

APPENDIX – A

**SOUTH DAKOTA SUPRME COURT ORDER
DIRECTING ISSUANCE OF JUDGMENT OF
AFFIRMANCE # 30734 - October 7, 2024**

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

IN THE SUPREME COURT

OCT 07 2024

OF THE

STATE OF SOUTH DAKOTA

Shirley A. Jensen-Lund
Clerk

* * * *

GARLAND RAY GREGORY, JR.)	ORDER DIRECTING ISSUANCE OF
Petitioner and Appellant,)	JUDGMENT OF AFFIRMANCE
)	
vs.)	#30734
)	
STATE OF SOUTH DAKOTA,)	
Respondent and Appellee.)	

The Court considered all of the briefs filed in the above-entitled matter, together with the appeal record, and concluded pursuant to SDCL 15-26A-87.1(A), that it is manifest on the face of the briefs and the record that the appeal is without merit on the ground that the issues on appeal are clearly controlled by settled South Dakota law or federal law binding upon the states (SDCL 15-26A-87.1(A)(1)), now, therefore, it is

ORDERED that a judgment affirming the Order of the circuit court be entered forthwith.

DATED at Pierre, South Dakota, this 7th day of October, 2024.

BY THE COURT:

ATTEST:

[Signature]
Clerk of the Supreme Court
(SEAL)

[Signature]
Steven R. Jensen, Chief Justice

PARTICIPATING: Chief Justice Steven R. Jensen and Justices Janine M. Kern, Mark E. Salter, Patricia J. DeVaney and Scott P. Myren.

APPENDIX – B

**SOUTH DAKOTA FOURTH JUDICIAL CIRCUIT
COURT – MEMORANDUM OF OPINION ON THE
PETITION FOR WRIT OF ERROR CORAM NOBIS**

STATE OF SOUTH DAKOTA)
) SS.
COUNTY OF LAWRENCE)

IN CIRCUIT COURT
FOURTH JUDICIAL CIRCUIT

GARLAND RAY GREGORY, JR,
Petitioner

MEMORANDUM OF OPINION ON
THE PETITION FOR WRIT OF
ERROR CORAM NOBIS

40CIV24-149

v.

STATE OF SOUTH DAKOTA,
Respondent.

On May 13, 2024, the above-captioned Petitioner filed a Petition for Writ of Error Coram Nobis, pro se. The Court, having reviewed the applicable law, the extensive history of this case, and the arguments of the Petitioner, being fully advised on the matter and with good cause issues in its Memorandum of Decision.

OPINION

The Petitioner outlines four separate claims of error under the Writ of Error Coram Nobis Petition. This Court will address each of those claims separately.

In South Dakota, the jurisdiction of the court to grant relief under a writ of error coram nobis is limited in scope. The relief allowed under the writ of coram nobis pertains only to errors of fact or fundamental jurisdictional errors. *Gregory v. Class* 1998 SD 106, 584 N.W. 2d 873, 878. The said errors must not have been known to the petitioner at the time of the proceedings or were not revealed to him to fraud or coercions. *Id.* A proceeding that is challenged by this writ is presumed to be correct and the burden is on the petitioner to show otherwise. “Those seeking coram nobis relief must carefully study the procedural history of the case’ because past events exert a decisive control over which issues may or may not be raised [and trial records] have to be examined in order to ascertain whether a claim is barred by res judicata or collateral estoppel. *Id.* Relief under the writ of coram nobis will only be “granted when circumstances compel such action to achieve justice.” *State v. Davis*, 515 N.W.2d 205, 207 (SD 1994).

Petitioner’s first claim states: “ The Court basing its finding and conclusion on the ‘failure to establish a factual basis for the guilty plea claim’ (*Gregory v. State*, 325 N.W.2d 297,298 (SD 1983), on a condemned judicial practice, that makes it Constitutionally impossible to find as it did.” *Petition for Writ of Error Coram Nobis*. This Court has reviewed the extensive procedural history in this case. The petitioner has brought this same claim regarding the failure of the court to find a factual basis for the guilty plea. In *Gregory v. State* 325 N.W.2d 297

(SD1982) the Petitioner contended that the judge accepted his guilty plea in contravention of the requirements for taking pleas specified in SDCL 23A-7. Specifically, that no factual basis was established on the record. The circuit court denied the post-conviction relief and the Petitioner appealed. On appeal, the South Dakota Supreme Court held that the court substantially complied with SDCL 23A-7, and no prejudicial error could be found. *Gregory v. State*, 325 N.W. 2d 297 (SD 1982).

