

Schizophrenia, Mass Murder, and The Law

F. H. Kahan¹

The Crime

Driving along a northern Saskatchewan highway between North Battleford and Prince Albert, the senses come alive to the fragrant smell of alfalfa, blue pools of blossoming flax, and vast rolling fields of yellow rape. Here and there clumps of bushes grow around farmyards and sloughs, sometimes hiding them from view. In the distance is a lake. A deserted board and plaster home leans to the ground. Gophers scamper across the road.

This highway leads to Leask and joins up with another highway to Shell Lake, both villages in farm-populated communities in northwestern Saskatchewan where many families have lived most of their years, their lives entwined with their neighbors', many of them interrelated.

Shell Lake, a community of about 250 persons, has one hotel, a cafe, and a beer parlor. The main street is unpaved. Nearby is a park with cabins, a beach, and a nine-hole golf course which attracts people from as far away as Saskatoon, 90 miles south.

1. 2716 Sinton Avenue, Regina, Saskatchewan, Canada
S4S 1K1

This report is based on personal interviews, medical records, records of interviews by psychiatrists and police with Victor Hotfman, and newspaper stories in the Regina Leader-Post and the Saskatoon Star-Phoenix.

Not far from this village, a farm family of 10 lived quiet unassuming lives in a tiny, white five-room house. James Peterson, 47, was, like most farmers in the area, "an ordinary average guy, a nice fellow." He worked 480 acres on his mixed farm and attended the Anglican Church with his wife and children, aged one to 17. The oldest, a daughter, had married in July of that year and was living in British Columbia.

It was haying time and Mr. Peterson and W. J. Lange, a neighbor, had arranged to begin operations at 9 a.m., Tuesday, August 15, 1967. Mr. Lange arrived at the appointed time and opened the door to the Peterson home to kid Mr. Peterson about sleeping in. It was then he saw Mr. Peterson's body by the kitchen door.

Mr. Lange found the keys in the Peterson 1957 station wagon and drove four miles to the nearest phone to inform the Royal Canadian Mounted Police in Spiritwood, about 20 miles away. On the scene, Cpl. Barry Richards, of the Spiritwood R.C.M.P. detachment, found slain members of the family in their beds, one girl with both hands under her head. The mother and baby were found in the backyard under an open window, shot in the back. Cpl. Richards noticed a

movement on one of the beds and discovered four-year-old Phyllis, who was unharmed. He took her outside.

The next day the whole world heard of Shell Lake, Sask.

In a short time eight R.C.M.P. officers were searching the long farmyard grass for clues on their hands and knees, working through the heat of the afternoon and into the night on the farm between the blowing pines. They were soon joined by officers from all over the province.

Phyllis was taken to the home of an uncle three-and-a-half miles from her home. Her oldest sister and her brother-in-law came as soon as possible from British Columbia to be with her. Phyllis had told of hearing loud bangs when she was sleeping, and then snuggling down next to her sister, Jean. When the police officer arrived, she was sleeping between two of her slain sisters.

Inside the house, police found boot marks on the kitchen linoleum and cut these off for evidence. From the lead bullets collected from the bodies, they deduced that the weapon used was a Remington gun.

The hunt spread out throughout the area in an ever-widening circle. All firearms in the area were checked, but between Tuesday and Friday the slayer had not been found. Homes as far away as in the city of North Battleford, about 100 miles from the scene of the crime, were locked at night. On Friday a resident of the area walked into the Royal Canadian Mounted Police detachment office at Shellbrook and said, "My neighbor's son just got out of the mental hospital and he likes guns and is a good hunter."

A short time later Cpl. Charles Nolan, known as a "big, placid policeman," and several other policemen drove down the narrow winding highway toward Leask. Four miles from the village they turned down a country road and onto a trail winding through bushes and into the farmyard of Mr. and Mrs. Robert Hoffman.

The Accused

In July, 1971, when the author visited the Hoffmans, the buildings were unpainted and the yard was cluttered with machinery and granaries which had the look of neglect. In 1967 there were many things Mr. Hoffman had had in mind to improve the place. But suddenly, that Friday afternoon, his life was changed.

Sitting in the living room of the clean farm home, Mr. Hoffman recalled the events of those days with a sadness in his voice.

"They were all here, the police, standing here," he said, "standing different places on the other farm, but it didn't seem to bother Victor any, he was the same as always."

Cpl. Nolan was looking for a Remington gun and a boy who liked guns. The police asked Mr. Hoffman if he had a .22 on the yard. He said, yes, he did. But this was not unusual; every farm has a .22. They asked if he had a boy, and of course, he did. Rubber boots? Yes. But everybody has rubber boots.

The police asked to see the gun. It had a Remington barrel and a Winchester stock. Nothing suspicious; perhaps just another blind lead. Later, Cpl. Nolan told Defense Counsel G. E. Noble, of North Battleford, "Well, it was a Winchester gun and they told us it was a Remington. Then I saw the rubber boots and I thought, maybe I'd better take them."

The boots matched the prints left in the Peterson home.

The police came back and went out to the field where Victor was on the mower. Then they arrested Victor Ernest Hoffman, fifth of the Hoffman's seven children, on a charge of murder.

In a thorough search, in a bushy area two miles from the Hoffman farm, they found two wallets belonging to members of the murdered family. On the farmyard they found a pull-through gun cleaner saturated with an abrasive material. They searched the house and even took clothes belonging to the

Hoffman's youngest child, a 14-year-old boy.

Victor's lawyer speculates now that, if Victor had changed the hammer marks on the gun, or thrown away his rubber boots, he would never have been identified as the murderer.

Victor grew up in an ordinary family of devout Lutherans. His father is German and his mother Ukrainian. Like other farmers in the district, the Hoffmans practice mixed farming, grow hay, and raise cattle. They follow the routine of the seasons, and only occasionally take a holiday.

They keep the Sunday holy, and feel that everyone in the district is a friend.

"All here are our friends, everybody," says Mr. Hoffman. "We live in a nice district and the people are very nice. We are well-known here."

To his parents, Victor was an excellent farmer, a hard worker, and a responsible person. He did not seem different to them than their other children. He walked at the age of nine months and talked about the age of 10 months. He seemed healthy, quiet, shy, and able to amuse himself.

He started school at the age of six but had to repeat grades three and nine. He had one close friend but remained reserved and a loner. He did not drink or smoke, and occasionally attended the Lutheran church to please his father.

"Victor went right up to grade nine," said his father. "If anyone were on the mental side of life he would not be able to take grade nine. The principal one day — well, something happened there, you know, he started to play hookey when he got to be in grade nine and I guess something was going wrong. The principal asked why Victor wasn't coming to school. We talked for awhile and the principal said Victor is no trouble, he is very good in school, and he'd have no trouble going right up to grade 12. But then something went wrong.

"As far as being smart, he was just as smart as the rest of the boys. He used to work here and fix bicycles for our neighbor's boys and what they couldn't do he could. But the police and the detectives, they had it written that ever since childhood he was on the mental side. He was not.

"He farmed on the other farm there, it is very awkward to put in a crop. You know, it's got bends and crooks. He figured it all out himself, and he did it just a couple of weeks before all this happened, and that was in spring. He made a wonderful job

putting in that crop. If there had been something wrong with a person he couldn't do it. But it went just like that," he said, snapping his fingers. "There were about three weeks when I knew there was something badly wrong, he got worse and worse, and finally we took him to Prince Albert. It was the first time we had taken him to a doctor for mental illness.

