

# **Knudson & Smith, S.C.**

## *Forensic Psychiatry Consultants*

Consultants:

Erik D. Knudson, M.D.  
[erikknudson@charter.net](mailto:erikknudson@charter.net)

Brad E.R. Smith, M.D.  
[bsmithetal@yahoo.com](mailto:bsmithetal@yahoo.com)

1213 N. Sherman Ave., #154  
Madison, WI 53704

Phone: (608) 204-6122  
Fax: (608) 204-6123

November 26, 2008

The Honorable Tim A. Duket  
Marinette County Circuit Court  
1926 Hall Ave  
Marinette, WI 54143-1717

Re: Scott John Johnson  
DOB: 7-19-1970  
Case No.: 2008-CF-124

Dear Judge Duket:

Pursuant to your order dated September 18, 2008 and Wisconsin Statute § 971.16, I examined Scott Johnson regarding his mental responsibility for charges including: Second Degree Sexual Assault; First Degree Intentional Homicide, Use of a Dangerous Weapon (3 counts); and Attempted First Degree Intentional Homicide (6 counts).

### **STATEMENT OF NONCONFIDENTIALITY**

Prior to beginning each portion of the assessment, I informed Mr. Johnson that I was appointed by the court to evaluate his mental state at the time of the alleged offenses. I explained that I was not acting as his treating physician, and in this context, the information he provided to me would not be confidential. I explained that my report would be a part of the public record for his case and that it would be sent to your court with copies for his attorney and the district attorney. I informed Mr. Johnson that the information he provided could be either helpful or harmful for his legal situation and his pursuit of a special plea in this matter. I advised Mr. Johnson that he was not obligated to answer any of my questions and that he could stop answering questions at any time. I explained that should he choose to not answer questions, I would make a note of this in any report or testimony and would attempt to evaluate his mental state using other sources of information. Mr. Johnson appeared to understand the purpose of the examination and limits of confidentiality. He agreed to participate in the examination, so I proceeded.

### **SOURCES OF INFORMATION**

1. Psychiatric examination of Mr. Johnson at the Marinette County Jail on October 21, 2008, lasting approximately 2 hours 45 minutes.

2. Psychiatric examination of Mr. Johnson at the Marinette County Jail on November 15, 2008, lasting approximately 1 hour 15 minutes.
3. The criminal complaint.
4. Discovery materials provided by the Marinette County District Attorney's Office
  - a. Pages numbered State 000001 to State 000299
  - b. Pages numbered State 000313 to State 000416
  - c. Pages numbered State 000420 to State 000483
  - d. Pages numbered State 000485 to State 000529
  - e. Pages numbered State 000531 to State 000586
  - f. Pages numbered State 000587 to State 000643 (Transcript of Video Interview)
  - g. Pages numbered State 000645 to State 000665 (Transcript of Audio Interview)
  - h. Page numbered State 000666
  - i. Pages numbered State 000684 to State 000771
  - j. CD #300 – Johnson Booking
  - k. CD #301 – Johnson Intake
  - l. CD #302 – Evidence Photos
  - m. CD #303 – Dickerson Co. 911 Calls
  - n. CD #304 – #1 911 Call
  - o. CD #305 – #2 911 Call
  - p. CD #306 – Evidence Photos
  - q. CD #307 – Photos
  - r. CD #308 – Johnson Custody Photos
  - s. CD #309 – Autopsy Photos
  - t. CD #310 – Pohlson
  - u. CD #311 – Spigaretti [sic]
  - v. CD #312 – Jennifer [REDACTED]
  - w. CD #417 – Scott Johnson (disc damaged - unreadable, item replaced)
  - x. DVD #418 – Scott Johnson (partial interview/file corrupted/causes computer to reboot during playback, item replaced)
  - y. DVD #530 – K. Preston
  - z. CD #08-2372 S. Johnson (received as replacement for #417/#418)
  - aa. DVD #08-2372 S. Johnson (received as replacement for #417/#418)

### **RELEVANT HISTORY OBTAINED FROM THE DEFENDANT**

#### **General Background Information**

Scott Johnson is a 38-year-old divorced Caucasian man who was born in Iron Mountain, Michigan. He grew up in the Kingsford area. He graduated from high school. He attended college while he was in the military and when he lived in Louisiana. Mr. Johnson reported academic problems at a young age due to hearing problems. Once this problem was corrected, he did well in school.

Mr. Johnson said that he was primarily raised by his mother. He said that he witnessed violence between his mother and stepfather as a child. He first saw his biological father when he was 17 years old. He denied that he was physically or sexually abused.