The Petitioner now comes before this Court seeking relief under the same theory he previously attempted which the Supreme Court denied. He is barred from bringing this claim again by res judicata. Therefore, the first claim in his petition is DISMISSED.

Petitioner's second claim states: "Refusal to examine the Boykin claim/ Sutton issue (*Gregory v. State* 325 N.W. 2d 297, 300 (SD 1982), conflicting with holding in *State v. Brammer* 304 N.W. 2d 111, 114 (SD 1981)." *Petition for Writ of Error Coram Nobis*. Petitioner has filed numerous petitions for post conviction relief. He did not directly appeal his underlying conviction. In none of the other filings before the circuit courts did he raise the Boykin issue but could have. Moreover, the Trial Court found and the South Dakota Supreme Court agreed that Petitioner's guilty plea was voluntary and intelligent.

Coram nobis is not "merely another avenue of appeal." *In re Brockmueller*, 374 N.W.2d 135,139 (SD 1985). Coram nobis is not available to remedy a Boykin violation. *Garcia v. State* 843 NW2d 345 (SD 2014). It is neither an "error in fact" nor a "fundamental jurisdictional error". *Id.* A Boykin violation is a legal error to which coram nobis is not available. *Id.* In this case any alleged failure to advise Gregory of his constitutional rights would clearly be an error of law, a writ of error coram nobis is not the appropriate remedy. *Id.* Like the Garcia case, Boykin was decided before Gregory pleaded guilty. He could have raised the issue before. Issues that could have been previously asserted cannot serve as a basis for coram nobis relief. *Gregory v. Class* 584 N.W.2d. 873 (SD1998). Therefore, the second claim in his petition is DISMISSED.

Petitioner's third claim states: "Failure to conclude the law, on their finding petitioner having met the burden of proof (*Gregory v. State*, 353 N.W.2d 777, 79 (SD 1984), on the failure to inform on the nature of the charge claim." *Petition for Writ of Error Coram Nobis*. This claim was brought in the *Gregory v. State* cited by Petitioner in his third claim. The Supreme Court held that the record "when viewed in the totality of the circumstances, fairly supports the finding that petitioner understood the nature of the charges against him and that his guilty plea was accepted in compliance with both statutory and constitutional requirements." *Id.* The Court went on to conclude that the post-conviction court's finding that petitioner understood the nature of the charge at the time he entered his guilty plea is not clearly erroneous. *Id.* He is barred from bringing this claim again by res judicata and/or collateral estoppel. Therefore, the third claim in his petition is DISMISSED.

Petitioner's fourth claim states: "The Court not finding the facts and concluding the law on the failure to advise on the consequences of the plea claim. *Gregory v. State* 353 N.W.2d 777, 781 (S.D. 1984)." *Petition Writ of Error Coram Nobis*.

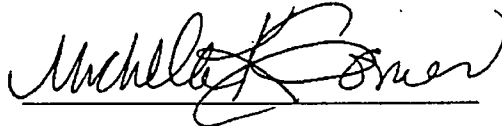
The Petitioner now comes before this Court seeking relief under the same theory he previously attempted which the Supreme Court denied. The Supreme Court in *Gregory v. State* 353 N.W.2d 777 (SD 1984), specifically rejected Petitioner's argument that the guilty plea was invalid as he was not informed that the imposition of a life sentence precluded the possibility of parole. The post-conviction court found that Petitioner was advised of the consequences of a plea to the charge. The post-conviction court concluded that the trial court had acted in substantial compliance with SDCL 23A-7-4 (1) at the March 13, 1980, change of plea hearing. *Id.* The Supreme Court held that in the instant case, when viewed in the totality of the circumstances the Petitioner's guilty plea was accepted in compliance with both statutory and constitutional requirements. He is barred from bringing this claim again by res judicata and or collateral estoppel. Moreover, Therefore, the fourth claim in his petition is DISMISSED.

CONCLUSION

Based upon the above written opinion the Petitioner's Writ of Error Coram Nobis Petition is hereby DISMISSED IN ITS ENTIRETY.

Dated this 17th day of May 2024.