"When the police came to arrest him, I was surprised. Then I thought, if the boy had done that, it's no more than right. But then I didn't want to see a thing like that happen. But it did happen."

The Devil and The Angels

Unknown to his parents, according to his medical reports, Victor Hoffman has been schizophrenic most of his life.

Victor told examining psychiatrists that he first saw the Devil when he was six — a creature about six feet tall, black as night, and with a long tail. He also began to feel he was in the middle of being seduced by Satan and God. He sometimes heard tapping sounds and would awaken at night to a drumming sound that went faster and faster.

When he was about 10, he began having strange experiences and daily impulses to kill. He had impulses to kill strangers when he met them. He never told his parents about this, nor did he discuss any problems with them. But he directed his impulses against animals, and began torturing a cat.

Once he caught a cat by accident in a magpie trap and threw it into a smokehouse. He left it there for three weeks but then took

it out and let it go because he felt sorry for it. However, he continued to club cats, stomp on them, and hurt them in other ways. He killed dogs and enjoyed hunting wild game. Killing animals made him happy, "like it makes any sportsman happy." Once he beat up a young boy and kept on beating him. The boy was not to report this to his parents. He killed all the squirrels in the area, several hundred of them, "nice little tanned squirrels," he told the psychiatrists.

One day, while having breakfast, he heard voices. He heard the Devil calling him and when he went outside, he saw a man about 6'6" tall who weighed about 300 pounds and looked like a pig. He didn't have any clothes on. The Devil told him that he would make him very rich if he would bow to him. Victor at first did not want to do this, but later knelt on one knee thinking this would make him half as rich. He did not become rich, however, and he thought that this was because he refused to bow to the Devil. Since then he saw the Devil about 20 times, the last time before the murders, at the foot of the house. He also saw disembodied cold hands floating across the room and then felt them touching him on his neck and body. These hands had visited him several times before.

The Devil one day helped him pick berries, but was not very good at it. He "pulled the vines off the berries."

Shortly after he first saw the Devil, Victor also began to see angels. They looked like human beings, were dressed as women, and often talked to him. They did not appear as frequently as the Devil. One guardian angel tried to protect him and told him many times that he must not kill crows. Once, when the Devil attacked her, Victor suddenly found himself with a sword in his hand and found himself attacking another smaller female angel. He told the angels not to tell his parents but apparently, he reasoned, they must have as when he came home he was severely punished. Occasionally God and the angels told him that he could not make any plans because only God can do this.

Victor had a craving for stealing guns and ammunition and at the ages of 15 and 17 he broke into a store at Leask. The second time this happened, a neighbor found the ammunition he had stolen and told the police. After a day in jail he felt he was cured of stealing guns. On these two occasions, he heard a tapping sound when he went to sleep, which went on for several weeks.

One night he saw something at the foot of his bed. He reached for it and then fell backwards and fainted. When he woke up it was gone. He had never had "fits" before.

The Devil kept approaching him and asking him to sell his soul, and threatening him that if he didn't follow his advice he would die a million times in his life.

Once Victor got a message from God and the angels who promised him that they would take him to heaven but only if he caught the Devil and destroyed him. About 1964, when he was 18, he caught the Devil but, because of a terrific smell, he let him go. When he was 19 he tried to shoot the Devil in the air. Once he threw a net on the Devil and took away his magic, but the guardian devil gave the Devil back his magic. This was when the Devil took a shiny stone away from Victor. The guardian devil came up behind Victor and threw him down, using Judo. Then he picked him off the ground and the big Devil got away. Victor never told anyone about this. No one would believe him. They wouldn't listen to him, anyway. But these things, he admitted, bothered him enough to tell anyone about them who would listen.

In school he was a very poor student because he did not or could not study. He could not concentrate and was not interested in anything except hunting or playing.

At home he was quiet and withdrawn, but toward the end of May, 1967, one day, he began to "talk in circles" and couldn't remember much. On the morning of May 27, his mother heard a shot, like a rifle being shot straight up in the air, then another shot. She

went out to Victor but when she was halfway there, he fired again and said to her, "I shot the Devil."

"Please do not shoot," she said. "Give me the gun."

He went into the house with her and left the .303 rifle in her room. That day he was physically ill from a chemical used for treating grain for smut.

He then took the car and drove away, and when he was gone his mother and other members of the family hid all the guns in the house. He returned half-an-hour later and asked where the guns were. When told he could not have any, he said, "Nobody will get hurt," and went out again. He came back shortly and said he wanted to speak to Pastor Post. The Pastor came to see Victor that afternoon.

"That poor guy," said his father. "I guess he called for help. I guess he didn't know which way to turn."

Mrs. Hoffman could not hear what Victor and Pastor Post were talking about, but when they were standing by the car, as the minister was leaving, she heard Victor say, "I'd like to kill mom."

In Hospital

The next day arrangements were made to have Victor committed to the Saskatchewan Hospital at North Battleford. A Prince Albert psychiatrist at the Mental Health Clinic had found Victor to be a "schizoid ... in the state of acute schizophrenic reaction," who needed to be hospitalized. He had recently become more disturbed, stated the report, when driving the car up and down the road for no reason. Victor promised to sign himself in as a voluntary admission. He was admitted May 29, 1967.

When admitted, Victor, according to his hospital records, was very sick physically and mentally and complained that he could not work any more. He talked to himself periodically and laughed when alone. He was concerned whether he was a boy or half girl.

God had told him he would go to heaven.

He said he had stomach cramps and burning sensations.

The records stated that Victor was fairly cooperative during examination but appeared withdrawn, apathetic, seclusive, vague, and indifferent. His answers were short and he had to be prompted. Although he helped his father on the farm, he said he was not able to get along with his parents, brothers, and sisters. The brothers and sisters, he said, were never able to understand him. On several occasions he had mentioned to them about seeing the Devil, but instead of explaining it to him they laughed.

He said he was somebody else because the Devil put another brain in his body as a special kind of punishment for refusing to sell him his soul. The brain in his skull, he thought, belonged to a girl named Denise who now wanted his body in order to be herself. He hated her for this. Because of all these happenings, he would like to be an "eternity death."

He was preoccupied with sex, masturbated every day, was fatigued and weak, and suffered from sleeplessness without any remorse, he said he had always been very cruel to cats and dogs and used to kill them because, in his opinion, there were too many in the world. He reported his visions to the doctor but was told that these were merely illusions. He denied this and said that he was able to touch the Devil and angels and once, in a fight with a female angel, he even tore off her blouse. But he saw that if he kept saying he saw devils, he would never get out of hospital.

He believed that people at home and in the neighborhood talked about him behind his back. Although he seemed correctly oriented and his memory was unimpaired, he lacked insight and judgment. He was diagnosed as "schizophrenic disorder," chronic, with uncontrolled symptoms and severe social handicaps. He was started on a series of 12 ECT, tranquilizers, occupational therapy, and supportive psychotherapy.

After the second ECT there was a marked improvement. He was more pleasant and less withdrawn, but was still delusional and preoccupied with sex. He felt happy because he had stopped masturbating.

After the fifth ECT he was more cooperative and sociable, and stated that his ideas of seeing the Devil and talking to him were probably just his imagination. But he said that he still had magic powers and wished that he were more human instead.

After the ninth ECT not much change was noted but his father, who visited him, claimed he was his usual self. After the 12th and last ECT, although he appeared doubtful about all the happenings with the Devil and angels, he still believed at times that the black Devil was with him. He said that if he were discharged he would try again to catch and destroy him.

