Appendix

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

Nos. 18-12845, 19-10960
Non-Argument Calendar

D.C. Docket Nos. 6:18-cv-00316-JA-KRS; 6:08-cr-00176-JA-KRS-1

FRANK L. AMODEO,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

Appeals from the United States District Court
for the Middle District of Florida

(November 30, 2020)

Before WILLIAM PRYOR, Chief Judge, NEWSOM and ANDERSON, Circuit Judges.

PER CURIAM:

Frank Amodeo, a federal prisoner, appeals the denial of his motions to appoint counsel and for relief from the judgment. Amodeo sought the assistance of counsel to litigate a petition for writ of error coram nobis in which he challenged an order of forfeiture entered more than eight years earlier in a criminal proceeding. The district court dismissed Amodeo's petition as barred by laches and then denied his related motion to appoint counsel as moot. Later, the district court ruled that Amodeo failed to present an adequate reason to justify relief from the judgment. *See* Fed. R. Civ. P. 60(b). Amodeo has abandoned any challenge that he could have made to the dismissal of his petition by raising in his initial brief only arguments about the denial of appointed counsel. *See Sapuppo v. Allstate Floridian Ins. Co.*, 739 F.3d 678, 680 (11th Cir. 2014). We affirm.

We review the denial of appointed counsel and relief from a judgment for abuse of discretion. *See United States v. Webb*, 565 F.3d 789, 793 (11th Cir. 2009) (counsel); *Lugo v. Sec'y, Fla. Dep't of Corr.*, 750 F.3d 1198, 1207 (11th Cir. 2014) (relief from judgment). Under that standard, "we affirm unless we determine that the district court applied an incorrect legal standard, failed to follow proper procedures in making the relevant determination, or made findings of fact that are clearly erroneous." *Lugo*, 750 F.3d at 1207. We can affirm for any reason supported by the record. *United States v. Al-Arian*, 514 F.3d 1184, 1189 (11th Cir. 2008).

The district court did not abuse its discretion by denying Amodeo's motions for appointed counsel and for relief from that judgment. Amodeo had "no constitutional right to coram nobis counsel," *Toles v. Jones*, 888 F.2d 95, 99 (11th Cir. 1989), nor did "the interests of justice or due process" require the district court to appoint him counsel, *Schultz v. Wainwright*, 701 F.2d 900, 901 (11th Cir. 1983); 18 U.S.C. § 3006A(a)(1). The Rules of Civil Procedure provide only for the appointment of a legal guardian, which Amodeo has already. *See* Fed. R. Civ. P. 17(c). Amodeo also was not entitled to the appointment of counsel by statute because he did not "seek[] relief under section 2241, 2254, or 2255 of title 28." 18 U.S.C. § 3006A(a)(2). It would have been futile to appoint counsel to pursue a petition that Amodeo does not dispute is barred by laches. And Amodeo identified no extraordinary circumstance that merited relief from an order denying him appointed counsel more than eight months earlier. *See Lugo*, 750 F.3d at 1210; *see also* Fed. R. Civ. P. 60(c)(1) (requiring a Rule 60 motion be "made within a reasonable time").

We **AFFIRM** the denial of Amodeo's motions for counsel and for postjudgment relief.

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

November 30, 2020

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 18-12845-AA ; 19-10960 -AA
Case Style: Frank Amodeo v. USA
District Court Docket No: 6:18-cv-00316-JA-KRS
Secondary Case Number: 6:08-cr-00176-JA-KRS-1

This Court requires all counsel to file documents electronically using the Electronic Case Files ("ECF") system, unless exempted for good cause. Non-incarcerated pro se parties are permitted to use the ECF system by registering for an account at www.pacer.gov. Information and training materials related to electronic filing, are available at www.ca11.uscourts.gov. Enclosed is a copy of the court's decision filed today in this appeal. Judgment has this day been entered pursuant to FRAP 36. The court's mandate will issue at a later date in accordance with FRAP 41(b).

The time for filing a petition for rehearing is governed by 11th Cir. R. 40-3, and the time for filing a petition for rehearing en banc is governed by 11th Cir. R. 35-2. Except as otherwise provided by FRAP 25(a) for inmate filings, a petition for rehearing or for rehearing en banc is timely only if received in the clerk's office within the time specified in the rules. Costs are governed by FRAP 39 and 11th Cir.R. 39-1. The timing, format, and content of a motion for attorney's fees and an objection thereto is governed by 11th Cir. R. 39-2 and 39-3.

Please note that a petition for rehearing en banc must include in the Certificate of Interested Persons a complete list of all persons and entities listed on all certificates previously filed by any party in the appeal. See 11th Cir. R. 26.1-1. In addition, a copy of the opinion sought to be reheard must be included in any petition for rehearing or petition for rehearing en banc. See 11th Cir. R. 35-5(k) and 40-1 .

Counsel appointed under the Criminal Justice Act (CJA) must submit a voucher claiming compensation for time spent on the appeal no later than 60 days after either issuance of mandate or filing with the U.S. Supreme Court of a petition for writ of certiorari (whichever is later) via the eVoucher system. Please contact the CJA Team at (404) 335-6167 or cja_evoucher@ca11.uscourts.gov for questions regarding CJA vouchers or the eVoucher system.

For questions concerning the issuance of the decision of this court, please call the number referenced in the signature block below. For all other questions, please call T. L. Searcy, AA at (404) 335-6180.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Jeff R. Patch
Phone #: 404-335-6151

OPIN-1 Ntc of Issuance of Opinion

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

July 26, 2021

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 19-10960-AA
Case Style: USA v. Frank Amodeo
District Court Docket No: 6:08-cr-00176-JA-KRS-1

The enclosed order has been entered on petition(s) for rehearing.

See Rule 41, Federal Rules of Appellate Procedure, and Eleventh Circuit Rule 41-1 for information regarding issuance and stay of mandate.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: T. L. Searcy, AA/lt
Phone #: (404) 335-6180

REHG-1 Ltr Order Petition Rehearing

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 18-12845-AA ; 19-10960 -AA

FRANK L. AMODEO,

Petitioner - Appellant,

versus

UNITED STATES OF AMERICA,

Respondent - Appellee.

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

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

BEFORE: WILLIAM PRYOR, Chief Judge, NEWSOM and ANDERSON, Circuit Judges

PER CURIAM:

The Petition for Rehearing En Banc is DENIED, no judge in regular active service on the Court having requested that the Court be polled on rehearing en banc. (FRAP 35) The Petition for Panel Rehearing is also denied. (FRAP 40)

ORD-46

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

Scott S. Harris
Clerk of the Court
(202) 479-3011

September 13, 2021

Mrs. Coralice Diaz Sampedro
111 N. Orange Ave. Ste.800
Orlando, FL 32801

Re: Frank L. Amodeo
v. United States
Application No. 21A40

Dear Mrs. Diaz Sampedro:

The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case has been presented to Justice Thomas, who on September 13, 2021, extended the time to and including November 23, 2021.

This letter has been sent to those designated on the attached notification list.

Sincerely,

Scott S. Harris, Clerk

by

Susan Frimpong
Case Analyst

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

Scott S. Harris
Clerk of the Court
(202) 479-3011

NOTIFICATION LIST

Mrs. Coralice Diaz Sampedro
111 N. Orange Ave. Ste.800
Orlando, FL 32801

Mr. Brian H. Fletcher
Acting Solicitor General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Clerk
United States Court of Appeals for the Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, GA 30303

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 18-12845-AA; 19-10960-F

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

FRANK L. AMODEO,

Defendant-Appellant.

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

ORDER:

Frank Amodeo, a federal prisoner, seeks appointment of counsel in case no. 19-10960. As that appeal is procedurally identical to his appeal in case no. 18-12845, for which he was appointed counsel, and the issues in the two appeals turn on the same facts, it is ORDERED that the appeals, in case nos. 18-12845 and 19-10960, be CONSOLIDATED. As such, his motion to appoint counsel is DENIED AS MOOT. Amodeo's consolidated initial brief is due on January 23, 2020.

/s/ William H. Pryor Jr.
UNITED STATES CIRCUIT JUDGE

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

December 10, 2019

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Appeal Number: 18-12845-AA ; 19-10960 -F
Case Style: Frank Amodeo v. USA
District Court Docket No: 6:18-cv-00316-JA-KRS
Secondary Case Number: 6:08-cr-00176-JA-KRS-1

This Court requires all counsel to file documents electronically using the Electronic Case Files ("ECF") system, unless exempted for good cause.

The enclosed order has been ENTERED.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: T. L. Searcy, AA
Phone #: (404) 335-6180

MOT-2 Notice of Court Action

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

2700 Westhall Lane, Suite 110, Maitland, Florida 32751
407-475-1025 407-475-1027 (Fax)

EVALUATION OF CAPACITY

NAME: Frank Amodeo

DATE OF BIRTH: September 1, 1960 (Age: 56)

DATE OF EVALUATION: April 10, 2017

DATE OF REPORT: April 27, 2017

REFERRAL QUESTION: Mr. Amodeo's Guardian, Charles Rahn, requested an evaluation to assess Mr. Amodeo's capacity to make informed decisions regarding his finances, medical care, legal matters, and personal affairs.

PROCEDURES AND TESTS:

- Clinical Interview with Mr. Amodeo
- Minnesota Multiphasic Personality Inventory-2 (MMPI-2)

COLLATERAL INFORMATION AND RECORDS REVIEW:

- Order, United States District Court, Middle District of Florida, Orlando Division, September 25, 2015.
- McClean Hospital, Harvard Medical School, Belmont, Massachusetts.
  - Alexander Vuckovic, M.D. The Pavilion Discharge Summary (August 21, 2008).
  - Evan D. Murray, M.D., Behavioral Neurologist, Pavilion Evaluation (August 7, 2008), McClean Hospital, Harvard Medical School, Belmont, Massachusetts.
  - Susan Parks, Ph.D., Neuropsychological and Psychodiagnostic Evaluation (August 12, 2008), Department of Neuropsychology, McClean Hospital, Harvard Medical School, Belmont, Massachusetts.
  - Jennifer Taylor, Ph.D., Substance Abuse Consultation Note, (August 9, 2008).
- Telephone Consultation (April 7, 2017) with Claire Holland, Mr. Amodeo's wife.
- Written statement (April 10, 2017) by Claire Holland providing information based on her observations of Mr. Amodeo's functioning.

- Telephone Consultation (April 11, 2017) and emails (April 7,9,11, 2017) with Charles Rahn, Mr. Amodeo's Guardian.
- Telephone Consultation (April 7, 2017) with Dr. Dexter James, Psychiatrist, Coleman Federal Correctional Complex.
- Telephone Consultation with and email from (April 11, 2017) Jonathan Rose, Esquire, Mr. Amodeo's attorney, and Mr. Rose's emails (April 7 and April 9, 2017) forwarded to Dr. Antonio by Mr. Rahn regarding case background information and questions to be addressed by the evaluation.
- Affidavits and Declarations (2015-2017) by twenty of Mr. Amodeo's fellow inmates at Coleman.
- Letters (2016) from three of Mr. Amodeo's fellow inmates to the Presidential Pardon Program.

LEGAL HISTORY: Mr. Amodeo worked as an attorney from 1988-1993. Felony charges were brought against him for defrauding a client in 1993. He was disbarred in 1997. In 1999 he was found guilty of the charges and incarcerated. Following this, he had impressive success with his company, Mirabilis Ventures. However, 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 failure to remit payroll taxes. On September 23, 2008, Mr. Amodeo signed an Amended Plea Agreement. He pled guilty to conspiracy to defraud an agency of the United States, wire fraud, failure to remit payroll taxes, and obstruction of an agency proceeding. Judgment was entered (Case No. 6:08-cv-0176-Orl-JA-GJK) on May 27, 2009. Mr. Amodeo was sentenced to 22 years and six months in federal prison.

Mr. Amodeo appealed his conviction. On July 21, 2010, the Court affirmed his conviction. However, according to Mr. Amodeo, the Court expressed concern about the possibility his attorney had a conflict of interest in his case. He filed a motion to vacate (Case No. 6:08-cv-0176-Orl-28GJK) in June of 2011. That motion was dismissed without prejudice on October 31, 2011 after Mr. Amodeo repeatedly failed to comply with Court's orders regarding amending the contents of his motion. Mr. Amodeo initiated a second action on November 18, 2011. That case was dismissed on February 7, 2012 without prejudice after Mr. Amodeo again failed to comply with the Court's orders regarding amending the contents of his motions. According to Mr. Amodeo, the District Court Clerk failed to send him notice that he needed to amend his motion again.

Mr. Amodeo filed another motion to vacate, set aside, or correct sentence on April 18, 2012. This motion was dismissed in September of 2015 because Mr. Amodeo did not file the motion within one year of the date his judgment of conviction became final. According to Mr. Amodeo his motion was dismissed despite the District Court's conclusion that he needed assistance of counsel to

prosecute his action (Case# 6:12-cv-0641-Orl-JA-DAB, Doc. 88, 106). His current attorney, Mr. Rose, supplemented the record in 2015.

