

APPENDIX

APPENDIX

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IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 17-12528-JJ

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MATTHEW VAUGHN HAWKS,

Defendant - Appellant.

Appeal from the United States District Court
for the Southern District of Florida

ON PETITION(S) FOR REHEARING AND PETITION(S) FOR REHEARING EN BANC

BEFORE: WILSON, JORDAN and BLACK, Circuit Judges.

PER CURIAM:

The Petition(s) for Rehearing are DENIED and no Judge in regular active service on the Court having requested that the Court be polled on rehearing en banc (Rule 35, Federal Rules of Appellate Procedure), the Petition(s) for Rehearing En Banc are DENIED.

ENTERED FOR THE COURT:


UNITED STATES CIRCUIT JUDGE

ORD-42

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[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 17-12528
Non-Argument Calendar

D.C. Docket No. 2:16-cr-14059-DMM-1

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MATTHEW VAUGHN HAWKS,

Defendant - Appellant.

Appeal from the United States District Court
for the Southern District of Florida

(April 20, 2018)

Before WILSON, JORDAN and BLACK, Circuit Judges.

PER CURIAM:

Matthew Hawks pled guilty to using facilities of interstate commerce to produce visual depictions of minors engaging in sexually explicit conduct in violation of 18 U.S.C. § 2251(a) and (e), and to possessing visual depictions of minors engaging in sexually explicit conduct in violation of 18 U.S.C. § 2252(a)(4)(B) and (b)(2). He was sentenced to 360 months' imprisonment.¹ Hawks contends his sentence is both procedurally and substantively unreasonable. After review, we affirm.

I. PROCEDURAL REASONABLENESS

Hawks contends the district court made three erroneous findings of fact that, in turn, “resulted in the court’s improper weighing of the sentencing factors.” *See Gall v. United States*, 552 U.S. 38, 41 (2007) (recognizing that “selecting a sentence based on clearly erroneous facts” is procedural error). But the parties disagree, at the threshold, about the appropriate standard of review. Hawks urges de novo review, while the Government presses plain error review.

We agree with the Government. Hawks’s counsel “object[ed] to the reasonableness of the sentence.” But the incantation of “reasonableness” does not preserve any and all potential procedural reasonableness objections for appellate review. To preserve his objection for appeal, Hawks was required to “raise that

¹ The district court imposed a separate sentence of 360 months as to each of the first three counts and ordered the sentences to run concurrently. The district court also imposed a single 120 month sentence as to another count, to run concurrently as well. For ease of reading, we refer to the sentence as a single sentence to 360 months' imprisonment.

point in such clear and simple language” as would “inform the district court of the legal basis for the objection.” *United States v. Massey*, 443 F.3d 814, 819 (11th Cir. 2006). Although, a party is not required to “repeat objections made during the course of sentencing proceedings following the imposition of sentence” or “to reargue a general objection made after sentencing if the argument in support of that objection has previously been presented . . . and the reasons for the objection remain clear after the sentence is pronounced,” neither caveat applies here. *United States v. Maurice*, 69 F.3d 1553, 1557 (11th Cir. 1995). Nowhere in the record did Hawks’s counsel object to the district court’s understanding of the facts. Therefore, plain error review is appropriate. Under the plain error standard, we examine whether there is an error, that is plain, and that has affected Hawks’s substantial rights. *United States v. Rodriguez*, 398 F.3d 1291, 1298 (11th Cir. 2005). Error does not affect substantial rights unless it impacts the outcome of district court proceedings. *Id.* (quotations omitted).

We begin with the first two factual findings Hawks mentions, neither of which is plainly erroneous. Dr. Daniel Tucker, who is employed at the University of Florida, Shands Hospital, examined Hawks in 2014 and diagnosed him with several disorders. Shands produced several progress reports in addition to Dr. Tucker’s diagnosis. One progress report recounts a conversation between Dr. Tucker and Hawks’s father concerning Hawks’s discharge from treatment. During

the conversation, Dr. Tucker expressed concern that Hawks “was a menace to society” and may be “an antisocial sexual predator.” After discussing a different diagnostic report, the district court recounted Dr. Tucker’s estimation of Hawks at sentencing, stating: “[T]he treatment at Shands—the doctor there indicated that Mr. Hawks may be a sexual predator. Those reports all provide reason for concern.”

Hawks contends crediting Dr. Tucker’s statements was error because they were not made in the context of an official diagnosis. Specifically, Dr. Tucker’s statements “were not part of a medical/psychological report” and were not “based on any testing conducted by Dr. Tucker.” Hawks’s contentions are unavailing. First, the district court’s use of the term “report” is consistent with the Pre-Sentence Investigation Report (PSI), which refers to the document as a “progress report.” Additionally, although they are not diagnoses, the progress reports clearly relate to the course of Hawks’s treatment—the documents issued from the hospital where Hawks received care and include statements by his physician. Finally, Hawks did not object to the statements’ inclusion in the PSI. Therefore, Hawks has not shown the district court committed plain error by considering Dr. Tucker’s statements.

Next, Hawks asserts the district court “erroneously failed to review or weigh letters from other health care or special needs professionals from Illinois.” The

district court recalled reading “letters” submitted to it. (Emphasis added).

Although the court did not specify each letter it had reviewed, the record does not indicate that any letters other than those Hawks submitted on his own behalf were provided to the district court. Thus, there is no evidence that the court plainly erred by failing to consider evidence submitted by the other health care and special needs professionals.

Third, Hawks claims the district court erroneously determined that Dr. Pollack concluded Hawks was effectively untreatable. Hawks is correct that the district court’s conclusion was erroneous and that the error is plain. Dr. Pollack stated that, while medication alone would not be effective, Hawks required “an intensive training program” in order to perform in social situations. The district court, referring to Dr. Pollack’s report, incorrectly stated: “[D]octors have said they don’t think medications and therapy are likely to be effective, given his circumstances.”