He said that he enlisted in the Army 10 days after he finished high school. He met his wife while in the Army. He was on active duty from 1989 to 1994. He remained in the National Guard through 1998. He was a field medic. He was stationed at Fort Polk, Louisiana.

After he left the Army, he worked at Circle K, an adolescent teen center, a VA Hospital X-Ray department, and a Ramada Inn. He decided to join a plumber's union in Shreveport. He worked as a plumber from 1997 to September of 2001. He said that he "went off the grid" and moved back to Kingsford in mid-September of 2001 following a series of bad checks.

Mr. Johnson was married in 1991. His wife left him in 1999. She took his children with her to Ohio. The physical separation made it impossible to see his children. His children are now 11 and 15 years old. He said that he became extremely angry about not being able to see them. He said that his wife prevented him from seeing them. He was supposed to pay child support. He felt like the cost was too great for him to afford. It also angered him to think that his ex-wife would have other men around his children if he gave her enough money to afford her own place. He knew that he would eventually make enough money to afford it, but he did not want his wife to get money from him. He felt like if he cut her off financially, she would be forced to live with her parents. He filed for bankruptcy after his divorce. He was angry about living in poverty.

Mr. Johnson wrote several bad checks at a gun and knife show in Shreveport. He was concerned that he had warrants for his arrest. When he moved in with his mother, he did not get a job because he was afraid that he would be traced through his Social Security number. He worked odd jobs for his mother. He rewired the house, replaced the furnace, replaced the septic system, and did yard work.

He had a relationship with a woman in Kingsford for a while. He lived with her briefly, but she had a son with behavioral problems. He decided that he could not live there and risk having police contact, so he moved back with his mother in August of 2002. He has been there ever since. His older brother also lived at home. He kept to himself and did not talk with either of them very much. He spent most days outside. He ran 8 to 10 miles daily. He rode his bicycle 30 miles per day. He liked to swim.

#### Medical History

He has dental problems. He denied chronic health problems. He has not regularly taken medications. He had surgeries to repair a fractured left ankle. He was injured in a motor vehicle accident. He lost consciousness briefly after the collision. He had arthroscopic surgery to repair a torn ligament in his right knee. He had a tonsillectomy as a child. His hearing problems improved after the surgery.

#### Mental Health History

He had a psychiatric evaluation when he tried to join the Sheriff's Department in Shreveport in 1994. He did not get the job because he did not offer a urine drug sample. He has never been psychiatrically hospitalized. He has never received psychiatric treatment. He has never attempted suicide. He had contemplated forcing police to kill him during and after his offense. He denied that he still had any suicidal urges.

Mr. Johnson was upset about his financial situation and lack of contact with his children. He first felt depressed around 1998 or 1999 when his wife threatened to leave him. He said that he regularly was upset about his situation, but he did not experience symptoms of severe depression. He slept about four hours at night and then napped during the daytime. He has never hallucinated or lost touch with reality. He has not had episodes of euphoria. He said that his depressed feeling was at its worst right after he quit his job. He had to keep isolated because of his warrants. He felt like he could not open up to anyone.

Mr. Johnson denied having any impaired functioning. He cried a few times when he was drunk. He mainly just hid his frustration and kept himself active to avoid thinking about his problems. He said that he was successful with ignoring his problems. He occasionally had bad dreams about his children. He reported occasional episodes of anxiety that lasted a few minutes. He said that his depressed feelings were worse over the past year as he contemplated turning himself over to the police.

#### Substance Abuse

He started using marijuana in high school. He used it briefly in high school and again in 2001. He said that he drank a lot of alcohol in 2001. He drank 8 to 10 beers in a day. He cut back dramatically after he moved back to Michigan. Mr. Johnson said that he drank a couple beers per week. He has never used other drugs. He has never participated in AODA treatment.

#### Legal History

Mr. Johnson told me that this was his first adult arrest. He said that he had police contacts as a juvenile for riding his motorcycle in the street and being drunk with his car in a parking lot. He said that the officer let him go. He said that there were times when he would yell and throw things at cops when he was drunk at night. They would chase him, but he was never caught.

He said that police were once called for a domestic violence situation with his wife. He was told to leave and cool down. He said that he had been in fights. He once threw a power drill out the window. He was involved in fights during high school. He said that he mainly attempted to avoid trouble. Mr. Johnson said that he intentionally wrote several bad checks prior to leaving Louisiana. Mr. Johnson said that he was able to get people to like him as a way to get out of trouble.