On September 25, 2015, the United States District Court found that Mr. Amodeo's motion to vacate, set aside, or correct his sentence to be untimely and without merit and was denied. According to Mr. Amodeo, his motion was denied by the Court without considering Mr. Rose's supplement to the record. The Court also found that Mr. Amodeo had presented no evidence supporting a causal connection between his mental health and his failure to timely file his motion. It was noted that, in spite of his mental illness, he has initiated three separate actions in which he has filed hundreds of pages of documents. Therefore, the Court would not excuse the untimeliness of his motion.

BACKGROUND INFORMATION: This Examiner evaluated Mr. Amodeo for capacity previously in 2008 and again in 2013 per Court order for the Ninth Judicial Circuit, Orange County, Florida, Probate Division. On both occasions, the Court determined Mr. Amodeo to be mentally incapacitated and unable to make informed decisions for himself and he was appointed a Guardian. His current Guardian is Charles Rahn.

Mr. Amodeo was first diagnosed with Bipolar Disorder in 1995 or 1996, but has exhibited symptoms of this disorder since his high school years. He participated in treatment with a psychiatrist, Dr. Lewis, and saw a therapist from 2000-2003. He was in treatment with a psychiatrist, Dr. Jeffrey Krotenberg, from 2007 to 2008. Mr. Amodeo's symptoms include delusional beliefs, disorganized thinking, and impulsive, reckless behaviors, frequently involving large sums of money. For example, he once made a decision to purchase a high end men's clothing boutique 15 minutes after walking into the store.

Mr. Amodeo holds a fixed delusional belief that he will be *"Emperor of the World."* He thinks that he has special powers, such as *"prophetic visions,"* that allow him to foresee the future, as well as the ability to perform miracles. He has been working on plans to establish his *"empire"* since his teenage years. In his 2008 evaluation with this Evaluator, he provided copies of newspaper articles from his high school reporting on his activities when he was student council president. He envisioned the school as a country and created *"Imperialism Day"* as an *"unorthodox approach to school spirit."*

Mr. Amodeo is intelligent, creative, and charismatic. Prior to his incarceration, his achievements with his company, Mirabilis Ventures, were impressive. The company provided staffing for other companies and included over 60 subsidiaries. His business contacts included powerful and influential people throughout the world. During his 2008 evaluation with this Evaluator, he provided photographs and other documents to illustrate his international business success. These included a photograph of himself with President George W.

Bush, reportedly taken when Mr. Amodeo was attending a foreign policy meeting with high level government and NATO officials.

Some of Mirabilis Ventures' subsidiaries failed to pay approximately $181 million in payroll taxes between 2004 and 2006. Mr. Amodeo is adamant that he never attempted to evade paying taxes because the amounts owed were reported to the IRS on tax returns. He does not believe he was doing anything illegal. He maintains that he followed advice from a number of top CPA firms and even consulted with the IRS regarding the way he handled his tax obligations.

Soon after his incarceration at Coleman Federal Prison, Mr. Amodeo 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, not only at Coleman, but nationwide, while also working on his own appeal.

Mr. Amodeo is confident that his conviction will eventually be overturned. After he is released from prison, he plans to resume his pursuit of establishing his empire. He believes he can gain support from the heads of nations through his contacts at NATO for implementing the Mirabilis corporate model in cities throughout the world. These corporations will ultimately replace governments. He will then be in the position to assume control of worldwide economies as a benevolent dictator in order to bring peace and prosperity to the world.

McLean Hospital Records Review: On August 6, 2008, Mr. Amodeo was admitted to The Pavilion 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, Type 1, 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 indicated 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.

Dr. Parks evaluated Mr. Amodeo on August 12, 2008. In her opinion, *"careful psychopharmacology"* management will be required due to Mr. Amodeo's

"extreme medication sensitivity." She noted that there is a *"fine line between the energizing aspects of his mood disorder and severe destabilizing symptoms."* Dr. Parks stated that Mr. Amodeo suffers from rapidly shifting moods at times, with marked features of depression and mania interspersed with periods of stability. He may experience "mini-episodes" marked by disorganization, paranoia, and delusions. His psychosis appears to fluctuate with changes in the intensity of his mood state. When his mood is relatively stable, he can more successfully manage his disordered thinking.

Phone Consultation with Charles Rahn: Mr. Amodeo's Guardian, Charles Rahn, has observed that Mr. Amodeo continues to spend money impulsively. He has told Mr. Rahn that he believes himself to be *"The most capable person since Christ."* He is convinced that he can make better decisions in regard to his legal case than any attorney. However, over time he has come to realize that his decision-making is sometimes impaired and he does need the services of an attorney. Mr. Amodeo finds it extremely distressing to read documents related to his case. This reminds him of all the mistakes he thinks were made by his prior attorney and of his conviction on charges of which he claims he is innocent.

Collateral Interview with Dr. James: Dr. Dexter James is a psychiatrist at the correctional facility. He confirmed that Mr. Amodeo is not taking any prescription medications. Mr. Amodeo sees Dr. James on an as-needed basis when his symptoms become overwhelming. The last time that Mr. Amodeo sought consultation with Dr. James was on July 16, 2015. Dr. James confirmed that Mr. Amodeo provides paralegal services to fellow inmates and functions well in this capacity. He noted that the structure and routine of the prison environment provides stability for Mr. Amodeo and this likely helps with management of his disorder. However, Mr. Amodeo continues to experience manic and depressive episodes, delusional beliefs, and grandiose ideation.

Affidavits, Declarations, And Presidential Pardon Letters: Twenty of Mr. Amodeo's fellow inmates provided letters for him. They all hold Mr. Amodeo in high regard and praise him for the work he has done in assisting them in their appeals. They characterize Mr. Amodeo as a person of integrity who is honest to a fault, even when it is not in his best interest. Several of them referred to him as the smartest, but also craziest, person they have ever known. All have seen him exhibit symptoms of mental illness, such as extreme mood swings. They have heard him talk about his belief that he is divinely ordained to conquer the world, is a prophet, and can see the past, present, and future simultaneously.

His fellow inmates notice that he has no difficulty reading about other people's cases, but cannot read his own case documents without triggering an episode of mania or depression. He requires assistance to perform everyday tasks such as organizing paperwork and remembering where he has put things. However, he exhibits an exceptional ability to remember people's names and faces. He also has the ability to remember details of the appellate cases he is working on. One

inmate described that when he is *"lucid,"* he is *"brilliant,"* but has grandiose delusions, even when he is at his most rational and stable.

FAMILY, ACADEMIC, AND SOCIAL HISTORY: Mr. Amodeo was married for three years to his first wife. They had no children. He has been married to his second wife, Claire Holland, for 28 years. She is an attorney. They separated in 2008 and she has filed for divorce. They had frequent conflicts during the marriage because she did not want to hear about the *"empire stuff."* They have a 27-year-old daughter and Mrs. Holland has a 31-year-old son with Down Syndrome. Although she is in the process of divorcing Mr. Amodeo, they remain close and she will always consider him as a member of her family. Mr. Amodeo is committed to providing financial assistance for his stepson even after the divorce is finalized.

Mr. Amodeo was born in Detroit and grew up in Orlando. He graduated from the University of Central Florida with a degree in Political Science in 1983. He completed his law degree at Emory University in 1987. He also completed two years of a doctoral economics program while he was attending law school. As detailed earlier, he was disbarred and no longer has a license to practice law. He was self employed from 1990 until his incarceration in 2009.

Mrs. Holland believes that Mr. Amodeo's traumatic childhood experiences have left him vulnerable to anxiety and panic attacks, which can trigger a manic or depressive episode. His brother was diagnosed with an unknown mental illness and exhibited episodes of extreme rage. Mr. Amodeo's maternal aunt, who sometimes served as his babysitter, was murdered as a teenager. According to Mrs. Holland, after the murder of his aunt, Mr. Amodeo's mother was unable to function as a parent for an extended period of time. His mother suffered a stroke in 2007.

MEDICAL HISTORY: Mr. Amodeo has been diagnosed with Hypertension, Diabetes and sleep apnea. He does not take any prescription medications.

INTERVIEW WITH MR. AMODEO: Mr. Amodeo questions how he could have been required to proceed to trial or agree to a plea bargain when he had been found to lack the capacity to make informed decisions in 2008. Also, according to Mr. Amodeo, when he agreed to plead guilty, his medications were so sedating that he was *"drooling,"* was cognitively impaired, and did not have the ability to actually reason about his options. His medications were discontinued after it was discovered that they were at toxic levels in his system. A few weeks later, one of the medications, Depakote, was resumed in order to manage his manic symptoms for his attendance at his sentencing hearing. After he was sentenced, he was placed in the acute unit of the Orange County Jail and his medications were resumed. These medications were continued when he was transferred to prison.

Mr. Amodeo attributes the number of errors he made in filing his appeal and subsequent motions, such as missing deadlines and using incorrect forms, to the combination of medications he was on from 2008 to 2012, which made him feel like a "*zombie.*" He discontinued these medications in February of 2012. He reported that he has learned to recognize the signs of his Bipolar Disorder and therefore can manage these symptoms more effectively than in the past. He does agree that being in the structured environment of a prison helps regulate his behavior.

After he is released from prison, Mr. Amodeo will consider resuming treatment with medications. He will not consider taking psychotropic medication while he is incarcerated because the degree of medical management needed to monitor and make adjustments to his medications is not available in the prison system.

Mr. Amodeo discontinued his blood pressure and diabetes medications in 2013. He made dietary changes to help control these conditions. He also believes that he can control his blood pressure and diabetes through the power of his mind. He reported that his blood sugar is stable. His blood pressure is still high, but has come down quite a bit since he decreased his use of diet Pepsi (12-14 per day) and other caffeinated drinks.

Mr. Amodeo maintains that his success rate in winning appellate cases is the highest in the nation. He reported that he works on cases for his fellow inmates for up to seven days a week, 20 hours per day. He requires only a few hours of sleep each night. Although he deals with those cases without emotional distress, he cannot read about his own case without triggering a manic or depressive episode. Fellow inmates read legal documents pertaining to his case to him and monitor his reactions. If he becomes noticeably distressed, they stop. He described that he is disorganized and cannot seem to keep up with everyday tasks. His fellow inmates assist him with keeping his documents in order and locating them for him when he needs them. However, his memory is good for names, faces, and details of cases.

Mr. Amodeo's mood can change rapidly and unpredictably in response to stress. For example, he does not deal well with changes in his environment or routines. In 2015, he was scheduled to be moved to a different location and this triggered a psychotic episode. He has no memory of the episode, which lasted for three days. Subsequently, the move was cancelled. Mr. Amodeo experienced a ten-day depressive episode, also in 2015. He consulted with Dr. James, who helped him understand his disorder and how to manage it better. He now depends on others to let him know when he is starting to exhibit symptoms and takes a nap, which seems to help. He also manages his moods by limiting his carbohydrate intake. In spite of these efforts, he continues to experience frequent mood swings.

Mr. Amodeo remains adamant that he was wrongfully convicted. He thinks he was prosecuted because the government wanted to discredit him with NATO officials in order to stop his progress toward becoming a world leader. He has no doubt that he will eventually be vindicated and found innocent of any crime and continues to work on his appeal. He firmly believes that he will be *"Emperor of the World."* He remains convinced that he is a prophet, has special powers, and can perform miracles. He claims to use the principles of quantum mechanics to see the past, present and future simultaneously. He believes his plans for a one-government world are divinely ordained.

Mr. Amodeo believes that the Court is holding him to a higher standard than other inmates who file appeals. He gave a number of reasons for this belief. He thinks the government believes he *"played"* them because he refused to testify against other company board members. He felt he could not ethically do this because he was being asked to testify to facts that he did not personally witness. He believes they are angry because this *"blew their investigation"* and they were not able to prosecute other board members. If he had agreed to testify, he believes he would have only served about two years in prison. Mr. Amodeo also thinks the Court is biased against him in part due to his high rate of successful appeals because, generally, the appeals bring the Court's errors to light. In addition, he believes that the Judge thinks he is *"playing"* the system with his claims of mental illness.

EVALUATION RESULTS: Mr. Amodeo was examined in a legal conference room in the visitor's center at the Coleman Federal Prison Low in Sumterville, Florida. He was cooperative with the examination and was appropriate in his interactions with this Evaluator. He was oriented to person, place, time, and date. His form of thought was circumstantial, tangential, and at times disorganized. His content of thought was irrational and bizarre. He continues to express the fixed delusional belief that he will be *"Emperor of the World"* and that he has special powers. In spite of his grandiose delusions and aspirations to be *"Emperor of the World,"* Mr. Amodeo presents with an attitude of humility. He is quite likable, pleasant to converse with, and seems to genuinely believe that accomplishing his goals will be of great benefit to humanity. He is very certain that his behavior is just, moral, ethical, and legally correct.

