

# MONTWHEELER: Cost taxpayers millions for hospitalization, housing expenses

Continued from 1A

With her body beside him, Montwheeler fled. A store clerk who had witnessed the knifing called police. A pursuit ensued.

After four miles, Montwheeler veered head-on into another vehicle. The collision killed the other driver, a father of five, and injured his wife.

Montwheeler, 49, now sits in the Malheur County Jail, charged with aggravated murder, assault, and kidnapping. He may face the death penalty. He declined an interview.

State officials would not discuss their handling of Montwheeler and the decision in December to free him. Attorney General Ellen Rosenblum ordered them to turn over public records sought by the *Malheur Enterprise* about their decision but they are refusing to do so. *The Oregonian/OregonLive* is publishing this story in cooperation with the *Enterprise*.

Available records establish that Montwheeler ran a medical con for 20 years, insisting to a string of state psychiatrists and psychologists that he was mentally ill.

He did so to evade state prison, where he would be sent if he was convicted of kidnapping his first wife and son in Baker City in 1996. Because he was found to be guilty but insane, he was treated as a patient instead of a convict.

He later testified that his insanity gambit allowed him to live off the public. He cost taxpayers millions for hospitalization and housing expenses as he moved around rural Oregon, working odd jobs and committing one crime after another — all while under the state's supervision.

Montwheeler's circumstances raise troubling questions about the Oregon State Hospital, the state's primary mental hospital, where criminal defendants are routinely sent for diagnosis and treatment. At least eight professionals prescribed Montwheeler medications or therapy over the years at the state hospital.

It wasn't until last year that cracks began to emerge in Montwheeler's scheme. One doctor in April 2016 concluded he was mentally ill. Seven months later, the doctor concluded there was no medical evidence Montwheeler had ever been mentally ill.

The case points to a gap in the legal system. There is no provision — no consequences — for what to do with someone who fakes a mental illness after criminal conduct.

Montwheeler's case also raises serious questions about the state Psychiatric Security Review Board, which supervises about 500 mentally ill. The board cites privacy laws in declining to explain its handling of individual cases. That keeps crucial information confidential even though the board's decisions affect community safety.

Montwheeler's case seemed to jolt those sitting on the Psychiatric Security Review Board. Created in 1977, the board supervises the treatment of adults and juveniles who successfully deploy an insanity defense to criminal charges. Individuals are discharged from board control at the end of their term, when they have no mental illness or are no longer a threat. The 10 board members are appointed by the governor.

The board gathered Dec. 7 to consider a hospital staff recommendation to release Montwheeler. Board members Kate Lieber, John Swetnam and Trisha Elmer listened to witnesses, including Montwheeler, spin out his tale of trickery.

Lieber, a Portland attorney serving as the board's chair in December, said she was "aghast."

But more recently, Lieber would not comment about how Tony Montwheeler had been set loose on an unsuspecting public.

## Father killed mother

Anthony W. Montwheeler's life was ripped apart when he was 6. His parents were divorcing in 1974 when his father took his mother to Bend for dinner. After a night of drinking, Wayne Montwheeler shot his wife, Linnie, in a restaurant parking lot. With her bleeding from a chest wound, he loaded her into his car and drove the 36 miles back to Prineville, parking outside an all-night café. He called the local sheriff to report the shooting, and then sat in a café booth with a friend until police arrived and found Linnie dead.

Tony Montwheeler and his younger brother had been left with a babysitter that day. They went to live with an aunt and uncle from Halfway.

The father initially raised an insanity defense but later pleaded guilty to manslaughter, serving nearly three years in the Oregon State Penitentiary. He later moved out of state and died, according to relatives.

Jim Hildebrand Jr., a cousin



Oregon State Police photo

**Oregon State Police troopers responded to the scene of a wreck January 9 in Ontario. Anthony Montwheeler was arrested at the scene after having stabbed his ex-wife to death, fleeing from police and crashing head-on into another vehicle and killing the driver.**

whose parents took in the Montwheeler boys, said Tony Montwheeler joined the Marine Corps out of high school but was discharged early because of an injury.

He then took a job in 1990 as a corrections officer at the Oregon State Penitentiary — where his father had been incarcerated. He moved to California in 1991 and at some point married Rosa Carrasco.

The events that led to his insanity ruse in Oregon started north of San Diego in spring 1996. In March of that year, Carrasco's sister told police Rosa was missing and she feared her husband had forced her to go to Oregon, according to police reports.

Two days later, Rosa called her family to say she was in North Powder, a small town north of Baker City. She got in touch with the local police to assure them that she was fine.

She was indeed with Montwheeler and just a month later he was holding her at gunpoint in Baker City.

According to police reports, Rosa planned to leave her husband and take their 3-year-old son to Texas. (They later divorced.) When Montwheeler learned of her imminent departure, police reported, he forced his wife into their pickup, tying her with a strap to the seatbelt. He then placed his son and his .22-caliber rifle on the front seat, police reports say.

