

ward

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SUGGESTION OF CAPACITY EVALUATION

NAME: Frank Amodeo

CASE NUMBER: 2008-CP-001369

DATE OF BIRTH: September 1, 1961 (Age: 52)

DATE OF EVALUATION: September 13, 2013

DATE OF REPORT: November 7, 2013

REFERRAL QUESTION: Mr. Amodeo was referred for a Suggestion of Capacity evaluation per Court order dated August 8, 2013 by the Honorable Belvin Perry, Jr. of the **Ninth Judicial Circuit in and for Orange County, Florida, Probate Division.**

REVIEW OF MEDICAL RECORDS AND COLLATERAL INTERVIEWS

1. August 2008 medical records from **McLean Hospital.**

2. Collateral phone interviews:

September 22, 2013. **Dr. Jeffery Danziger.** Psychiatrist who previously evaluated Mr. Amodeo in 2008.

September 23, 2013. **G. Michael Adkins.** President & Founder, All Clear Investigations. Mr. Adkins was formerly employed by Mr. Amodeo as a private investigator and body guard and was also a partner in one of his corporations.

September 23, 2013. **Marty Flynn.** Private Investigator. Mr. Flynn has known Mr. Amodeo since 2000. He considers Mr. Amodeo to be a friend. In the past Mr. Amodeo worked as a consultant for Mr. Flynn's company. Mr. Flynn has also been employed by Mr. Amodeo and they have been partners in various companies and ventures. He currently assists Mr. Amodeo with his appellate cases.

September 24, 2013. **Deborah Milotte.** Mr. Amodeo's sister.

September 24, 2013. **Claire Holland.** Mr. Amodeo's wife.

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3. Additional relevant information about Mr. Amodeo's case was obtained from his attorneys, Myra Nicholson, Esquire and Laurence J. Pino, Esquire.

PROCEDURES AND TESTS:

- Clinical Interview with Mr. Amodeo
- Saint Louis Mental Status(SLUMS) Examination
- Minnesota Multiphasic Personality Inventory-2 (MMPI-2)

BACKGROUND INFORMATION: On June 11, 2008 the Court appointed a three person examining committee to evaluate Mr. Amodeo in response to a Petition To Determine Incapacity. As a member of the examining committee, this psychologist evaluated Mr. Amodeo on June 26, 2008.

Mr. Amodeo has a history of impressive business success with his company, Mirabilis Ventures. During his June 2008 evaluation with this psychologist he provided photographs and other documents to illustrate his international business activities. These included a photograph of himself with President Bush reportedly taken when Mr. Amodeo was attending a foreign policy meeting with high level government and NATO officials. During the evaluation, Mr. Amodeo exhibited a fixed delusional belief that he would be "Emperor of the World". He also asserted that he had special powers and could perform miracles to convince others to support his ambitions. Mr. Amodeo was under psychiatric treatment at that time and was diagnosed with Bipolar I Disorder with psychotic features. On June 30, 2008 the Court determined Mr. Amodeo to be mentally incapacitated and unable to make informed decisions for himself and a plenary guardianship was granted.

On August 6, 2008 Mr. Amodeo was admitted to The Pavillion at McLean Hospital, Harvard Medical School, Belmont, Massachusetts. While there he underwent a comprehensive evaluation, including medical, neurological, psychiatric, and neuropsychological examinations. Based on these test results, he was given diagnoses of Bipolar Disorder, Manic, with psychotic features and Mixed Personality Disorder, with narcissistic and antisocial features. Mr. Amodeo was also diagnosed with a history of stimulant (caffeinated beverages) dependency (partial remission). He was discharged on August 21, 2008 with medications including Depakote ER 3000 mg. h.s., Geodon 80 mg., and Rozerem 8 mg. h.s.

Mr. Amodeo's psychological tests results from McLean Hospital indicate that when he is emotionally stable his reality testing is likely to be adequate, however, when he experiences shifts in his moods and more intense emotions his reality testing becomes impaired. During these episodes his ability to think logically and coherently is impaired. He may exhibit delusional/paranoid thinking, misinterpret the actions or intentions of others, and have difficulty anticipating the

consequences of his own actions or recognizing the boundaries of appropriate behavior.