#### Prior Relationship with the Victims

Mr. Johnson knew Jennifer [REDACTED] since January of 2008. He met her at Family Dollar. He saw her frequently, so he decided to talk with her. He liked the fact that she was never nosy. He knew that she was a loner. He explained that she was "below my standards" for women but since he no longer had a job or a car and he lived with his mother, he befriended her. He helped her with gardening. They went for walks together. She confided in him. He knew that she had problems with depression and that she cut herself.

He said that he did not know who he was shooting at the time of the offense. They were just random people as far as he was concerned. In retrospect, he was aware that he had met one of the survivors previously, but he did not view this as a significant relationship. He

believed that he shared some Doritos. Their prior relationship had no bearing on his offense-related behavior.

#### Defendant's Account of the Crime

Mr. Johnson described the sexual assault only during the October 21, 2008 interview. During my second interview, he told me that he felt like he had said enough about this event. He was willing to discuss his behavior related to the shooting during both meetings. During the November 15, 2008 contact, he discussed events starting from the time he parted from Ms. [REDACTED]. His description of events was very consistent between the two dates.

He started out each session by clarifying that people were attempting to say that he planned the event. He wished to clarify that he did not plan this in advance. He had things out in the woods in case he ever needed to take off suddenly. His rifle was kept out of his mother's home because it could be traced to his bad checks in Louisiana. He did not wish for her to get into any trouble. He had fired the rifle on one previous occasion. He moved his supplies periodically.

Mr. Johnson said that if he had planned the shooting in advance, it would have been much worse. He would have had glasses to see more clearly. He would have had food and other supplies. He did have a bullet proof vest out in the woods, but he did not use it.

He described his relationship with Ms. [REDACTED]. He said that on the night of the assault, he just decided that he would make a move. He had not had sex since 2002. He never expected that she would reject him. He was not intoxicated.

They went for a walk. He wanted to take her to a secluded place. He asked her to look at something. He got behind her and grabbed her breast. She said no. He took off her clothes. They struggled. She tripped. She picked up a stick and hit him in the head. He said that sex was never going to happen. He did not have an erection. He could not understand why she would reject someone like him. He had expected to make a pass and she would give herself to him. He felt angry and rejected. He kept pressing the issue. He tried to get her to relax, but he could see that she was terrified. He felt like he was just going through the motions at this point. He did not explain how this ended or discuss specifics of the assault.

As it was happening, the reality of what he was doing hit him. He stooped to an all time low. He felt guilty that he betrayed her trust. He said that he contemplated suicide. He told her that he thought about eating a bullet.

They talked on the way out. He brought up the idea of punishment. He told her that she had every right to call the police. He wanted her to think about doing anything other than calling the police. He realized that she was just humoring him so she could get away and go home. She asked if he was going to kill her. He said that this made him feel "like total shit." He told her that she did the right thing by fighting him. He gave her the knife that she dropped.

He walked ahead of her. They got on their bikes. Mr. Johnson said that if she really felt like she was in danger, she could have told a Sheriff's Deputy who stopped so they could cross the road.

He was "90% certain" that she would call the police. He rode with her to her house so she could get home safely. It was around 9:00 pm. He walked around for about an hour. He thought about turning himself in to the police for his bad checks and child support if she did not call the police. He went to a sand pit where he could observe roads in her neighborhood. He wanted to see if patrol cars would come by. Around 11:00 pm, he felt reassured. He left the sand pit and walked down the road. He saw a car drive slowly. He believed it was a patrol car. He ducked between two houses and kept his body flat on the ground behind a tree.

When the car was gone, he went back to the gravel pit. He saw cars with search lights. It was clear to him that they were looking for him. He saw people with flashlights and heard dogs. He was worried that they were sending a K-9 unit after him. He decided that he would leave on foot while he could. He felt like he was making too much noise, so he went to the river by the Aurora Bridge. He jumped in the water and swam downstream with just his head above water. He said that he was able to move silently for about 500 to 1000 yards.

He said that he got out and worked his way to Skidmore Road. He was wet and cold. He went to where he had his gear hidden. He changed his clothes. He unpacked a blanket and a sleeping bag. He spent the night in the woods. He got his gun ready.

He considered shooting it out right then. He liked to have the option to either fight or surrender. He spent the night waiting for the police to come investigate the crime scene. From his vantage point, he could see the path they would have to take to get there. Nobody came. He tried to sleep but he was too wired. He was not sure if he got any sleep at all.