But pointing out a plainly erroneous fact is not sufficient. Hawks must show the district court’s plain error affected his substantial rights, which “almost always requires that the error must have affected the outcome of the district court proceedings.” *United States v. Flanders*, 752 F.3d 1317, 1333 (11th Cir. 2014) (quotation omitted). Hawks has not made the required showing. The district court explicitly considered several factors aside from Dr. Pollack’s report that supported

the district court's emphasis on the need to protect society, including: Hawks's manipulative and deceitful behavior while chatting with his victims, his ability to violate his probation even while under strict supervision, his attempts to directly contact other young girls, and Dr. Tucker's opinion that Hawks was a danger to society. Given these other factors, Hawks has not shown the district court's erroneous understanding of Dr. Pollack's report affected the outcome of the sentencing.

II. SUBSTANTIVE REASONABLENESS

Once we determine that a sentence is procedurally sound, we must examine whether the sentence is substantively reasonable in light of the record and the § 3553(a) factors. *Gall*, 552 U.S. at 51 (2007). The party who challenges a sentence's substantive reasonableness bears the burden of showing it is unreasonable in light of the record and § 3553(a) factors. *United States v. Tome*, 611 F.3d 1371, 1378 (11th Cir. 2010). We vacate if left with the "firm conviction that the district court committed a clear error of judgment in weighing the § 3553(a) factors by arriving at a sentence that lies outside the range of reasonable sentences dictated by the facts of the case." *United States v. Irej*, 612 F.3d 1160, 1190 (11th Cir. 2010) (en banc). However, "[w]e are not often left with [that] definite and firm conviction because, as we have explained, our examination of the sentence is made through the prism of abuse of discretion." *Id.* (quotation omitted).

Hawks asserts the district court, in weighing the sentencing factors, failed to consider “significant mitigating circumstances.” More specifically, Hawks contends the district court failed to give due consideration to his mental limitations and “the opinions of health care and special needs professionals” who believed Hawks was “not a danger to the community.”²

Hawks has not shown his sentence is substantively unreasonable. The district court considered Hawks’s diminished capacity, stating: “It is clear Mr. Hawks has diminished capacity and has had serious issues since he was quite young and has been evaluated a number of times.” The district court also acknowledged the mitigating impact of this fact—immediately before addressing Hawks’s limitations the district court reflected, “I find the sentencing in this case to be very, very difficult.” The record contains evidence, which the district court was entitled to credit, that cast doubt on representations that Hawks was not a danger to the community. Tesa Sansbury, one of the medical professionals who evaluated Hawks, determined that he required 24-hour supervision in order to ensure he did not come into questionable contact with minors. The record also showed that Hawks demonstrated predatory and manipulative behavior in his chats

² Hawks also re-asserts his argument that the district court’s erroneous factual conclusions led to an improper weighing of the § 3553(a) factors. As discussed above, this argument is subject to plain error review and fails because Hawks has not demonstrated an impact on his substantial rights.

with young women, and circumvented the restrictions of his probation by accessing the internet to target young girls in chatrooms.

Finally, Hawks asserts his sentence is substantively unreasonable because other, graver offenders with mental limitations have received less harsh sentences. This argument, too, is unavailing. Hawks's sentence of 360 months' imprisonment is below the guidelines range of 1,200 months. After considering all the factors, the district court varied downward by 840 months. The district court also ruled that the 30 year sentence it was imposing would run concurrently with a 10-year sentence Hawks was already serving. Comparison with the cases Hawks cites does not leave us with a "firm conviction" that the district court clearly erred in imposing his below-guidelines sentence.

Hawks has not shown his sentence is substantively or procedurally unreasonable. Accordingly, we affirm Hawks's sentence.

AFFIRMED.

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UNITED STATES DISTRICT COURT
Southern District of Florida
Fort Pierce Division

UNITED STATES OF AMERICA
v.
MATTHEW VAUGHN HAWKS

JUDGMENT IN A CRIMINAL CASE

Case Number: **16-14059-CR-MIDDLEBROOKS**
USM Number: **14125-104**

Counsel For Defendant: **Panayotta Augustin-Birch**
Counsel For The United States: **Ryan Butler**
Court Reporter: **Lisa Edwards**

The defendant pleaded guilty to count(s) One, Two, Three and Six.

The defendant is adjudicated guilty of these offenses:

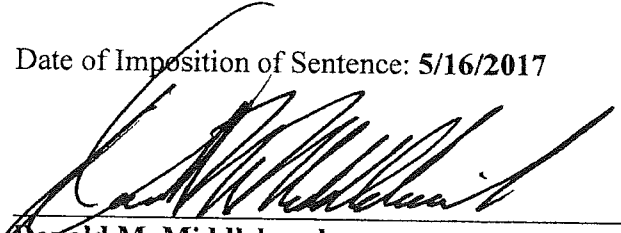
<u>TITLE & SECTION</u>	<u>NATURE OF OFFENSE</u>	<u>OFFENSE ENDED</u>	<u>COUNT</u>
18 U.S.C. §2251(a),(e)	Using facilities of interstate commerce to produce visual depictions of minors engaging in sexually explicit conduct	01/24/2016	1,2,3
18 U.S.C. §2252(a)(4)(B),(b)(2)	Possession of visual depictions of minor engaging in sexually explicit conduct	02/04/2016	6

The defendant is sentenced as provided in the following pages of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

All remaining counts are dismissed on the motion of the government.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Date of Imposition of Sentence: **5/16/2017**


Donald M. Middlebrooks
United States District Judge

Date: 5/18/17

DEFENDANT: **MATTHEW VAUGHN HAWKS**
CASE NUMBER: **16-14059-CR-MIDDLEBROOKS**

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of **THREE HUNDRED SIXTY (360) MONTHS. This term consists of Three Hundred Sixty (360) as to each of Counts One, Two and Three, to run concurrently with each other and One Hundred Twenty (120) months as to Count Six to be served concurrently with Count Three.** This federal sentence is to begin immediately and is to run concurrently with the undischarged term of imprisonment in Docket No. 14-378-CF.

The court makes the following recommendations to the Bureau of Prisons:

1. The defendant be designated to a facility in or as close to South Florida that is able to treat his mental health needs.

The defendant is remanded to the custody of the United States Marshal.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

DEPUTY UNITED STATES MARSHAL

DEFENDANT: **MATTHEW VAUGHN HAWKS**
CASE NUMBER: **16-14059-CR-MIDDLEBROOKS**

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **LIFE as to each of Counts One, Two, Three and Six to run concurrently.**

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

The defendant shall cooperate in the collection of DNA as directed by the probation officer.