Mr. Amodeo's attorney, Myra Nicholson, provided this psychologist with the following details of Mr. Amodeo's legal case.

- On August 6, 2008, the United States government issued an indictment against Mr. Amodeo for various criminal actions, including conspiracy, wire fraud, obstruction of an agency proceeding, and failing to remit payroll taxes.
- On September 24, 2008, Mr. Amodeo signed an Amended Plea Agreement where he entered a guilty plea to conspiracy to defraud an agency of the United States, conspiracy to commit wire fraud, conspiracy to obstruct an agency proceeding, failure to collect and remit payroll taxes, and obstruction of an agency proceeding.
- On May 21, 2009 the Court accepted the Amended Plea Agreement and Mr. Amodeo was sentenced to 22 years and six months in federal prison. He has served approximately four years of this sentence to date.

MENTAL HEALTH EXAMINATION: Mr. Amodeo was examined in a private conference room in the visitor's center at the Coleman Federal Prison Low in Sumterville, Florida. He explained that he has petitioned for restoration of his rights because he believes that his thinking and judgment are no longer impaired. He discontinued his psychotropic medications about a year and a half ago because he thinks that the medications actually exacerbated his symptoms and delusions. He asserted that they also sedated him to the extent that he was cognitively impaired. He noted that his family (parents and siblings) has always been against the use of psychiatric medications or mental health treatment. The influence of this negative family attitude likely played a part in his decision to discontinue treatment.

Mr. Amodeo reported that soon after his incarceration at Coleman he began working at the prison law library as a clerk and took a class in appellate advocacy. Since that time he has been actively involved in assisting other inmates in filing appeals in their cases, not only at Coleman, but nationwide. He maintained that his success rate in these cases is the highest in the nation as compared to other attorneys. He believes it was a "miracle" that led him to this position of being able to help others.

Mr. Amodeo is adamant that he was wrongfully convicted. He is working on his own appeal, which he described as pending due to multiple complications. He asserted that after his rights are restored he will have his license as an attorney reinstated and then proceed with his appeal. He noted that he will never again

leave legal decisions affecting him in the hands of others. He expects that within five to six months his conviction will be overturned.

After his conviction is overturned and he is released from prison, Mr. Amodeo plans to pursue his aspirations to "change the world". He stressed that it is "impossible for me to let the world remain as it is because I cannot tolerate the injustices I see". Mr. Amodeo related that he will first publish treatises that illustrate his knowledge of economics, math, and physics. He will then incorporate this information into a "better version of the law". His second step will be to gain access to the heads of nations through NATO using financial incentives to gain support of world leaders and politicians. He believes there are many people that are interested in "realigning" with him to pursue these goals. His third step will be to "influence the electorate" through his skills as a speaker to explain the concept of the "Capital Genesis Business Model".

Mr. Amodeo stated that since his incarceration that he has learned to recognize the signs and symptoms of his Bipolar Disorder and therefore can manage these symptoms more effectively than in the past. He does allow that being in the structured environment of a prison helps him regulate his behavior. He stated that if released from prison that he will need and is agreeable to resuming treatment with medications. He acknowledged that there "is some truth to my Bipolar behavior". However, he also asserted that God means for him to change the world and that the doctors at McLean eventually recognized that he is so "high functioning that his ideas depart from the norm". However, they also told him that his grandiose plans served as a way of defending himself against depression. He noted that it does not concern him if others do not believe the things he says because he is so confident in himself that it does not matter. On the other hand, he does recognize how expressing these beliefs have hurt his credibility with others.

Mr. Amodeo was administered the **Minnesota Multiphasic Personality Disorder-2 (MMPI-2)**. The MMPI-2 is currently the most widely used and researched objective personality test. The MMPI-2 consists of a series of quantitative scales that can be used to diagnose psychiatric and personality disorders. Mr. Amodeo's profile is only marginally valid because he responded in a very careful manner to avoid giving the impression of having psychological problems. His scores on validity scales suggest a clear tendency to present an overly positive self image and to minimize personal faults. In spite of his effort to present a positive image some problems are evident in his MMPI-2 profile.