At around 10:00 am on Thursday, he decided to return home because he had not seen police. He did not see any squad cars near his home. His mother was in bed reading. He asked if police stopped by. He told her that there was an incident and the police might look for him. He talked to her for about an hour. They talked about straightening up his life and turning himself in. At around 11:00 am, a squad car drove past the house slowly. His mother attempted to reassure him and calm him down. He had something to eat.

He went back to the train bridge and laid out his sleeping bag. He had the rifle next to him. He waited until 3:00 pm, but nothing happened. He broke down everything and hid it again. He was feeling reassured that everything might be OK. He walked back to his house around 3:15 pm. His mother had a serious look on her face. She told him that an officer came by the house around 2:00 pm and left a business card. The officer wished to speak with him. He told her that he would take care of it and that she should not worry. He told her that since he would be going to jail, he wanted to go to Subway first. His mother gave him \$10 to buy dinner.

He went to Subway and had dinner. He sat there for 10 or 15 minutes while eating. He contemplated turning himself in to the police. He estimated that he would go to prison for about 3 years and be labeled a sex-offender. Afterwards, he would have to do additional time for his bad checks and failure to pay child support. He did not wish to commit suicide. He thought that he could force someone to do it for him. He decided that he had no future. Even if he spent time

in prison, he would be worse off. His situation would be hopeless. He would lose out on a future with his children.

He felt like a lot of anger and hate built up inside of him. By this point, he was planning to have a shoot-out. He walked past a payphone where he was contemplating calling the officer to turn himself in. He decided "fuck it." He walked down to the train bridge. He felt like he could not catch a break. He was not willing to go to prison. He disagreed with the punishment that he would receive. He threw away the detective's card as he walked down the trail.

He ran into a man on the path. He tried to ignore him for a while, but the man kept following him. When he finally left, he started running down the trail. He had to get his gear. It took him about 5 or 10 minutes to get organized. He put on camouflage. He cleaned and loaded his weapon. Once he was "geared up" he went to the best tactical spot that he could find on the other side of the river. He chose his location because it had a good view and the sun would blind people on the other side. He was sweating because he had been running with heavy equipment.

He asked himself, "Can I really do this?" He still was not sure if he could commit to it or not. There were eight kids on the Michigan side of the river. Four of them swam over to Wisconsin. Usually, they are tired and they just go back. He could hear their voices. He could have gotten up, but he would have been seen and the kids would have called the police about a man with a gun dressed in camouflage.

They came up on his location. He let out a volley of shots. He went into "a zone." He saw somebody fall. He could have chased them, but he didn't. His weapon jammed and he cleared it. He didn't know if one of the kids would be brave and try to attack him. They "all turned out to be chicken shit."

He heard four guys on the Michigan side of the river. They thought that they heard fireworks. Mr. Johnson mocked them for their stupidity at not recognizing rifle fire. This worked to his advantage because they were staying put. He just opened fire. He heard screaming. He knew that one guy wasn't moving. One of the kids made a phone call. He heard sirens. He did not have a good time sense for how long the shooting lasted. He just stopped shooting.

He was going to use the kids as bait. He was going to level things as they came in. He was going to "put the police in a position where they had to put me down."

Mr. Johnson described feeling anxious prior to the shooting. He described himself as calm amongst the chaos. He said that his calm feeling has been with him to this day. He walked away. He saw a girl on the ground. She looked like she was OK. He told her that she could stop playing dead. When he looked again, he noticed a hole in her head and knew that she was dead.

He walked for about 5 minutes. He heard gunfire. He believed that police were shooting at his last known position. He thought that it was cover fire. It sounded like 5 or 6 shots of pistol fire. He walked away. He picked a spot by the road to lie down. Police swarmed the area. He sat motionless. He waited for police to send dogs. He waited for police to approach so he could put

them down. The police set up a perimeter. He was pretty much stuck, but they did not know his location. They were trying to keep him pinned down. They could have easily gotten him but they were probably too scared.

In the morning, he awoke and went on the offensive. He did not know why they didn't send dogs after him. He decided that he would reward their stupidity and put a few of the guys down. He could see cameras and motion detectors. He knew where the police had been. He crawled on his belly to locate a target. He saw an officer and planned to kill him. When he tried to approach to get a good shot at the man, he had to keep low to the ground. He accidentally went the wrong way and set off a motion detector alarm. He lost the element of surprise. He thought that the police would turn him into Swiss cheese if he shot him anyway, so he broke down his weapon and lay down in the road to surrender.