Minnesota Multiphasic Personality Inventory-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 current MMPI-2 profile describes him as quite confused and disorganized. He is experiencing severe personality deterioration. His profile suggests an active, florid psychotic process, which includes a loss of contact with reality. He is preoccupied with bizarre ideas, possibly with delusions and hallucinations. He feels he has been unjustly treated and tends to project blame onto others and withdraw into fantasy in order to deal

with his distress. He believes he has special mystical powers or a special mission in life that others do not understand or accept.

SUMMARY AND COMMENTS: Mr. Amodeo's Guardian, Charles Rahn, requested an evaluation to assess Mr. Amodeo's capacity to make informed decisions regarding his finances, medical care, legal matters, and personal affairs.

In June 2008, Mr. Amodeo was evaluated by a Court-appointed examining committee, which included this Evaluator. He was found by the Court to be incapacitated and was appointed a Guardian. Subsequently, he was sentenced to federal prison for various criminal actions, including conspiracy, wire fraud, obstruction of an agency proceeding, and failure to remit payroll taxes. Mr. Amodeo was referred to this Evaluator again for a Suggestion of Capacity evaluation per Court order in 2013 and was found to still be incapacitated. His current Guardian is Charles Rahn.

Mr. Amodeo questions how he could be required to proceed to trial and agree to a plea bargain when he was found to lack the capacity to make informed decisions and was cognitively impaired due to being over medicated. Mr. Amodeo remains adamant that he was wrongfully convicted. He has no doubt that he will eventually be vindicated and found innocent of any crime.

There is clear documentation that Mr. Amodeo exhibited symptoms of Bipolar Disorder dating back to his high school years. He was first diagnosed in 1995 or 1996. He participated in treatment with a psychiatrist and a therapist from 2000-2003 and with another psychiatrist from 2007 to 2008. He underwent an extensive diagnostic evaluation in 2008 at McLean Hospital, Harvard Medical School, which confirmed his diagnosis of Bipolar Disorder, Type 1, with delusional beliefs. Dr. Parks reported that Mr. Amodeo suffers from rapidly shifting moods at times, with marked features of depression and mania interspersed with periods of stability. In her opinion, he may experience *"mini-episodes"* marked by disorganization, paranoia/suspiciousness, or delusions.

Dr. Parks also stated that *"careful psychopharmacology"* management is required due to Mr. Amodeo's *"extreme medication sensitivity."* She noted that there is a *"fine line between the energizing aspects of his mood disorder and severe destabilizing symptoms."* Dr. Park's evaluation and recommendations support Mr. Amodeo's contention that he was cognitively impaired due to the effects of medication he taking at the time of his trial and plea agreement. According to Mr. Amodeo, when he agreed to plead guilty, his medications were so sedating that he was *"drooling,"* was cognitively impaired, and did not have the ability to actually reason about his options.

Mr. Amodeo was also under the influence of these medications when he filed his appeal and motions to vacate, set aside, or correct sentence between 2009 and

2012. His motions were denied due to his failure to amend the contents of his motions as required by the Court and untimely filing. Mr. Amodeo attributes the number of errors he made in filing his appeal and subsequent motions, such as missing deadlines and using incorrect forms, to the combination of medications he was on from 2008 to 2012, which made him feel like a "*zombie*."

Dr. Parks recommended that Mr. Amodeo's medications be monitored closely and adjustments made as needed in order to allow him to function at his highest capacity. Monitoring and close medication management is not available in the prison system; therefore, Mr. Amodeo discontinued his medications in February of 2012. This appears to be the best course of action for him under the current circumstances. The structured and routine environment of the prison is helpful in terms of providing some behavioral controls for him. However, it is clear that his mood swings, grandiose ideation, and delusions continue to impact his functioning, at times to his detriment. His decompensation into disordered thinking is unpredictable and the length of time is variable. Mr. Amodeo can function better when he is working on other people's cases versus his own. He becomes emotionally overwhelmed when faced with the reality of his own situation, which can trigger a manic or depressive episode.

Mr. Amodeo is intelligent, creative, and charismatic, however, his behavior and cognitive functioning is erratic due to his Bipolar Disorder. During his manic phases, Mr. Amodeo is likely to go overboard in his efforts to prove his case, for example, filing volumes of lengthy documents. He may distort reality to meet his own fantasies and beliefs, resulting in poor decisions without thought to the consequences, regardless of their severity. He sees his intellect as superior and is not deterred if others, including authorities, disagree with him. He is often unable to recognize that the facts do not match his perceptions, leading him to faulty reasoning. He is likely to disregard or discount information that does not fit into his delusional belief system.

PROGNOSIS: Mr. Amodeo has been diagnosed with Bipolar Disorder, Type 1, and exhibits fixed delusional beliefs. This is a chronic, severe, and debilitating psychiatric disorder which impacts all areas of his functioning. His current MMPI-2 profile indicates an active, florid psychotic process, which includes a loss of contact with reality. He remains grandiose in his aspirations and exhibits an exaggerated sense of self-worth and self-importance. At this time, his symptoms are not controlled by medications. Under these circumstances, he is likely to have continued difficulty with impulsivity, poor judgment, faulty decision-making, and impairment in his inability to anticipate the consequences of his own actions or recognize the boundaries of appropriate behavior.

RECOMMENDATIONS: In this Evaluator's opinion, due to his mental illness, Mr. Amodeo does not have the capacity to act as his own attorney. It is in his best interest for his court-appointed attorney, Mr. Rose, to handle his legal matters.

His Guardian, Mr. Rahn, working in conjunction with, Mr. Rose, should make legal decisions on his behalf.

Dr. Park's evaluation and recommendations support Mr. Amodeo's contention that he was cognitively impaired due to the effects of medication he taking at the time of his trial and plea agreement. Mr. Amodeo was also under the influence of these medications when he filed his appeal and motions to vacate, set aside, or correct sentence between 2009 and 2012. Since Mr. Amodeo's medication cannot be monitored and managed properly within the prison system, it appears that his decision to not use psychotropic medications may be the best option for him at this time.

ABILITY TO RETAIN RIGHTS (WITHOUT LIMITATION): It is this Evaluator's opinion that Mr. Amodeo has the capacity to make informed decisions in the following areas:

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

SCOPE OF GUARDIANSHIP: The scope of the guardianship services recommended is **LIMITED**. In this Evaluator's opinion Mr. Amodeo lacks the capacity to make informed decisions regarding his rights in the following areas:

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

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.

Darlene B. Antonio, Ph.D.

Darlene B. Antonio, Ph.D.
Licensed Psychologist

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA

v.

FRANK L. AMODEO

Case No. 6:08-cr-176-ORL-28 GJK
18 U.S.C. § 371
18 U.S.C. § 1343
18 U.S.C. § 1505
26 U.S.C. § 7202
18 U.S.C. § 981(a)(1)(C) - Forfeiture
28 U.S.C. § 2461(c) - Forfeiture

INDICTMENT

The Grand Jury charges:

COUNT ONE
(CONSPIRACY)

A. Introduction

At times material to this Indictment:

1. Presidion Corporation was a publicly traded corporation incorporated in Florida with offices located in Troy, Michigan, which was later de-listed. Presidion Corporation itself conducted no business activity.

2. Presidion Solutions, Inc. (Presidion Solutions) was a Florida corporation with offices located in Troy, Michigan; Orlando, Florida; Jupiter, Florida; and Miami, Florida. Defendant **FRANK L. AMODEO** controlled Presidion Solutions from on or about June 2005 until July 2007. Presidion Solutions was a holding company for several professional employee organizations (PEOs) that provided comprehensive and integrated resource management services, including payroll services, to small and medium sized companies. Over ninety-five percent of Presidion Solutions' clients were

based in Florida. Presidion Solutions was a wholly owned subsidiary of Presidion Corporation.

3. Mirabilis Ventures, Inc. (Mirabilis) was a Nevada Corporation, with offices located in Orlando, Florida. Mirabilis had a number of presidents from its inception to April 2008; however, defendant **FRANK L. AMODEO**, although not an officer or director, controlled Mirabilis from about the summer of 2004 but no later than January 2005 until April 2008.

4. From 2001 through 2005, Presidion Solutions acquired 7 PEOs, which made up Presidion Solutions' "book of business", i.e., the contracts Presidion Solutions had with its clients. In 2001, Presidion Solutions acquired Sunshine Staff Leasing, Sunshine Companies I, Sunshine Companies II, Sunshine Companies III and Sunshine Companies IV (herein after referred to as the Sunshine Companies). Subsequently, the Sunshine Companies did business as Presidion Solutions I, Presidion Solutions II, Presidion Solutions III, Presidion Solutions IV and Presidion Solutions V, respectively.

5. Presidion Solutions acquired Paradyme, Inc. (Paradyme) doing business as Presidion Solutions VI, in 2002 and acquired Professional Benefit Solutions, Inc., d/b/a Presidion Solutions VII, Inc. (PBS), in 2005. With the acquisitions of the Sunshine Companies, Paradyme and PBS, Presidion Solutions had at least 2,200 clients and approximately 29,700 worksite employees.

6. Presidion Solutions engaged in "SUTA dumping," which involves "transferring" the "book of business" from one PEO subsidiary to another, depending on the State Unemployment Tax (SUTA) rates for the PEO subsidiaries. The SUTA rates changed on a yearly basis, so depending on which PEO subsidiary had the best SUTA

rate for the year, the PEO subsidiary with the lowest SUTA rate would report the payroll wages and the payroll taxes. The bulk of Presidion Solutions' "book of business" was reported by PBS during 2005 and 2006.

7. The clients of the PEOs entered into contracts, or service agreements, with Presidion Solutions (or its predecessors). Initially the clients entered into the agreement with the Sunshine Companies; then later on, the clients either entered into an agreement with Paradyme or PBS.

8. According to the contracts signed by the clients when Presidion Solutions (or its predecessors) started providing services to the clients, Presidion Solutions became the co-employer of its clients' employees and assumed the liabilities and responsibilities for reporting and paying over to the Internal Revenue Service the payroll wages and the payroll taxes of the worksite employees.

9. At the end of a client's payroll cycle, a client would e-mail, fax or mail the number of hours worked by the worksite employees to Presidion Solutions. After receiving the information, Presidion Solutions computed the amount of Federal Insurance Contributions Act (FICA) taxes, Medicare, withholding taxes, workers' compensation insurance and 401K contributions to be added to the clients' bill, along with Presidion Solutions' administrative fee. Presidion Solutions would then e-mail, fax or mail this information back to the clients, who would either direct debit, mail or wire the funds to Presidion Solutions.

10. There were a number of companies, including Mirabilis and affiliates of Mirabilis, which were controlled by defendant **FRANK L. AMODEO** and the other

co-conspirators, which played a part in the tax fraud and wire fraud scheme. The companies involved in the scheme included AEM, Inc., d/b/a Mirabilis HR (AEM), AQMI Strategy Corporation (AQMI), Common Paymaster Corporation (Common Paymaster), Nexia Strategy Corporation (Nexia), Presidion Corporation, Presidion Solutions, Quantum Delta Enterprises, Inc., d/b/a Siren Resources, Inc. (Quantum), Wellington Capital Group, Inc. (Wellington) and various other companies.

B. THE AGREEMENT

11. Between approximately August 2004, and continuing thereafter through in or about February 2007, in Orange County, Florida, in the Middle District of Florida, and elsewhere,

FRANK L. AMODEO

the defendant herein, did knowingly and willfully combine, conspire, confederate and agree, with others both known and unknown to the Grand Jury, to defraud the United States for the purpose of impeding, impairing, obstructing and defeating the lawful Government functions of the Internal Revenue Service of the Treasury Department in the ascertainment, computation, assessment and collection of the revenue: to wit, payroll taxes, and to commit offenses against the United States, to-wit: Wire Fraud, in violation of Title 18, United States Code, Section 1343, and Obstruction of an Agency Proceeding, in violation of Title 18, United States Code, Section 1505.

