



DEPARTMENT OF CORRECTIONS
STATE OF NEW HAMPSHIRE

Office of the Forensic Examiner
State Office Park South
105 Pleasant Street, Room 124-C, PO Box 1806
Concord, New Hampshire 03301
603) 271-7457
Fax: 271-7458

JOHN LYNCH

GOVERNOR

William Wrenn

COMMISSIONER

February 29, 2008

John Safford, Clerk
HILLSBOROUGH COUNTY SUPERIOR COURT
Northern District
300 Chestnut Street
Manchester, NH 03101

Competency Evaluation of GERARD BELOIN
Docket # 05-S-1305
February 28, 2008

CIRCUMSTANCES OF EVALUATION

I evaluated Gerard Beloin pursuant to the order of Hillsborough County Superior Court, State of New Hampshire. The order, dated November 8, 2007, was to evaluate the defendant for competency to stand trial on a charge of misdemeanor eavesdropping alleged on March 1, 2005 with the victim being a John Janigan. It was alleged that the defendant recorded conversations between he and Mr. Janigan. I had the opportunity to listen to recordings of conversations which are [transcribed](#), at least in part, in the discovery provided by the County Attorney's Office. Of substantial import in assessing the defendant pursuant to RSA 135:c is the nature of the content of those recordings. [The content includes what might be construed as threats](#) being made against the defendant by the alleged victim or, at least, the ["carrying the message"](#) regarding such threats along with an [apparent effort to coerce the defendant](#) to sign a [document protective of a third party](#).

DOCUMENTS AVAILABLE

Documents included:

- Order for evaluation and indicating the court's concerns regarding the defendant. It appears that the order originated [sua sponte](#).
- Various pleadings, especially multiple Orders to Dismiss by the defendant. These are referenced in the order of the court.
- Various documents describing corrupt practices and the [involvement of organized crime](#) with specifics of [governmental corruption in school roofing](#).
- During the interview, the defendant provided a copy of a [letter from Herbert S. Demmin, Ph.D.](#) dated January 28, 2008 addressed To Whom It May Concern. This letter indicates, in part: "It is my professional opinion that Mr. Beloin is of sound mind and is capable of representing himself in a court of law."

BACKGROUND INFORMATION

The defendant is a 52 year-old roofing contractor who lives in New Boston with his wife of 16 years and his teenage daughter.

[\(GBs note: My company designs & manufactures roofing systems. We write specifications for Architects and Engineers.\)](#)

Legal History

The defendant has no criminal history other than originating out of the circumstances of the current charges.

Educational History

The defendant reports having a Bachelor's Degree in Zoology.

Occupational History

The defendant reports that he has worked most of his life in the roofing business. He informs me that he has developed a proprietary "roofing system" of a specialized nature. He says he began working on roofing through direct installation, but now is involved in the design, manufacturing, distribution and installation of roofing in a business which he has built, he said, for 25 years. He says his business is currently [essentially moribund](#) in light of his legal entanglements in relation to the current case. He explains that he currently is simply installing roofing himself for individual contracts.

The defendant reports that originally he majored in zoology with the intent of being a pre-med student. He, however, came to the conclusion that he would find that type of indoor work disagreeable. He worked as a ski instructor for a time.

Psychiatric History

The defendant denies any psychiatric care or attention other than the above-noted visit to a psychologist for the purpose of the current proceedings. He reports that approximately 12 years ago he had some marital friction. He reports the difficulties cleared up and the marriage resumed. *Apropos* of the defendant's potential psychiatric history, the defendant presents a large file containing numerous character witness statements from various persons. [These include multiple commentaries describing defendant's mental stability as being good.](#)

Social History

The defendant grew up on a farm. He describes a specific incident involving roofs at age 8. Specifically, the

defendant reports being at home with his 14 year-old sister. He observed flames coming from the roof of the house. He then, together with his sister set about attempting to put out the fire. He describes his sister as panicking and attempting to use a hose when there was not sufficient water pressure for the hose to reach the roof. The defendant said that he uncapped a water tank which was in the house and enlisted his sister's aid in using containers to carry water to the roof and put out the fire. The defendant recounts this saga while evidencing pride in his ability as an 8 year-old to size up the situation and intervene appropriately while his sister panicked.

The defendant reports that his wife has some emotional difficulties and these run in her family. I do see an Internet statement of support for the defendant purportedly from the defendant's wife.

The defendant has hobbies, namely skiing, running and golf. He considers himself to be quite athletic and quite a good skier. He enjoys activities with others. On inquiry, the defendant says that he is on good terms with his neighbors.

