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Lawyer claims Noble's behavior could be result of 'caffeine psychosis'

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By Joel Mills of the Tribune

Attorney for man accused of putting two WSU pedestrians in hospital says defendant had been consuming energy drinks and coffee



Dan Noble's booking mugshot... Associated Press

COLFAX - Dan White famously had the "Twinkie defense." Dan Noble may use the "Starbucks defense."

Noble, the 31-year-old Moscow man accused of an erratic driving episode Monday morning that put two Washington State University students in the hospital, made his first appearance in Whitman County Superior Court Tuesday afternoon.

Mark Moorer, his Pullman attorney, told Judge David Frazier that Noble's strange behavior Monday and the days before could have been caused by what he called "caffeine psychosis."

"From what we know, when (a Pullman doctor) released him yesterday, no substances were in his system that would suggest intoxication," Moorer said after the hearing. "So the question is, what triggered this?"

He described Noble as a type-A personality who worked long hours as a financial analyst in the University of Idaho Trust and Investment Office. Noble would often rise as early as 4 a.m. and begin consuming copious amounts of energy drinks and Starbucks coffee, Moorer said.

Frazier ordered that Noble be held without bail until a 2:30 p.m. hearing today so his mental state can be evaluated.

Prosecutor Denis Tracy said a psychologist from Palouse River Counseling would evaluate Noble for the county. Moorer said Pullman psychologist Dr. Greg Wilson would conduct an independent analysis for the defense.

Tracy argued that Noble be held without bail as a risk to the community. Frazier will address the bail questions at the hearing this afternoon after he learns the results of the psychological evaluations.

In 1979, attorneys for former San Francisco Supervisor Dan White argued his sugar-laden diet had diminished his capacity for rational thought when he killed Supervisor Harvey Milk and Mayor George Moscone. One reporter dubbed it the "Twinkie defense."

The tactic worked, and jurors convicted him of voluntary manslaughter instead of first-degree murder.

In court Tuesday, Moorer suggested the possibility of a similar defense. He said the acts of which Noble is accused are totally out of character for a responsible man who is well known and trusted by many in his community.

Drivers on the Moscow-Pullman highway first reported Noble's Pontiac Grand Am driving erratically in the westbound lanes shortly before 7:30 a.m. on Monday, according to WSU Police reports. Noble then turned onto Stadium Way, where he allegedly struck Hogun Hahm, 23, of Pullman, and Neil Waldbjorn, 19, of Malaga, Wash., in separate crosswalks about a block apart.

Each man suffered a broken leg and other injuries. According to a probable cause affidavit filed with the court on Tuesday, there was extensive damage to the car, including to the front bumper, an imploded windshield, and dents on the roof. Hair was found stuck under the weather strip along the top of the windshield, and a bunch of hair and a small piece of scalp was found stuck under the weather strip on the driver's side door.

Tracy said he would file charges today, likely two felony counts of vehicular assault, two felony counts of hit-and-run, and one charge of resisting arrest.

According to the affidavit, Noble stopped and exited the vehicle at the intersection of Stadium Way and Grimes Way, about 175 yards from the second victim.

WSU police contacted him as he was wandering around the immediate area in his pajamas, according to the affidavit. Noble became "argumentative, incoherent, and resistive" when a WSU officer tried to take him into custody, the affidavit said.

The officer was able to handcuff Noble after a struggle, but he again became combative while the officer attempted to search him, the affidavit said. The officer then used a Taser to subdue Noble.

Tracy told Frazier a Pullman police officer said Noble went through extreme mood swings while he was in the back of his patrol car, and at one point exclaimed "I must keep talking to stay alive."

Tracy also said Noble's wife, Kathy Noble, told investigators he started acting strangely about three days earlier, was not sleeping at night and seemed confused.

Kathy Noble was in court Monday. Noble periodically turned to smile at her.

Dressed in orange jail coveralls, Noble seemed agitated at times during the hearing. He tried to address Frazier directly at one point, but Moorer advised him to be quiet.

Later, two sheriff's deputies advanced on Noble when he got up and tried to walk away from the defense table. But Moorer pulled him back into his seat before anything happened.

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