C. MANNER AND MEANS OF THE CONSPIRACY

12. The substance of the conspiracy included, among other things, the following:

a. It was a part of the conspiracy that defendant **FRANK L. AMODEO**, along with co-conspirators, would control a web of one public and several private companies, including multiple PEOs.

b. It was a further part of the conspiracy that defendant **FRANK L. AMODEO** and co-conspirators would attempt to absolve themselves of the responsibility for existing payroll tax liabilities and to divert payroll tax funds paid by the PEO clients to the PEOs that defendant **FRANK L. AMODEO** and co-conspirators controlled.

c. It was a further part of the conspiracy that defendant **FRANK L. AMODEO** and co-conspirators would purchase assets in defendant **FRANK L. AMODEO**'s name and/or in the names of co-conspirators and/or in the names of nominees, including real estate, airplanes, vehicles and other companies.

d. It was a further part of the conspiracy that, even though defendant **FRANK L. AMODEO** was not to be listed as a director, officer or shareholder for some of the companies involved in the scheme, defendant **FRANK L. AMODEO** and his co-conspirators directed the business activities of all the companies involved in the scheme.

e. It was a further part of the conspiracy that defendant **FRANK L. AMODEO** would use funds received by AQMI from Presidion Solutions in order to make the purchase of the Sunshine Companies, knowing at the time of the purchase that the Sunshine Companies had existing payroll tax liabilities. Defendant **FRANK L. AMODEO**'s purchase of the Sunshine Companies did not include Presidion Solutions' "book of business", which was transferred to Paradyme.

f. It was a further part of the conspiracy that AQMI would provide a line of credit in the amount of approximately $3,000,000.00 to Wellington, a company controlled by defendant **FRANK L. AMODEO**.

g. It was a further part of the conspiracy that the principals of Presidion Solutions would provide AQMI the money to fund the Line of Credit which was then used to purchase the Sunshine Companies.

h. It was a further part of the conspiracy that defendant **FRANK L. AMODEO** would gain control of Presidion Solutions' remaining PEO subsidiaries, i.e., Paradyme and PBS.

i. It was a further part of the conspiracy that after gaining control of Paradyme and PBS, defendant **FRANK L. AMODEO** would direct that funds collected from Presidion Solutions' clients, which were represented to the clients as funds to be used to pay the payroll taxes, not be paid over to the Internal Revenue Service during 2005 and 2006.

j. It was a further part of the conspiracy that defendant **FRANK L. AMODEO** would cause to be opened at First Southern Bank an account in the name of Presidion Solutions, titled as the "Reserve account" (Reserve account), the purpose of which was to conceal the source of the funds from the employees, Internal Revenue Service, regulators and others.

k. It was a further part of the conspiracy that the Reserve account would receive funds from a Bank of America account in the name of Presidion Solutions, titled as the "Ultimate Master account" (Ultimate Master account).

l. It was a further part of the conspiracy that defendant **FRANK L. AMODEO** would direct funds that should have been used to pay the payroll taxes for PBS be transferred from the Ultimate Master account, which held the payroll tax funds, to the Reserve account.

m. It was a further part of the conspiracy that the funds would be dispersed at defendant **FRANK L. AMODEO**'s direction and for his benefit and the benefit of co-conspirators.

n. It was a further part of the conspiracy that defendant **FRANK L. AMODEO** and one or more of co-conspirators would knowingly fail to remit to the Internal Revenue Service payroll taxes, including FICA and withholding taxes (also referred to as trust fund taxes).

o. It was a further part of the conspiracy that defendant **FRANK L. AMODEO** and other co-conspirators would attempt to conceal Presidion Solutions' "book of business" and the responsibility for the remittance of PBS' payroll taxes to the Internal Revenue Service by entering into a number of management/assignment agreements between companies controlled by defendant **FRANK L. AMODEO**.

p. It was a further part of the conspiracy that Mirabilis, a private equity fund, would be used as the umbrella company used in the tax fraud and wire fraud scheme and would be controlled by defendant **FRANK L. AMODEO** and other co-conspirators.

q. It was a further part of the conspiracy that Mirabilis would buy distressed businesses and would eventually evolve into a business that specialized in acquisitions of and mergers with other businesses in various industries. By late 2006, Mirabilis had grown to be a conglomerate of approximately 70 companies involved in various

industries, including consulting, corporate security, employee leasing and hotel ownership.

r. It was a further part of the conspiracy that defendant **FRANK L. AMODEO** would direct that funds be directly transferred from a Bank of America account in the name of AEM to companies controlled by defendant **FRANK L. AMODEO** and the other co-conspirators, such as Common Paymaster and Mirabilis, to fund the companies' operations and to acquire other companies.

s. It was a further part of the conspiracy that during 2005 and 2006, defendant **FRANK L. AMODEO** and co-conspirators would use diverted payroll tax funds to fund operations and acquire numerous companies under the Mirabilis "umbrella."

t. It was a further part of the conspiracy that defendant **FRANK L. AMODEO** and co-conspirators would provide false information or fail to provide all material information to Internal Revenue Service revenue officers attempting to collect unpaid payroll taxes from PEOs controlled by defendant **FRANK L. AMODEO** and co-conspirators.

OVERT ACTS

13. In furtherance of the conspiracy, and to effectuate its objectives, the following overt acts, among others, were committed within the Middle District of Florida, and elsewhere:

a. On or about October 18, 2004, defendant **FRANK L. AMODEO**, as the president of AQMI, signed a consulting agreement with Presidion Solutions. The consulting agreement called for defendant **FRANK L. AMODEO** to provide tax advice to

Presidion Solutions for a non-refundable fee in the amount of $150,000.00 and an additional fee of 25% of any tax savings of the company's current payroll tax liability, which at the time, was approximately $13,000,000.00 (including taxes, penalties and interest).

b. On or about October 18, 2004, defendant **FRANK L. AMODEO** took out a line of credit in the amount of $3,000,000.00 from AQMI, so he could justify using funds paid to AQMI for his benefit.

c. On or about December 1, 2004, AQMI provided a line of credit in the amount of approximately $3,000,000.00 to Wellington, a company controlled by defendant **FRANK L. AMODEO**.

d. On or about December 8, 2004, defendant **FRANK L. AMODEO**, through Wellington, agreed to purchase the Sunshine Companies for approximately $500,000.00. Defendant **FRANK L. AMODEO** used the line of credit Wellington had with AQMI to provide funds to Wellington to complete the purchase of the Sunshine Companies.

e. On or about December 8, 2004, Presidion Solutions provided defendant **FRANK L. AMODEO** with a limited power of attorney to make payroll tax payments for the Sunshine Companies.

f. On or about December 17, 2004, Presidion Solutions transferred approximately $1,284,986.58 to AQMI, per the limited power of attorney described in 13e above, which then transferred approximately $1,000,000.00 to Wellington per the line of credit described in 13c above. Subsequently, Wellington would purchase multiple cashier's checks to complete the purchase of the Sunshine Companies. The

funds transferred on this date to AQMI were actually funds intended to be used as payroll taxes for the Sunshine Companies.

g. On or about December 30, 2004, a co-conspirator, as president of Paradyme, entered into an assignment and assumption agreement with the Sunshine Companies whereby the Sunshine Companies transferred to Paradyme the "book of business."

h. On or about February 16, 2005, Presidion Solutions "assigns, transfers, sets over and delivers to" the Sunshine Companies all of Presidion Solutions "right, title and interest" in the consulting agreement dated October 14, 2004, between Presidion Solutions and AQMI.

i. On or about April 29, 2005, Mirabilis purchased AEM for approximately $125,000.00. At the time of the purchase, AEM was a PEO shell. Defendant **FRANK L. AMODEO** and the other co-conspirators intended to transfer Presidion Solutions' "book of business" to AEM because: i) AEM had a better SUTA rate than Paradyme and PBS, and ii) because Presidion Solutions' name was tainted in the PEO industry.

j. On or about May 1, 2005, Presidion Corporation entered into a consultant agreement with Nexia that called for Nexia to provide consulting services to Presidion Corporation. A co-conspirator signed the agreement on behalf of Presidion Corporation and defendant **FRANK L. AMODEO** signed the agreement on behalf of Nexia.

k. On or about May 16, 2005, a co-conspirator, as president of Paradyme, entered into an amendment to the December 30, 2004 agreement. The amendment detailed that a promissory note in the amount of $12,241,475.65, the value of the "book of business", would be written by Paradyme for the benefit of the Sunshine Companies.

This agreement indicated that the promissory note between the Sunshine Companies and Paradyme should be effective as of December 31, 2004.

l. On or about May 24, 2005, two co-conspirators, as majority shareholders in Presidion Corporation, gave defendant **FRANK L. AMODEO** power of attorney to vote their shares.

m. On or about May 31, 2005, the Sunshine Companies, which were then controlled by defendant **FRANK L. AMODEO** via Wellington, assigned the Paradyme promissory note dated December 31, 2004 in the amount $12,241,475.65 to Mirabilis, a company controlled by defendant **FRANK L. AMODEO**. Defendant **FRANK L. AMODEO** signed the assignment of the promissory note on behalf of the Sunshine Companies. A co-conspirator, a member of the Board of Directors for Mirabilis and for Presidion Corporation, signed the assignment on behalf of Mirabilis.

n. On or about June 6, 2005, another co-conspirator, a member of the Board of Directors for Mirabilis and for Presidion Corporation, also gave power of attorney to defendant **FRANK L. AMODEO** for his shares of Presidion Corporation stock. This power of attorney and the two powers of attorney referred to in paragraph l above allowed defendant **FRANK L. AMODEO** to vote as the majority shareholder of Presidion Corporation.

o. On or about June 8, 2005, the Board of Directors for Presidion Corporation met and resolved the following:

i. defendant **FRANK L. AMODEO** was appointed interim Vice President of Presidion Corporation;

ii. defendant **FRANK L. AMODEO** was added to all Presidion Corporation accounts at Bank of America;

iii. any payments, purchase orders and contracts made by the company, with the exception of net payroll checks, shall require defendant **FRANK L. AMODEO**'s written authorization; and

iv. Presidion Corporation would open new banking accounts at First Southern Bank.

p. On or about June 8, 2005, defendant **FRANK L. AMODEO** opened the Reserve account based upon the authorization provided by the resolution passed by the Board of Directors for Presidion Corporation. This account received funds from the Ultimate Master account, which collected funds meant to pay payroll tax funds.

q. On or about June 27, 2005, defendant **FRANK L. AMODEO**, as president of the Sunshine Companies, directed Mirabilis, a company controlled by defendant **FRANK L. AMODEO**, to direct all payments under the May 31st assignment to the Internal Revenue Service on behalf of the Sunshine Companies.

r. Beginning in June 2005 and continuing through December 2005, a tax director for Presidion Solutions notified a co-conspirator daily via e-mail about the expenses and payables for Presidion Solutions, which included the payroll taxes for Paradyme and for PBS. After the co-conspirator received the daily e-mail from the tax director, the co-conspirator forwarded the tax director's original e-mail to defendant **FRANK L. AMODEO**. Defendant **FRANK L. AMODEO**'s administrative assistant replied to the co-conspirator's e-mail after the administrative assistant received

directions on what to pay from defendant **FRANK L. AMODEO**, including whether to pay the payroll taxes for Paradyme and for PBS.

s. In or about summer 2005, the Sunshine Companies were dissolved.

t. On or about July 28, 2005, Wellington purchased Presidion Solutions, including Paradyme and PBS, for approximately $100,000.00, as during the first half of 2005, Presidion Solutions was experiencing problems with its workers' compensation insurance carrier. This purchase was made to avoid the loss of the workers' compensation insurance coverage.

u. On or about July 28, 2005, AEM signed a contract for management services with Presidion Solutions where Presidion Solutions agreed to let AEM manage Presidion Solutions' "book of business" for a 2% fee. According to the contract, AEM was to "comply with applicable federal, state, and local law, rules, and regulations, codes, statutes, ordinances and orders of any governmental or regulatory authority."

v. On or about July 28, 2005, AEM and PBS entered into an assignment agreement, which provided that AEM would have "right, title and interest to the Client Service Agreement/Subscriber Agreements (the Presidion Solutions "book of business"), but no liabilities (payroll taxes)."

w. On August 31, 2005, Presidion Solutions and AEM amended the contract for management services entered into on July 28, 2005, which provided that AEM would continue to manage the Presidion Solutions "book of business" until December 31, 2005.

x. On or about September 8, 2005, AEM and PBS signed an amendment to the assignment agreement dated July 28, 2005. A co-conspirator, representing PBS,

and another co-conspirator, representing AEM, signed the amendment which extended the time frame during which AEM managed Presidion Solutions' "book of business" to December 31, 2005.

y. On or about October 3, 2005, the Board of Directors for Wellington, which consisted only of defendant **FRANK L. AMODEO**, authorized a co-conspirator, as president of Presidion Solutions, which had been purchased by Wellington, to enter into an indemnity agreement with Mirabilis, a company controlled by defendant **FRANK L. AMODEO**. Per the indemnity agreement dated October 4, 2005, Mirabilis became responsible for Presidion Solutions' liabilities, including any payroll tax liabilities, and Presidion Solutions was supposed to pay Mirabilis $50,000,000.00 by the end of the year.

z. On or about December 13, 2005, Mirabilis transferred the October 4, 2005 indemnity agreement to Titanium Consulting Services, Inc. (name subsequently changed to Titanium Technologies, Inc.).

aa. On or about December 31, 2005, AEM and PBS entered into a second amendment to the assignment agreement dated July 28, 2005.