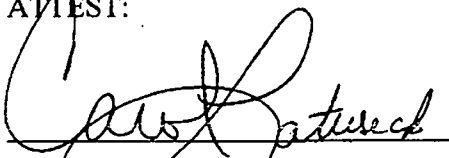
BY THE COURT:



Michelle K. Comer

Circuit Court Judge

ATTEST:



Clerk of Courts



APPENDIX – C

WARNING ORDER - October 9, 2024

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE SUBMISSIONS OF)
GARLAND RAY GREGORY JR.)
)

WARNING ORDER

In 1979, Gregory Ray Gregory Jr. was charged with murder and conspiracy to commit murder. Pursuant to a plea bargain agreement, Gregory pleaded guilty to the conspiracy charge and was sentenced to life in prison. *Gregory v. State*, 325 N.W.2d 297, 298 (S.D. 1982). Since that time, Gregory has brought litigation concerning his conviction in both state and federal court. This Court takes notice of a number of submissions by Gregory in recent years in this Court and those courts under this Court's supervisory jurisdiction that have proven to be unduly repetitive, unwarranted by existing law, frivolous, and/or filed for an improper purpose (e.g. to harass), to wit:

1. Petition pursuant to SDCL 15-6-60(b)(4) filed in the Lawrence County Circuit Court case no. 40CIV17-223 on July 31, 2017. Denied by the circuit court on August 3, 2017. Notice of appeal filed in the Supreme Court on October 12, 2017, in case #28442. Dismissed by order on November 28, 2017. Petition for reinstatement of appeal denied on January 19, 2018.
2. Petition pursuant to SDCL 15-6-60(b)(4)(5) & (6) filed in the Lawrence County Circuit Court case no. 40CIV21-50 on March 16, 2021. Denied by the circuit court on March 16, 2021.
3. Petition pursuant to SDCL 21-27-5.1(1)(2) (Subsequent habeas corpus application/SDCL 15-6-60(b)(4)(5) (Rule 60(b) Motion) filed in Lawrence County case no. 40CIV22-170 on August 15, 2022. Denied by the circuit court on August 18, 2022. This decision was subject to a petition for writ of mandamus in the Supreme Court filed on September 15, 2022, in case #30112. This Court denied the request to exercise its original jurisdiction over the matter on September 29, 2022.
4. Petition for writ of error coram nobis filed in the Lawrence County Circuit Court in case no. 40CIV23-88 on April 24, 2023. Dismissed by the circuit court on April 25, 2023. Notice of appeal filed in the Supreme Court on May 11, 2023, in case #30347. Judgment of the circuit court affirmed by order on November 13, 2023.

5. Petition for writ of error coram nobis filed in the Lawrence County Circuit Court in case no. 40CIV24-149 on May 13, 2024. Dismissed by the circuit court on May 17, 2024. Notice of appeal filed in the Supreme Court on June 3, 2024, in case #30734. Judgment of the circuit court affirmed by order on October 7, 2024.

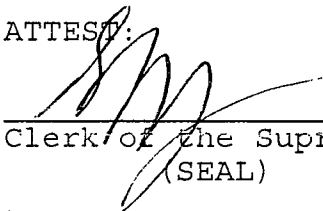
It being the responsibility of this Court to maintain the integrity of the judicial system and its efficient operation for the orderly administration of justice and the expeditious disposition of cases; and it also being the responsibility of this Court to prevent abuse of legal process; now, therefore, it is

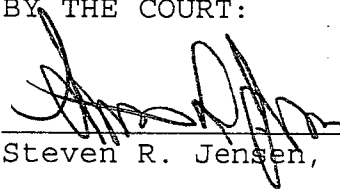
ORDERED that Garland Ray Gregory Jr. cease his submission of repetitive, unwarranted, frivolous, and/or vexatious documents to this Court and those courts under this Court's supervisory jurisdiction or face the imposition of more severe sanctions up to and including the restriction of his ability to file documents with the Clerk of this Court and those other clerks under this Court's supervisory jurisdiction.

DATED at Pierre, South Dakota, this 9th day of October, 2024.

BY THE COURT:

ATTEST:


Clerk of the Supreme Court
(SEAL)

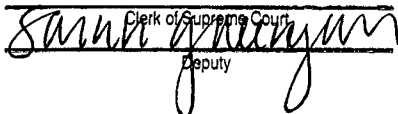

Steven R. Jensen, Chief Justice

PARTICIPATING: Chief Justice Steven R. Jensen, Justices Janine M. Kern, Mark E. Salter, Patricia J. DeVaney and Scott P. Myren.