Throughout that afternoon, Montwheeler threatened to kill his wife and son, police said. After Rosa freed herself, Montwheeler holed up in their home with his son, stepping out at one point to set fire to the pickup truck.

Police finally talked him into surrendering, in part by agreeing to let him share a pizza with his son at the police station. He was charged with kidnapping, arson and use of a dangerous weapon.

A psychiatrist who examined Montwheeler after his arrest concluded he could be held responsible for the crimes, according to testimony last year before the Security Review Board.

In his own testimony, in December, Montwheeler described what happened next.

"The psychiatrist said that I wasn't crazy, there was nothing wrong with me," he testified. "And my attorney advised me to keep that quiet and we'll try to get you another psychiatrist."

After talking to his private investigator, he said, he saw a choice: go the state hospital or the less-friendly confines of prison.

"And all I got to do is make myself sound like I'm crazy. And that's the route I took," Montwheeler testified.

Other witnesses at the hearing cited records indicating Montwheeler was "coached" on mental illness symptoms and had been provided a reference book about mental health that described symptoms.

Neither his attorney nor the private investigator on his case could be found for comment.

At the state hospital, he told the board, he put on an act for his first doctor, reporting "that I was hearing my mother and hearing people that died when I was in the Marine Corps and stuff."

"And all of that was not true?" his attorney asked.

"Exactly," Montwheeler responded.

What sent Montwheeler to the hospital was a second opinion in 1997 by psychologist John B. Cochran, who, according to testimony, found Montwheeler was mentally ill. It's not clear who retained Cochran. Two years ago, Cochran surrendered his state

license while under investigation for professional misconduct in an unrelated case. The state licensing board found that in 2008 he used obsolete tests and misstated crucial facts in evaluating whether a suspect in custody posed a risk to the community if released.

With Cochran's report in hand, a Baker County circuit judge ruled in late 1997 that Montwheeler was guilty but insane. He placed Mont-

**"I didn't want to do seven years in prison with me being an ex-corrections officer. I didn't want to get shanked."**

— Tony Montwheeler

wheeler under the supervision of the Security Review Board for 70 years — nearly three times the usual commitment for such felonies.

Besides avoiding what was shaping up to be a seven-year prison term, Montwheeler later testified how his con had cost taxpayers. The government currently pays \$18,000 a month for a single patient to stay in a secure treatment facility.

"I could take and go and work and I could still stay in the group home and not have to pay rent or anything like that," he testified in December.

"Room and board?" a board member asked.

"Room and board," he answered. "On the state's dime?" he was asked.

"On the state's dime."  
Officials said a day in the state hospital costs the public \$860 — nine times the cost of a day in prison.

He even crossed state lines. He once asked for permission to live in Idaho, he testified, but was turned down because he was required to live in Oregon. He claimed the Security Review Board worked out a compromise, treating an Ontario address as his official residence while letting him live across the river in Weiser.

"That's how it was worked out," he said. "I lived like that for many years."

The Security Review Board declined to address the claim, but records show he did live in Idaho and ran a business there. Montwheeler repeatedly got into scrapes. He was accused of auto theft in Union County in 2003, grand theft in Idaho in 2004, and reckless burning in Ontario in 2005. The Security Review Board returned him to the hospital briefly in 2003 for evaluation but otherwise left him in the community.

He married his second wife, Katie Spring, in 2005 in Prairie City. They had two children and later separated before divorcing in 2010.

That same year, he married for a third time. With his new wife, Annita Harmon, Montwheeler ran a scrap metal business in Weiser, Idaho. A year later, authorities investigated the couple for stealing scrap metal. They were indicted in Grant County and convicted in 2012 of aggravated theft.

Montwheeler was still under the jurisdiction of the Security Review Board for the 1996 kidnapping case, but this time he was incarcerated. He reported in September 2012 to the same prison where his father had been an inmate and where he had worked as a corrections officer. The convictions of Montwheeler and his wife weren't vacated on appeal until after he'd finished his sentence in April 2014.

A month later, the Security

Review Board ordered Montwheeler back to the state hospital.

He tried to get released into the community in 2015, but said he didn't like what the Security Review Board had planned for him.

The board wanted Montwheeler to stay in a secure facility. Montwheeler wanted to live without the tight restrictions. To him, it felt like a step backward from the comparative freedom of living on state hospital grounds in a cottage.

"That's when I had enough of it," he said. He told the medical staff he had no mental illness, that he had been faking it — malingering — for 20 years.

"I've been using the system," Montwheeler testified. "I'm done." The staff dug in to evaluate his claim.

An internal review board concluded in October 2016 that he wasn't mentally ill and hadn't shown any signs since he first said he was hearing voices.

"Since his admission 19 years ago, Mr. Montwheeler has not displayed symptoms of mental disease or defect," the review board concluded in recommending his release.

Dr. Mukesh Mittal, a state psychiatrist, concluded the same thing after a meticulous review of every medical record since Montwheeler first showed up on the Security Review Board's client list in 1996.

