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MEMO TO THE FILE

CASE: State of Oregon vs. Billy Lee Oatney
ATTORNEY: John P. Manning
DATE: 21 October 1997
RE: need for information

In response to your inquiry regarding the need to speak to an 87 year-old grandmother, I lay out the following position:

- 1) Mr. & Mrs. Oatney shared information suggesting hereditary traits that may include brain damage.
 - 2) The information they shared, attributable to more than one potential cause, needs further analyses.
 - 3) To accomplish analyses, and arrive at the most accurate conclusions, further data must be gathered.
 - 4) Mrs. Oatney has confirmed that her foster/adoptive mother, possesses a plethora of information that would answer questions Mrs. Oatney was unable to respond to.
 - 5) Mrs. Oatney's adoptive mother, who's name she refuses to reveal, is said to be of sound mind and memory.
 - 6) Neither Mr. or Mrs. Oatney were fully forthcoming with either Dr. Cunningham or myself. Combined, we gathered sufficient information to warrant persistent research into the genetic background of both Mr. and Mrs. Oatney.
 - 7) Mrs. and Mr. Oatney are still in denial that their son is even in prison, and need to take
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a more affirmative approach to assisting in the preparation of his defense.

8) They should be discouraged from any further denial, which is hindering the progress of this defense investigation.

9) Should Billy Lee Oatney be convicted, or not, every bit of information sought is vital to the equitable resolution in this matter, and may provide an affirmative defense.

10) We cannot, nor should we, in the zealous defense of our client, permit that his parents continue to withhold information. By doing so, we are enabling their dysfunctional patterns of stress response, namely denial. In our client's instance, their denial could prove fatal to him.

11) They must cough up names and contact information to *all* family members, and I *must* speak with everyone. To placate them by not doing so is travesty, "is to not ensure that all reasonably available mitigating and favorable information, which is likely to benefit the client, is presented to the court,"¹ and grounds for incompetent representation in the event we lose.

I hope this helps in your efforts to persuade the Oatney family members to cooperate with our efforts to save their son's life, and abide by client's desire to be completely acquitted of this crime in the which he professes and continues to maintain his innocence.

1. 1995, Board of Directors: National Legal Aid and Defender Association, Performance Guidelines for Criminal Defense Representation, "*Obligations of Counsel in Sentencing*," pg. 118.