The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

1. The defendant shall not leave the judicial district without the permission of the court or probation officer;
2. The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first fifteen days of each month;
3. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4. The defendant shall support his or her dependents and meet other family responsibilities;
5. The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
6. The defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
7. The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
8. The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
9. The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
10. The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
11. The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
12. The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
13. As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: **MATTHEW VAUGHN HAWKS**
CASE NUMBER: **16-14059-CR-MIDDLEBROOKS**

SPECIAL CONDITIONS OF SUPERVISION

Adam Walsh Act Search Condition - The defendant shall submit to the U.S. Probation Officer conducting periodic unannounced searches of the defendant's person, property, house, residence, vehicles, papers, computer(s), other electronic communication or data storage devices or media, include retrieval and copying of all data from the computer(s) and any internal or external peripherals and effects at any time, with or without warrant by any law enforcement or probation officer with reasonable suspicion concerning unlawful conduct or a violation of a condition of probation or supervised release. The search may include the retrieval and copying of all data from the computer(s) and any internal or external peripherals to ensure compliance with other supervision conditions and/or removal of such equipment for the purpose of conducting a more thorough inspection; and to have installed on the defendant's computer(s), at the defendant's expense, any hardware or software systems to monitor the defendant's computer use.

Computer Possession Restriction - The defendant shall not possess or use any computer; except that the defendant may, with the prior approval of the Court, use a computer in connection with authorized employment.

Data Encryption Restriction - The defendant shall not possess or use any data encryption technique or program.

Employer Computer Restriction Disclosure - The defendant shall permit third party disclosure to any employer or potential employer, concerning any computer-related restrictions that are imposed upon the defendant.

Mental Health Treatment - The defendant shall participate in an approved inpatient/outpatient mental health treatment program. The defendant will contribute to the costs of services rendered (co-payment) based on ability to pay or availability of third party payment.

No Contact with Minors - The defendant shall have no personal, mail, telephone, or computer contact with children/minors under the age of 18 or with the victim.

No Involvement in Youth Organizations - The defendant shall not be involved in any children's or youth organization.

Restricted from Possession of Sexual Materials - The defendant shall not buy, sell, exchange, possess, trade, or produce visual depictions of minors or adults engaged in sexually explicit conduct. The defendant shall not correspond or communicate in person, by mail, telephone, or computer, with individuals or companies offering to buy, sell, trade, exchange, or produce visual depictions of minors or adults engaged in sexually explicit conduct.

Sex Offender Registration - The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense.

Sex Offender Treatment - The defendant shall participate in a sex offender treatment program to include psychological testing and polygraph examination. Participation may include inpatient/outpatient treatment, if deemed necessary by the treatment provider. The defendant will contribute to the costs of services rendered (co-payment) based on ability to pay or availability of third party payment.

DEFENDANT: MATTHEW VAUGHN HAWKS
CASE NUMBER: 16-14059-CR-MIDDLEBROOKS

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$400.00	\$0.00	\$0.00

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>NAME OF PAYEE</u>	<u>TOTAL LOSS*</u>	<u>RESTITUTION ORDERED</u>	<u>PRIORITY OR PERCENTAGE</u>
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* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

** Assessment due immediately unless otherwise ordered by the Court.

DEFENDANT: **MATTHEW VAUGHN HAWKS**
CASE NUMBER: **16-14059-CR-MIDDLEBROOKS**

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

A. Lump sum payment of \$400.00 due immediately.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

This assessment/fine/restitution is payable to the CLERK, UNITED STATES COURTS and is to be addressed to:

U.S. CLERK'S OFFICE
ATTN: FINANCIAL SECTION
400 NORTH MIAMI AVENUE, ROOM 08N09
MIAMI, FLORIDA 33128-7716

The assessment/fine/restitution is payable immediately. The U.S. Bureau of Prisons, U.S. Probation Office and the U.S. Attorney's Office are responsible for the enforcement of this order.

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

<u>CASE NUMBER</u>	<u>TOTAL AMOUNT</u>	<u>JOINT AND SEVERAL AMOUNT</u>
<u>DEFENDANT AND CO-DEFENDANT NAMES</u> <u>(INCLUDING DEFENDANT NUMBER)</u>		

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 16-14059-CR-MIDDLEBROOKS/LYNCH

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MATTHEW VAUGHN HAWKS,

Defendant.

NOTICE OF FILING

Defendant, Matthew Vaughn Hawks, through undersigned counsel, hereby
files the attached letters for the Court's consideration at his sentencing hearing.

Respectfully submitted,

MICHAEL CARUSO
FEDERAL PUBLIC DEFENDER

By: s/Panayotta Augustin-Birch
Panayotta Augustin-Birch
Assistant Federal Public Defender
Florida Bar No. 359970
109 North Second Street
Fort Pierce, Florida 34950
Tel: 772-489-2123
Fax: 772-489-3997
E-Mail: panayotta_augustin-birch@fd.org

CERTIFICATE OF SERVICE

I HEREBY certify that on May 9, 2017, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or *pro se* parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

By: s/Panayotta Augustin-Birch, AFPD
Panayotta Augustin-Birch

SERVICE LIST

UNITED STATES v. MATTHEW VAUGHN HAWKS
Case No. 16-14059-CR-MIDDLEBROOKS/LYNCH
United States District Court, Southern District of Florida

Panayotta Augustin-Birch
Assistant Federal Public Defender
109 North Second Street
Fort Pierce, FL 34950
Tel: 772-489-2123
Fax: 772-489-3997
Email: panayotta_augustin-birch@fd.org
Notices of Electronic Filing

Ryan Butler
Special Assistant United States Attorney
United States Attorney's Office
101 South U.S. Hwy 1, Suite 3100
Fort Pierce, Florida 34950
Tel: 772-466-0899
Fax: 772-466-1020
Email: rbutler@sao19.org
Notice of Electronic Filing

April 30, 2017

Honorable Judge Middlebrooks

My name is Greg Hawks, I am the father and co-guardian of Matthew Hawks. His mother passed away in 2001 and his Grandmother ,Janet Ponik has been helping me raise Matthew during this time.