Later he said that for the previous two days he had concluded that all his ideas about the Devil were only his imagination. In his belief, he had never been so clear in his mind and thought he was ready to go home and enjoy life better because now he was not scared at all.

He remained cooperative, pleasant, and sociable, but still inclined to be seclusive at times. He considered himself free of the Devil and was happy about this. But killing was still on his mind. He thought of his brothers as being dead and of killing his parents and sisters and classmates at school. Not that he hated them, he told psychiatrists later. He told a patient that he was going to kill someone, but he had no reason, he said, to do this.

The hospital psychiatrist called Mr. Hoffman in one day and told him that Victor was schizophrenic but was not "too bad." Mr. Hoffman did not know the meaning of the word except that it meant a mental disorder where the patient has difficulty controlling his mind. He later looked the word up in a dictionary.

He asked the doctor how long it would take Victor to become well.

"Maybe a year or two," was the reply, "and he'll be just as good as ever."

However, on July 26, 1967, Victor was discharged to his father on tranquilizers.

The parents tried to keep track of Victor's

medication, but Victor complained that the pills gave him a backache. Victor slept a lot. more than was normal, but his parents wanted him to sleep, hoping he'd be all right after he was rested up.

"He was doped up with those pills very bad," said Mr. Hoffman. "He didn't talk much. Whenever you asked him something he'd answer, otherwise he was quiet."

At Home

When he came home from hospital, Victor knew something was going to happen to him. In hospital a patient had told him he was going to commit murder three weeks after being discharged. The boy, Victor thought, must have had visions. Victor himself had a lot of visions. He remembered things happening before they happened. It was like reading the future. He sometimes dreamed of killing people, day dreams and night dreams.

He was glad to be home but had a hard time getting used to the farm. He was weak, his parents had missed him, and he was needed for farm work. His parents had visited him regularly in hospital.

He started being without medication about August 8. However, his father said he had more pills left than he was supposed to have had.

Victor felt he was fine until August 11. That day, a Friday, he knew something was going to happen; that he was going to jail or mental hospital. He didn't want to go to either place, but he especially disliked the hospital.

"When he came out of hospital," his father recalled, "he said he would sooner die than go back because he couldn't stand the shock treatments. It was too much. At first, he said,

the treatments didn't bother him because of the state he was in. But after he began to come out of it, he began to feel the effects more."

Every day after August 11 he would imagine that he was going to kill somebody. He would think about it as he sat on the tractor. He wanted to kill. He wanted to kill his brother, but he didn't. For years, he said, he had had those thoughts. When he told his friend on August 11 that he wanted to kill somebody, his friend and his friend's brother, who heard him, said he wasn't the type. Victor couldn't sleep.

Saturday, August 12, the thought of killing was on his mind. He thought that if he could kill he would demonstrate to the Devil that he could be on his side, that this would bring him closer to the Devil.

Victor spent August 14, 1967, on the tractor summerfallowing. It was the usual quiet day.

About 9.30 that night he lay down on the sofa and fell asleep. His parents awakened him about 11.30 p.m. and sent him to bed. He fell asleep, but awakened again at 3 a.m. and went outside to urinate. He came back in, lay down on the sofa, could not fall asleep, and began to imagine things.

He had always been able to imagine many sorts of things, he said later, and found this very amusing. For example, he would imagine going deer hunting or working on the engine of the car.

Since he could not go to sleep, he went to the garage. He saw a dog and had the impulse to kill it, but didn't. He worked in the garage for one hour and then found that he could not work anymore. He therefore paced up and down until, when he reached the door, he suddenly had a strange feeling on the right side of his head. It felt as though his whole body had been cut in half, and something had left him.

He felt no pain. It was more like pleasure and a very powerful impulse to kill came upon him. He thought of killing his own parents, as he had often thought in the past.

This time he put gas in his car, loaded up his .22 rifle, put it in the back of his car, and drove off into the night.

As he was driving, a mile from home, he saw a hawk which flew across the road and landed on a pole. He had an impulse to kill the bird, but did not kill it and went on driving.

He decided that he would drive one hour and then go home in time to do the chores. He was looking for spruce so he could hunt squirrels in the winter time. Squirrels live in spruce, but he couldn't find spruce, and a thought popped into his mind, the thought he had had since he was 10. It was to kill people, not animals. He saw many houses along the

road and felt impelled, as he passed, to stop and kill, but he kept right on going. About six in the morning he came to a farmhouse where the urge was particularly strong, but he was able to resist it and went on to the next farmhouse. He looked at the house and saw nothing unusual about it. He stopped and went in.

When he entered the house, he was startled to find he had been there before, although he never had. He recognized the kitchen because he had seen it in a dream.

He walked into the house, he told the police, and "saw this guy sitting on the bed and saying, Who is it?" He kept on saying that and when he saw the gun, he jumped on the bed and Victor shot him.

"If he had talked quiet," Victor told the late Dr. D. G. McKerracher, head of the psychiatry department, University Hospital, Saskatoon, "and told me I was wrong, it would have been all right. He could have helped me and I wouldn't have killed him, but he tried to stop me."

Mr. Peterson jumped off the bed and kept coming at him. He grabbed Victor by the neck, but Victor kept on shooting at him. Mr. Peterson's body was later found to have 11 gunshot wounds.

"I was a little scared when I shot him," said Victor, "but I wasn't sorry."

By now, the other members of the family

were awake.

The people did not look like people to him. They "looked like pigs" and he had "no respect for them." Two girls screamed, "Don't shoot me, I don't want to die," and they ducked beneath the covers. He shot them, and his head was spinning. But as he had already committed murder, he kept on shooting. No sense stopping now, he thought.

He then heard Mrs. Peterson jump out the window. He went outside and shot her, shooting from the hip. She had the baby with her.

He then went back into the house and shot the girls. They were, in his words, still screaming and making funny noises. They didn't die, the "bullet in the head just didn't want to kill them. I didn't want to shoot them anywhere else, I wanted to shoot them in the head because I could cut the head off and take it with me, then I'd have them bullets with me," he told police.

He decided not to cut off the heads because he realized some of the bullets had passed through the bodies and were imbedded somewhere in the wall.

He had killed them all so they could not identify his license plates when he drove away. He spared Phyllis "because she couldn't identify me anyway — I only saw two girls sit up in bed."

He heard the baby crying and went to the window and looked out. The baby was on the ground — the mother had fallen — and he asked himself, what will happen to that baby? Then he shot it. He didn't want to shoot the baby, "I hated myself for shooting it ... I didn't want it to suffer, maybe nobody would find it for three or four days. It would starve."

After he shot everybody, he remembered seeing it all in a dream before. He had dreamed it in hospital and a couple of times at home, during his sleep.

Then he started looking for the cartridge cases. He walked everywhere looking for cartridges. He even shook the blankets looking for them. He picked up 17, and put them in his right pocket. He took a jar full of shells that was in the house, and \$7 from the wallets he found.

Victor had never been to Shell Lake before.

He drove home, feeling sick and thinking he would have to shoot himself, but he didn't know where to shoot himself so he "would die quick." He

saw how hard they had died, and they didn't want to die.