Mr. Amodeo's profile suggests that he has personality characteristics of emotional lability, overactivity, moodiness, and impulsiveness that may cause difficulties for him at times. Although he has a high need for achievement, his unconventional attitudes and inadequate judgment may make his performance variable. He is likely to behave erratically at times and have mood swings. He may perpetuate stress for himself due to his disorganized thinking. He reported a

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number of psychological concerns, persistent personality features, and unusual thoughts. This profile type is often associated with a severe personality disorder.

Mr. Amodeo's test responses suggest that he is an impulsive and somewhat hyperactive person who may be experiencing the symptoms of a mood disorder. He scored in the range that is consistent with a pattern of accelerated speech, delusions of grandeur or grandiose aspirations, and an exaggerated sense of self-worth and self-importance. People with these scores tend to have episodes of irritability, hostility, and aggressive behavior. He is not likely to recognize his own limitations and may make plans that are not realistic. He shows little interest in routine or detail and easily becomes bored and restless. He tends to have a low frustration tolerance and may have trouble inhibiting the expression of his impulses.

Mr. Amodeo was administered the **Saint Louis University Mental Status (SLUMS) Examination**, which is a brief oral/written screening exam given to people to assess for cognitive or memory impairment. Mr. Amodeo's score of 30 out of 30 on the **SLUMS** falls in the **Normal** Category, indicating that no significant memory or cognitive deficits were identified. He was able to give the correct year, day of week, month, and date. He was able to give his state of residence and to do simple addition and subtraction. He was able to recall five out of five objects after a short delay. He scored eight out of eight points on memory for details of a short story. He was able to remember and repeat up to four numbers in reverse order.

COLLATERAL PHONE INTERVIEWS: Mr. Adkins, Mr. Flynn, and Mrs. Millotte all reported that they have not observed any behaviors on the part of Mr. Amodeo that would cause them to have concerns about his ability to make informed decisions. Mrs. Holland did express concern that when Mr. Amodeo is experiencing a manic episode that he is likely to make impulsive decisions that are not in his best interest, particularly related to business and financial matters. Dr. Danziger was not able to provide any relevant information as he has had no contact with Mr. Amodeo since 2008.

SUMMARY OF RESULTS: Mr. Amodeo endorsed fewer symptoms on the current MMPI-2 than in 2008. However, validity scales indicate that he was putting forth effort to minimize and deny psychological problems on the MMPI-2. Mr. Amodeo's test results suggest that he is emotionally unstable. He continues to exhibit and report symptoms associated with mania. He remains grandiose in his aspirations and exhibits an exaggerated sense of self-worth and self-importance. He is not likely to recognize his own limitations. His test results indicate a low frustration tolerance and risk for impulsive behavior. He may have episodes of irritability, hostility, and aggressive behavior.

PROGNOSIS: Mr. Amodeo's prognosis is guarded. Mr. Amodeo was discharged from McLean Hospital in August of 2008 with medications for treatment of his Bipolar I Disorder. Mr. Amodeo has discontinued these medications because he does not feel that he needs them. At this time his symptoms are not being treated or monitored by a psychiatrist or other mental health professional. This puts him at risk for episodes of mood swings and impaired reality testing, which impact his ability to think logically and coherently.

OPINION AND RECOMMENDATIONS: Legislative intent in adopting the current version of the Florida Guardianship Law is to make available the least restrictive form of guardianship to assist persons who are only partially incapable of caring for their needs, with incapacitated persons to be able to participate as fully as possible in all decisions affecting them.

In Mr. Amodeo's case, determining what decision-making he is capable of without risk of endangering his personal, medical or financial wellbeing is somewhat complicated. He is an intelligent person with many skills and abilities, which have allowed him to be impressively successful in business endeavors. On the other hand, his mood swings and grandiose and delusional thinking has significantly impacted his judgment and reasoning at times to his detriment.