STATE OF SOUTH DAKOTA
In the Supreme Court

I, Shirley A. Jameson-Fergel, Clerk of the Supreme Court of South Dakota, hereby certify that the within instrument is a true and correct copy of the original thereof as the same appears on record in my office. In witness whereof, I have hereunto set my hand and affixed the seal of said court at Pierre, S.D., this

9 day of Oct, 2024.


Deputy

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

OCT -9 2024


Clerk

APPENDIX – D

REPORT BY - FREDERICK M. MILLER, M.D.

FREDERICK M. MILLER, M. D.
4900 CHERRY CREEK SOUTH DRIVE
DENVER, COLORADO 80222
TELEPHONE 303 - 757-6626

April 7, 1980

Mr. Gregory A. Eiesland
Attorney at Law
Lynn, Jackson, Shultz & Lebrun, P.C.
Suite 800-First Federal Plaza
P.O. Box 8110
Rapid City, South Dakota 57701

79-520

Re: John Archambault

Dear Mr. Eiesland:

Thank you for your request to evaluate Mr. John Archambault with respect to matters involving Ronald Brumbaugh. I interviewed Mr. Archambault in Rapid City, South Dakota, at the Pennington County jail on April 4th, 1980, for two and one-half hours, after reviewing the extensive information provided by your office. The purpose of my evaluation was to assist in determining Mr. Archambault's competence as a witness to charges pending against Mr. Brumbaugh, stemming from the November 1st, 1979 homicide in which Michael Young was shot and killed near Spearfish, South Dakota. Questions have been raised as to Mr. Archambault's mental state at the time of the shooting, with respect to his capacity then to observe, perceive, register and recall what took place around him.

In addition to meeting with Mr. Archambault, I reviewed the following documents:

- (1) Copy of a hand written statement given by John Archambault to the authorities shortly after the murder.
- (2) A type written statement signed by John Archambault a little while after the hand written statement was given.
- (3) A copy of a letter from Polygraphist Abrams to Attorney Gerald Alch concerning his evaluation and testing of Archambault.
- (4) A letter from Polygraphist Reed to States Attorney Grotenhouse concerning his evaluation and testing of Archambault.
- (5) A copy of representations made by Archambault and his attorney when he entered his plea of guilty to the charge of conspiracy.

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- (6) A copy of psychological evaluation and testing done in Yankton, South Dakota, of John Archambault.
- (7) A copy of the relevant pages of testimony given by Archambault during the preliminary hearing for Ron Brumbaugh.
- (8) A copy of a chart that you put together showing the inconsistencies in the seven different statements that Archambault has given concerning the murder of Michael Young.

At and about November 1st, 1979, John Archambault, Garland Gregory, Ronald Brumbaugh, and the victim, Michael Young were all students at Black Hills State College in Spearfish, South Dakota. Three have been charged in the homicide of Michael Young and as of this date, Garland Gregory and John Archambault have entered pleas. Mr. Brumbaugh's trial is pending and Mr. Archambault is a prosecution witness.

Psychiatric evaluation of Mr. Archambault was undertaken in a single two and one-half hour session. A sufficiently complete psychiatric history could be obtained and general aspects of mental status determined regarding Mr. Archambault's mental status today, and his mental status on or about November 1st, 1979. By description and history it is possible to determine a great deal about his mental state at that time.

Of particular importance is Mr. Archambault's extensive and chronic drug abuse history. He has used multiple drugs to excess for more than seven years now, beginning at the age of twelve. His poly-drug abuse is extensive and has clearly affected his capacity to think. The effects of the drug abuse are evident now, even six months after cessation of all drug intake, since the time of his arrest. I am of the opinion that a chronic post-drug condition has been created by his chronic abuse.

It is my professional psychiatric opinion, that Mr. John Archambault, a 20 year old youth, is a seriously disturbed, mentally ill individual best diagnosed as having:

- (1) A paranoid personality that borders at times on an incipient paranoid psychosis, with evidence of probable past psychotic decompensation.
- (2) A mild or moderate organic brain syndrome, probably secondary to chronic extensive poly-drug abuse by oral and intravenous routes.
- (3) A situational depression related to incarceration, fears associated with pending sentencing and imprisonment, and to current non-availability of

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drugs or alcohol, both of which were used by him to ward off dysphoric mood disturbances for one-third of his life, with hardly any interruption until the day of his arrest.