He got home around 7.30 a.m. His parents were up and his father asked him where he had been. He said he had gone to the other farm. He felt sick. He didn't think it was wrong to have killed anyone, not then. The Devil had made him kill them and he was "kind of scared" of the law and had hidden the two purses he had taken from the house. "I would be in trouble if I was caught. I would be put in jail and I didn't want to go to jail. I don't like being locked up," he said later.

At home he took the gun out of the car and leaned it against the garage wall. His mother saw him and scolded him for getting up so early and driving. His father gave him "heck." He felt miserable. He realized that he would cause pain to the family.

He milked the cows, but had a hard time because of the murders. He was crying inside. He couldn't eat breakfast. He choked down the food, then paced around outside. He was scared. Then he knew that the killing impulse was cured and he would never be able to kill again.

That day he felt rotten. He kept calling himself a murderer. He thought that the police would find the gun. He thought they would do ballistic tests to prove it was his gun. He went to town and bought ammunition. He planned to shoot out the ammunition through the gun to change the bore so that the bullets couldn't be fitted to his gun, but his brother had taken the gun to the other farm.

He didn't sleep well nights. His mother said, "There has been a murder at Shell Lake." She had listened on the phone and

heard a neighbor say that he, Victor, was the murderer. Victor didn't know what to do. He thought of running, "but it wouldn't do any good."

Friday the R.C.M.P. came in three cars. They took his gun and his rubber boots. He argued. He didn't want them to take his boots. He wanted to put the boots on the emery in case he left footprints. The police asked him if he had ever been in Shell Lake and he lied. But the police talked "nice" to him, he said later, "just like a human being."

By this time, he was really frightened. He knew now he would be caught because he hadn't fixed the gun. He should have filed the firing pin, he thought, then they couldn't have proven that the gun was the murder weapon. "I couldn't think straight, I was too worried, too sick," he said.

It would have been difficult for him, anyway, to evolve a successful escape plan because his mind ran away a lot.

"I have a rare imagination. I imagine wealth, trapping, hunting, prospecting, airplanes, and wars. I would like to be in wars. I don't read much. I read men's magazines about hunting, crimes, and wars. I like crime stories on TV but I haven't liked TV since coming home from the hospital."

Friday night Victor was really frightened. He was shaking. He knew the R.C.M.P. would come and get him but, in his own words, his parents "were good parents and told me not to worry." Saturday, the police came to the field where he was cutting hay. His brother was driving the tractor and Victor was riding the mower. The police took him to an office in North Battleford. They told him they had the murder weapon. Victor acted surprised, but he didn't say anything. But 10 or 15 minutes later he broke down and told them what had happened.

"Have you ever wanted to do anything like this before?" the police asked in a tape-recorded interview which was admitted a few months later as evidence at his trial.

"No," he answered, "just those few minutes there; it just popped into my mind, just like that, do you think I could get rid of it? No, sir; I just went and done it anyway."

"Is there anything else you want to tell us, Victor?" the police asked later.

"Just that I know I'm sick in the head; but I can never kill again, I know that."

They locked him up.

Victor felt sick. Sunday his father came and said he had lost a son. His father was sick, too. Victor cried. Monday he was fingerprinted, and appeared in court, feeling sick, almost crying. He has felt sick since.

"If I had had someone to talk to, I wouldn't have committed murder," he told Dr. McKerracher. "I could talk to Mr. X., a patient at North Battleford. I told him I would commit murder, he told me not to do it. I knew when I left I would commit murder... I feel guilty. I am scared, I will spend the rest of my life in prison, I will never see the outside world again. I would prefer to be hanged but the cops said they don't hang anybody in Canada anymore. I didn't know what I was doing. I didn't know how I started to do it. My mind was blank, it was kill, kill, kill."

Probably, he added, the Devil wanted him locked up as he had told Victor many times he never wanted him to have anything. He didn't know why the Devil picked on him.

Following Dr. McKerracher's examination, Victor Hoffman was found fit to stand trial on a charge of murdering James Peterson. Preliminary hearing was scheduled to begin October 24 and Victor was to remain in Prince Albert jail until that time.

By this time, the name Victor Hoffman had gone around the world. The Hoffman family was in the limelight. They began getting letters, "wonderful letters from Shell Lake, they were all sorry and we didn't have one letter that had anything bad in it, only from the family of the family that was murdered," said Mr Hoffman. "You can't blame them. The threatening letters from Shell Lake didn't

bother me, I put myself in their place, thinking about it, maybe I'd have felt the same way as they did, but then you never can tell what people will do."

Cpl. Nolan began dropping in at the Hoffman farm during those trying days, sometimes with his family on a Sunday, often in the evenings and sometimes during the day to protect the Hoffman family from possible harm. In a large Canadian city, a member of the family was persecuted by fellow workers.

Otherwise, said the father, "people all understood."

The Lawyer

G. E. Noble¹, a tall, outgoing grey-haired lawyer who had been in practice for 18 years, was at his cottage at Jackfish Lake, about 20 miles north of North Battleford, when the murders occurred.

"Things were a little tense in this area," he said. "We were locking our doors and nobody was going out alone in the car and we didn't know whether whoever it was, was still loose."

"My first reaction was that probably there was something wrong with him, and that was before I even knew he had been in the hospital."

Mr. Noble was appointed by Judge J. M. Policha to act as defense counsel for Victor Hoffman, and that was when he began to study the strangest case that had ever come before him, in a community shocked by the horror of the crime.

"I think the first reaction was, 'Well, how could you get involved?'" he remembered. "But I think that by and large the public understands better now the role of the defense counsel — an understanding that what we do is not necessarily what we think or agree with. It is a question of giving your client a chance. We knew perfectly well that he had done it, and everybody else knew that he had done it so they saw, when we raised the legal defense, really a kind of technical thing, that

1.Sallows, Osborn, Noble, Wilhelm, and Wolcsyn, North Battleford, Sask.

that was what the defense counsel was for, as opposed to the kind that you see on TV, tricksters and shysters."

The Saskatchewan Hospital, North Battleford, is a large custodial-type institution situated across the Saskatchewan River three miles from the city. Mr. Noble was aware that it might suffer, and decided not to make it a scapegoat for purposes of the defense. Privately he felt that it "had really boobed" letting him out; on the other hand, one mistake shouldn't destroy the hospital. I tended to lay off the hospital and I think that a lot of people at the hospital appreciated that; people who work there and people who are interested in reforming the thing rather than bludgeoning it from the outside."

Before this happened, Mr. Noble didn't know much about psychiatry, and was concerned about his own ability to grasp the situation. As a result, he did a tremendous amount of preliminary work. One of the first things he did was to ask the North Battleford hospital for Victor's records. Dr. M. Demay, who was then Superintendent of the hospital, stated that he couldn't release the records but would consult Dr. C. Smith, Director of Psychiatric Services for the province. Dr. Smith gave his consent.

It was obvious from the records that the accused was seriously ill at the time of the crime. Mr. Noble's primary concern, however, was that he had to overcome the reaction to the terrible violence that had occurred, "the fact that there might be a reaction against what Victor had done no matter how sick he was. There had been one or two incidents of people who had been in the hospital committing violent crimes. Not necessarily murder, but we had had about a year before this a rather violent rape on a 14-year-old girl.

"I thought that unless we got his illness across clearly and in some detail, we wouldn't overcome what I considered to be the danger, which was that people might say 'we are fed up with those people being let out

of hospital and going around killing people, and we're going to say in effect, the hell with it, and convict him."

So it became important to him to make the jury understand how sick the accused was. The rule of thumb he used, he explained, was that if he didn't understand it, then there was no way he would make the judge and jury understand it.