Mr. Amodeo has discontinued his psychiatric medications against medical advice. He continues to experience symptoms that can impact his capacity to make informed decisions. His current confinement in a structured, predictable environment is helpful in terms of providing some behavioral controls for him. However, outside of this structured environment and without psychiatric management of his symptoms, he is at risk for mood swings and impaired judgment and thinking.

It is recommended that Mr. Amodeo have ongoing psychiatric management of his Bipolar Disorder and that he follow the recommendations of his treating psychiatrist. If he resumes medications and is psychiatrically stable he could be re-evaluated for restoration of any rights that have been removed.

**EVALUATION OF ALLEGED INCAPACITATED PERSON'S ABILITY TO
RETAIN RIGHTS (WITHOUT LIMITATION)**

- | <u>Yes</u> | <u>No</u> | |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | No Make informed decisions regarding his/her right to marry. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Yes Make informed decisions regarding his/her right to vote. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Yes Make informed decisions regarding his/her right to personally apply for government benefits. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Yes Make informed decisions regarding his/her right to have a driver's license or operate a motor vehicle. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Yes Make informed decisions regarding his/her right to travel. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Yes Make informed decisions regarding his/her right to seek or retain employment. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | No Make informed decisions regarding his/her right to contract. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Yes Make informed decisions regarding his/her right to sue, or assist in the defense of suits of any nature against him/her. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | No Make informed decisions regarding his/her right to manage property or make any gift or disposition of property. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Yes Make informed decisions in determining his/her residence. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | No Make informed decisions regarding his/her right to consent to medical treatment. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Yes Make informed decisions affecting his/her social environment or other social aspects of his/her life. |

SCOPE OF GUARDIANSHIP: Those areas where the Mr. Amodeo **LACKS THE CAPACITY** to make informed decisions regarding his rights and where a less restrictive method of protective services is not adequate to protect him from a substantial risk of harm to his welfare or financial affairs.

Lacks Has

- Has** Decisions concerning travel or where to live.
- Lacks** Consent to or refusal of medical or other professional care, counseling, treatment or service.
- Lacks** Permitting access to, refusal of access to or consent to release of confidential records and papers.
- Lacks** Control or management of real or personal property or income from any source.
- Lacks** Management of a business.
- Lacks** Acting as a member of a partnership.
- Lacks** Making contracts.
- Lacks** Payment or collection of debts.
- Lacks** Making gifts.
- Lacks** Initiation, defense or settlement of lawsuits.
- Lacks** Execution of a will or waiving the provisions of an existing will.
- Has** Decisions concerning education.
- Lacks** Admission to Florida State Hospital or any other public treatment facility on a voluntary basis under the provisions of applicable state law.
- Other (explain): _____

The scope of the guardianship services recommended is: **LIMITED**

Due to his legal issues and interest in a broad range of business activities, it is recommended that, if possible, Mr. Amodeo's appointed Guardian be an attorney or law firm. The Guardian should operate exclusively in that capacity, as a disinterested party, free of undue influence or conflicts of interest. Specifically, the Guardian should not be involved in any personal, business, or other legal relationship with Mr. Amodeo, his attorneys, or business associates, past or present.

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It is believed that this is a correct characterization and report of the information accumulated by this examiner and presented in this report. If there is any information felt to be substantially misleading, unclear, inaccurate, or misreported, or if there is any substantial or significant information that is omitted, please notify this examiner immediately and indicate the information to be added or corrected. Otherwise, all information and records received will be assumed to be substantially accurate and complete as stated, observed, and attributed.

Thank you for allowing me to evaluate Mr. Amodeo. Should you have any questions or concerns regarding this evaluation, please do not hesitate to contact my office.

Executed this 7th day of November, 2013.

Darlene B. Antonio, Ph.D.
Darlene B. Antonio, Ph.D.
Licensed Psychologist

*A copy of this report was mailed
11-12-13.*

Mary Lynne Jewell
Deputy Clerk