Matthew has been seeing physiologist and psychiatrist since he was 4 ½ years old. He has had a diagnoses of " metal retardation" from the state of Illinois and Florida.

When I heard that the doctor that conducted the evaluation of Matt for competency stated that " he faked" his condition I about passed out. What and indictment against his Mother and I for all the years we took him for treatment. There is a letter in your folder from Dr. Sholtes in Illinois that will provide a different diagnosis.

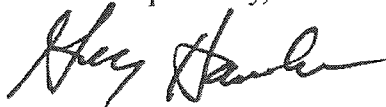
There should be no doubt that Matthew has had a life of intellectual and development disabilities. He was born with this condition and nothing can change his situation. Judge Middlebrooks , this is one of the problems that the court needs to consider for someone like Matt who falls into a situation of not knowing the consequences of there decisions. Where and what do we do for these persons?

I am not saying that Matt shouldn't be held to some form of punishment , the questions is what kind of punishment. The words on the from of the United States Supreme court say " equal protection under the law ". To me, I would hope that each individual would be judged on there own personal situation. Incarceration by all accounts is not going to help Matthew with bettering himself. He will be easily taken advantaged of and come out a far different person than what he went in as. As you review all of Matthew personal medical history you can see that he needs to be somewhere safe and secure. He can be productive if given a fair chance.

Matthew has never physically harmed anyone nor would he. There is no medical history of him being aggressive toward another human being. I hope you will take that into considerations as you weigh the next step in Matthew's life. He does know right from wrong but he can't always consider the consequence of his actions. Hopefully, there is a separation in the law for someone like Matthew.

We pray for your mercy and understanding of Matthew Hawks.

Most Respectfully,

A handwritten signature in black ink, appearing to read "Greg Hawks", written in a cursive style.

Greg Hawks

Judge Middlebrooks
701 Clematis Street
West Palm Beach, Florida 33401

Regarding

Matthew Hawks
Date of birth May 25, 1987

Dear Judge Middlebrooks

Matthew was under my care beginning in March 2001. At that time condition was diagnosed as Asperger's Syndrome currently would be labeled autism spectrum disorder in addition to having. Attention Deficit Hyperactivity Disorder Combined Type (DSM 5314.01 ICD 10 F 90.2). Over the time that I work with Matthew, he attended special therapeutic school setting and exhibited symptoms consistent with compulsive behaviors and significantly impaired social cognition and relational skills. Even in a very structured school setting, he required a great deal structure to manage rather silly and at times disruptive behaviors. His condition is considered to be chronic and not likely to spontaneously resolve into adulthood as well as likely to be associated with behavioral problems as an adult consistent with problems he had growing up

I had prescribed a variety of medications to Matthew including antipsychotics, medications for disruptive behavior, and stimulant medications for attention deficit hyperactivity disorder. He needed considerable structure and support and exhibited fairly significant symptoms during my care for him. His parents were responsible and reliable in following through with directions and instructions, and in my 30 years of experience as a psychiatrist Matthew stands out as having a significant chronic mental illness. At no point in time was it my impression that Matthew was pretending any of the symptoms.

Sincerely,



Bob Sholtes, MD

Child and Adolescent Psychiatrist

IL License # 084101 NPI 1417067307

1560 Sherman Ave., Suite 650
Evanston, IL 60201
(847)328-1920 Fax (847)328-1925
bob.sholtes@gmail.com

April 30, 2017

Dear Judge Middlebrooks,

My name is Janet Ponik. I am Matthew Hawks grandmother and co-guardian with his father, Greg Hawks.

I have been with Matthew since the day he was born and after his Mother, my daughter, passed away in 2001. I have helped his Dad raise him.

Mattie is a good boy who has never hurt anyone and never would. He has been accused of being a threat to society. He is not a threat to society only to himself. As one of his psychiatrists once said, "he is like a moth to a flame or a bear to honey, they can't help themselves, they have to follow the flame or the honey, unaware of the consequences – that's Matt.

To label Matt as a sex offender for the rest of his life is a terrible injustice to someone with his mental and intellectual disabilities. Matt functions at the approximate age of a 12-15 year old and unfortunately did what a lot of boys of that age do in today's society- never thinking again of the consequences – his chronological age of 29.

We know, as well as he does, Matt did wrong and has to be punished for his wrong doing. His Dad and I are getting older and hope we live long enough to see Mattie placed in a safe, secure facility where he will be happy for the rest of his life.

Judge, we hope and pray you will take into consideration his mental and intellectual disabilities as they will be with him for the rest of his life. A long prison sentence is not going to help him.

Thank you for your time and consideration,

Sincerely

A handwritten signature in cursive script that reads "Janet Ponik". The signature is written in dark ink and is positioned below the word "Sincerely".

April 30, 2017

Honorable Judge Middlebrooks,

My name is Jonathan Hawks. I am the older brother of Matthew Hawks. We are two years apart. I was always known as the "the worry wort" as I worried about Matt and tried to protect him-ie. Mattie don't get so close to the water or don't run out in the street or don't touch the hot stove.

When our Mom passed away in 2001, we were both saddened and heart broken. I am sure Mom knew more than anyone else about Matt's disabilities. I was so grateful that my Dad and Grandmother were there for both of us during those sad times. As time went on, I went off to college, married and started a family. Even though Matt knew he would never experience these times in life he was never jealous or envious. He was always happy for me. His favorite song growing up was "don't worry be poppy (happy)".

Judge Middlebrooks, I hope and pray you will take into consideration Matt's intellectual disability when making your decision. He is a very kind person and would never harm anyone. He will always be my brother.