In his paranoid, possibly psychotic mental state at the time of the offense, Mr. Archambault would have had grave difficulties and substantial impairment observing and perceiving external events with clarity and any degree of accuracy. His then toxic state (at the time of the offense he clearly and unequivocally demonstrated an acute organic brain syndrome with clinical evidence of delirium and difficulty attending) of mind would make for inaccurate registration and his evident grandiosity and paranoia distorts his recall of much of what he thinks he did observe.

He is not competent as a witness at the present time, unable (though unknowingly) to abide by the oath he must take because of his current mental state and mental illness. And he was not competent as a witness at the time of the offense for the several reasons outlined above, primarily due to the acute intoxicating effect of the drugs at that time, and secondarily due to the paranoid mental state.

Various proceedings point out inconsistencies in Mr. Archambault's short-term recent memory. He himself details blacking out, forgetting, passing out, uncertainty as to details, and even uncertainty as to whom he was with at different moments. With this degree of impairment, it is obvious that he would have difficulty keeping time sequences straight, and would show the typical impairment of the acutely organically impaired in orientation, short-term recent memory, judgment, and all aspects of cognitive-intellectual function.

He had had little sleep the day of the homicide, was "strung out" on amphetamines and several other drugs, was unable to attend and was in obviously alternating states of consciousness. In many areas he was clearly substantially impaired.

The phenomenon of retrospective falsification may be operative also, in his effort to organize his confused and disorganized fragments of thought, distorted in time, sequence and content.

Furthermore, characterologically he demonstrates significant sociopathy, and would, in addition to the above which unconsciously and unknowingly distorts memory, have many reasons to consciously distort for his own obvious gain. He has learned in his lifetime to fight to survive and is so fearful of the penitentiary that it is likely that he would do whatever he thought necessary to affect alternate disposition.

Examples of the grandiose, probably paranoid and seemingly distorted content revealed by my interview with him included the following representations. I indicate "probably paranoid" because

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I don't have independent verification of the truth to some of the matters he described to me. I have not talked with the District Attorney, nor with the doctors at the State Hospital, and have not been able to independently verify whether or not statements alleged to have been made by them were indeed made, or whether these representations are indeed the paranoid distortions of a severely mentally ill individual.

"My I.Q. is 150 to 160. I know things. My life is in danger and so is my girlfriend's. Threats have been made to me and to her, so when I am sentenced, I won't be going to South Dakota's State Penitentiary. I cannot tell you which prison they have promised to send me to, but it won't be here. I know where it is. And if I told you you would tell other people."

"There is absolutely no deal. I want to get off on probation and to be left alone.

"The District Attorney (Grotenhouse) told me that he has no problems letting me out on probation. I have got to go testify.

"The District Attorney (Grotenhouse) has ruined my name and reputation. He has screwed me over."

"They'll throw me into prison and torture me there. My lawyer tried to get me into the same Federal Penitentiary that the Watergate guys went to."

"I am so scared, I shit in my pants (over going to prison)."

"I know things and I have to turn State's evidence. I have to do it but I cannot tell you why. I cannot let you know because you'll tell Eiesland.

"The District Attorney (Grotenhouse) briefed me to watch what I say to you. I was told certain things not to say."

"I ain't going to be a boy no more. This will make me a man.

"The District Attorney's got me dangling from a string. If I break it, I'm screwed. It's seven or fifty years. I have no idea which. If everything goes right, I could get two years and eight to ten years probation. If nothing goes right,

"I'll get fifty years. They're playing with my life."

"There's no need for prison. I smarten up if you bang me hard. I'll play by their rules."

"I am a wicked, smart ass person though I do dumb things. I'm one of the brightest people you'll ever meet. They'll waste me in jail."

"I'm wary of you. I have to watch what I say to you."

Mr. Archambault at various times talked about his drug history, including the following statements:

"When I was arrested, I went cold turkey with cramps, headaches, sweats and chills, and no sleep for two or three days. . . I used anything I could get my hands on; everything under the sun. I used drugs like there was no tomorrow. I had my ways."

"Speed was my favorite."