I asked the defendant if he had been engaged in other lawsuits. The defendant's response was "I'm not litigious." In fact, however, in a later telephone conversation with the defendant, I learned that the defendant had engaged in an attempt to organize a volunteer roof replacement at his parish church. He had offered to do that for only the cost of materials. He tells me that this effort was rejected by the church due to insurance reasons. He reports that bids were then taken and he put in a bid which he felt was somewhat lower because it made use of some volunteer assistance from parishioners. He reports that there were three other bidders and that the bidder who won bid approximately three times more than the other bidders. He reports that he voiced complaints and concerns regarding why that might have happened and whether some nefarious activities were involved.

The defendant denies other legal issues of this nature and says that in the roofing business one makes bids and one loses some and wins others.

Mental Status Examination

I examined the defendant at the Main Building located on the grounds of the New Hampshire Hospital on February 28, 2008. The interview lasted approximately three and one-half hours. Present was Paula Werme, an attorney, who informed me that she was not the attorney of record in the case, but was acting as a kind of adviser to the defendant. She informed me that she had done extensive work in reviewing the material regarding the case. I inquired as to whether she was a member of the bar and an officer of the court and she assured me that she was. Further, she asserted that the recordings which the defendant played for me from his laptop computer were substantially the material the defendant was being charged with illegally recording from a conversation.

COMPETENCY EVALUATION of GERARD BELOIN
DOCKET # 05-S-1305

4

DEFENDANT INTERVIEW

During the interview, the defendant was generally cordial. He was a well groomed, athletic man who was attentive to the interview and seemed to have a good level of intelligence. His awareness of legal procedures certainly exceeded the average criminal defendant, but nonetheless, clearly the defendant was not a lawyer and he was clearly unfamiliar with much of the style of approaching legal materials that is used by attorneys. In short, he appeared to be amateurish, but informed.

During the interview, the defendant's range of affect was good and he did not present with any substantive mood problem other than his concern regarding his legal matters. He was not especially anxious. He did not appear to be depressed nor euphoric. He related appropriately with the examiner as well as his adviser and my assistant, Ann Bilodeau, who was present during the interview. In general, I would describe him as pleasant, cordial, but concerned.

The defendant displayed no formal thought disorder. I would say, however, that he was quite preoccupied with the multiple facts and issues connected with his legal concerns. I would compare this with the mindset which some in

the legal profession call "[Trial Psychosis](#)". By this I mean an obsessional preoccupation with the minutia of legal case to the point of being an almost "overflowing font of minutia." In my experience, this is a common characteristic of pro se defendants. Still, as is common in pro se defendants, this defendant had trouble resisting the impulse to unleash various facts in keeping with their emotional valence rather than the logic of the situation. [He lacked the dispassionate, logical discipline of a trained attorney.](#)

The defendant was oriented to person, place and date. He knew the current and prior two Presidents. He recalled three of three objects immediately and two of three objects after five minutes. He was abstract on similarities and proverbs. He spelled "world" forwards and backwards accurately. Judgment was intact on one formal question and, on the other, inappropriate. The question was "What would you do if you were in a crowded movie theatre and smelled smoke and thought there might be a fire?" The usual "correct" answer to this question is that one would inform the usher. In fact, the defendant said that he would notify the people in the theatre. When I asked how he would do that he said he would yell "Fire." I pointed out that this appeared to reflect poor judgment. The defendant responded by recounting the above-noted tale of his episode of saving the family home from a fire.

The defendant subtracted serial sevens five times with one error. He denied hallucinations, delusions, paranoid ideas, and ideas of control. He denied any experience of communications with unidentified flying objects. He denied any notions that he had implanted devices. He denied any current active diseases. He denied special powers or abilities. He did volunteer that he had "a sixth sense, I have a bullshit detector in my left foot." This was a kind of humorous comment. The defendant did not display snout reflex and was able to do rapid alternating movements. He denied substance abuse. He denied episodes of mania or substantial depression.

Review of Legal Issues

The defendant discussed the current case with me. He informed me that the alleged victim, Mr. Janigan, was an old friend. He reported that when he, the defendant, had made a bid on a school roofing project, he lost the bid and uncovered what he felt were indicators of fraudulent

COMPETENCY EVALUATION of GERARD BELOIN
DOCKET # 05-S-1305

5

practices. He apparently attempted to bring this to the attention of the school board. The defendant tells me that he enlisted as an ally the chairman of the school board, a Dr. Hieber. [Apparently, Dr. Hieber died unexpectedly following engaging in discussions with the defendant about the alleged fraudulent construction.](#)

The defendant reports that Mr. Janigan came to him and said that he was being pressured by Attorney Kerry Steckowych who was a police prosecutor who had replaced Dr. Hieber on the school board. Apparently the alleged pressure was connected with the defendant making adverse claims regarding [Prosecutor Kerry Steckowych](#). The defendant explained that Mr. Janigan had a hundred-million dollar piece of property which he was attempting to have rezoned from farm use to commercial use in order to enable a profitable deal. The defendant informed me that a member of the zoning board was a very good friend of Prosecutor Kerry Steckowych and was attempting to induce Mr. Janigan to influence the defendant to stop from disseminating allegations of corruption against Prosecutor Kerry Steckowych.

