

# Half a Life in Solitary: How Colorado Made a Young Man Insane



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The story of Sam Mandez is appalling on so many different levels it's hard to know where to begin. Convicted for a murder no one has ever proven he committed, sentenced to life without parole at the age of 18 because the judge and jury had no other choice, confined for 16 years in solitary for petty offenses in prison, made severely mentally ill by prison policies and practices, left untreated in that condition year after year by state officials, Mandez personifies the self-defeating cruelty of America's prisons today.

And yet Mandez is not alone in his predicament. All over the nation, in state prisons and federal penitentiaries, officials are failing or refusing to adequately diagnose and treat inmates who are or who are made mentally ill by their confinements. The dire conditions in which these men and women are held, the deliberate indifference with which they are treated, do not meet constitutional standards. And yet there are [thousands like Mandez](#), symbols of one of the most shameful episodes in American legal history.

## The Crime

On July 26, 1992, an elderly woman named Frida Winter was murdered in her home in Greeley, Colorado. The police recovered fingerprints from the scene and later found some of Winter's

things in a culvert near her home. But for years the investigation went nowhere [in large part because it was flawed in nearly every way](#). Other fingerprints from Winter's home were not recovered. Leads were not adequately pursued. Logical suspects were not properly questioned. At the time of Winter's death, Sam Mandez was 14 years old.

Four years later, the police caught what they considered a break. Fingerprints from Winter's home finally found a match in a police database—and the match was Sam Mandez, who had just turned 18. They brought him in for intense questioning. But Mandez had a strong alibi. He and his grandfather had painted part of Winter's home in 1991, a year before her death. There was good reason for his prints to have been on the window that was broken on the night of Winter's death. Mandez had been in trouble with the law before—but never for a violent crime.

There were no eyewitnesses. There was no confession. There was no evidence of any kind that Mandez had murdered Winter. But there was one other link between them. Among the items recovered from that culvert after Winter's death was a matchbook from a business in Henderson, Nevada. The Mandez family had relatives there. The cops said this proved that Mandez had been inside Winter's house on the night of her death: He had burglarized her home, and thus, under a dubious extension of Colorado law, he was necessarily guilty of first-degree murder.

## The Trial

The trial of Sam Mandez was a travesty. Prosecutors could have processed him through the juvenile justice system—he was only 14 at the time of his alleged crime, remember—but chose instead to charge him as an adult under Colorado's felony-murder rule. That rule is a legal contrivance created by state lawmakers to broaden the scope of murder laws. Under it, any death occurring during the commission of a felony makes every defendant committing that felony susceptible to a charge of first-degree murder.

So prosecutors did not need to prove at trial that Mandez had murdered Winter or even that he intended to murder Winter. They did not need to solve the crime for jurors. What they *did* need to do was observe the constitutional command of [Brady v. Maryland](#), which forbids prosecutors from withholding evidence that could exculpate the defendant. They failed—a critical prosecution witness changed his story at the last minute, but that fact was not disclosed to Mandez's lawyer until the witness had testified. A foul, sure, but no harm, the court [ruled](#).\*

There were other fatal flaws in the trial. The judge refused to allow Mandez's attorneys to fully cross-examine the police about other suspects. This information was not relevant, the trial judge

said with no evident trace of irony, because Mandez had been charged with felony-murder. And then that same judge refused to grant the defense a continuance to obtain the presence of a material witness who was prepared to identify another suspect in the murder. The initial jury vote was 6-6. As Mandez was convicted, one of the jurors begged the defense to appeal.

## **The Punishment**

Under Colorado's felony-murder rule, a conviction required either the death penalty or a life sentence without the possibility of parole. The trial judge, whose dubious rulings had skewed the trial in favor of prosecutors, acknowledged that he had no discretion but to sentence the 18-year-old to life in prison. "We had to follow the law," juror Kim Wise [years later told a reporter](#) for *The Denver Post*. "We really wanted more information about who had looked at these fingerprints because we felt the cops had screwed up the investigation."