"I had to put it within the framework of the law, but in criminal trials the basic principle is, and I think most defense counsels agree with that, that you must get the facts straight, as clear as you can get them to the jury."

A major problem was that years of conflicting and unproven theories had succeeded in thoroughly confusing the public about the nature of schizophrenia. Many people still regard schizophrenia as a split personality or as a mental illness occurring in weak people who cannot handle their problems. Professionals, governments, and lay people alike regard it as an incurable condition with which patients, families, and society must learn to live. For Mr. Noble, it was a question of where to begin to present an unmistakable and credible picture of a man governed by his illness.

It seemed to him that there was no point having Victor examined by the hospital psychiatrists who had discharged him. If they admitted that they had made a mistake by letting him out, they were saying in effect they were responsible for the crime and, of course, they would not admit that. He felt, therefore, that it was important to have the opinion of a psychiatrist not associated with the hospital.

His search was made easier by his previous experience with psychiatrists as a member of the review panel to which patients applied for release from commitment under the Mental Health Act.

He already had reports from Dr. McKerracher and Dr. B. O'Regan, also of Saskatoon. On Dr. Demay's recommendation, he phoned Dr. Abram Hoffer, private psychiatrist, in Saskatoon. By this time, Dr. Hoffer was interested in the case because Saskatchewan had never had a crime of that magnitude before.

"I had really got to him," Mr. Noble mused, "I suppose because Dr. McKerracher had diagnosed Victor to be schizophrenic, and I knew from reading that Dr. Hoffer was sort of an expert. It was obvious to me after talking to him for five minutes

that he was going to make a very excellent witness, as he is very facile with words. Then I began to realize there was quite a difference in his approach. He gave me the book **How to live with Schizophrenia**² and of course when I read that I got a far greater insight into it. I did a lot of research with respect to the law because although at that time I had handled 12 or 13 murder trials, I had never had any of that kind."

In his preliminary investigation, Mr. Noble could not find any history of mental illness in the Hoffman family, nor could the Hoffmans themselves recall any. He found in the parents complete bewilderment that one of theirs could be mentally ill.

"They didn't comprehend it. It just never occurred to them. Later I put Mrs. Hoffman on the stand and she was a beautiful witness because she's completely unsophisticated. I was trying to get incidents from her of very unusual behavior, and her evidence coming from this little unsophisticated Ukrainian lady with the high strapped pumps and the blue socks, you couldn't imagine her telling a lie. I was very proud of her and thought she showed courage because she talked about it freely and never held anything back, though I never questioned her."

The Tests

The lawyer had some difficulty making arrangements for Victor to be brought from Prince Albert to see Dr. Hoffer who wanted him in Saskatoon for two days, one day to

2. **How to Live with Schizophrenia**, by Abram Hotter, M.D., Ph.D., and Humphry Osmond, M.R.C.P., Johnson Publications, London, 1966, 1971, and University Books, New Hyde Park. New York, 1966.

give him a test and another to interview him.

Victor told Dr. Hoffer that he did not feel that he was guilty since he was merely doing the Devil's bidding. He was certain God was not angry with him. He reported that an anti-Christ, who had bowed to the Devil, was sorry for having done so, and was trying to break free from the Devil. The Devil had given him this information. He was not penitent as he was after he had robbed some years ago, when he had felt very guilty. Apparently he considered robbing evil and sinful and against the law, but did not think that this applied to killing. He had not seen the Devil recently but expected some visitation in February, 1968, when something was supposed to happen to him.

"In my experience with schizophrenics so far," Dr. Hoffer noted in his report, "I have not run across any patient who had quite as many different perceptual changes as had Mr. Hoffman."

Victor's mauve factor urine test was negative. On the HOD test he had a score of 99, compared with a score of 65 for the week of discharge, indicating that he was ill when discharged.

Victor also took two Experiential World Inventory Tests, one done in retrospect to find out how he had felt the week he was discharged from hospital in July, 1967. The EWI scores, Dr. Hoffer thought, would show that Victor's homicidal tendencies could have been apparent at the time of discharge had *the* hospital used this test.

The EWI tests were analyzed by A. Moneim El-Meligi, M.A., Dip. Ed., Ph.D., then with the Bureau of Research in Neurology and Psychiatry, Princeton, New Jersey. He called his report "The Phenomenal World of a Mass Murderer," dated October 2, 1967.

Dr. El-Meligi immediately ruled out the possibility that Victor had faked the answers. His answers were consistent from one part of each test to the other, and from one test condition to the other. Though the scores were high enough to suggest psychosis, they were not excessively high as to suggest faking insanity.

According to the tests, Victor felt that he was not as ill during the week he was released from hospital as he was before the murders. This was one reason Dr. El-Meligi felt that he was not trying to impress anyone that he was not responsible for his act by reason of insanity.

His two EWI records were logically consistent and were consistent with their empirical findings in EWI studies of mental patients.

Dr. El-Meligi found that Victor was engulfed by changeable and therefore unpredictable surroundings, constantly at the mercy of intense stimulation both from within and from without. "Having lost his command over a shattered body with vulnerable boundaries, his identity was bound to dissolve. He would occasionally depart from his body. Feelings of unreality would become so powerful that he had to keep talking 'to convince himself that he really exists.' He would occasionally consult the mirror only to note how strange his reflection appears."

Other changes, such as time coming suddenly to a standstill, or "its flow speeding up or slowing down inadvertently, and frequent shifts back and forth between an ill-defined present and a past so vividly resuscitated," intensified his feelings of unreality and gave rise to depersonalization experiences.

Victor, unaware of the basis for his inability to "stabilize his phenomenal world and to maintain integrity of his body," condemned himself for being inadequate and mixed "his present symptoms with his past failures and disappointments." He felt he was nothing and lost his self-respect.

"Mr. Hoffman," Dr. El-Meligi felt, "is ravaged by rage (and self-hatred) and is, therefore, susceptible to episodes of agitation."

He reacted to his paranoid ideas with anxiety and hostility. His hostility seemed to

be directly linked to his anxiety and distorted perceptions. For example, people looked fierce and dangerous and when they looked at him he felt petrified.

In addition, he felt weary of life; lonesome, abandoned, useless, and a burden to his family. He saw his past life as a mess. He had no hope and had thought of suicide. These were, however, "counteracted by hostility directed against the world."

"The test," stated the psychologist, "is replete with items predictive of destructive behavior directed both against animals and people. People appear strange, obnoxious and somehow connected with the threatening changes in his surroundings and the sinister happenings in his body. Impulses are intense and are supported by vivid imagery. This turmoil occurring in the absence of normal time sense is one step short of actual destructive behavior."

These findings were applicable to Victor's condition when he took the test, and to his condition just after discharge. Dr. E.-Meligi's conclusions are a very serious indictment of present methods of assessing a patient's progress in hospital and out.

His retrospective scores were much lower than the scores under examination after the crime. "He must have felt less overwhelmed by depression, less panicky and probably less bizarre in his conduct." But this did not mean that he was less dangerous to himself and to others.

Dr. El-Meligi concluded that Victor's "clinical improvement is only behavioral. It was an improvement in the sense that he felt less discomfort (hence lower Dysphoria score), less inhibitions and less confusion. Since his perceptual world was essentially the same, and his impulses are all of a destructive nature, acting out could have been predicted had we cared to inquire into his immediate experiences at the time. We are here witnessing a murderous act of a severely disturbed paranoid schizophrenic.