The defendant then played recordings of the material that Attorney Werme informs me is the substance of the criminal complaint against the defendant. I listened to these recordings, which appeared to consist of remarkably strange conversations [which might reasonably be construed to represent an implied communication of threats](#), even [death threats](#) against the defendant if he does not cease and desist from making allegations of [corruption against Prosecutor Kerry Steckowych](#).

I was provided with various pleadings regarding governmental corruption and various documents detailing issues of corruption in government in connection with organized crime as well as with roofing issues. I was provided with various documents in support of the defendant's concerns regarding corrupt practices and school roofing activities. The defendant discussed this kind of material with me. It was certainly difficult to contain the conversation as the defendant had a variable flood of information he wished to communicate in support of his

allegations. He complained that no one listened to him. [His mode of presenting this information was not inconsistent with an ordinary person's attempt to describe such events if they were true.](#) While much of the information had a persecutory flavor, [it was also true that the recordings had a persecutory flavor](#) which did not originate from the defendant, but rather from the recorded individual.

[A review of the defendant's pleadings was consistent with an escalating sense of desperation and presenting in an increasingly conclusory way various serious allegations.](#)

OPINION REGARDING PSYCHIATRIC STATUS

This defendant presents as a man who is casting himself in the hero's role to rescue society from an alleged corrupt confluence of organized crime and local government. He is carrying out various activities in the service of that aim. [He is, in a sense, "attempting to keep the roof from falling in."](#) He seems to have been [energetically pursuing this](#) over a period of years. The defendant has a website which displays all manner of supportive commentary by persons who either know the defendant or have at least communicated with him about his concerns and which offer support, at various levels of knowledge, about the issues he is dealing with. Whether the bulk of these persons constitute a kind of ["fringe group"](#) of unduly concerned individuals or whether they are addressing realistic governmental corruption is not a matter that I am qualified

COMPETENCY EVALUATION of GERARD BELOIN
DOCKET # 05-S-1305

6

to address. The website, along with the defendant's own style of communication, all have the amateurish quality of persons dealing with materials and issues beyond their level of training and expertise. [It is a matter for courts, not psychiatry, to explore the veracity of such claims.](#)

The defendant's pleadings and approach to the case have a distinctly persecutory tone, but one which is [arguably warranted](#) by the [ambiguously](#) persecutory nature of the recorded conversations. **(GB's note. This "ambiguously" worded recording talks about "chumming people". "Chumming people" is the process of dismemberment and then grinding the pieces into hamburg and then feeding the pieces to the fish in the ocean)**

[I note that the defendant's business has suffered as he confronts his legal concerns. This seems counterproductive for the defendant and when I confront him about such matters the defendant essentially indicates that he is a person of integrity and unwilling to let go of these issues, though it may cost him in some way.](#)

My conclusion is that this defendant has no overt psychotic illness. He does not appear, in my view, to suffer from bipolar disorder currently. He does not appear to suffer from major depression. He does not appear to suffer from dementia, schizophrenia or schizoaffective disorder.

The defendant has a persecutory preoccupation which can be seen in persons with paranoid disorder or paranoid personality. He appears to have over-valued ideas regarding the roofing business - his life's work. The fact is, however, that persons subject to actual threat are prone to show paranoid or persecutory trends in their thinking consistent with their threatening circumstances. Under such circumstances I would *not* be inclined to offer a diagnosis of paranoia or a paranoid personality disorder. [At worst, the defendant might be viewed as having an Adjustment Reaction, possibly related to business reversals or actual threats.](#)

It may be that this defendant's character formation incorporates conflicts and tensions related to his episode of the fire at age 8. This might be a motivating mechanism for the defendant's occupational choices and his, apparently self-appointed, heroic stance. Such issues are speculative and can only be confirmed or disconfirmed in extensive psychotherapy. At this juncture I have no information to confirm a diagnosis of personality disorder. **(GB's note: This is psychobabble. I did not set the fire, I put it out.)**

OPINION REGARDING COMPETENCY TO STAND TRIAL

Competency to stand trial in the State of New Hampshire is articulated in RSA 135:17 11(b). "Whether the defendant has a rational and factual understanding of the proceedings against him or her, and sufficient present

ability to consult with and assist his or her lawyer on the case with a reasonable degree of rational understanding.”