So away went young Sam Mandez, to a lifetime-without-parole sentence for what amounted to the crime of breaking-and-entering when he was 14 years old. Prosecutors initially defended their decision to try him as an adult and charge him despite the presence of so many unanswered questions about the case. Ten years later, however, in part because of that *Denver Post* story, investigators opened up the case again, acknowledging some of the initial mistakes they had made. But nothing came of it. At least nothing to help Mandez.

What happened to Mandez could not happen today. Last year, the United States Supreme Court, in a case styled [Miller v. Alabama](#), concluded that the Eighth Amendment prohibits mandatory life sentences for anyone under the age of 18 who is convicted of murder. State laws and sentencing judges, the Court concluded, must [take into account the youth of the offender](#). Mandez's current lawyers have asked the Weld County District Court, where Mandez was convicted, to order such a new sentencing hearing. Their request is pending.\*\*

## **Terms of Confinement**

If this were the extent of the injustice the law has visited upon Mandez, it would be enough, wouldn't it? But this is a story that gets even worse. After being convicted of a crime with which he never should have been charged, Mandez went to prison and was promptly placed into solitary—"administrative segregation," is what bureaucrats call it—for institutional offenses so petty that they almost beggar belief. He made a three-way phone call he wasn't supposed to make. He put his key in a bathroom lock after it was closed for the evening. Even Kafka, even Hugo, did not memorialize such diabolical perversions of law and justice.

**After being wrongly convicted, Mandez went to prison and was promptly placed into solitary for institutional offenses so petty that they almost beggar belief.**

For that, Colorado prison officials in 1998 put Mandez away, in lockdown, where he more or less has remained for nearly 16 years. What happens when you take a young man and confine him in such conditions for such a long period? The young man becomes severely mentally ill. And his illness causes him to act out. And in acting out he gets in more trouble, which justifies his continuing placement in solitary confinement which in turn causes him to act out more.

Colorado officials, including state judges, have known about Mandez's deteriorating condition for many years. Years ago, he was finally classified as "seriously mentally ill." And yet to date, no one has granted him any relief. No one has ordered state correctional officers to adequately treat Mandez's mental illness. And because he hasn't been properly treated he's doomed to fail the test to be released from solitary. "Progression out is contingent on program compliance," the state contends, and "demonstrating appropriate behavior."

## **The Illness**

No one who knew Sam Mendez says that he was mentally ill when he first arrived in prison. Today, having spent nearly half his life locked away for 22-24 hours a day, Mandez is profoundly, indisputably mentally ill. He has told his doctors that he is married to Lyssa Chapman ("[Dog the Bounty Hunter's](#)" daughter), that he was the architect for Denver International Airport, and that he became a Green Beret at the age of 12. He has told doctors that he is the father of 11 children. And so on.

As they push to help their client get adequate medical treatment, Mandez's attorneys asked Dr. Jeffrey L. Metzner, a renowned psychiatrist, to examine Mandez as best he could. In May, after months of work, Metzner submitted his report—a searing look at Mandez's descent into madness. The bottom line? At least eight different psychiatrists since 2010 alone have reportedly diagnosed Mandez as suffering from various forms of psychosis, including schizophrenia, schizoaffective disorder, and major depressive disorder with psychotic features.

Worse, the same Colorado prison officials who through their conditions of confinement have helped make Mandez mentally ill now are unable or unwilling to adequately treat him. In his

report, Metzger noted that prison mental health specialists are focusing upon the wrong thing—Mandez's personality disorder— rather than upon the symptoms of his psychotic disorder." What Mandez really needs, Metzger says, is a long stay at a psychiatric hospital with the right combination of psychotropic drugs.

## **The State's Response**

Naturally, the state disagrees with much of the foregoing. Of the failings of Mandez's long ago trial, as an insurance policy in the event a new legal challenge emerges to overturn the jury's shaky verdict, state officials have told defense attorneys that Mandez confessed in writing to Winter's murder in 2010. But the so-called "confession" letter is not accurate in describing the crime. And it is unlikely that it would be admissible evidence anyway, coming from a mentally ill person who believes he's a Green Beret who hears a woman's voice inside his head.