bb. From December 2004 through April 2008, approximately $3,200,000.00 had been paid towards the Sunshine Companies' payroll tax liabilities, which to that date totaled approximately $30,000,000.00 (including taxes, penalties and interest).

cc. From on or about June 10, 2005 until on or about December 31, 2005, defendant **FRANK L. AMODEO**, who controlled and directed all the banking activity of the Reserve account, caused to be transferred approximately $64,600,000.00 to the Reserve account from the Ultimate Master account. The funds were used by defendant

FRANK L. AMODEO to purchase, fund and grow additional businesses, such as AQMI, Mirabilis, Nexia, Quantum and Wellington. Specifically, approximately $34,000,000.00 was transferred from the Reserve account to Mirabilis, although that money was supposed to be used for the payment of payroll taxes for PBS.

dd. At the beginning of 2006, a Bank of America account in the name of AEM, titled as the "Depository account" (Depository account), was used to collect funds from the PEO clients. The funds from the Depository account were swept to a Bank of America account in the name of AEM titled as the "Master account" (Master account). During the year, the funds from the PEO clients intended to pay the payroll taxes for PBS were deposited into the Master account, but were not used for that purpose.

ee. In February 2006, defendant **FRANK L. AMODEO** faxed a letter to an Internal Revenue Service revenue officer which stated that he was "creating new strategies that will give him control of the operating subsidiaries. As a result of this process, I have been able to disentangle the assets from a web of claims, encumbrances, and security interests that were impeding both of us from recovering monies owed to Internal Revenue Service."

ff. On or about April 1, 2006, AEM, Paradyme and Wellington entered into a transfer agreement that stated that Paradyme would assign, sell and transfer to AEM all contracts that Paradyme had with clients. A co-conspirator signed the agreement on behalf of AEM and another co-conspirator signed on behalf of Paradyme. A third co-conspirator signed the transfer agreement on behalf of Wellington.

gg. On or about May 9, 2006, AEM rescinded the assignment agreements between AEM and PBS.

hh. On or about June 26, 2006, a co-conspirator advised an Internal Revenue Service revenue officer that payroll tax money not paid to the Internal Revenue Service was used to purchase two other companies, when, in fact, the money was used to purchase, among other things, several companies, cars, a plane and real estate.

ii. On or about July 1, 2006, a co-conspirator, representing AEM, indicated to another co-conspirator, representing PBS, that AEM "would like to extend the services which AEM is currently providing to Presidion Solutions VII." The co-conspirator representing AEM also stated that AEM would remit to the Internal Revenue Service the payroll taxes for PBS.

jj. During the year 2006, the funds intended to pay the payroll taxes for PBS were held in the Master account along with funds to pay the payroll taxes for AEM, which had its own minuscule "book of business." Instead of paying the payroll taxes for PBS, defendant **FRANK L. AMODEO** directed funds transferred from the Master account to a SunTrust Bank account in the name of Presidion Solutions, titled as the "Capital account" (Capital account). During the year 2006, approximately $23,750,000.00 was transferred from the Master account to the Capital account. Defendant **FRANK L. AMODEO** controlled and directed all the banking activity of the Capital account. After the funds were transferred to the Capital account, the funds were used by defendant **FRANK L. AMODEO** and co-conspirators to purchase, fund and grow additional businesses, such as AQMI, Mirabilis and Quantum.

kk. On or about July 20, 2006, defendant **FRANK L. AMODEO** and a co-conspirator met with Internal Revenue Service representatives and gave a false explanation concerning the shortfall of payroll taxes.

ll. On or about August 29, 2006, Defendant **FRANK L. AMODEO** and co-conspirators met to conduct a "mock deposition" of defendant **FRANK L. AMODEO** to "prepare" him for a meeting with Internal Revenue Service revenue officers.

mm. Defendant **FRANK L. AMODEO** and co-conspirators knowingly failed to remit to the Internal Revenue Service payroll taxes totaling approximately $181,810,518.66, including approximately $129,655,309.04 in FICA and withholding taxes (also referred to as trust fund taxes), for Sunshine Companies III (4th quarter, 2004); Sunshine Staff Leasing (4th quarter, 2004); PBS (2nd, 3rd, and 4th quarters, 2005; 1st, 2nd, 3rd, and 4th quarters, 2006).

All in violation of Title 18, United States Code, Section 371.

COUNTS TWO THROUGH TEN
(FAILURE TO REMIT PAYROLL TAXES)

14. Count One, paragraphs One through Ten, are hereby re-alleged and incorporated by reference as though fully set forth herein.

15. Between on or about December 1, 2004 and December 31, 2006, in Orlando, Orange County, Florida, in the Middle District of Florida, and elsewhere,

FRANK L. AMODEO

the defendant herein, who, for the following companies and periods, deducted and collected, and caused to be deducted and collected, from the total taxable wages of the employees of client companies, federal payroll taxes in the sum of $181,810,518.66, including $129,655,309.04 in FICA and withholding taxes (also referred to as trust fund taxes), did willfully fail to truthfully account for and pay over to the Internal Revenue

Service said federal payroll taxes withheld due and owing to the United States of America for the following companies and periods:

COUNT	CORPORATION	EIN	PERIOD	AMOUNT
Two	Sunshine Companies III	59-2720548	2004 4th Quarter	$ 3,641,437.01
Three	Sunshine Staff Leasing	59-2280930	2004 4th Quarter	$ 5,502,515.31
Four	Professional Benefit Solutions	65-0991757	2005 2nd Quarter	$11,029,002.64
Five	Professional Benefit Solutions	65-0991757	2005 3rd Quarter	$31,461,088.10
Six	Professional Benefit Solutions	65-0991757	2005 4th Quarter	$29,343,761.14
Seven	Professional Benefit Solutions	65-0991757	2006 1st Quarter	$26,113,361.73
Eight	Professional Benefit Solutions	65-0991757	2006 2nd Quarter	$27,042,950.02
Nine	Professional Benefit Solutions	65-0991757	2006 3rd Quarter	$25,783,770.85
Ten	Professional Benefit Solutions	65-0991757	2006 4th Quarter	$21,892,631.86

All in violation of Title 26, United States Code, Section 7202, and Title 18, United States Code, Section 2.

COUNTS ELEVEN THROUGH TWENTY-SIX
(WIRE FRAUD)

16. Count One, paragraphs One through Ten, are hereby re-alleged and incorporated by reference herein.

THE SCHEME TO DEFRAUD

17. From a date unknown, possibly as early as August 2004, but no later than in or about December 2004, and continuing to in or about February 2007, in Orlando, Orange County, Florida, in the Middle District of Florida, and elsewhere,

FRANK L. AMODEO

the defendant herein, knowingly devised and executed a scheme and artifice to defraud clients of PEOs controlled by defendant **FRANK L. AMODEO** of money and property, and to obtain money and property of said clients, by means of false and fraudulent pretenses, representations and promises.

MANNER AND MEANS

18. The substance of the scheme and artifice to defraud and to obtain money and property by false pretenses, representations and promises included, among other things, the manner and means contained in Count One, paragraphs Twelve and Thirteen, and are incorporated by reference herein.

THE WIRE COMMUNICATIONS

19. On or about the following dates, in Orange County, Florida, in the Middle District of Florida, and elsewhere,

FRANK L. AMODEO

the defendant herein, having devised and intending to devise, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, transmitted and caused to be transmitted a wire transfer of money by means of wire communications in interstate commerce signs, signals, pictures and sounds for the purpose of executing such scheme to defraud and injure said clients of the PEOs controlled by defendant.

Count	Date	Point of Origin	Point of Reception	Description
11	12/13/04	Presidion Solutions, Inc., Bank of America, Acct No. 5481578978	AQMI Strategy Corp., Regions Bank, f/k/a AmSouth Bank, Acct No. 55292976	Wire Transfer of $1,410,375.52

Count	Date	Point of Origin	Point of Reception	Description
12	12/20/04	Presidion Solutions, Inc., Bank of America, Acct No. 5481578978	AQMI Strategy Corp., Regions Bank, f/k/a AmSouth Bank, Acct No. 55292976	Wire Transfer of $1,284,986.58
13	6/10/05	Presidion Solutions, Inc., Bank of America, Acct No. 5481578978	Presidion Solutions, Inc., First Southern Bank, Acct No. 2058256506	Wire Transfer of $1,000,000
14	6/17/05	Presidion Solutions, Inc., Bank of America, Acct No. 5481578978	Presidion Solutions, Inc., First Southern Bank, Acct No. 2058256506	Wire Transfer of $1,000,000
15	7/22/05	Presidion Solutions, Inc., Bank of America, Acct No. 5481578978	Presidion Solutions, Inc., First Southern Bank, Acct No. 2058256506	Wire Transfer of $1,500,000
16	7/29/05	Presidion Solutions, Inc., Bank of America, Acct No. 5481578978	Presidion Solutions, Inc., First Southern Bank, Acct No. 2058256506	Wire Transfer of $1,500,000
17	11/2/05	Presidion Solutions, Inc., Bank of America, Acct No. 5481578978	Presidion Solutions, Inc., First Southern Bank, Acct No. 2058256506	Wire Transfer of $1,500,000
18	11/28/05	Presidion Solutions, Inc., Bank of America, Acct No. 5481578978	Presidion Solutions, Inc., First Southern Bank, Acct No. 2058256506	Wire Transfer of $1,500,000
19	1/9/06	AEM, Inc., d/b/a Mirabilis HR, Bank of America, Acct No. 5561911523	Nexia Strategy Corp., Bank of America, Acct No. 5502778055	Wire Transfer of $1,000,000
20	2/14/06	AEM, Inc., d/b/a Mirabilis HR, Bank of America, Acct No. 5561911523	Presidion Solutions, Inc., SunTrust Bank, Acct No. 100041146787	Wire Transfer of $2,000,000
21	3/17/06	AEM, Inc., d/b/a Mirabilis HR, Bank of America, Acct No. 5561911523	Presidion Solutions, Inc., SunTrust Bank, Acct No. 100041146787	Wire Transfer of $1,300,000
22	4/21/06	AEM, Inc., d/b/a Mirabilis HR, Bank of America, Acct No. 5561911523	Presidion Solutions, Inc., SunTrust Bank, Acct No. 100041146787	Wire Transfer of $700,000

Count	Date	Point of Origin	Point of Reception	Description
23	5/15/06	AEM, Inc., d/b/a Mirabilis HR, Bank of America, Acct No. 5561911523	Titanium Technologies, SunTrust Bank, Acct No. 1000046738380	Wire Transfer of $1,500,000
24	5/19/06	AEM, Inc., d/b/a Mirabilis HR, Bank of America, Acct No. 5561911523	Wellington Capital, Mercantile Bank, Acct No. 7600303414	Wire Transfer of $500,000
25	7/28/06	AEM, Inc., d/b/a Mirabilis HR, Bank of America, Acct No. 5561911523	Mirabilis Ventures, Inc., Bank of America, Acct No. 5560763125	Wire Transfer of $250,000
26	12/11/06	AEM, Inc., d/b/a Mirabilis HR, Bank of America, Acct No. 5561911523	Tenshi Leasing, Inc., Bank of America, Acct. No. 5560769378	Wire Transfer of $500,000

All in violation of Title 18, United States Code, Sections 1343 and 2.

COUNT TWENTY-SEVEN
(Obstruction of an Agency Investigation)

20. Count One, paragraphs One through Ten, are hereby re-alleged and incorporated by reference as though fully set forth herein.

21. From in or about January 2005, through in or about August 2006, in the Middle District of Florida, and elsewhere,

FRANK L. AMODEO

the defendant herein, did corruptly influence, obstruct, and impede, and did endeavor to corruptly influence, obstruct, and impede, the due and proper administration of the law in the Internal Revenue Service collection of payroll taxes owed to the Internal Revenue Service by the Sunshine Companies, then pending with said agency, in that defendant

FRANK L. AMODEO and co-conspirators provided false information, or failed to provide information which was material for said investigation, to the Internal Revenue Service revenue officers involved in the collection of said payroll taxes, that is to say:

a. Defendant **FRANK L. AMODEO** and co-conspirators knowingly failed to remit to the Internal Revenue Service payroll taxes totaling approximately $181,810,518.66, including approximately $129,655,309.04 in FICA and withholding taxes (also referred to as trust fund taxes), for Sunshine Companies III (4th quarter, 2004); Sunshine Staff Leasing (4th quarter, 2004); PBS (2nd, 3rd and 4th quarters, 2005; 1st, 2nd, 3rd and 4th quarters, 2006).

b. Revenue officers of the Internal Revenue Service were conducting an investigation into the failure to remit payroll taxes owed to the Internal Revenue Service by the Sunshine Companies and were attempting to collect said payroll taxes.

c. It was material to this investigation to determine whether the payroll taxes of the Sunshine Companies were capable of being paid and whether the payroll taxes were being used to pay operating expenses.

d. Defendant **FRANK L. AMODEO** and his co-conspirators misled, impeded and misdirected the revenue officers as a result of the following acts, among others:

i. On or about June 26, 2006, a co-conspirator advised an Internal Revenue Service revenue officer that payroll tax money not paid to the Internal Revenue Service was used to purchase two other companies, when, in fact, the money was used to purchase, among other things, several companies, cars, a plane and real estate.

ii. On or about July 20, 2006, defendant **FRANK L. AMODEO** and a co-conspirator met with Internal Revenue Service representatives and gave a false explanation concerning the shortfall of payroll taxes.

iii. On or about August 29, 2006, Defendant **FRANK L. AMODEO** and co-conspirators met to conduct a "mock deposition" of defendant **FRANK L. AMODEO** to "prepare" him for a meeting with Internal Revenue Service revenue officers.

