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BP-A0148

JUNE 10

INMATE REQUEST TO STAFF CDFRM

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member) Warden <i>Lane</i>	DATE: <i>7-2-19</i>
FROM: <i>Frank T. Amodeo</i>	REGISTER NO.: <i>48883-019</i>
WORK ASSIGNMENT: <i>Education</i>	UNIT: <i>B-3</i>

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.

I request to be considered for a Reduction in Sentence based on the following extraordinary circumstance (Non-Medical Condition): *based on a debilitating medical condition and the inability to receive treatment.*

Should I be released, I will live (who and address):

Nargaret Amodeo, 1311 Hoffman Ave. Orlando, Fla. 32809
(mother)

My financial support will come from:

My guardianship estate.

(Do not write below this line)

DISPOSITION:

*Your request has been received
and will be forwarded
for processing*

Signature Staff Member <i>[Signature]</i>	Date <i>7-2-19</i>
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Record Copy - File; Copy - Inmate

PDF

LCDR M. Nicholson, LCSW, BCD
FCC Coleman

Approved by P5511

This form replaces BP-148.070 dated Oct 86
and BP-S148.070 APR 94



3236 Lake George Cove Dr. • Orlando, FL, 32812 • Phone: 407-373-9690
E-Mail: bhorwitz@vaticlaw.com

VIA US MAIL

Date: May 9, 2019

Assistant Health Services Administrator
C. Donato
FCI Coleman Low
Federal Correctional Institution
846 N.E. 54th Terrace
Coleman, FL 33521-1021

Re: Frank Amodeo - #48883019

Ms. Donato,

My client, Charles Rahn, is the state-appointed guardian for Frank Amodeo. He has requested that I send to you the enclosed compassionate release letter, along with certain medial records pertaining to Mr. Amodeo. Mr. Rahn requests that these records be placed in Mr. Amodeo's file, to the extent that they are not already there. Please let me know if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian D. Horwitz".

Brian D. Horwitz, Esq.

Charles Rahn

Kathy P. Lane, Warden Federal Bureau
of Prisons FCC Coleman Low
P.O. Box 1021
Coleman, Florida 33521-1021

April 30, 2019

Re: Request for a motion to the sentencing court: for a reduction in sentence (RIS) and compassionate release pursuant: to 18 U.S.C. § 3582(d) (2) (B), 28 CFR. § 571.61(a), Program Statement 5050.50(3)(b), and the First Step Act of 2018.

Dear Warden Lane,

I request a reduction in sentence for my Ward, Frank Louis Amodeo, Reg. No. 48883-019. Under 18 U.S.C. § 3582(d)(2)(B) and the provisions for "Debilitated Medical Condition," PS5050.50(3)(b) and 18 U.S.C. § 3582(c)(1)(A), the Bureau of Prisons may reduce a term of imprisonment if "extraordinary and compelling reasons warrant such a reduction," without regard to the sentence's length. The First Step Act of 2018, Section 603(b)(1) as amended § 3582(c)(1)(A) now states that inmates may motion the sentencing court for a reduction in sentence if the BOP fails to do so within 30 days of a request.

My Ward, Frank, is a 59 year old disabled ward of the State of Florida. In 1995 or 1996, Frank was diagnosed as having Bipolar disorder Axis I, a serious and chronic mental illness. The combination of Frank's mental illness related disability (acknowledged by the State) and the BOP's inability to treat him are extraordinary circumstances that warrant consideration. His current offense does not make him ineligible for the compassionate release program. Frank's sentence of 270 months began on May 26, 2009 when he was convicted of tax related crimes. During Frank's criminal proceedings, his then-experimental medication was mismanaged and he was receiving near-toxic doses, rendering him

incapable of making sound decisions. Because Frank is extremely sensitive to medication, as it readily acknowledges, the BOP has not provided the prescribed psychotherapy to manage Frank's treatment. Mr. Amodeo was not able to get the help he needed and is still unable to get proper care to this day. Frank's diagnoses and evaluations, such as the Capacity Evaluation Report conducted in 2017, establish that he has more than one major life activity impaired by his illness. By the definitions established in 20 CFR § 35.108, Frank should be classified as severely disabled, for BOP purposes. BOP Policy Statement 5200.05 indicates that Frank, as a disabled prisoner, is entitled to specialized medical and education services as well as psychotherapy. Because of the extra oversight required for Frank's well-being, and the BOP being unable to provide the appropriate care, Frank has had no recourse but to attempt to self-manage his illness. He has attempted to accomplish this by following a rigorous schedule where he assists other prisoners with their legal work, 16 hours a day, 7 days a week. While this strict routine helps Frank manage his mental health, it has impacted his physical health. Frank has been diagnosed with diabetes and hypertension, and his routine does not permit him time to exercise or manage his diet well. Worse, due to his mental illness, he refuses non-mental health medical care when he is physically ill. When asked about this, Frank cites his beliefs in his supernatural powers and that he does not require "human medicine." Frank's beliefs encompass his refusal to use routine care, including insulin, vitamins, or vaccines. This is in spite of the fact that Frank cannot legally decide for himself what kind of medical treatment he needs. This is not to suggest that Frank would benefit from a transfer to another facility. Frank requires constant and consistent monitoring of medications for his physical health, notwithstanding the other mental health services he requires. As well, any disruption in his routine can lead him to a psychotic episode, such as one that happened to him in January 2015. As his counselor witnessed, an unexpected court order requiring a temporary move left Mr. Amodeo in a psychotic state.

The level of individualized care required to keep Frank well would be an extraordinary burden on the BOP, even at a medical facility. This would be particularly true if Frank were to go through the relocation process, which could render him completely unstable. Without a robust support system (his family and friends live nearby, as well myself, who visit him monthly) and the many inmates whom care and look out for Frank, he would be subject to a lot of unneeded suffering from which it could take years for him to recover.

The standard cost of care for an inmate seems to be about \$44,000 per year. Frank's cost, however, would be much higher if he were getting the treatment he needs. In a private system, the cost would be about ten times this amount. Frank's health and the prison's budget would both benefit from compassionate relief. Upon release, Frank will live at 1311 Hoffner Avenue, Orlando, Florida 32809. There, Frank will be under the care of his sister and her husband as well as myself (although I will not reside at the address) and numerous family friends nearby. Frank will reside at this address with his elderly mother. This location is close to his sister and brother-in-law, as well as his legal guardian, who can monitor his mental and physical treatments. All of his family is committed to supporting his well-being. Frank's sister and I will assist with making sure Frank's medication is correctly administered and provide the right environment for Frank's mental health. While Frank is unable to handle any financial matters on his own, his guardianship estate and his family are capable of maintaining his medical care and living expenses. Additionally, Frank has no debts and his mother's house is already paid for.

Warden Lane, I respectfully request that you recommend to the Director of the Bureau of Prisons that, as a showing of compassion, my Ward be released from custody as soon as possible. If anything further needs to be done, I request that you have the BOP staff assist Frank with this request.

Sincerely,

A handwritten signature in black ink, appearing to be "C. L. G. R. L.", written in a cursive style.

Charles Rahn
State appointed guardian for Frank
Amodeo