Most Respectfully,


Jonathan Hawks

Forward in Faith

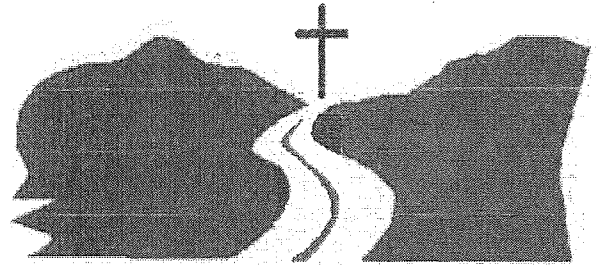
St. Paul Lutheran Church

305 US HWY 70 W

Havelock, NC 28532

Phone: 252.447.3826 - Fax: 252.447.0714

Pastor James Daub - www.stpaulhavelock.com



March 18, 2017

Your Honor,

I come before you through written word on behalf of Mr. Matthew Hawks. Matthew is my second cousin, but for us family is family and we do not separate each other by numerical divisions. Matthew's mother, Linda Hawks, was my godmother who taught me many life lessons. She was a very good spouse, mother, and friend to many people until her death in 2001.

As a family, we have always known that Matthew has some learning disabilities and slowness in processing things, but he has always been a very gentle giant, if you will, because he has never purposely wanted harm done to others through the things he said and done. In fact, often times, Matthew would serve as a peace maker of sorts if a disagreement amongst family members came up. Matthew is dearly loved and has been cared for to the best of his father's and my great aunt's abilities since the death of his mother.

Linda always wanted to make sure that Matthew received the best of education and included in the mainstream of learning so as to not let him feel as if he was a bad child because of his learning difficulties. In my Pastoral opinion, Matthew's world was greatly altered and began to stand still when his mom died after a very rough battle with cancer. While he was joking and smiling before others at the funeral, it was evident by those who know him best that he was inwardly struggling to understand what was all going on. Following that major life event, my great Uncle Don passed away a few years after that. Again, another person who was very close to Matthew was now gone and again his world was altered and shaken up.

Throughout his life, Matthew has been taken to different psychologist and has numerous rounds of testing by many different people, in several different states. All of the tests have declared that mentally he is functioning about 7-8 years behind his actual age. Matthew was 14 when his mom died, and functioning 7 or so years behind, it is clear why this event has influenced many of the things Matthew has done, and other events that have happened in these past few years.

"Bringing Jesus to the World!"

When the family was living in Illinois, Matthew was not in trouble nor did he do anything like what he is being charged for at this time. It seems once he, his father, and my Aunt moved back to Florida, where he had grown up the longest, then things seemed to unravel for him.

I know that Matthew has done wrong, and as best as he can understand so does he. However, I don't believe that he understands the full depth of the charges placed against him, or what the consequences to these charges may be. Matthew is a young man, functioning mentally as a child, and just looking for friends. For some they see a tall young man who looks just fine on the outside, but is anything but mentally or cognitively.

I appeal to you as a family member and a clergyman who has several children like Matthew in my congregation, to please have leniency on him. His grandmother is 83 and his father is 69 years old, and if the maximum sentence is given, they will in all likelihood will have been called to glory by the time he is released, and there will be no support system for Matthew.

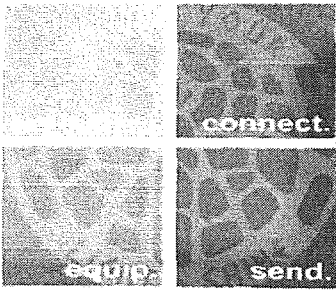
God's and man's law tells us that Matthew has done wrong and will have to face the consequences of his actions, but I request that you please consider his mental capabilities, major life events that have taken place, and the lack of support he will have if given the full sentence when you consider the sentence he will receive.

I thank you for taking the time to read this letter. I thank you for the faithful service you provide as one who has to make very difficult decisions at times. I thank you for your willingness to see the whole picture surrounding Matthew. May the Lord continue to grant you wisdom and understanding as you judge the cases that come before you.

In HIS Service,

Rev. James M. Daub
252.259.5539

"Bringing Jesus to the World!"



OUR SAVIOR LUTHERAN CHURCH

April 29, 2017

Judge Middlebrooks
701 Clematis Street
West Palm Beach, Florida 33401

Dear Judge Middlebrooks,

I am writing on behalf of Matthew Hawks and the whole Hawks family. I have known Matthew Hawks and the Hawks family as one of their pastors at Our Savior Lutheran Church since 2013 when they moved to Florida. Matthew and his family attend worship regularly and participate in activities and events at the church. In all of these Matthew has been well-received by the church family here as a kind, conversational, polite, earnest young man.

I cannot speak to the matter which this sentencing concerns, but do hope you would take into deep consideration Matthew's cognitive disability and how that has contributed to his decisions and actions, and how his disability would gravely affect his functioning in a long-term prison sentence.

Thank you for your commitment to justice and mercy,

Pastor Shelly Satran

Our Savior Lutheran Church
Vero Beach, FL

Rev. Jeanette Hirt, M. Div.
116 Columbia St.
Batavia, IL 60510

(630) 212-2236

Inspiring Illumined Living

April 27, 2017

Judge Middlebrooks
701 Clematis St.
West Palm Beach, FL 33401

RE: Matt Hawks #14125-104

It has been my supreme pleasure to know Matt Hawks as a neighbor, an employee, and a dear friend for almost 20 years. I first met Matt when he was a young boy in my neighborhood and was struck with his easy-going manner, his outgoing friendliness, and most of all, his big heart.

Matt frequently would stop by our home just to visit and he was always kind, courteous and interested in whatever we were doing at the time. He is very easy to be around and I always looked forward to his warm hugs and ready smile. When his mother died, I was a support to him. He said I was his best friend.

For several summers Matt did yard work and light landscaping jobs for me. I can say without reservation that Matt is one of the most conscientious and responsible young men I've ever known. He always wanted to do the best job he could and make sure that his "customer" was happy with his work. When I sold my home, he even came down on his own to mow the lawn for me one last time because he wanted it to look nice for the new owner!

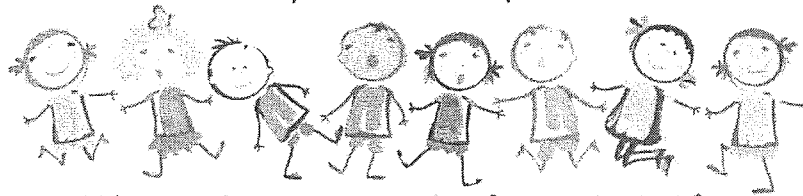
I have never known Matt to get angry at anyone or display any type of inappropriate behavior. He is a beautiful example to everyone of unconditional love and acceptance. I find his personal views and conversation quite refreshing! They hold a simple, innocent faith and wisdom.