"I began using drugs at the age of thirteen, but had been using dope (marijuana) since I was twelve. For seven years I was high every day. My longest time without drugs in seven years was two months. I was high for seven years."

"I have learned to live high and to think high. If I were straight, I would have been much more aware. I would have been right there. I would have been sharper. Many things were said that I could not put together. I could not put two and two together. I heard comments like, 'I'm going to kill you.' The guys in the dorm said it every day."

"I had drugs on me all the time. If I didn't get high, I'd get real uptight. I had stuff all the time. I was the biggest 'druggie' at the school and no one knew it. That way I didn't have to give anyone anything."

"On drugs I always screw up."

"I could do drugs and not study at all. I carried B's and C's. I did a paper in four hours that took other guys weeks and got a perfect 100% with no books, just with what I know."

When I asked Mr. Archambault about his use of speed and said that I was surprised that he hadn't mentioned cocaine usage, he replied,

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"I just love cocaine." He added that it too was a favorite along with speed, and that he used both intravenously.

"I know my drugs. I'm the only one. These other dudes "just do dope" but I really know it. I had to tell the cops what kind of stuff I had. I'm very knowledgeable. I'm a jack of all trades. I learn and learn and learn.

"I have mafia connections and I know the two biggest dealers in Rhode Island."

Mr. Archambault in the course of the two and one-half hours told me a great deal about himself and his family. He told me that:

"I am not a macho man. I'd rather back down than fight, though I learned to fight. You had to learn or you'd be killed. I've been beaten up so many times. The pain goes away but not with queers.

"Once seventeen kids beat me up and left me for dead."

"Revenge is dumb. This murder was dumb revenge."

"The kid in my cell is a rapist. I want to beat the living shit out of him."

"I have pulled my crimes here and there. I'm not lying. I'm no Joe-Clean. I've got a real bad temper."

"I read the Bible every day and know I'll become a preacher." He went on to say that God had a place for him and that all that had happened was God's doing. He considers himself a born-again Christian who has given himself to Christ while in jail.

"I used to be a bastard. I dealt drugs and was in money up to the ass."

"You know the Moonies at the airport. I told them that I hated God. It would destroy them. I don't trust brain-washed, unreal Christians.

"I believe in the devil. Satan got ahold of me for drugs, premature sex, swearing and drinking (before November of '79).

"(After the homicide) I turned to the Bible. "God I don't know if I sinned or not. I was an accomplice after the fact." I gave my life to Christ in jail."

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"I've seen bad things in my life. I've got so much good in me but no one ever let me let it out. I've been on the scum side of the earth and the best side and everywhere in between.

"Life's always been bad.

"I always get screwed in the end. I am always played for a fool. I'm the druggie with long hair and a beard but I'm a good kid. I'm the only kid to help the others out.

"(regarding his transient 25 state life style) The more you see, the more you know and the less you get screwed. I'm really big on wisdom and knowledge. I was way ahead of all the other kids in grade school.

"Every time I get going, I fall back down the ladder. I just don't know what's wrong.

"I ain't no criminal. God let it happen. There better be something real good waiting for me up there."

"No one will ever get into my head. I hate it. At eight they took me to a psychiatrist saying that I was a hyperactive kid, but they found out I was wicked smart. I laughed at the bunch of jerks."

Regarding his family, he reported a deprived, chaotic and abusive background. He said that he would not talk about the kind of father his father was, but that his father had lost a son ("me"). He then added that, "It don't matter no more. He'll get his someday. He'll go to hell." He acknowledged my observation that he was obviously hurt badly by his father, but would not elaborate saying that, "Bu'll never get me to talk about him."

He went on to add that he had not felt good in nineteen years. He told me that he nearly died at one day of age, three months of age, and two and one-half years of age, and was hospitalized all but three months of the first four years of his life (later he said that he was hospitalized all but three months of the first three years of his life) but would not elaborate further except to say that his body just "gave up." He reports having been given last rites three times.

It is clearly possible that this may have caused some brain damage of a chronic nature, but without medical records and further history, it is impossible to say.

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However, he had trouble in school, was bored though, "I'm so bright but I wasted it."

He refused to detail much more in the way of past history, adding at different moments that he was the most important child to his mother, a "little old Italian lady" and that at four he lived at his grandfather's, shared a room with an uncle who was "all screwed up, a bad ass, who's now totally into God." And that at seven his family moved to his grandfather's because his parents could not afford their own house.

