

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT, AT ANCHORAGE

In The Matter of the Necessity for the)
Hospitalization of William Bigley,)
)
Respondent)
Case No. 3AN 08-1252PR

RESPONSE TO API'S HISTORY

Respondent hereby responds to API's Notice of Filing History of Medical Care (API's History). As an initial matter, there is no way for Respondent or the Court to verify the accuracy of API's History, except that which has been documented by Respondent. This is in stark contrast to the Respondent's History, filed by Respondent (Respondent's History), which cites to specific documents in the record for every statement of fact.¹ This Court gave API a full week to file objections to Respondent's History and instead, it filed its spread sheet "in lieu" thereof. Because API has made no assertion that any of the statements are inaccurate and they are thus un rebutted, Respondent respectfully suggests, he has, through Respondent's History, established the facts set forth therein.²

¹ Since filing Respondent's History, Respondent has been able to compile a table of contents for the Appendix to Respondent's History, which has been filed contemporaneously herewith. Respondent's History cites to documents in the Appendix to Respondent's History, as well as the Excerpt of Record and Judicial Notice Appendix filed in Alaska Supreme Court Case Number S-13116, copies of which were filed herein. However, in preparing the below matrix, Respondent discovered that the Respondent's History missed at least one criminal incarceration, September 28-30, 2008, and also that the citation to the Respondent's History Appendix regarding 3AN 08-8981 CR is incorrect. The factual statements regarding 3AN 08-8981 CR are correct, however, and a copy of the Court View history of this case is attached hereto.

² At the hearing on November 18, 2008, API complained that Respondent's History was selective in that it did not include all of Respondent's admissions. Respondent was not in a

Also, API's History provides no context. Below, as best as Respondent could compile it, is a summary of Respondent's in and out of custody events since his September 1, 2006 API admission, which was when Respondent was still voluntarily taking Risperdal Consta.

Case No	Days Free	Custody Date	Release Date	Days Confined	Comments
06-1039 PR		09/01/06	01/03/07	124	Limited CHOICES services on release
07-247 PR	50	02/22/07	04/04/07	41	Won 90-day jury trial
07-598 PR	40	05/14/07	06/26/07	43	Limited CHOICES services on release
07-1064 PR	64	08/29/07	09/14/07	16	No community services on release
USA v Bigley	5	09/19/07	10/12/07	23	No community services on release
07-1795 CR	0	10/12/07	10/23/07	11	Transferred to API by court?
07-1311 PR	0	10/23/07	01/21/08	90	Extra Funds for Housing & Services
08-247 PR	33	02/23/08	03/14/08	20	Found Not Gravely Disabled
08-3805 CR	28	04/11/08	04/15/08	4	No community services on release
08-416 PR	2	04/17/08	04/21/08	4	No community services on release
08-593 PR	4	04/25/08	06/04/08	40	Supreme Court Stay Issued
08-6820 CR	19	06/23/08	07/01/08	8	Includes API Admission
08-8290 CR	22	07/23/08	08/05/08	13	Includes API Admission
08-8981CR	4	08/09/08	08/20/08	11	Cite to Appendix incorrect
08-1148 PR	33	09/22/08	09/24/08	2	Trespassed by OPA, homeless no food
Jail	4	09/28/08	09/30/08	2	cited in 9/30/08 Ex Parte Petition
08-1176 PR	0	09/30/08	10/01/08	1	Discharged because refused drugs
Prov. ER	6	10/07/08	10/07/08	0	Said to be jumping in & out of traffic
Voluntary	1	10/08/08	10/08/08	0	Discharged because refused drugs
08-1252 PR	12	10/20/08			Current Admission/Proceeding
Total Days	327			453	

Putting these events in context it is very clear that Respondent has done best when he has had even limited support services provided by CHOICES, Inc., when released, being free from confinement for 50 and 64 days in those circumstances.³ He also stayed out of custody for 33 days when extra funds were obtained to support Respondent in the

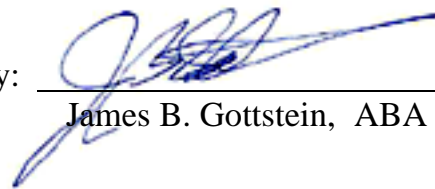
position to compile all of his admissions and Respondent's History did not purport to do so. It only establishes the facts stated.

³ The testimony of Paul Cornils at the May 15, 2008, hearing, appearing at pages 188-194 of the Appendix to Respondent's History describes in more detail how this worked and especially that it is not taking psychiatric drugs that determines Respondent's success in the community.

community at the "Country Club" in Houston, Alaska. That program, however, required Respondent to take psychiatric drugs and failed. The two other longer periods of time when Respondent has remained out of custody during this time period were when he won his jury trial in a 90-day commitment proceedings in April of 2007 (40 days free), and a judge tried 30 day commitment trial in March of 2008 (28 days free).

DATED: November 19, 2008. Law Project for Psychiatric Rights

By:



James B. Gottstein, ABA # 7811100