Mittal explained that Montwheeler's treatment as mentally ill could be traced back to his "self-reporting" in 1996 of hearing voices.

Cochran's report "formed the basis of the diagnosis ever since," Mittal testified. "And the diagnosis has been carried over by different providers that have cared for him over the last 20 years. However, that is the only report that I have found that mentions psychotic symptoms."

Cochran said in a brief telephone interview that he didn't remember the case.

State hospital officials would not make any of the treating doctors available, citing patient confidentiality.

An incredulous Security Review Board member asked another state psychiatrist, Dr. David Jobe: "Is it simply that he's been here all this time because he continues to endorse symptoms he lied about for 20 years?"

"He didn't endorse any symptoms," Jobe said, meaning he showed none.

That's when Hartman, the state psychologist, testified that Montwheeler was a threat.

Montwheeler's attorney, Harris Matarazzo of Portland, read into the record parts of a state report about Montwheeler that said "if unsupervised in the community it is probable he would engage in substantially dangerous behavior." He said Montwheeler had a personality disorder, not a mental illness.

"To the extent my client may become dangerous, it's due to his personality disorder," Matarazzo said. He reminded the board it had no jurisdiction over people with personality disorders.

Lieber, the acting board chair in December, told Montwheeler he was being discharged. She said, "I'm just a little aghast" at what she heard but that he was getting a second chance.

Montwheeler apologized.

"I didn't want to do seven years in prison with me being an ex-corrections officer," he told Lieber. "I didn't want to get shanked."

Lieber cautioned Montwheeler.

"You can either screw it up or you can do the right thing," Lieber said. "My hope is you'll do the right thing. I am sincerely worried you won't."

## A morning of tragedy

Annita Harmon seemed to be in good spirits, judging by her Facebook posts.

Divorced from Tony Montwheeler for 18 months, she was living with her parents in Weiser and working as a data clerk at Dickinson Frozen Foods, one of the area's major employers.

As she readied to go to work the morning of Jan. 9, she traded messages with the new man in her life.

"I'll treat you like a queen!" he wrote her.

At 6:03 a.m., Harmon replied: "Oh babe you already are."

In less than an hour, she was dead.

Sometime not long after that last Facebook message, sheriff's deputies found Harmon's car running and empty in the middle of a road outside Weiser. Police suspect that Montwheeler stalked her, ran her off the road, and forced her into his pickup truck.

At 6:51 a.m., a clerk inside a service station convenience store in Ontario frantically called police.

A man was stabbing a woman in a pickup truck outside. The killing held eerie similarities to the murder of Montwheeler's own mother.

As police responded, the driver took off west out of Ontario and onto a state highway leading to the countryside. Coming the other way was David Bates, 38, and his wife, Jessica, 35, riding together on their way to work at Ontario's hospital.

Pursued by police, the speeding pickup truck crossed into the Bates' path. The impact crushed the fronts of both vehicles and sent them spinning off the side of the highway, coming to a stop 100 yards apart.

David Bates died at the scene. Police found Annita Harmon's body and later determined she had died of the stab wounds. Montwheeler and Jessica Bates were hospitalized.

While law enforcement officials have revealed no motive, relatives who talked to Montwheeler in the days before the killing say they have a good idea what happened.

Jim Hildebrand, the cousin who grew up with Montwheeler, said that after leaving the state hospital, Montwheeler moved in with his brother in Emmett, Idaho. He told his cousin that his ex-wife had opened credit cards using his name and ran up big debts.

Montwheeler gathered up records he thought showed fraud and went to police to press for prosecution. He posted a photo of himself outside the sheriff's office after filing the report.

"It's done," he wrote.

Whether police investigated couldn't be immediately established.

Montwheeler told another relative that he had dined with his ex-wife and she asked that he drop the charges. The relative said the dinner was a week before the murder and Montwheeler described in the days after growing upset with his ex-wife's text messages.

"He's stable until he's pushed to a certain point," the relative said.

As news emerged of the crime, the Security Review Board released little about its dealings with Montwheeler. Juliet Britton, the board's executive director, told the *Malheur Enterprise* in January she couldn't release any information about him.

She subsequently released the board's orders regarding Montwheeler and the audio recording of the December hearing, which included intimate details about Montwheeler's treatment.

Since then, state officials from the Security Review Board and Oregon State Hospital have gone silent, declining to provide interviews or respond to written questions about the case.

Britton did acknowledge in an email last week that the board has no practice to warn the public when it discharges a person into the community.

The 20-year con at the state hospital did bother Lieber, the review board member who served as chair last December.

"I'm assuming someone in the system might do a forensic look at this and figure what the hell happened," Lieber said at the hearing.

Meantime, Montwheeler has recovered from his injuries. Taxpayers paid for his care, including hip replacement surgery that typically costs \$30,000. He is scheduled to enter his plea April 17 in criminal proceedings that likely will stretch on for a year or more.

His new attorney has already signaled Montwheeler will contest the charges.

His defense?  
He was insane.

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