Rational and factual understanding

This defendant has chosen to go “pro se” in the defense of a misdemeanor charge. He appears to have invested an enormous number of hours in attempting to familiarize himself with legal procedure. [He clearly has an amateur’s approach to the process of his legal defense. This is amply illustrated by his propensity to use the forms of the law without the wise approach to legal material inherent in professional legal assistance. By this I mean the ability that attorneys have to martial their facts, discipline them and relate them within the requisite structure of the law without being derailed onto emotionally significant, but logically off-point statements.](#)

COMPETENCY EVALUATION of GERARD BELOIN
DOCKET # 05-S-1305

7

[Ordinary persons without legal training or penchant of thought come off second best in courts of law, as does this defendant.](#)

[This defendant makes extremely serious allegations](#) as if they were [established facts](#). He attempts to bring in an endless litany of material which, while quite disturbing to him and in his view quite related to the concerns he presents, are not logically appropriate to the structure of the particular hearings. He misunderstands vocabulary, at least the import of legal materials and findings. [He is unfair in his statements and allegations, leaving out relevant aspects of his descriptions in a way which often distorts the truth of the situation.](#) This style of communication is not terribly helpful in court as the defendant gives the appearance of unfairness and unreliability. [Trained attorneys know to avoid such appearances by couching their statements in structure and style which gives at least the appearance of fair-mindedness and balance. In my view, these are all matters of training and experience.](#)

In summary, the defendant presents his information essentially as a "[rant](#)", by which I mean in an untutored, not well organized, somewhat egocentric or self-referential exposition of material which does not tend to be persuasive. The reason it is not persuasive is because the listener is not prepared to accept the statements made and may not subscribe to various opinions or commentaries. The communications are not given appropriate foundation and are prone to result in a skeptical response by the listener.

(GB’s note: When my counterpart in NJ voiced identical concerns the State of NJ Commission of Investigation, tasked with investigating organized crime, investigated and [filed this report](#).)

Despite this defendant’s amateurish style, the defendant has a basic rational and factual understanding of the legal process. He is concerned about governmental corruption and is prone to suspect corruption when frustrated. [The defendant apparently has a good deal of support if one judges by the internet material available.](#) Thus, these views do not represent purely idiosyncratic ideas, but rather some shared ideas which are thus subject to a kind of “reality testing” in discussion with others. This leads me to view this defendant’s [“suspicious ideas”](#) as not properly construed as “irrational.” [They represent an opinion or attitude of more than a single person and raise serious issues of governmental corruption.](#)

[While I may not personally find the defendant’s notions of governmental corruption very credible](#), others do and therefore I believe it would be inappropriate to view them as evidence of lack of competency to stand trial. To dismiss such ideas as incompetence would invalidate many petitioners for redress of grievance who have, with success, promoted social changes in the history of the United States. It is not my view that un-popular ideas or [“crackpot”](#) ideas, which are [shared by some subgroup of the population](#), can be reasonably construed to indicate [lack of a “rational understanding of the legal process.”](#)

Assistance to Counsel

I observed that the defendant seems to work quite well with Attorney Werme who, for reasons not precisely clear to me, is not actually representing the defendant. The defendant apparently parted ways with Attorney Larsen over a disagreement on how to proceed. The defendant explains that this was because Attorney Larsen chose to pursue a

defense of competing harms while the defendant wished to pursue a case of self-defense. The defendant's viewpoint is that

COMPETENCY EVALUATION of GERARD BELOIN
DOCKET # 05-S-1305

8

Attorney Larsen acted without the defendant's consent leading to breakdown the attorney/client relationship.

I concede that the defendant's notion of self-defense seems legally naive. I can see that a theory of competing harms might be more viable approach to a defense. The defendant himself does not agree with that, placing a great weight on his own opinions. It appears to me that this process represents an instance of the old saying "A man who represents himself in court has a fool for a client." In short, it seems not terribly prudent but does not constitute grounds for a finding of incompetence to stand trial.

Opinion regarding competency to stand trial

I conclude that this defendant is currently competent to stand trial. It appears to me that the defendant has an adequate rational and factual understanding of the legal process that he faces and has the ability to assist an attorney with a reasonable degree of rational understanding. This opinion is not meant to suggest that the defendant can represent himself "well" and it is certainly not meant to suggest that the defendant could be construed by any means as a "competent attorney" I do not believe he is. (TRANSCRIPTS)

At the conclusion of my interview with the defendant he indicated to me that he may move forward to obtain a second opinion. If he does so, I will certainly review any documents regarding such testing and reconsider my opinion in the light of such information.

Respectfully,



James J. Adams, M.D.
Chief Forensic Examiner

JJA/ab

cc: Gerard Beloin, Pro Se
P0 Box 304
New Boston, NH 03070

John Weld, Esquire
4 Court Street
Concord, NH 03301

Marianne Oullet, Esquire
4 Court Street
Concord, NH 03301