When he told me about his trouble with the law, I could tell from his description of the events that there was no intention to do harm to anyone. His intellect and emotional development are equivalent to that of a 2nd grader and he should not be viewed in any other way. In truth, he did no harm to anyone. He should not be punished or sentenced to years in a federal prison for being a special needs individual. To do so, would cause irreparable harm to his being. Could the charges be dropped due to his under-developed capacities? Could he be sent home under probation, or perhaps to a supervised group home rather than to prison? I ask for your understanding and compassion, Judge Middlebrooks. What would you do if he were your own child?

Blessings and Peace.


Rev. Jeanette Hirt, M. Div.

Special Camps



"This is the best week of my whole life"

To Whom It May Concern,

It is with great pain that I write this letter of concern for Matt Hawks. I have known Matt since June, 2007 when he first became one of my campers with autism and intellectual disabilities at Special Camps. Special Camps is an all volunteer run camp for children and adults with intellectual disabilities. Matt first attended as one of our special needs campers. Matt instantly made friends with everyone he met. His speech was a little slowed and his words appeared carefully selected, perhaps a second or two behind the norm, but definitely a high functioning autistic young man with Asperger's. He was so very helpful... assisting our staff with what might be needed, usually without asking. His Asperger's (high functioning Autism), made it difficult to communicate appropriately with others, (his eyes appear slightly closer together than his peers which makes his words seem more intense. He had a real passion for helping others and making others happy. Yes, Matt was a very sweet camper, yet somehow didn't fit into this population either, as he was so high functioning. Matt was always there when you needed him or not, doing little jobs. He'd clean tables without being asked, take dinner trays away in a quick manner, swept the floors and then ask what more he could do. I felt so guilty at first, seeing him sweep tables, that was our staff job, but realized that it gave him a sense of importance.

Asperger's autism is a tough disability for individuals and their families. They don't quite fit the characteristics of either a "normal" person or someone with an intellectual disability, as their IQ is greater than most. Matt functioned like a 10 year old in many ways. Those with Autism struggle to build and keep friendships. Matt tried to hang out with the volunteer teen camp counselors (of which he did successfully), though he told me that he knew he didn't really belong. He appreciated their interest in him and understood that their time was limited. He volunteered at the Kane County Cougars baseball team. Matt found some pride in being an assistant coach in some elementary school activities. He could handle conversations and had more similarities and interests with those younger than him, (elementary – high school age) as he grew up.

In 2012, Matt was elevated to Assistant Staff at Special Camps. With volunteers aware of Matt's limits, he could clearly not be in charge of another person as a camp counselor, nor lead an activity as Staff would do. He washed tables, helped set up crafts, did dishes, and participated in camp activities feeling good about himself.

I began to know Matt on a personal level. We'd met for ice cream when he proudly received his driver's license. He'd talk about his high school football team, he volunteered to assist me set up and tear down at several functions for those with intellectual disabilities. He desperately wanted to get a paid position somewhere, but couldn't find work, so he volunteered where he could, and loved helping others.

Matt had the common characteristics of autism that sometimes made it difficult for the general population to understand. He was confused by facial expressions or tone of voice. He used jokes and sarcasm, but didn't understand it in others. He would get highly focused on topics or interests, (usually wanting to help out at a school, sports team or our camp), wanting to adopt children when he got older, like I'd done.

Matt was sad he had to move to Florida with his father and Grandparents, but understood their desire for retirement. He had finally made friends, and volunteer opportunities that made him feel some success in Illinois. He called me on several occasions from Florida, hopeful that he could come back to camp, visit with friends back home, and very sad that he could find no opportunities (nothing that fit his more unique Asperger's needs), in Florida. I had suggested perhaps the park districts would need help or even a local elementary school. He later called to tell me he was so happy he found a volunteer opportunity at a local school.

I am in agreement that Matt needs to learn right from wrong with his chosen behaviors, but I also understand that much of what might be going on may stem from a lack of opportunities, and support with his Asperger's. I so was praying his family would find a support group appropriate for Matt. His great desire to be a friend to others, have a job of importance (even if unpaid), and to have friends.

Below is a short list of common characteristics of Asperger's adults from The Asperger's Comprehensive Handbook, in hopes that you might be able to learn more about Matt by reading these categories.

This view concerning problems in verbal and non-verbal communication, social understanding, and flexibility of thought or action has become commonly expressed; and reference is made to a number of factors which could explain why someone with Asperger's may have an increased risk for offending behavior:

- An (innate) lack of concern for the outcomes of actions
- Failure to understand (formal) questioning and an over-frankness
- Impulsive behavior which may be stimulated by an underlying anxiety
 - Misreading of social signals and a lack of knowledge of social rules which may underlie accusations of sexual misconduct
- Obsessional interests which may be reflected in behavior such as stalking
- Resistance or limited motivation to change may underlie a persistence of inappropriate behaviors
- Social immaturity, and a misinterpretation of "friendships", with a vulnerability to being led by others into inappropriate or illegal behavior.

Thank you so much for all of your time and consideration of our dear friend, Matt Hawks. I've told his Grandmother that if I can be of any further assistance, I'd be happy to fly down to be there in court. He's such a great guy, but obviously greatly conflicted with his obsessional thoughts, anxiety, intense need to help others, and desire to make friends. I have confidence that you can look past his overall appearance, and awkward presentation that can sometimes make his thoughts unclear.

In my opinion, jail is not going to benefit him, or keep society any safer. The world has something to learn from those with varying abilities. Matt has many positive attributes, which if directed in a positively, could benefit others. Matt needs more intensive support and supervision like a group home setting for those with intellectual disabilities and autism. Please let me know if I can be of any service, as I'd be happy to fly down there, answer any questions you may have, or even help find a positive group home environment up here, as I do have many contacts.

My prayers are with you and Matt, that God may guide you to a positive resolution.

A handwritten signature in cursive script that reads "Colleen McDonald".