"This young man was constantly aware of his 'murderous impulses.' He was 'bothered' by them

even when his psychiatrists decided he was better. These impulses were not only feared but were also visualized so vividly that — at times — they could not be discerned from reality. Being tense and uninhibited facilitated the actualization of the destructive impulses against people who did not really look like people, but rather like agents in an overall sinister scheme."

The Lawyer and the Psychiatrist

One of the problems in planning Victor's defense, Mr. Noble told the author, was that "we have been cursed in Canada with an understanding that, mostly in the field of psychiatry, the law really was M'Naghten's Rule. I felt that one of the things I had to overcome was to make the difference clear to both Dr. Hoffer and Dr. McKerracher. I came across a copy of a judge's charge to the jury that was so clear a layman could understand it — the difference between knowing and appreciating."

Another problem was that a plea of not guilty by reason of insanity, if proven before the court, automatically condemns a prisoner to a lifetime in jail or mental hospital, for it means confining him in an institution at the pleasure of the Queen, usually for an indeterminate length of time. Even if he were transferred to a mental hospital and became well, he would not be released until the Lieutenant Governor, the Queen's representative, chose to give the order.

Under Section 16 of the Criminal Code in Canadian law, "a person is insane when he is in a state of natural imbecility or has disease of the mind to an extent that renders him incapable of appreciating the nature and quality of an act or omission or of knowing that an act or omission is wrong."³

The word "wrong" is subject to interpretation. Does it mean legally or morally

3. C A. Martin, Q.C., U.D., *Insanity as a Defence*, a paper delivered at a postgraduate course in forensic psychiatry conducted by the Faculty of Medicine, University of Toronto, March 13 and 14, 1964. Published in *THE CRIMINAL LAW QUARTERLY*.

wrong? The Royal Commission on the Law of Insanity as a Defense in Criminal Cases in Canada took the view in 1956 that the word in Section 16 means "morally wrong." The Supreme Court of Canada, Dr. Martin pointed out, has not passed upon the problem. According to Mr. Noble, however, this interpretation now prevails and "he intended to urge this view on the court in this particular case.

Mr. Noble wanted answers to several questions.

Was Victor Hoffman mentally ill, and if so, was it possible to say how long he had been mentally ill? Was he at the time of examination fit to stand trial? In legal terms this means, was he able to understand the nature of the charge against him, be aware of what was going on around him, and able to instruct Counsel to act on his behalf?

Was the accused insane at the time of the commission of the offence?

In his paper, given in 1964 at the University of Toronto, Dr. Martin explained that the old English M'Naghten Rules, on which modern law with respect to insanity as a defense is based, "assume that a person may be insane with respect to one or more subjects and yet sane in other respects." The Criminal Law assumes that those who are capable of appreciating what they are doing and of knowing that it is wrong can be influenced by the threat of punishment and therefore should be held responsible for their actions. The court depends on the psychiatrist for information whether the accused is suffering from a "disease of the mind" and whether, if this is so, it is such that it prevents him from appreciating the nature and quality of the act with which he is charged, or from knowing that his act was wrong.

Did the legal definition of insanity apply in Hoffman's case, that is, was he capable of appreciating the nature and quality of his act and of knowing that what he did was wrong?

Dr. Hoffer had no doubt that Victor Hoffman was "definitely mentally ill, with a very serious form of paranoid schizophrenia," and that he had been ill for at least 10 years. However, he was fit to stand trial because he understood at that time the nature of the charge against him and was aware of what was going on around him, and was fit to instruct Counsel to act on his behalf.

Hoffman, Dr. Hoffer advised Mr. Noble, was both psychiatrically and legally insane at the time

of the offence.

"He knew that when he shot at these people they would be killed. However, he did not understand that this act was against the law. This was because he was involved in a series of struggles between the devil on the one hand and the angels on the other hand and he was merely following the wishes of the devil, whom he considered a very important person. In my opinion, the accused does require vigorous and long-term psychiatric therapy. I would consider him a security risk if he were discharged at the present moment in his present condition."

The Judge decided there was sufficient evidence to put the accused on trial, which was scheduled to open in January.

For Mr. Noble, the case continued to have its puzzling aspects, and it was important these were understood for the possible effect they may have upon a jury.

How did anyone as sick as Victor, for example, remember in detail the way he went about killing these people, even the words they spoke?

A person as sick as Victor could remember in detail what happened, Dr. Hoffer asserted.

"This is a commonplace occurrence and many very sick psychotic patients are able to tell you many years afterwards exactly what did happen when they were sick. In fact, there were cases reported where patients in a hospital seemed to be completely indifferent to what was going on about them and yet when they recovered were able to tell you what happened. As a rule, schizophrenics do not have any difficulty with memory or with

recalling memory unless they have had shock treatment which will wash out gaps in their memory for things which happened during the interval in which they were having treatment."

How does one explain that Victor "may have known the nature and quality of his act but did not know it to be wrong?"

If he knew the nature and quality of his act but did not know it was wrong, why did he take so much care to pick up the cartridges, change the markings on the rifle bore, hide the wallets he took — in other words, if he did not know it to be wrong, how did he know enough to do all these things to prevent detection?

"I suspect," replied Dr. Hoffer, "that he did know the nature and the quality of the act meaning that if he shot at people he would kill them, but I do not think that he considered it wrong because he was living within a world full of fantasy which was not the world that you are living in. He was apparently following a high injunction which had to do with the devil and if he was to live within the devil's frame of reference, there would be no need for him to stay within the frame of reference of an ordinary mortal. Therefore, it would be quite appropriate for him to do what he did and still to take evasive action so that he would not be caught by the people on earth who would have the power to do him some harm if they did catch him. For example, a Russian spy in Canada following the orders given to him from Russia would understand the nature and the quality of his act, but he would consider that if he was working for his native country, what he did was perfectly correct even though he might engage in many illegal acts in this country. In the same way, he would take every measure possible to avoid detection."

Was there a rational explanation, and Mr. Noble believed there was not, for his not shooting the four-year-old girl? Did any of his answers to the police confirm Dr. Hoffer's opinion as to Hoffman's condition at the time of the shooting, and if so, which and why? In his cross-examination by police, Victor had shown what Mr. Noble called a "total lack of emotion."

"On all occasions that I have talked to him, his voice has never varied," Cpl. A. T. Gawthrop had said at the preliminary hearing in October, nor, he said, did Hoffman show any emotion.

No, said Dr. Hoffer, there was no rational

explanation for his not shooting the four-year-old girl. And yes, his statement to the police confirmed the fact he was psychotic. The idea of shooting the victims in the head so he could cut the heads off and take them with him was particularly "a very bizarre thought and in fact he might have tried to carry it out" in his condition.

At this point, the question was raised of the advisability of the plea "not guilty by reason of insanity."

Capital punishment in Canada was then on its way out, and would not, Dr. Hoffer felt, apply in Victor's case. As a physician, Dr. Hoffer wished Victor to have treatment which would improve his condition and eventually make it possible for him to leave prison. But if he pleaded not guilty by reason of insanity, this would probably mean he would remain in an institution for the rest of his life.

On the other hand, if he pleaded not guilty but was found guilty, as was very likely, he would be given a life sentence at the penitentiary where, if he became very psychotic, he would be transferred to the North Battleford mental hospital for treatment. At the end of this treatment session, no matter how long it took, he would be transferred back to the penitentiary to continue to serve the sentence. In time, perhaps within the following 15 to 20 years, assuming that he had made a recovery and his behavior was reasonably good, Victor Hoffman could be a free man.