I asked Mr. Johnson why he continued to shoot at people after the initial shots when he was surprised. He told me that the only power he had left was the power to take. I asked how it felt. He said that he felt good after he vented. He was balancing the scales. The people whose lives he took represented the things that he had lost. Now their parents will know how he feels. He had no regrets about his actions. It was just their time to die. It does not bother him. He feels no empathy for them. He said that he could empathize with the parents losing children based on his experience, but he did not feel anything else about taking their lives.

During my second evaluation, I attempted to get Mr. Johnson to discuss things in his life (movies, books, video games, computers, news) that may have given him an idea to commit a mass shooting. He did not directly respond to this question. Instead, he clarified that he had not planned this event in advance. In retrospect, Mr. Johnson said that he would not have assaulted Ms. [REDACTED]. Had that not happened, he would not have done the shooting either.

I asked him what he would do if he could go back to the moment right after the sexual assault. He said that he would have killed her then killed many more people than what he actually did. If given the opportunity, he would do it again. People should be happy that he didn't decide to chase the kids or kill police officers. Mr. Johnson said if he were to do this again, it would be much worse.

I asked Mr. Johnson if there were any issues that he wished to clarify. He again wanted it to be clear that this was not a planned event. His equipment was not placed out in the woods as preparation for a mass shooting. He had it for protection from the police. He wanted to leave the option to get away if they ever came to arrest him. Had he not assaulted Ms. [REDACTED], none of this would have ever happened. He said that he disagreed with a lot of the information people gave to police about his past. He felt like people were turning against him and "twisting" events to make him look bad. He said that Tom Quick lied about a phone call. He hadn't seen him since 2005. He denied that he had ever suggested robbing a bank. He had made a comment about Bonnie and Clyde while he was in their home town.

Mr. Johnson's mother gave an interview. In the transcript, she described him as seeming withdrawn and irritable. She also mentioned him using a string to know if people entered his

room. I asked him about these issues. He told me that he stopped talking to his mother because she kept bringing up the subject of his children. It was a sore subject for him. He did not know anything about a string to know if people were in his room. He said that he had nothing to hide in there.

I asked Mr. Johnson if he viewed himself as mentally ill or insane. He told me that he did not. He also told me (accurately) that I did not either. He said that he just reached a breaking point and snapped. Mr. Johnson mentioned a few times during the interview process that this evaluation was not his idea. He had never suggested that he was mentally ill or not responsible for his actions.

### **CURRENT MENTAL STATUS EXAMINATION**

I met with Mr. Johnson in a large conference room area at the Marinette County Jail. I evaluated him from 9:05 am to 11:50 am on Tuesday, October 21, 2008 and from 1:55 pm to 3:10 pm on November 15, 2008. Mr. Johnson appeared as a healthy Caucasian man in his 30s. He was neatly groomed. He was wearing typical jail attire. He was not restrained in any way. I conducted the examination while we were both sitting at a table in the conference room. No other people were present in the room.

Mr. Johnson appeared comfortable. He had no difficulty remaining seated throughout the examination. He did not show signs of physical agitation or restlessness. Mr. Johnson made good eye contact. He spoke clearly. He used full sentences with appropriate grammar and sentence structure. His rate, volume, and tone of speech made it easy to converse with him.

He described "depression" that had been an issue since the late 1990s related to the end of his marriage. Rather than describe specific symptoms, he said that he was able to suppress these problems and just keep himself focused on doing other things such as working. He said that there were a couple times when he cried a bit while he was drunk, but he denied day-to-day problems with emotional distress or impairment. He described himself as generally more emotional than the average person with higher highs and lower lows, but he denied having persistent periods of mood elevation or sadness. He also described having the ability to work through his problems without any clear impairment in his functional abilities, energy level, or concentration. He said that he was able to keep his emotional distress hidden from others.

He appeared calm. His facial expressions did not reveal much in the way of emotion during the majority of the encounter. His demeanor (pleasant, charming, a good storyteller) was in stark contrast to the content of the discussion. His affect (overt expression of emotion) seemed to brighten or elevate slightly when he discussed his offense and talked about being able to "vent" through his actions. This happened while he was talking about "balancing the scales" by taking the lives of people. During our second interview, Mr. Johnson described anxiety related to running from the police just prior to the shooting. He said that once he pulled the trigger, he has experienced a calm feeling. He continues to feel at peace. He said that he knew he would continue to kill people if given a weapon. He told me that he lacked empathy.