Prison officials justify Mandez's solitary confinement on the grounds that it has been (and remains) necessary to protect prison staff from his frequent outbursts. In 2010, for example, prison officials charged Mandez with three different assaults until a forensic psychiatrist named Mark Diamond [investigated the matter and determined](#) that there was no way that Mandez could have had the requisite criminal intent to be guilty of the charges against him. Those charges were dropped: Mandez, at times suicidal, was too sick to be culpable.

Colorado also now says that it found a hair on the carpet of Winter's bedroom—14 years after her murder—that links back to Mandez. But the scientific testing of the fiber is not remotely dispositive. The state has taken one positive step recently. Late last year, officials transferred Mandez to a new residential treatment unit for state inmates with serious mental illness. But a new unit alone won't cure his illness. Even in his new home, Mandez still is not receiving adequate mental health care—and he is still acting out.

## **The Film**

This week, the ACLU of Colorado will make public all or part of a documentary it has produced about [the sad arc of Mandez's life](#). As you can see here below, posted for the first time online, it is an advocate's film, a film designed to try to translate the gross injustice that has occurred here into some sort of visual context. It is a film that focuses upon Mandez's mental illness—what is happening to him now—and not upon the dubious circumstances of his imprisonment—what happened to him before.

What you need to do, if you decide to watch this 22-minute film, is to try to appreciate the

difference between Mandez in 1999, when he appeared on video to say goodbye to his dying father, and the Mandez of today, who appears clearly ill. I have been covering stories of mental illness among prisoners [for many years now](#) and this "before" and "after" juxtaposition is quite rare. It shows us, as best we can "see" mental illness, how it manifests itself in a person based upon the conditions of his confinement.

The ACLU's advocacy aside, I defy anyone who watches this film not to come away with a better understanding of just how badly Colorado has botched the arc of this man's life. A terrible, avoidable wrong has occurred here. Not just wrong from the point of view of Mandez. But wrong also from the utilitarian point of view. In what way was justice served by sending this young man to prison for life for a murder even prosecutors don't believe he committed? In what way are prison costs being reduced by the mistreatment Mandez is receiving?

### **Postscript**

Speaking of solitary confinement and film, 40 years ago, the film [Papillion](#) debuted. Based on the true-life story of Henri Charriere, starring Steve McQueen and Dustin Hoffman, it told the story of a young Frenchman, falsely convicted of murder, who ended up at a notorious penal colony in French Guiana in the 1930s. In a film with many dramatic moments, among the most memorable is when McQueen's character, Papillion himself, goes temporarily insane serving part of his sentence in solitary confinement. The scene is iconic.

But it is not fiction. If you watched that film when it first appeared, or even 20 years ago, you would have been able to say to yourself or anyone else that such inhumane treatment of prisoners was part of the civilized world's uncivilized past. That it would not and could not

happen in America. You cannot say so today. We know today that prolonged periods of solitary confinement make inmates insane-- and yet still we permit it to occur anyway, every day, in our prisons and jails. Sam Mandez is just the newest face of this national disgrace.

A disgrace that represents a collective degree of culpability. It takes many people, including many people who believe they are well-meaning, to generate a result like this. We are all responsible for what has happened to this man. We enacted the laws, and upheld the rules, and supported the officials, responsible for his dire state. None of it happened by accident. None of it was ordained by fate. We all did this to him and now the question is whether we are going to do something about it.

Like every other criminal defendant, Sam Mandez deserves a fair sentencing hearing so that the punishment he receives reasonably fits the crime of which he is convicted. Like every other mentally ill prisoner in America today, Sam Mandez deserves to be treated competently and compassionately for his illness by the officials in charge of his care. More than that, Sam Mandez deserves an apology for all that has been done to him-- before, during, and after his trial-- in your name and in mine.

\* Linked here is the opinion of the Colorado Court of Appeals that helped seal Mandez's fate. If you take the time to read it you can count for yourself how many constitutional violations are downplayed or dismissed by these jurists.

\*\* These same lawyers also are undertaking a substantive investigation into the evidence in the case, especially the fingerprint evidence, to see if they also can attack the result here on those grounds.