All in violation of Title 18, United States Code, Sections 1505 and 2.

FORFEITURE

1. The allegations contained in Counts One and Eleven through Twenty-Six of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to the provisions of Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c).

2. From his engagement in the violations alleged in Counts One and Eleven through Twenty-Six of this Indictment, the defendant

FRANK L. AMODEO

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), all of his interest in any property, real or personal, which constitutes or is derived from proceeds traceable to such violations.

3. The specific property to be forfeited includes, but is not limited to:

a. A forfeiture money judgment in the amount of $181,810,518.66, which constitutes proceeds obtained directly or indirectly as a result of the conspiracy to commit wire fraud charged in Count One, and/or the wire fraud charged in Counts Eleven through Twenty-Six. The net proceeds of any asset forfeited as property constituting or traceable to proceeds of the offenses charged herein shall be credited in partial satisfaction of the money judgment.

b. The real property, including all improvements thereon and appurtenances thereto, located at:

(1) 614 Lake Avenue, Orlando, Florida;

(2) 709 Euclid Avenue, Orlando, Florida;

(3) 1159 Delaney Avenue, Orlando, Florida;

(4) 3801 Carolina Avenue, Richmond, Virginia;

(5) 4905 Research Drive, Huntsville, Alabama;

(6) 102 West Whiting Street, Tampa, Florida; and

(7) The proceeds of the sale of 509 Riverfront Parkway, Chattanooga, Tennessee, currently held in the bankruptcy estate of Winpar Hospitality Chattanooga, LLC, Case No. 07-11908, U.S. Bank. Court, E.D. Tenn.

c. The following vehicles:

(1) 2006 Black Harley Davidson Motorcycle, VIN # 1HD1BWB156Y077592;

(2) 2006 Mercedes Benz CLS 500C Coupe, VIN # WDDDJ75X46A032858; and

(3) 2006 BMW 750Li, VIN # WBAHN83536DT30059

d. Gates Learjet Model 25D, Aircraft Number 4488W;

e. The following promissory notes:

(1) A promissory note in the amount of $3,500,000.00 dated on or about May 7, 2007 between Wellington Capital and Worker's Temporary Staffing, Inc., including payments of $63,000.00 per month; and

(2) A promissory note in the amount of $5,500,000.00 dated on or about May 27, 2007 between Mirabilis Ventures, Inc. and Conrad D. Eigenmann, Jr., including semi-annual payments of at least $100,000.00.

f. The following seized funds:

(1) $253,487.45 in proceeds seized from the trust account of the law firm of Balch Bingham LLP;

(2) $101,393.86 in proceeds seized from the trust account of the law firm of Shutts & Bowen;

(3) $42,419.72 in proceeds seized from the trust account of the law firm of Mateer and Harbert;

(4) $100,000.00 in proceeds seized from the trust account of the law firm of Maher, Guily, Maher PA;

(5) $105,922.96 in proceeds seized from the trust account of the law firm of Martin, Pringle, Oliver, Wallace, & Baur LLP;

(6) $50,000.00 in proceeds seized from the trust account of the law firm of Bieser, Greer & Landis LLP;

(7) $8,518.30 in proceeds seized from the trust account of the law firm of Allen, Dyer, Doppelt, Milbrath & Gilchrist PA;

(8) $25,000.00 in proceeds seized from the trust account of the law firm of Valenti, Hanley & Robinson PLLC;

(9) $10,000.00 in proceeds seized from the trust account of the law firm of Brown, Stone, & Nimeroff LLC;

(10) $21,900.00 in proceeds seized from the trust account of the law firm of Hunt Rudd PA;

(11) $41,029.54 in proceeds seized from the trust account of the law firm of Ford & Harrison PA;

(12) $12,528.51 in proceeds seized from the trust account of the law firm of Broad & Cassel;

(13) $20,754.19 in proceeds seized from the trust account of the law firm of Latham, Shuker, Barker, Eden, & Beaudine LLC; and

(14) $13,100.99 in proceeds seized from Fifth Third Bank Account No. 7440599020 in the name of Soone Business Development.

g. The assets of the following corporations, including but not limited to the below listed lawsuits and/or settlements:

Corporations:

AEM, Inc., d/b/a Mirabilis HR,
AQMI Strategy Corporation,
Hoth Holdings, LLC,
Mirabilis Ventures, Inc.,
Nexia Strategy Corporation,
Presidion Solutions, Inc.,
Professional Benefit Solutions, Inc.,
d/b/a Presidion Solutions VII, Inc.
Quantum Delta Enterprises, Inc.,
d/b/a Siren Resources, Inc.,
Titanium Technologies, Inc.,
f/k/a Titanium Consulting Services, Inc.,
Tenshi Leasing, Inc.
Wellington Capital Group, Inc.

Lawsuits:

Style of case	Location	Case No.
Mirabilis Ventures, Inc. v. Jeffrey Reichel	Broward County, Florida	CACE 07011827
Mirabilis Ventures, Inc, and Nexia Strategy Corp. v. Palaxar Group, LLC, et al.	Orange County, Florida	07-co-13191 (37)
Mirabilis Ventures, Inc. v. Forge Capital Partners, LLC, et al.	Orange County, Florida	07-CA-13828 (33)
Mirabilis Ventures, Inc. v. J.C. Services, Inc., et al.	U.S.D.C., M.D. Fl.	6:06-cv-1957-Orl-22KRS
AEM, Inc. d/b/a Mirabilis HR v. Sheryl Okken, Progressive Employer Services, LLC, et al.	Brevard County, Florida	05-2007-CA-006526
RKT Constructors, Inc. v. Del Kelley and Robi Roberts	Orange County, Florida	2007-CA-012599-0
Mirabilis Ventures, Inc. v. Stratis Authority, Inc., et al.	Orange County, Florida	07-ca-13826 (37)
Mirabilis Ventures, Inc. v. Premier Servicing, LLC and Robert Konicki	Orange County, Florida	07-ca-33197 (34)
Mirabilis Ventures, Inc. v. Robert Lowder, et al.	Orange County, Florida	2006-CA-005742-0
Kenneth Hendricks, et al. v. Mirabilis Ventures, Inc., et al. (Counterclaim)	U.S.D.C., M.D.Fl.	8:07-cv-661-T17EAJ
Kenneth Hendricks, et al. v. Mirabilis Ventures, Inc., et al. (Counterclaim)	Hillsborough County, Florida	DC-07-014201J

Style of case	Location	Case No.
Berman, Kean & Riguera, P.A. v. Mirabilis Ventures, Inc., et al. (Counterclaim)	Broward County, Florida	07-024968 (21)
Anthony T. Sullivan v. AQMI Strategy (Counterclaim)	Orange County, Florida	07-CA-0015981-0
Paysource, Inc. And Robert Sacco v. Mirabilis Ventures, Amodeo, et al. (Counterclaim)	U.S.D.C., S.D. Ohio	3:07cv0129
Prime Acquisition Group, LLC v. Ionic Services, Inc., et al. (Counterclaim)	Palm Beach County, Florida	502007CA02242
Michael Mapes, et al. v. Wellington Capital Group, Inc.	U.S.D.C., D. Neb.	8:07cv77
Briarcliff Village, LLC v. Mirabilis Ventures, Inc.	Clay County, Missouri	07CY-CV09414
William Gregory v. Floyd Road v. Mirabilis Ventures, Inc. (Counterclaim)	Hillsborough County, Florida	07-CA-010780
Coastal Equity Partners, LLC v. Pacific Atlantic Capital Corp., et al. (Counterclaim)	Henrico County, Virginia	CL07-1960
Liberty Property Limited Partnership v. Mirabilis Ventures, Inc., et al. (Counterclaim, settled)	Duval County, Florida	162007CA003642
Tranmere Rovers Football Club v. Mirabilis Ventures, Inc. (Counterclaim, settled)	Liverpool, England	7LV30022
Mark Lang v. Mirabilis Ventures, Inc. (Counterclaim, settled)	Orange County, Florida	48-2007-CA-002929-0

Style of case	Location	Case No.
David Chaviers, Norman Chaviers, Kellie Ledbetter and Tom Hancock v. Mirabilis Ventures, Inc. And Frank Amodeo, et al. (Counterclaim, settled)	U.S.D.C., N.D. Ala.	CV-07-0442-cls
Carlton Fields v. Mirabilis Ventures, Inc. (Counterclaim, settled)	Hillsborough County, Florida	07-CC-038145
Brevard County v. RKT Constructors, Inc. (Counterclaim, settled)	Brevard County, Florida	05-2007-CA-12251
Bellsouth v. RKT Constructors, Inc., et al. (Counterclaim, settled)	Orange County, Florida	05-2007-CA-9660-0
Dutko Global Advisors LLC v. AQMI Strategy Corporation (Counterclaim, settled)	Orange County, Florida	48-2007-CA-018164-0
Capital Office Products of Volusia County, Inc., v. Mirabilis Ventures, Inc. (Counterclaim, settled)	Volusia County, Florida	2007-34950 COCI
CDW Corporation, Inc. v. Information Systems, Inc. (Counterclaim, settled)	Cook County, Illinois	2007-L-002446
RKT Constructors, Inc. v. Florida Department of Transportation (Settled)	Broward County, Florida	05-2003-CA-047397
RKT Constructors, Inc. v. Florida Department of Transportation (Settled)	Broward County, Florida	05-2006-CA-060518

Style of case	Location	Case No.
Providence Property & Casualty Insurance Co, et al. v. Paradyme, Inc., d/b/a Presidion Solutions VI (settled)	U.S.D.C., E.D. Tx.	4:07-CV-202
Presidion Corporation v. Arrow Creek, Inc., et al.	Palm Beach County, Florida	502006CA001417xxxxMB

h. Any and all property of the following bankruptcy estates, including funds which now constitute or have constituted funds of the estate:

Style of case	Location	Case No.
In Re: Winpar Hospitality Chattanooga, LLC.	U. S. Bankruptcy Court, E.D. Tenn.	07-11908
Sam Hopkins, Trustee v. Todd Pattison and Mirabilis Ventures, Inc.	U. S. Bankruptcy Court, D. Idaho	08-08005-JDP
In Re: Mirabilis Ventures, Inc.	U. S. Bankruptcy Court, M.D. Fl.	6:08-bk-04327-KSJ
In Re: Hoth Holdings, LLC	U. S. Bankruptcy Court, M.D. Fl.	6:08-bk-04328-KSJ
In Re: AEM, Inc.	U. S. Bankruptcy Court, M.D. Fl.	6:08-bk-04681
In Re: North American Communications	U. S. Bankruptcy Court, D. Utah	2:07-bk-24900

4. If any of the property described above, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

A TRUE BILL,

Foreperson
Dominic Lorenti Jr

ROBERT E. O'NEILL
United States Attorney

By: _____
Roger B. Handberg
Assistant United States Attorney
Chief, Orlando Division

By: _____
I. Randall Gold
Assistant United States Attorney
Deputy Chief, Orlando Division

FORM OBD-34
APR 1991 No.

UNITED STATES DISTRICT COURT

Middle District of Florida
Orlando Division

THE UNITED STATES OF AMERICA

vs.

FRANK L. AMODEO

INDICTMENT

Violations:
18 U.S.C. § 371
18 U.S.C. § 1343
18 U.S.C. § 1505
26 U.S.C. § 7202
18 U.S.C. § 981(a)(1)(C) - Forfeiture
28 U.S.C. § 2461(c) - Forfeiture

A true bill,

Foreperson

Filed in open court this 6th day

of August, A.D. 2008.

Clerk

Bail $_____

GPO 863 525

Revised 05/03/2007

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Case 6:08-cr-00176-JA-LRH Document 1 Filed 08/06/08 Page 32 of 32 PageID 32

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

CASE NO: 6:08-CR-176-ORL-28GJK

UNITED STATES OF AMERICA,

PLAINTIFF,

VS.