His thoughts were based in reality. He did not make any statements that suggested delusional thinking. Mr. Johnson did not appear to be internally preoccupied or distracted. He did not appear to suffer from hallucinations. He denied that he had ever seen things or heard things that other people did not. He denied problems with paranoia or having beliefs that others do not view as based in reality.

Mr. Johnson's intelligence appeared to be at least average. His memory for recent and remote events appeared to be intact, but he was not clear about precise times when events took place. Mr. Johnson denied urges to harm himself. He said that he would kill people if he had a weapon. He said that it would not bother him. He said it made no difference to him whether he killed one person or killed a hundred.

When asked about his offense-related behavior, Mr. Johnson readily provided information. He spent time emphasizing the fact that this was not something that was planned ahead of time, but rather he had prepared so that he could keep options open. As part of this discussion, he made comments that he felt the investigating officers had misconstrued some of his earlier statements. During our first meeting, he also frequently made fun of the actions of the officers who had established a perimeter, stating that they were stupid or foolish by doing things that put them in a position of vulnerability. He gave examples of how they were clustered in a group and he could have easily killed them.

Mr. Johnson emphasized several times that he has no remorse for his actions. He said that he might be able to empathize with the parents who lost their children because he knows what it is like to not be able to have contact with children, but he did not feel anything about killing people. He said that he did have some standards. He would not think it would be right to shoot children or to kill people who were under the age of 15. He said that he did not feel anything about the fact that he killed three people. He stated that people die all the time. It was just their time. He explained how he felt that this was his way of "balancing the scales" so that those people could understand the pain he went through. He said that he felt some relief by inflicting pain on other people.

#### COLLATERAL INFORMATION

I reviewed over 700 pages of information and 17 CD/DVD's provided by the Marinette County District Attorney's Office. This information described the police response and investigation to his offense and crime scene evidence.

Mr. Johnson is alleged to have sexually assaulted Jennifer [REDACTED] on July 30, 2008 around 7:30 pm. He invited her for a bike ride. He took her near a large boulder. He approached her from behind, placed his hands on her and slid his hands under her tank-top. He removed her bra and tank-top despite her requests to stop. He touched her breasts. He told her that he thought that was what she wanted.

Mr. Johnson forced Ms. [REDACTED] to the ground and removed her shorts and underwear. He took a knife and cellular phone away from Ms. [REDACTED]. He positioned himself between her legs. She resisted. She hit him in the head with a tree branch. Mr. Johnson offered, "I'll make a deal with

you. Either I lick it or stick it." Ms. ██████ chose "lick it" and asked if Mr. Johnson would promise not to "stick it." He licked her vaginal area for about five seconds then asked how it felt.

He then removed his shorts and underwear. Mr. Johnson attempted to insert his penis into Ms. ██████'s vagina. Ms. ██████ estimated that the attack lasted 5 to 10 minutes. Afterwards, they both dressed.

Mr. Johnson told Ms. ██████ that she did the right thing by fighting him off. He said that he planned the assault about 30 minutes prior to it taking place. He told her that he had not had sexual intercourse for 5 or 6 years. He said that he had an urge to have sex. Mr. Johnson acknowledged wrongdoing. He asked Ms. ██████ if she would call the police. He threatened to kill himself before going to jail. He offered to let Ms. ██████ hit him with a baseball bat as punishment.

On July 31, 2008, Mr. Johnson used a rifle to shoot at several young men and women who were swimming in the Menominee River near the East Kingsford railway bridge in the town of Niagara. He initially shot at a group that was near his location. He then shot across the river. In total, he killed three people, Anthony Spigarelli, Tiffany Pohlson, and Bryan Mort. The other individuals who survived were Katrina Coates, Derek Barnes, Daniel Gordon, Kevin Johnson, Jonathan McClure, and Christopher Martinson.

Once in custody, Mr. Johnson spoke with police. He told them that he had thoughts of a similar incident for several years. He provided a description of events that was consistent with what he told me. I viewed a recorded interview and an audio taped interview. Mr. Johnson did not appear to be injured. His demeanor was very similar to his interactions with me. He did not show any emotional distress. He was thinking clearly. He was able to describe and understand his actions. Mr. Johnson did not display behaviors suggestive of mental illness.