Colleen McDonald
President of Special Camps
26W684 Lindsey Ave
Winfield, IL 60190
C: 630-212-1565

April 30, 2017

Judge Middlebrooks
701 Clematis Street
West Palm Beach, FL 33401

Dear Judge Middlebrooks:

We are writing to you on behalf of Matthew Hawks.

My husband and I, Paul and Cheryl Kelley, owned and operated a 27 unit motel in Vero Beach for nearly 30 years. It was there that we met the Hawks family and Matthew's maternal grandparents, the Poniks over 20 years ago.

Our motel was rather unusual because we lived at the motel and socialized with our guests. We particularly spent a lot of time with those families who returned year after year to stay with us. Such was the case with the Hawks and the Ponik families.

The interactions we observed between Matthew and his family were always positive. We did not find Matthew a threat to our two daughters or the other children whom he played with during his vacation. We never witnessed any aggressive behavior while Matthew was playing with our daughters and the other children at the pool, beach or in my home. His behavior with my daughters was consistent year after year.

We ask that you reconsider the course of action for Matthew. Being incarcerated just seems so wrong for Matthew. We understand that his legal guardians want him to be involved in therapy and or medications to support his illness and to live in a supervised environment. This seems so much more beneficial to him and the community than a jail sentence.

We pray for a decision that benefits Matthew as well as the community.

Sincerely yours,

Cheryl and Paul Kelley
Former owners of the Aquarius Oceanfront Resort
Vero Beach, Florida

April 30, 2017

Karen L. Penney
635 36th Ave
Vero Beach, FL 32968

Re: Matthew Hawks

Your Honor,

As a close friend of Matthew Hawks and his family for more than 25 years, I am pleading for lenience in his sentencing.

I met Matthew and his mother, Linda, on my daughter's first day of kindergarten. It did not take long before we knew we had a common bond. We both had children with development delays, disabilities and other challenges. Not only did Linda and I become close friends, our children did too. Because of their differences, they were each other's only friend. They helped each other using their varied strengths and weaknesses,

I love Matthew. Unconditionally. He has always been very respectful, kind and loving toward my family. I have never seen him act out in any way.

Having a "big heart" is an understatement for him. He is compassionate, caring and giving. Wanting to help others, and volunteering his time. I have watched him coach youth basketball with a calm, nurturing demeanor, teaching the game, sportsmanship and the importance of doing your best.

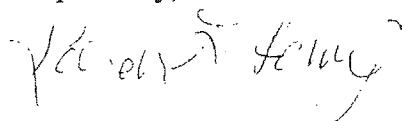
Matthew's disabilities do not fall under any standard category or diagnoses. He, and his family, have struggled, his entire life for help and understanding. Of the people that have counseled, worked with and truly know Matthew, there is one strong agreement, the more you know Matthew, the more you love him.

Knowing Matthew so well, I am still in shock of what he has done. He made very bad choices and must face the consequences. It breaks my heart to think of Matthew serving a long prison term, which, I worry, could be very detrimental to his mental health and being a productive citizen upon release.

I am respectfully seeking your mercy when sentencing Matthew. I pray that you will give great consideration in making that decision and that you will take into consideration his disabilities and how they contributed to his wrong doing.

Thank you in advance for your time and for your consideration.

Respectfully,



Karen L. Penney

[REDACTED]
[REDACTED]
[REDACTED]
April 23, 2017

Judge Middlebrooks
701 Clematis Street
West Palm Beach, FL 33401

RE: Matthew Hawks

Dear Judge Middlebrooks:

My name is Joanne E. Jung. I taught school for 13 years in New Jersey and in Florida, and also worked as a Juvenile Probation Officer in Ft. Pierce, FL, for 2 years. I am now retired from my position of 20 years as a Senior Vocational Rehabilitation Counselor, with Service Source. In my last office location, in Vero Beach, I had the pleasure of working with the above referenced young man and his family, for about two years. I am respectfully submitting my experience with him and his family.

I am familiar with Matthew's legal issues. I was very dismayed and concerned regarding his latest incarceration, for a myriad of reasons. While I completely understand the severity of his actions and the chances he has been given thus far, I also understand his disability-related symptoms and limitations. In our many interactions, I have known Matthew to be very family-oriented and faith-centered. He never once demonstrated with me or in his supervised, job coached employment experience, anything less than respect and motivation to be successful. Unfortunately, due to his disabilities, he often acted impulsively, with what appeared to be no clear understanding of any ramifications of his behaviors. As with many people with severe disabilities, he was usually isolated and without significant peer group friendships. With limited understanding of consequences, I believe that in the immediacy of the moment, Matthew's loneliness and need for friendships overran any good judgment, and he sought friendship with people who were more accepting of his limitations and limited maturation. Once his behaviors became public, his fears overrode any sense of positive judgment and his reactions only served to compound the issue. Despite his reported threats, I have not witnessed or ever

Hawks, pg. 2

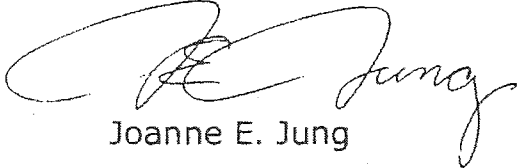
heard of Matthew actually engaging in any physical or destruction of property behaviors.

While I fully comprehend the need for punishment within the legal system, I feel that prolonged incarceration without any rehabilitation will prove to be futile for Matthew, and in fact could serve to exacerbate his symptoms.

Matthew will always require supervision. It is my professional opinion that he would optimally benefit from consistent mental health management, with regular therapy, private and group, where he could learn appropriate coping skills, appropriate interactions with others through role-playing, and where he can develop to the best of his ability some decision-making skills. I also believe that Matthew will require supervised living. Given the above supports, with job coaching through supported employment, Matthew could be able to obtain and maintain some gainful, part-time employment.

I am most grateful to you for taking the time to read this letter, on Matthew's behalf.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joanne E. Jung". The signature is fluid and stylized, with a large initial "J" and a long, sweeping underline.

Joanne E. Jung

April 22, 2017
Judge Middlebrooks
701 Clematis Street
West Palm Beach, Florida 33401

Your Honor,

I am writing in support of Matthew Hawks and asking you to consider a reduced sentence due to extenuating circumstances.