FRANK L. AMODEO,

DEFENDANT. _____

TUESDAY, SEPTEMBER 23, 2008
CHANGE OF PLEA HEARING
BEFORE THE HONORABLE GREGORY J. KELLY
UNITED STATES MAGISTRATE JUDGE

_____

APPEARANCES:

COUNSEL FOR PLAINTIFF:
I. Randall Gold, AUSA

COUNSEL FOR DEFENDANT:
Harrison Slaughter, Esq.

OFFICIAL COURT REPORTER: KORETTA E. STANFORD, RPR-CRR

*PROCEEDINGS RECORDED STENOGRAPHICALLY;
COMPUTER-AIDED TRANSCRIPTION*

P R O C E E D I N G S

(Commenced at 10:05 a.m.)

COURTROOM DEPUTY: Case number 6:08-CR-176-ORL-28GJK; United States of America vs. Frank L. Amodeo.

Counsel, please state your appearances for the record.

MR. GOLD: Good morning, Your Honor; on behalf of the United States, Randy Gold. Seated with me is IRS Special Agent Richard Smith and Assistant U.S. Attorney Nicole Andrejko.

THE COURT: Good morning.

MR. SLAUGHTER: Good morning, Your Honor; Harrison Slaughter, along with Frank Amodeo, who is seated here today.

THE COURT: Good morning, Mr. Slaughter. It's my understanding that your client desires to change his plea with respect to certain counts.

MR. SLAUGHTER: Yes, sir.

THE COURT: Specifically, Counts 1, 7, 8, 10, and 27 of the indictment; is that correct?

MR. SLAUGHTER: That's correct, Your Honor.

THE COURT: All right. Well, with that understanding, let's go ahead and swear Mr. Amodeo.

(Defendant sworn.)

State your full name, please.

THE DEFENDANT: Frank Louis Amodeo.

THE COURT: All right. Mr. Amodeo, you've heard your counsel represent that it is your desire to change your plea with respect to Counts 1, 7, 8, 10, and 27 of the indictment; is that true, sir?

THE DEFENDANT: Yes, sir.

THE COURT: You understand that at this point and time, you've been put under oath, and you're sworn to tell the true, correct, sir?

THE DEFENDANT: I do.

THE COURT: And you understand that in order to determine whether or not the Court should accept your desire to enter a guilty plea, you're required to answer certain questions, correct?

THE DEFENDANT: Yes.

THE COURT: All right. Do we have a signed consent to have the magistrate judge conduct the proceedings?

COURTROOM DEPUTY: No, I forgot that.

THE COURT: We don't have that document?

COURTROOM DEPUTY: No.

THE COURT: Do we have a waiver with respect to the presentence investigation and report?

COURTROOM DEPUTY: I forgot all of those, I'm sorry.

THE COURT: Okay.

All right. Mr. Amodeo, there are certain documents

that I'd like you and your counsel to review and to determine whether or not it's appropriate for you to execute them. The first document is a consent to allow me as the magistrate judge to conduct the proceedings this morning.

And the second document is a document that would authorize the Probation Department to conduct a presentence investigation and provide a report to the Court, which the Court would use as a guide in determining your sentence. If you and your counsel will review those documents and determine whether or not you're comfortable executing those, please let us know, and then we'll resume proceedings.

I'd suggest that we take a brief recess, Mr. Slaughter, while you and your client have an opportunity to review those documents, okay?

MR. SLAUGHTER: Your Honor, I'm very familiar with these documents, and --

THE COURT: I know, but I want to give your client an opportunity to familiarize himself with them as well, okay?

MR. SLAUGHTER: Okay.

THE COURT: All right, thank you.

(Brief recess taken.)

All right. Mr. Amodeo, I now have two documents in front of me. One is a notice regarding entry of a plea of guilty. Is this a document that you just reviewed and signed, sir?

THE DEFENDANT: Yes, Your Honor.

THE COURT: All right. You understand that by executing this document, you're agreeing that I, as a magistrate judge, can conduct the proceedings this morning and provide the report and recommendation to the district court judge in regard to whether or not your desire to enter a guilty plea should be accepted; correct, sir?

THE DEFENDANT: I do.

THE COURT: Do you have any questions about the consent form, sir?

THE DEFENDANT: No, I don't.

THE COURT: All right. The other document I have is a consent to institute a presentence investigation and disclose that report before conviction or a plea of guilty. Is this a document that you reviewed and signed this morning?

THE DEFENDANT: Yes, it is.

THE COURT: Okay. You understand that by executing this document you're agreeing that the Probation Department can conduct a presentence investigation and provide a written report to the district court judge, which the district court judge would use in connection with determining your sentence, correct?

THE DEFENDANT: I do, yes.

THE COURT: Do you have any questions about that consent form or what it means, sir?

THE DEFENDANT: No.

THE COURT: All right. Sir, in order to determine whether or not your plea should be accepted, there are several steps that we'll go through this morning. First, I'm going to ask you certain questions bearing on your competency. I know that Dr. Danziger testified yesterday, you were present during his testimony, but I need to ask you certain questions in order to determine whether or not you're competent to enter a guilty plea here today, sir.

Second, we'll review the rights that you have and the consequences of entering a guilty plea. We'll review the plea agreement, certain terms of the plea agreement in order to ensure that you understand the terms of that document, sir. Third, we'll review whether or not there's a factual basis for you to enter a guilty plea.

Sir, I want to tell you that if you are not guilty of each of the charges alleged, then you should not enter a guilty plea. It's your right to maintain your innocence and require that the government prove that you're guilty beyond a reasonable doubt at trial. If there's no factual basis for you to enter a guilty plea, the Court will not accept your desire to enter a guilty plea.

And finally, if I'm satisfied that you're competent, that you understand your rights and the rights that you'd be waiving, you understand the terms of the plea agreement and

that there's a factual basis for you to enter a guilty plea, sir, I'll ask you how you plead. So, those are sort of the steps that we're going to follow this morning.

Sir, how old are you?

THE DEFENDANT: 48.

THE COURT: And what is the highest level of education that you have, sir?

THE DEFENDANT: A juris doctorate.

THE COURT: And where did you obtain your JD degree from?

THE DEFENDANT: Emory University.

THE COURT: And when did you obtain that, sir?

THE DEFENDANT: 1987.

THE COURT: And did you practice law?

THE DEFENDANT: I did.

THE COURT: During what period of time?

THE DEFENDANT: From '88 until '92.

THE COURT: Okay. And what type of law practice were you engaged in from '88 until '92 during that four-year period, sir?

THE DEFENDANT: Primarily, bankruptcy practice.

THE COURT: Okay. And if you would, just summarize your occupation, other than your legal occupation.

THE DEFENDANT: I'm a turnaround consultant or a crisis manager.

THE COURT: Okay. And during what period of time did you work as a turnaround consultant?

THE DEFENDANT: Principally, from 2000 to 2008.

THE COURT: Okay. In terms of your overall health, setting aside for now your mental capacity, your overall physical health, sir, are you in good health?

THE DEFENDANT: Essentially, good health. There's a blood pressure and an asthma issue, but other than that, yes.

THE COURT: Okay. And are you taking medications to manage those?

THE DEFENDANT: I am.

THE COURT: All right. Sir, you read, speak, and understand English, correct?

THE DEFENDANT: I do.

THE COURT: Are you currently under the care of a psychiatrist or psychologist?

THE DEFENDANT: I am.

THE COURT: And are you under the care of one or the other or both?

THE DEFENDANT: Actually, it's still the team unit at McLean Hospital, so it's both.

THE COURT: Okay. And who are your treating physicians, sir?

THE DEFENDANT: Dr. Vuckovic and Dr. Choras.

THE COURT: What's the second doctor?

THE DEFENDANT: Dr. Choras, C-h-o-r-a-s.

THE COURT: All right. Have you been diagnosed with any specific mental illness, sir?

THE DEFENDANT: Yes. A bipolar condition with schizo-aspect aspects and chronic delusional aspects.

THE COURT: Are you taking medications at this point and time, sir?

THE DEFENDANT: I am.

THE COURT: What medications are you taking?

THE DEFENDANT: 3,000 milligrams of Depakote daily, 8 grams of Geodon daily, and Labetalol is the way I pronounce it, although that might be somewhat mistaken, 200 milligrams daily.

THE COURT: All right.

THE DEFENDANT: And a sleep-inducing agent to accelerate the other medicine, which is Razemore or Metoprolol.

THE COURT: And who has prescribed these medications, sir?

THE DEFENDANT: These were all prescribed by Dr. Vuckovic.

THE COURT: Have you taken those medications in the prescribed dosage and at the prescribed times during the last four days, sir?

THE DEFENDANT: I have.

THE COURT: Is that something that you have self-administered?

THE DEFENDANT: Yes.

THE COURT: Okay. Are you certain that you've taken the medications in the correct dosages?

THE DEFENDANT: I am.

THE COURT: Are you certain that you've taken them at the correct times?

THE DEFENDANT: I am.

THE COURT: All right. And do those medications, in your opinion, adequately control your mental illnesses, sir?

THE DEFENDANT: Yes. They give me the ability to control the mood swings. They allow a much more -- considerably less racing thoughts than normal.

THE COURT: Okay. Do you feel that you're lucid at this point and time?

THE DEFENDANT: I am.

THE COURT: Are you suffering from any condition whatsoever within the last five days, which would impair your ability to communicate fully with your counsel about the facts of this case?

THE DEFENDANT: No.

THE COURT: Are you suffering from any impairment whatsoever that would negatively impact your ability to assist your counsel in defending the case against you, sir?

THE DEFENDANT: No.
THE COURT: Do you feel that you understand the advice that your counsel has given you, sir?
THE DEFENDANT: I do.
THE COURT: Do you feel that you understand the proceedings against you?
THE DEFENDANT: Yes.
THE COURT: Have you taken any other medications whatsoever, other than those that you've outlined for me in the hearing today during the last five days, sir?
THE DEFENDANT: I have had a dose of Seroquel, which is an additional anti-psychotic medication.
THE COURT: Okay.
THE DEFENDANT: And it was designed to help deal with the -- to assist the Depakote in keeping the mood swings normal.
THE COURT: And when did you take the Seroquel?
THE DEFENDANT: Yesterday.
THE COURT: And what dose did you take, sir?
THE DEFENDANT: I believe it's one capsule, a hundred milligrams. I might be wrong about the hundred milligrams.
THE COURT: And was that also prescribed by Dr. Vuckovic?
THE DEFENDANT: The Seroquel was actually prescribed

by Dr. Krotenberg, who was the treating psychiatrist locally until I went to McLean.

THE COURT: Okay. And is that the only dosage of any other medication that you've taken within the last five days, sir?

THE DEFENDANT: Yes, sir.

THE COURT: So a single dose, 100 milligrams, of Seroquel?

THE DEFENDANT: Correct.

THE COURT: And you took that yesterday at what time, sir?

THE DEFENDANT: In the morning.

MR. SLAUGHTER: Your Honor, that was after probably three conversations with Dr. Danziger.

THE DEFENDANT: That's correct.

THE COURT: Okay. So, Dr. Danziger concurred with respect to that dosage as well?

THE DEFENDANT: Yes.

THE COURT: All right. In terms of Dr. Danziger, Mr. Amodeo, when was the last time that you saw him?

THE DEFENDANT: Before yesterday, it was Friday.

THE COURT: Okay.

THE DEFENDANT: So, it would be the 19th.

THE COURT: All right. So, you saw him on Friday, the 19th?

THE DEFENDANT: Correct.
THE COURT: Okay. How much time did you spend with him?
THE DEFENDANT: A little over an hour.
THE COURT: And you've taken all medications described by Dr. Vuckovic, again, in the appropriate dosages and at the appropriate times since that meeting, correct?
THE DEFENDANT: Yes, I have.
THE COURT: It's your view that your medications do adequately control the effects of your mental illness, sir; is that correct?
THE DEFENDANT: That's correct.
THE COURT: Are you currently under the influence of anything whatsoever that would negatively impact your ability to understand the proceedings here today, sir?
THE DEFENDANT: No.
THE COURT: Are you having any difficulty understanding me?
THE DEFENDANT: I'm not.
THE COURT: Are you clear-minded?
THE DEFENDANT: Yes.
THE COURT: Okay. If at any point and time you have difficulty understanding the proceedings or what's being said by any person, just let me know, and you can interrupt the proceedings to do so, okay, sir?

THE DEFENDANT: Yes.

THE COURT: I wish that you would interrupt the proceedings, if you believe that you fail to understand anything that's being said or any aspect of the proceeding today, okay, sir?

THE DEFENDANT: Yes, sir.

THE COURT: You'll do that for me?

THE DEFENDANT: I will.

THE COURT: Sir, in terms of your daily routines, are you able to care for yourself?

THE DEFENDANT: I am.

THE COURT: Okay. You're able to dress yourself, groom yourself, take care of yourself in general ways?

THE DEFENDANT: Yes.

THE COURT: All right. You're able to cook for yourself?

THE DEFENDANT: Yes.