I also reviewed statements and reports of police interviews from people who have had past contact with Mr. Johnson. Mr. Johnson told me that he disputed much of the inflammatory content in some of the statements. In terms of evaluating his mental state at the time of the offense, most of this is not particularly helpful other than the description from Jennifer ██████ who was a victim and interacted with Mr. Johnson. None of these statements clearly show any symptoms of mental illness with the exception of his mother's (Judith Johnson) and Janice Marie Lowe's comments that he was depressed. Ms. Johnson said that he became increasingly angry and withdrawn over several years. She did not believe that he is or was mentally ill.

His ex-wife's (Theresa Johnson) statements describe past domestic violence and threatening behaviors. She reported forced sex. Judith Johnson's statement also mentions a conversation about him scaring his ex-wife with a gun. The FBI investigation (State 000436 to State 000444) mentions Akron Police Department reports documenting his past threats.

Mr. Johnson was evaluated by a mental health crisis worker for a risk assessment at the jail. He was evaluated by Kristina Preston. I reviewed her report dated August 1, 2008 and her

videotaped interview about her evaluation. Ms. Preston documented past fighting in high school and domestic violence. She checked a box for paranoid delusions and wrote "use it as excuse". She noted high levels of psychic pain, impulsivity, hopelessness, and isolation. Ms. Preston assessed that he was at extremely high risk for violence and almost no risk for suicide. She noted that he understood that he had a sexual incident with a female friend and that he killed three people. He reported that he was sober during the incident. She indicated that he was mentally stable and appropriate to remain in segregation.

He was seen again by Marinette County Human Services on August 2, 2008. He was seen at the request of jail administration in case the full impact of his crime had not yet hit him. His only concern was the way the rape was being portrayed on television. He denied that there was any penetration. He said that he was not going to crack and that he did not understand why people thought he would be mopey. He asked about caring for his dental problems.

A Behavior Log was maintained at a minimum of 30 minute intervals starting on August 1, 2008. Log entries indicate that he wanted to know if other inmates had crimes as serious as his. He mentioned that he wanted to see himself on television. He was observed exercising and watching TV. He slept at night. He asked about getting a job in the jail on August 2, 2008. He read magazines and books. I was provided log entries through August 4, 2008.

Mr. Johnson's school records were obtained from Kingsford High School. He graduated 63rd in a class of 164. His grade point average was 2.639. One entry indicates that he was in a L.D. program. Achievement tests placed him slightly above the 50<sup>th</sup> percentile when he was in the 11<sup>th</sup> grade.

I also reviewed correspondence to and from Mr. Johnson since he has been in jail. I do not see any indication of distorted or psychotic thinking. His writing does not appear to reflect symptoms of serious mental illness. Most of his writing focused on events with his family and requests to have books and logic puzzles to pass the time. In a September 30, 2008 letter (State 000532), Mr. Johnson comments about his sanity in anticipation of this evaluation. He wrote, "I am not going to play the coo coo card. It would be insulting to me and mostly to the victim's families."

### **DIAGNOSIS**

Based upon my examination and review of available collateral information, it is my opinion to a reasonable degree of medical certainty that Scott Johnson meets DSM-IV criteria for the following diagnoses:

Adjustment Disorder with Depressed Mood  
Antisocial Personality Disorder  
Alcohol Abuse, in Remission in a Controlled Environment  
Cannabis Abuse, in Remission in a Controlled Environment

It is my opinion that Mr. Johnson does not suffer from a mental illness. An Adjustment Disorder is a diagnostic label used to describe a psychological reaction to a stressful event. In Mr.

Johnson's case, he was upset about his financial status and separation from his children due efforts to avoid detection by police. He became more upset and felt sorry for himself after he made his situation worse by committing a sexual assault. There is no evidence of serious mood instability or psychotic thinking.

While he reports intermittent feelings of depression, he does not suggest that he experienced a clinical syndrome such as Major Depressive Disorder in response to stresses in his life. Rather, he viewed his circumstances as unfavorable and he was very angry about not seeing his children and having to evade police. Rather than describe impairments, Mr. Johnson described how he coped with regular exercise and enjoyed being outdoors.

A Personality Disorder is a diagnostic label used to describe maladaptive ways of coping and behaviors that deviate markedly from cultural norms. People who have personality disorders display inflexible coping mechanisms in a variety of circumstances. Mr. Johnson described characteristics of Antisocial Personality Disorder. According to the DSM-IV, the essential feature of this diagnosis is a pervasive pattern of disregard for, and violation of, the rights of others that begins in childhood or early adolescence and continues into adulthood.