Matt is a dear family friend whom we have known for many years thanks to his friendship with my daughter, Jenny, 23, and their shared special needs experiences. Jenny, who has a rare genetic mutation and relies on oxygen to support breathing, first met Matt through Special Camps For Special Citizens, a week-long horseback riding camp for teens and young adults with developmental disabilities. Scared and facing a number of medical challenges (she's had two open heart surgical repairs, has hearing loss, a seizure disorder, a developmental disability, hypotonia, scoliosis, has had multiple strokes and use a specially trained service dog to navigate the community), Jenny was delighted to visit with Matt, an experienced camper who faced the challenges of his own developmental disability/autism and was determined help make new campers smile at every opportunity.

Matt was a few years older than Jenny, but his developmental age often approximated that of a 9 to 12-year-old. We found he and Jenny shared many common interests.

While autism meant he wasn't able to understand the consequences of his actions, he thrived as he came to know and love our family. Jenny, too, required a structured environment and constant supervision, something very comfortable and reassuring to Matt.

Following camp, Matt kept in touch with Jenny, visiting her in the hospital when she had pneumonia, helping her mom to take her to her first dance and carry her oxygen in a bright pink backpack, inviting her family to join his for a "princess night" at the local Kane County Cougars baseball park, watching her special needs cheerleading team perform at JV football games, and joining her mom, dad and sister for swim outings, trips to Dairy Queen and pizza movie nights at home. He also shared his many Western DuPage Special Recreation Association (WDSRA) basketball and softball games with the family, introducing Jenny to sports and helping her to be included for the first time in peer activities.

Jenny was devastated a few years ago when Matt moved from Illinois to Florida with his family and we were especially grateful he took the time to write her notes and call our family to keep in touch and check up on everyone. His compassion and caring enriched all of our lives. Perhaps because of his own developmental disability/autism, he was best able to recognize and help support another with more significant challenges.

Please consider Matt's autism not as a mental health disorder, but as a lifelong condition he was born with and for which detention, medication, medical specialists, and support groups will not cure.

Sincerely,

Janice Youngwith
(Jenny's mom and legal guardian)

[REDACTED]
[REDACTED]

April 13, 2017

Dear Judge;

I am writing this letter on behalf of Matthew Hawks. I started working with Matt in 2004, when he and his family lived in Illinois. At this time, Matt was found eligible for the states Home-Base Services Program. He was found eligible based on his disability. With this funding, Matt was entitled to an agency that provided Service Facilitation and an agency that advocated for him. I worked for Pact, Inc- an advocating agency for DuPage County. Matt's Service Facilitating agency was Ray Graham Association. Matt is diagnosed with Mental Retardation and Asperger's, which is on the Autism spectrum. Matt has a low IQ, but attempts to compensate it with friendliness. While my time at Pact, Inc, I would perform yearly redeterminations. This would be used to determine if Matt continues to be eligible for services. Each year, Matt scored at a functioning level of a 9 to 12 year old. At first, Matt appears to have the ability to speak intellectually. The longer you talk to Matt, the more you will notice he does not have the intellect of a person his age. He also has difficulty processing things. I worked with Matt up until the time he and his family moved to Florida in 2013. Leading up to their move, we worked on many things such as socialization skills, diet, exercise, house hold chores, and getting a job. With every item that was targeted as a goal for Matt came an explanation of it's importance. Many goals took months to attain, reminding Matt of the importance. One of Matt's biggest obstacles was employment. Matt is a very friendly person. Unfortunately, he doesn't have the ability to understand with strangers being overly friendly is not a good thing. He was able to get a job with the Kane County Cougars. They are a minor league baseball team. He did very well there but not without a job coach checking on him frequently. The job coach also

~~worked on certain goals with Matt, just as we did at home.~~ This position was seasonal. I feel this worked to Matt's benefit for many reasons. First, it was a short time period for him to focus. Matt was given very specific tasks to complete and many people depended on him. If he was not doing his work, there were consequences that were noticed immediately by his supervisor. Second, he did not have time to socialize. Baseball games are busy. And finally, Matt felt good making money.

During my time working as an advocate for people with disabilities and their families, I realized there is a problem with the system. When a family decides to move to another state, their family members' services do not go with them. Once Matt moved to Florida, all his funding in Illinois ended. Matt's father and grandmother worked on getting Matt services once their move was complete. They registered him with the ADP; Agency for Person's with Disabilities and Vocational Rehab immediately. Vocational Rehab was able to get a job coach for Matt. However, the job coach was not providing the support to Matt that was needed. Ultimately, Matt was having back issues and was no longer able to work. Matt's dad and grandmother were informed a group^{Howe} was available for Matt. They were very excited. When it came down to getting the specific details worked out, APD backed down. They informed Matt's family there was never a home for Matt. Matt's family felt they were taking two steps forward to only be pushed back three.

What did Matt think about the loss of his services with this move? Matt didn't care that he was losing services. He didn't understand that he was losing all the support he had for all these years. The rest of us were terrified of the loss. Matt looked at this move as a new start. He felt he was moving to a new place where no one knew of him and his disability. He would make statements such as "I don't want anyone to know I have a disability" or "I want people to think I am normal". And yes, looking at Matt he does look "normal". He isn't in a wheel chair, doesn't have contracted limbs, or have distinct facial features like a person with Downs Syndrome. He is able to speak intelligently at first appearance and can write. Matt can also use

a computer better than some people. What Matt does have is something that can't be seen. Matt has an inability to process situations and information like other people. He see's things in black and white. Matt is compulsive and lacks the ability to look ahead to what the possible consequences could be of an action. This is why I am writing this letter on his behalf. I have known Matt for more than 10 years. He would never hurt another person. He is the first to volunteer to help someone. Matt would take the family snow blower out when there was a snow storm and snow blow his neighbors driveways. Matt was very proud of the help he gave to other people. Prison is not the answer for Matt. Matt needs assistance from people who understand disabilities and can set goals with him like he had in Illinois to continue to learn.

I am available for further discussion about Matt and his disability. I can be reached by email at [REDACTED] or by phone [REDACTED]. Thank you for your time.

Sincerely,

Michelle Lukomski, RN