Mr. Noble did not agree that capital punishment for capital murder was definitely on its way out. A bill pending before the House of Commons to abolish hanging on

conviction of capital murder, except in the case of the murder of policemen, could pass but the vote appeared to be close at that time. The lawyer's main concern, therefore, was for the life of his client.

"It seems to us," he said, "that in the facts of this case there is very little evidence of premeditation and that his whole conduct was no doubt due to his mental condition. If we were to succeed in getting that across to the jury then a verdict of capital murder might be ruled out and a verdict of noncapital murder substituted. In the case of non-capital murder he would be penalized to life imprisonment but this probably only means up to 20 years with a right to apply for parole if his conduct is good.

"On the other hand, I have an ethics problem in not raising the obvious defense. While it may be true that if he was found not guilty by reason of insanity he would be given an indeterminate sentence, it is very difficult for me to predict what the law might be with respect to the criminally insane 10 years from now. For example, as I think you are aware, there is under our present Mental Health Act a panel set up to review the case of criminals in our mental hospitals. I understand that its use has become limited because the psychiatrists became discouraged when their recommendations were not followed. I do, however, know some criminals convicted of murder who have been let out on the recommendation of that very committee. It also seems to me that it is possible that a cure for schizophrenia may be perfected and I think you and your colleagues have gone a fair ways towards a breakthrough in this regard. If it could be scientifically shown that schizophrenia could be cured and accepted then the whole attitude toward the release of those who were found not guilty of murder by reason of insanity could change."

Victor, stated the lawyer, had an "absolute defense to crime if the jury can be convinced that he was in fact insane at the time. If I should fail to raise it I might indeed be doing Hoffman a very great disservice."

Victor had complicated the case by making statements to the police which, in addition to three separate pieces of evidence that clearly put him in the Peterson home, might very well convict him.

"In some respects the statements help any argument with respect to a defense of insanity

because as you have pointed out some of his remarks clearly showed that he was psychotic."

Mr. Noble felt he had no choice, then, but to argue that a man in the condition of Victor Hoffman could not possibly premeditate the crime, and that he should be found not guilty by reason of insanity. The law, his untreated illness of at least 10 years' duration, and the nature of his crime left Victor no alternative. He was destined to spend the rest of his life with the devils and the angels.

A week before the trial was to begin, Mr. Noble brought up one more fine point in law. He again referred Dr. Hoffer to M'Naghten's Rule which stated that a person was insane in law when "at the time of the act, the party accused was labouring under a defective reason, from disease of the mind, as not to know the nature and quality of the act he was doing or if he did know it then he did not know he was doing what was wrong." However, under present Canadian law, Criminal Code Section 16(2), a person was considered insane when he had a "disease of the mind to an extent that renders him incapable of appreciating the nature and quality of an act... or of knowing that an act ... is wrong."

The difference between "knowing" in M'Naghten's Rule and "appreciation" in Canadian rule was, Mr. Noble wrote, important.

"Appreciation means to estimate — to understand, etc., and appears to have been interpreted as having a wider meaning than knowledge. For example, it is suggested as regards this part of the rule of insanity that one might have verbal or intellectual knowledge of an act of murder but unless he

has a capacity to understand and appreciate the moral consequences of the act — in addition to his verbal or intellectual knowledge — he cannot be said to have the capacity to appreciate the nature and quality of his act."

Did, then, Victor Hoffman "know the nature and quality" of his act as opposed to "appreciating it?" The distinction, the lawyer explained, was clear enough and important enough to be brought to Dr. Hoffer's attention.

Dr. Hoffer was reassuring on that point. "I do believe Hoffman knew the nature and quality of the act but could NOT appreciate it. There was no emotional involvement whatever and he equated the killing of the Petersons with killing of birds, cattle, etc. In fact, he considered stealing an evil act but not the killing. He told me he was not sorry for what he did for God knew he did what was right."

The Trial

The trial of Victor Hoffman, on two charges of non-capital murder, opened January 8, 1968, in the Court of Queen's Bench in North Battleford before Mr. Justice M. A. Macpherson and a 12-man jury. By then, Mr. Noble was convinced that Victor Hoffman had told the truth about the reasons for his actions. This was confirmed the evening before the trial by Cpl. Gawthrop who had escorted Victor to Saskatoon to be examined by Dr. Hoffer.

"Gawthrop told me, with Crown Prosecutor S. Kujawa's permission, something which had helped us a lot, as a factor," Mr. Noble told the author. "I had asked Victor Hoffman why he had not killed the little girl that had survived, because I think the general impression was that he hadn't seen her.

"But he had seen her, in fact he knew she was there because he pulled back the covers looking for shell cases. He had kind of passed through the acute stage of the psychosis. I said, 'Why didn't you kill her?' By that time I had a headache anyway, and I thought, what the hell, I might as well get an answer to this one. And he said, 'I couldn't kill anymore.

"Now Gawthrop tells me that when he was taking him in to see Dr. Hoffer, he said, 'Now come on Victor, I don't believe that stuff about the little girl, now why didn't you kill her?' And he gave him the same answer. It confirmed what he had told me, and it was absolutely certain then that

he was telling the truth about the whole thing. Of course I didn't think he could make it up anyway. It was a curious thing that he had spent himself, and of course it lent great weight to the psychiatrists' opinion, because their theory was that he entered into this very acute psychotic state and as he went through the event he began to pull out of it. Then he began to realize that he was in trouble here. So we really had no conflict with the police."

The next morning the small courtroom in the 60-year-old courthouse was packed and many spectators stood in a hall outside despite a blizzard and 10-below-zero temperature. Hoffman was charged in the deaths of Mr. and Mrs. James Peterson.

Serge Kujawa, director of Saskatchewan public prosecutions, explained to the court that the charges against Hoffman were changed from capital murder to non-capital murder after Parliament in December amended the definition of capital murder. Capital murder now means the slaying of an on-duty policeman or prison guard, while non-capital murder means the slaying of any other person.

Admitted to evidence by the prosecutor were a tape recording of a voice said by an R.C.M.P. corporal to be that of Hoffman describing the mass murder of the Peterson family, made voluntarily in the R.C.M.P. North Battleford subdivision headquarters the night of August 19, shortly after Hoffman was picked up at the family farm 40 miles southeast of the Peterson farm; and 28 exhibits including high boots found in laboratory tests to have human blood on them, vials containing lead bullets taken from the bodies of the slain family, a gun cleaner, grinding compound, and the 14

spent .22 cartridges found as a result of the search near the farm.

Cpl. Charles Nolan from Shellbrook R.C.M.P. told the court he picked up a .22 caliber rifle at the Hoffman farm. He identified a Browning .22 caliber pump-action rifle that was in the courtroom and said he found the weapon in the back seat of a 1952 model car.

Footprints in what appeared to be blood were also submitted.

The first to testify in Victor's defense was his mother, who described his behavior in May when he was committed to hospital. Under cross-examination by Crown Prosecutor Kujawa, she said that Victor was "what we would call a good boy, not a troublemaker." He was quieter after his return from the hospital, but he knew what was going on and could follow instructions and carry out chores. The day after the Peterson slaying she still did not notice anything different in his behavior.