According to DSM-IV, diagnostic criteria (three are required) include: Failure to conform to social norms with respect to lawful behaviors as indicated by repeatedly performing acts that are grounds for arrest; Deceitfulness, as indicated by repeatedly lying, use of aliases, or conning others for personal profit or pleasure; Impulsivity or failure to plan ahead; Irritability and aggressiveness, as indicated by repeated physical fights or assaults; Reckless disregard for safety of self or others; Consistent irresponsibility, as indicated by repeated failure to sustain consistent work behavior or honor financial obligations; Lack of remorse, as indicated by being indifferent to or rationalizing having hurt, mistreated, or stolen from another.

### **OPINION**

It is my opinion to a reasonable degree of medical certainty that Scott Johnson did not suffer from a mental disease or defect at the time that he committed the acts of sexual assault, homicide, and attempted homicide during the period of July 30, 2008, to July 31, 2008. Furthermore, it is my opinion to a reasonable degree of medical certainty that Mr. Johnson did not lack substantial mental capacity to understand the wrongfulness of his behavior nor did he lack substantial mental capacity to conform his conduct with the requirements the law. As a result, I am not able to offer any support for his special plea in his matter.

### **REASONING**

1. Although Mr. Johnson described feelings of depression related to his divorce, legal problems, and financial status, I do not believe that his difficulties were serious enough to warrant a label of a mental disease. His problems were not severe enough for him to seek treatment. He did not describe impairment due to emotional problems. In general, he functioned fairly well. He maintained an active lifestyle despite his unhappiness.
2. Mr. Johnson has not shown symptoms of mental illness following his arrest. He was seen by a mental health worker for a risk assessment following his arrest. Symptoms of

mental illness were not observed at that time. He has not subsequently required mental health treatment in the jail.

3. He is not mentally retarded or developmentally delayed. He has not had a significant brain injury. There is no evidence to suggest a mental defect.
4. Mr. Johnson's primary psychiatric diagnosis is Antisocial Personality Disorder. This is a not a mental illness.
5. Mr. Johnson describes clear awareness of his actions during the sexual assault, homicides, and attempted homicides. He understood that he was having unwanted sexual contact. He understood that he was shooting people with disregard for their lives. After the fact, he understood that he killed several people.
6. Mr. Johnson described his awareness that he had free will to either carry out his actions or not carry out his actions. He had weighed the pros and cons of either shooting people or surrendering to authorities.
7. Prior to the shooting, he was concerned that police would arrest him and he would go to prison. He was angry that he would be punished for a long time. His belief that this was unfair fueled his decision to kill other people to "balance the scales."
8. In retrospect, Mr. Johnson described how he would have killed more people. These statements were made at a time when observations suggest no symptoms of mental illness, reinforcing my opinion that his actions from July took place at a time when he was free from such symptoms.
9. Mr. Johnson took steps to conceal his whereabouts and identity following the sexual assault. He dressed in camouflage. He hid in the woods. He used stealth tactics from his military training to avoid detection. He contemplated leaving the country, but excluded this option due to financial reasons. This logic demonstrates the capacity to conform behavior and also demonstrates awareness of the wrongfulness of his actions preceding his decision to shoot at several people. Following the shooting, he again concealed himself.
10. Mr. Johnson chose to surrender to police rather than have an incident where he was seriously injured, but not killed. He accurately perceived why officers were attempting to apprehend him. His decision to surrender demonstrates his understanding that he had broken the law. The means by which he surrendered by disabling his firearm in a way that was obvious to law enforcement shows control over his actions and an understanding of how his actions would be perceived by others as threatening unless he disarmed himself.
11. Mr. Johnson's interviews with police following his arrest are documented in the CD, DVD, and transcripts I was provided. Mr. Johnson did not exhibit symptoms of mental

illness during these interviews. He was able to describe his actions and reasoning to the investigating officers. His reasoning did not suggest a lack of understanding of the wrongfulness of his behavior. He showed control over his behavior while in custody.

12. Discovery materials included several reports of interviews with people who knew Mr. Johnson prior to his offense. None of these interviews provided information to suggest that he had a serious mental illness. Problems with violence towards his ex-wife were documented.
13. I asked Mr. Johnson whether he viewed himself as "insane" or mentally ill. He said that he did not. He accurately perceived that I did not either. He explained that he was "simply a man who reached a breaking point and snapped." I do not believe that this reasoning supports a special plea.

Thank you very much for the referral. If I may provide additional assistance in this matter, please do not hesitate to contact me.

Respectfully,



Erik D. Knudson, M.D.  
Diplomate of the American Board of Psychiatry and Neurology  
Board Certified in Psychiatry and Forensic Psychiatry