In an effort to get some sexual history from Mr. Archambault, he reported that, "Sex is stupid. People exploit it." When I went on to ask him about homosexuality, he responded, "I hate queers. They chased me as a kid. I hate them so bad. If they come near me then there'll be a real hassle."

He later added that, "The devil tempts me with illicit sex."

At a later moment, I asked him about his missing upper incisor tooth and he told me that it was, "punched out by a black nigger at the Capitol (in Denver). We were out jumping queers. Them babies (sic) got money on them. You want money, go jump a queer."

When I asked Mr. Archambault to tell me about the incident with Michael Young in the bar (Toomey's) on October 31st, he replied that, "The dude just kissed the chic. She tells me to get him off so I did. I told him to leave her alone. He did."

"Someone called something to me. It was either Danny Breen or Ron Brumbaugh. I can't remember who or what they said. It was pretty damn bad but I can't remember it."

I asked who Danny Breen was and Mr. Archambault replied that, "He's the dude who screwed the State by leaving. I know where he is. I know alot the cops don't know."

At the end of two and one-half hours, as he again talked about how bright he was and of his I.Q. of 160, I told him that I did not see him as that bright and asked him about the test reports at the State Hospital.

He began to relate about the great doctors at Yankton and how bright they told him he was, adding that they assured him that he was neither criminal nor insane.

I then showed him the test reports and he was immediately crushed and became overtly paranoid as I watched. "Why did they lie to me? Why would they write that?"

He became furious at them and began berating the doctors at the State

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Hospital demonstrating borderline or psychotic splitting.

"All you people. . .you're just like them. 93--below average--bullshit. I scored 164. They told me I was highly intelligent."

Then he shifted again, "I didn't even take intelligence tests. I don't believe it."

In the clinical summary he read, "I haveto testify against two people," and added, "That's right. I haveto." He would not elaborate.

He then changed again and said, "I was wary of him (the doctor) because he talked like a queer."

"I was making it in college. I had a 2.79 average. I would never study and I would pass and get perfect marks. Where does he come off saying I have a 93 I.Q."

Mr. Archambault is an individual with no sense of self. He is very fragile and prone to rapid paranoid decompensation. At his best level of function he functions in a borderline paranoid way.

There is clear evidence of paranoia, probably related to chronic amphetamine and cocaine abuse and severe longstanding underlying character pathology. He demonstrates the grandiose repair of the paranoid individual and demonstrates absent self-esteem.

He is an unreliable and non-credible witness, and by reason of mental disease he is not competent to swear to the oath he would be required to take as a witness.

By mental illness I am referring to the paranoia, and the secondary mental illness after seven years of drug abuse, the acute effects of the drugs on or about November 1st, and the probable organicity that relates from the abuse of drugs and possibly from his mysterious childhood illness.

It is quite possible that the results of any polygraph examination performed on Mr. Archambault would be grossly unreliable because in fact much of what he states as "true" he may believe as "true" but underneath, there may be a delusional and paranoid premise.

Thank you for the opportunity to do this evaluation. Should there be any further questions, please contact me.

Sincerely yours,

Frederick M. Miller, M.D.
Diplomate, American Board of Psychiatry

FMM:dlk

FILED
APR 21 1980
CLERK OF CIRCUIT COURT
LAWRENCE COUNTY, S. D.

By Deputy
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APPENDIX – E
MOTION FOR COURT DOCUMENTS

IN THE SUPREME COURT
STATE OF SOUTH DAKOTA

No. 40CIV24-149

GARLAND RAY GREGORY, JR.
Petitioner/Appellant,

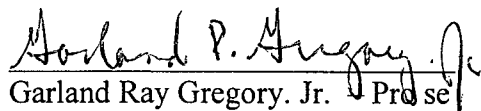
V.

STATE OF SOUTH DAKOTA,
Respondent/Appellee.

Pursuant to SDCL §15-6-34, petitioner request copies of the Order, and any relevant accompanying Affidavit, for change of habeas counsel in Gregory v. State, 325 N.W.2d 297 (1982) No. 13642; and Gregory v. State, 353 N.W.2d 777 (S.D. 1984) No. 14307.

Respectfully Submitted,

Dated this 13th day of June, 2024.



Garland Ray Gregory, Jr. Pro se
Mike Durfee State Prison
1412 Wood St.
Springfield, SD 57062-2238