering from a diagnosable mental disease or mental defect and information he provided offered no evidence that his mood difficulties played any causal role in his alleged criminal conduct. Fifth, it is my opinion that Mr. Johnson was not suffering from a mental disease or mental defect at the time of the alleged offenses in July that would have prevented him from appreciating the wrongfulness of his conduct. Sixth, it is my opinion that Mr. Johnson was not suffering from a mental disease or mental defect at the time of the alleged offenses in July that would have prevented him from conforming his behavior to the requirements of the law. Therefore, it is my final opinion that the illicit conduct attributed to Mr. Johnson for his behavior on July 30<sup>th</sup> and July 31<sup>st</sup> were not products of a mental disease or mental defect.

I hope these findings and opinions are helpful to you in your continued management of Mr. Johnson's case. Please call upon me again if I can be of further assistance.

Respectfully,



Allen L. Hauer, Ph. D.

ALH/jv