

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RALPH COLEMAN, et al.,

Plaintiffs,

No. 2:90-cv-0520 LKK JFM P

vs.

EDMUND G. BROWN, JR., et al.,

Defendants.

ORDER

By order filed March 15, 2013, this court, inter alia, deferred ruling on defendants' motion to strike or modify that portion of the Report by Dr. Raymond Patterson, the Special Master's expert, on Suicides Completed in the California Department of Corrections and Rehabilitation (CDCR) in Calendar Year 2011 (Report or 2011 Suicide Report) concerning the total number of CDCR inmate suicides in 2011 and directed defendants to file under seal a copy of the final coroner's report of the death of Inmate HH. Defendants contend that this inmate's death should not have been included in the total of 34 suicides reported by Dr. Patterson, and that certain statistical findings based on that total should therefore be modified.


As the court noted in the March 15, 2013 order, the case review for this inmate's death, set forth in Appendix F of the Report, shows that there is sufficient evidence to support Dr. Patterson's finding that the death of this inmate "was more likely than not to have been a

1 suicide.” Order filed March 15, 2013 (ECF No. 4394) at 3 (citing Report at 282-290). Included
2 in Dr. Patterson’s findings is a statement that “the coroner’s report did not state a manner of
3 death.” Report at 284. In a response filed by defendants with their objections and motion to
4 strike or modify the Report, defendants’ expert, Dr. Joel Dvoskin stated that this death had been
5 “declared a homicide by the coroner.” Dvoskin Response to 2011 Suicide Report, attached as
6 Ex. 1 to Declaration of Debbie Vorous (hereafter Dvoskin Resp.), filed February 11, 2013 (ECF
7 No. 4326-6), at 26. The court determined that this discrepancy had to be resolved prior to ruling
8 on defendants’ motion to modify the findings concerning the rate of CDCR inmate suicides in
9 2011 and therefore directed defendants to file within five days copy of the final coroner’s report
10 for this inmate’s death under seal and to provide a hard copy to the Special Master. Order filed
11 March 15, 2013, at 15. Defendants have now complied with that order.

12 The document filed by defendants in response to this court’s March 15, 2013
13 order to file “the final coroner’s report for this inmate’s death” is the autopsy report described by
14 Dr. Patterson at page 284 of the 2011 Suicide Report, accompanied by a cover letter transmitting
15 the autopsy report to the CDCR. The relevant contents of that autopsy report are accurately
16 described in the 2011 Suicide Report. The autopsy report does not declare the death a homicide.

17 For the reasons set forth in this court’s March 15, 2013 order, Dr. Patterson’s
18 determination that the death of Inmate HH was “more likely than not a suicide” is sufficiently
19 supported by the evidence. Defendants’ assertion that the coroner declared the death a homicide
20 is not so supported. Accordingly, IT IS HEREBY ORDERED that defendants’ motion to modify
21 the total number of inmate suicides in the 2011 Report and the statistical analysis flowing
22 therefrom is denied.

23 DATED: March 21, 2013.

24 
25 LAWRENCE K. KARLTON
26 SENIOR JUDGE
UNITED STATES DISTRICT COURT