The second defense witness was Dr. Stanislaw Jedlicki, psychiatrist, Saskatchewan Hospital, North Battleford. He described Victor as a chronic schizophrenic who had conflicts with the devil, and said there was a marked improvement in Victor's condition after the second electric shock treatment.

While Victor sat in the accused's box wearing the same brown shirt and blue jeans he had worn the previous two days, the defense took an unusual turn. Because of widespread public ignorance of schizophrenia and how it affects its victims, Mr. Noble called Dr. Hoffer to the stand and together they spent the next hour going through what Mr. Noble called "a little seminar on this illness." His purpose was to "educate the jury, have Dr. Hoffer explain it so they'll understand what schizophrenia is, to explain his theories and the tests he gives." This is what Dr. Hoffer did, in vivid layman terms so that the jury could see what Victor was seeing and feel and hear what he was feeling and hearing in response to the messages he was getting from his senses.

After lunch break they went back to the actual history of Victor Hoffman, applying the principles outlined at the seminar to his particular case. This procedure was later followed in the Skafte⁴ case. In both instances, Dr. Hoffer described the perceptual changes experienced by schizophrenics

and how these affect mood, thought, and behavior.

Hoffman, said Dr. Hoffer, "was doing what he had to do in terms of these delusions he was suffering at that time. Though Hoffman might have had a legal awareness of his acts he was "working for a higher injunction which set him above and apart the ordinary man."

Both Dr. Hoffer and Dr. McKerracher stated that Hoffman did not appreciate what he was doing.

"He would not have it in his mind to know it was wrong to do what he was doing, at precisely the time he was doing it. The thought of wrongness just would not have crossed his mind," said Dr. McKerracher.

The Crown had presented a good case to prove the accused shot the family, Mr. Noble told the jury, but one would search in vain for a motive for the tragic events of August 15. He reminded the jury of the evidence given of Hoffman's remarkably vivid hallucinations and his delusions. In anticipation of Prosecutor Serge Kujawa's arguments, he asked the jury to recall the evidence of both psychiatrists that, although Victor had attempted to cover up the crime, he still did not know that what he had done was wrong. The Crown, he pointed out, did not challenge the psychiatric evidence given in Victor's defense and this clearly indicated that no medical or scientific opinion was found to contradict it.

As expected, Mr. Kujawa argued that Hoffman, although a mental patient until about three weeks before the murder, was legally

4. In 1971 Stephen Skafte was found not guilty by reason of insanity of murdering a 14-year-old boy.

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sane at the time. He said the Crown knew this man was sick, "but did he appreciate the nature and quality of his act? Did he know it was wrong? He knew what he was doing at the time well enough to tell it completely and frankly later."

Mr. Kujawa suggested that if Hoffman was sick at the time he killed Mr. Peterson, a jarring event according to Dr. Hoffer's and Dr. McKerracher's psychiatric evidence could shock him out of his state, and even to Hoffman the killing of a human being was a shock. The killing of James Peterson was certainly a jarring experience and "he knew what he was doing after that."

Mr. Justice MacPherson told the jury there was no real conflict of witnesses and the jury was not concerned with the credibility of witnesses. He said the defense of insanity must be applied only to the defendant's state of mind when the acts were committed, and that the Criminal Code says no person can be convicted of an offence committed when insane. There was a "critically brief time element" between the death of Mr. Peterson, the first to be shot, and Mrs. Peterson. He said "somewhere between eight to 10 minutes" would have elapsed.

The jury deliberated three-and-a-half hours before they found Hoffman not guilty by reason of insanity of the non-capital murder of James and Evelyn Peterson. All that remained was his disposition. As Victor was leaving the courtroom, Mr. Noble told him that Mr. Justice MacPherson had ordered him committed to Prince Albert. Victor looked straight ahead, showing no emotion, and then walked out of the courtroom with his slow, shuffling gait. Wherever the Cabinet would place him, said Mr. Noble, "I think it's very clear he'll be put away for some time."

The only thing the jury quarreled about, Mr. Noble informed Dr. Hoffer the next day, was whether or not they should find Hoffman not guilty on account of insanity with respect to the death of James Peterson but guilty as charged with respect to the death of Evelyn Peterson. However, "the matter resolved itself because of the way you

and Dr. McKerracher came across as to the level of his sickness and, of course, the length of it."

Mr. Noble says now that he was not concerned about a biased jury.

"If anything, juries in the Battlefords are probably a little more knowledgeable about mental illness than some, because we live next to the Saskatchewan Hospital."

But he was concerned that there was no way of informing the jury that, if they found Victor not guilty by reason of insanity, he would not walk out a free man.

"At that time the judges took the view that that couldn't be mentioned and I gambled a little bit because Judge MacPherson said to me, 'If you want me to tell the jury I will, but you're going to have to ask me to do it in open court.'

"What he was doing in effect was throwing the onus on me, that I should ask the court to say to the jury, 'If you find him not guilty by reason of insanity, he will be put in an institution or some place where he'll be safe from the public.' Since that time, in the Skaf-te case, I said it to the jury and the Judge didn't even blanch. You can't say to the jury what the penalty will be, but I did say to them, 'Your decision will decide whether he goes to the penitentiary or a hospital or a similar type institution.' So they could clearly see there would be no danger if they found him not guilty on that account."

There was no problem making a decision, Jack Clements, jury foreman, says. However, "some of the jury felt that if he was found guilty, he would at least go to jail for a lifetime, not really knowing what a lifetime is as far as a criminal offence like that is concerned. This could mean maybe 15 years. It was my opinion and the opinion of some of the members of the jury that this was not a decision of ours to make. We were to make a decision whether or not he was guilty or not guilty by reason of insanity. This was the only choice we had. In fact, the Judge's instruction

to us was just as simple as that.

"You get the feeling Dr. Hoffer knows what he's talking about. After the trial there were some jurors who asked some questions, but a little explanation from myself or someone else on the jury seemed to clear it up for them. In layman's language Dr. Hoffer told us exactly what he felt about this.

"For the average person like myself, the only thing we can rely on is the information given to us by- somebody like this. He was logical. I can recall when the doctor described the black devil that the boy saw, he made it so clear to everyone of us that there wasn't any fooling about this, he did see this, he was compelled by this thing that he saw. The doctor got that message through to us exactly what the boy was thinking, that the boy was driven by something that was real. It was real. This is something that is hard for us to understand but the doctor got to us."

Victor Today

Victor Hoffman has been in an institution for the criminally insane at Penetanchishene, Ontario, since January, 1968, by order-in-council, for an indefinite period depending on the Ontario government's requirements. Mr. Noble feels Victor

is better off there than in a penal institution, "because Hoffman would not likely have survived a year in a penitentiary. Child killers are not very popular among other criminals because even criminals, however violent they might be, are seldom violent with their own families. They have the same sort of feelings that we do about their own children. Sex offenders are on the lowest level and child killers are next."

"We didn't know what was wrong with Victor," Mrs. Hoffman told the author in 1971. "No one told us. Now we hear there is this doctor in Saskatoon. If we had known before, we could have taken him. We have a car, a bus is running, there are taxis."

"If this illness happens again in our family," said Mr. Hoffman, "I will know how to deal with it. I'd go to an authority, a good doctor, and do the right thing for him, to make sure this wouldn't happen again."

On January 10, 1969, Victor wrote Mr. Noble, "I am going to tell you something. The North Battleford hospital reduced my resistance for acting out in violence. Before I went to the North Battleford hospital, I was always tempted to kill but could always put it out of my mind."