THE COURT: Okay. In terms of driving, are you able to drive, sir?

THE DEFENDANT: I am.

THE COURT: All right. Do you think that you're prepared to make a decision today about whether or not you should plead guilty?

THE DEFENDANT: I am.

THE COURT: Are you prepared to make the best

decision for yourself in terms of that issue here today, sir?

THE DEFENDANT: Yes.

THE COURT: All right. As I said, one of the things we're going to do here is make sure that you understand the nature of the charges against you and the consequences of entering a guilty plea. Sir, have you read the indictment?

THE DEFENDANT: I have.

THE COURT: You've read the entire indictment, sir?

THE DEFENDANT: The entire document.

THE COURT: Okay. Do you believe you understand the charges against you?

THE DEFENDANT: I do.

THE COURT: Okay. Have you had an adequate opportunity to confer with your counsel about the charges against you?

THE DEFENDANT: Yes.

THE COURT: Have you also discussed your defenses to the charges against you?

THE DEFENDANT: I have.

THE COURT: You've discussed them with your counsel?

THE DEFENDANT: Yes.

THE COURT: And you've discussed the evidence in support of the government's case, as well as in support of your defenses, sir?

THE DEFENDANT: Yes.

THE COURT: I'm going to ask the government to go ahead and summarize the charges that you're facing in terms of those that you desire to enter a guilty plea with respect to and the elements of those charges. I'd like you to pay close attention, because at the conclusion, I'm going to ask you questions to ensure that you understand each of the charges and the elements of the charges. And, as a matter of fact, Mr. Amodeo, you face several charges, so I'd like you to have a pen and paper in front of you, so that you can jot down any questions that you have as the government goes through the charges, okay?

THE DEFENDANT: Yes, sir.

THE COURT: And, again, the rule that I described earlier that you can interrupt at any point and time applies. So, if you have a question and you want to interrupt, because you don't understand some aspect of the charge, let us know, and we'll try and provide clarification, okay?

THE DEFENDANT: Yes, sir.

THE COURT: All right.

MR. GOLD: Your Honor, does the Court also want me to discuss the maximum penalties at this time or are we going to do that later?

THE COURT: We can do the charges and elements, and we can do the penalties at a later time, okay?

MR. GOLD: Okay. He has agreed to plead guilty to

Count 1, which is a conspiracy to commit wire fraud, to obstruct an agency proceeding, and to impair and impede the IRS's ability to assess and collect payroll taxes. Counts 7, 8, and 10 each charge him with failure to collect and remit payroll taxes. And Count 27 charges him with obstruction of an agency proceeding.

As to Count 1, the elements are first, that two or more persons in some way or manner came to a mutual understanding to try to accomplish a common and unlawful plan; second, that the defendant knowing the unlawful purpose of the plan, willfully joined in it; third, that one of the conspirators during the existence of the conspiracy knowingly committed at least one of the methods or overt acts; and fourth, that such overt act was knowingly committed at or about the time alleged in an effort to carry out or accomplish some object of the conspiracy.

The elements for Counts 7, 8, and 10 are first that the defendant was a person who had a duty to collect, truthfully account for, and pay over federal income and social security taxes that the defendant was required to withhold from the wages of employees with the charged calendar quarters. Second, that the defendant failed to collect or truthfully account for and pay over federal income and social security taxes that the defendant was required to withhold from the wages of employees for said calendar quarter. And

third, that the defendant acted willfully. The elements of Count 27 are first that there was an agency proceeding, second that the defendant was aware of that proceeding, and third that the defendant intentionally endeavored corruptly to influence, obstruct, or impede the pending proceeding.

THE COURT: Thank you.

Mr. Amodeo, do you believe that you understand Count 1 that you're facing in terms of conspiracy to commit wire fraud?

THE DEFENDANT: Yes, sir.

THE COURT: Do you believe you understand the elements of that charge?

THE DEFENDANT: I do.

THE COURT: Do you have any question about the charge or the elements of the charge, sir?

THE DEFENDANT: No, sir.

THE COURT: Do you understand the three elements that the government just outlined that it would be required to prove that you're guilty beyond a reasonable doubt with respect to the conspiracy to commit wire fraud charge?

THE DEFENDANT: Yes, sir.

THE COURT: All right. In terms of Counts 7, 8, and 10, which charges you with failure to collect and remit payroll taxes, sir, do you believe you understand those charges?

THE DEFENDANT: I do.
THE COURT: Do you believe that you understand the elements of that charge?
THE DEFENDANT: I do.
THE COURT: Do you have any question whatsoever about the three elements of that charge?
THE DEFENDANT: No.
THE COURT: In terms of Count 27, which charges you with obstruction of an agency proceeding, sir, do you believe you understand that charge?
THE DEFENDANT: I do.
THE COURT: Okay. Do you believe you understand the three elements of that charge as outlined by the government?
THE DEFENDANT: Yes.
THE COURT: Do you have any questions whatsoever about the charges that you're facing or the elements of those charges, sir?
THE DEFENDANT: No.
THE COURT: Mr. Slaughter, at this point and time, have you had an adequate opportunity to review the government's case?
MR. SLAUGHTER: Yes, sir.
THE COURT: Okay. Is there anything that you asked the government to provide that you feel you were denied?
MR. SLAUGHTER: No, and vice versa.

THE COURT: Have you had an adequate opportunity to advise your client on whether or not it's prudent for him to enter a guilty plea with respect to the charges that we're discussing here today?

MR. SLAUGHTER: Yes, sir.

THE COURT: And are you satisfied that it is in your client's best interest at this point --

MR. SLAUGHTER: Absolutely.

THE COURT: Mr. Amodeo, how many times have you conferred with your counsel about this case?

THE DEFENDANT: Oh, it has to be 500.

THE COURT: Okay.

THE DEFENDANT: This has been going on for a couple of years.

THE COURT: Okay. And, again, in those discussions, you have had an opportunity to address the charges against you, correct?

THE DEFENDANT: Yes.

THE COURT: And you've also addressed the defenses that you may have to those charges, correct?

THE DEFENDANT: Yes.

THE COURT: Have you discussed the evidence for and against you?

THE DEFENDANT: Yes.

THE COURT: And have you discussed the penalties

that you're facing, sir?

THE DEFENDANT: Yes.

THE COURT: Have you also discussed your rights associated with trial?

THE DEFENDANT: Yes.

THE COURT: And have you discussed whether or not it's in your best interest to enter a guilty plea, sir?

THE DEFENDANT: Yes.

THE COURT: Do you have a clear understanding of the communications that you've had with your counsel about those issues?

THE DEFENDANT: I do.

THE COURT: Is there any aspect of your discussions with your counsel about those issues that you feel you really don't grasp or understand, sir?

THE DEFENDANT: No.

THE COURT: Are you satisfied with the services of your counsel in this matter, sir?

THE DEFENDANT: I am.

THE COURT: Is there any aspect of your counsel's representation that you have reservations about, sir?

THE DEFENDANT: No.

THE COURT: Counsel for the parties, are there any additional questions that you wish me to ask Mr. Amodeo about his competency to enter a guilty plea?

MR. GOLD: No, Your Honor. I believe he's competent at this time.

THE COURT: All right.

MR. SLAUGHTER: Your Honor, I believe, he's competent and very clear headed today.

THE COURT: All right.

Yes, Mr. Slaughter, you had made a comment -- actually, counsel for both parties made a comment that you felt that when Mr. Amodeo was not taking his medications, that that was fairly self-evident. You recall those comments, correct?

MR. GOLD: Yes, sir.

THE COURT: Have you both had an opportunity to confer with Mr. Amodeo today or have any discussions with him?

MR. GOLD: I certainly did yesterday and just very briefly this morning.

THE COURT: Okay. And is it your impression that he's on his medications?

MR. GOLD: I believe he is.

THE COURT: All right. Mr. Slaughter, similarly, is it your impression that he's on his medications?

MR. SLAUGHTER: I agree that he's on his medications. And when he would come to our office, he would set up the medications and his time tables, put them on top of a table, and during the day would go over and take them at the

appropriate times.

THE COURT: Okay.

MR. SLAUGHTER: So, I mean, we have a dialogue about it all the time. And just to getting back to the Court's questions about whether Mr. Gold has seen him when he's not taking it, the cooperation to get us here today started on February 9 of 2007, so there may have been as many as 30 meetings in which Mr. Amodeo was present, and we all saw the cycling that was occurring.

THE COURT: Okay.

MR. SLAUGHTER: Which is rare now.

THE COURT: All right. When he was on his medications, was he always lucid?

MR. SLAUGHTER: On the medications, he's 150 percent better than when he was not on his medications.

THE COURT: Okay.

MR. SLAUGHTER: I mean, sometimes he may appear sleepy, that type of stuff.

THE COURT: Okay. But other than fatigue --

MR. SLAUGHTER: Right.

THE COURT: -- he was always lucid?

MR. SLAUGHTER: Right. Oh, absolutely.

THE COURT: All right.

MR. SLAUGHTER: And when that happens, we just start giving him tea and Coca-Cola.

THE COURT: Okay.

Mr. Amodeo, tell me in your own words in regard to the proceedings against you, what is the role of Mr. Gold?

THE DEFENDANT: Mr. Gold's role is to represent the United States and show the Court that I violated the United States' laws.

THE COURT: Okay. And what is the role of your counsel, Mr. Slaughter?

THE DEFENDANT: He is to provide evidence in my defense and show that the government failed to prove I violated United States' laws.

THE COURT: All right. And if the case were to go to trial, what is your understanding of the role that the judge would play?

THE DEFENDANT: The judge would make decisions on legal matters, and the jury would make decisions on factual matters.

THE COURT: In terms of the charges against you, sir, with respect to Count 1 that charges you with conspiracy to commit wire fraud, in your own words, what is your understanding of that --

MR. GOLD: Your Honor, actually, it's a three-prong conspiracy. There's actually three separate objects, one of which was the wire fraud, one of which is the obstruction of agency proceedings, and the third prong is to impair or impede

the IRS' ascertainment or collection of the payroll taxes.

THE COURT: All right.

Sir, Mr. Amodeo, in terms of Count 1 of the indictment, in your own words, what is your understanding of the charge against you?

THE DEFENDANT: That I agreed and assisted -- I agreed with other people and allowed them or assisted them to not pay payroll taxes and transfer the money through corporate accounts which I had control over.

THE COURT: Do you understand that one of the underlying elements of that claim is that the conspiracy was intended to perpetrate wire fraud?

THE DEFENDANT: Yes, sir. I mean, I thought it was to perpetrate the nonpayment of the taxes.

THE COURT: Well, nonpayment of the taxes, I believe, is one of the elements as well, correct, Mr. Gold?

MR. GOLD: Well, it is one of the prongs, yes, sir.

THE COURT: Okay.

In terms of -- you understand that there is three underlying crimes alleged. One is with respect to wire fraud, the other is obstruction of justice, and the other is impairment of the IRS proceedings; do you understand, sir?

THE DEFENDANT: There are three different conspiracies or there's one conspiracy with three different parts?

MR. GOLD: One conspiracy with three different parts.

THE DEFENDANT: Then, I understand, yes.

THE COURT: Okay. There's one conspiracy with three different parts.

THE DEFENDANT: Yes.

THE COURT: Those being the three parts.

THE DEFENDANT: I understand that.

THE COURT: Okay. And you understand that the government would be required to prove, beyond a reasonable doubt, that you participated in the conspiracy knowingly and intentionally, correct?

THE DEFENDANT: Yes, I do.

THE COURT: Okay. Any questions about the government's burden of proof or the elements?

THE DEFENDANT: No, I understand that.

THE COURT: All right. Sir, in terms of Counts 7, 8, and 10, which allege failure to collect and remit payroll taxes, in your own words, what is it that you've been charged with there?

THE DEFENDANT: I am -- that I would have had a duty to know that the companies which were under my ownership, even indirectly, had an obligation to pay taxes and that I intentionally failed to ensure that those taxes were paid.

THE COURT: Okay. In terms of Count 27, which

alleges obstruction of an agency proceeding, sir, in your own words, what is your understanding of that charge?

THE DEFENDANT: An attorney officer of one of the companies came to me and told me a presentation I made put our conduct in a bad light, made me subject to commit to federal offenses, and that I should change the way I present it to the IRS. And I took her recommendation, and a couple hours later I changed the presentation manner in which the circumstances would be portrayed to the government.

THE COURT: Okay. And when you changed your account of the facts, sir, you were changing it to an account that was not truthful; is that correct?

THE DEFENDANT: Changing an account that was misleading.

THE COURT: Okay. And you understand that it's the government's burden of proof that you're guilty of that beyond a reasonable doubt, and they would have to establish that you acted intentionally, correct?

THE DEFENDANT: Yes, I understand that.

THE COURT: Okay.

All right. Mr. Amodeo, based on your testimony, as well as the unconverted testimony of Mr. Danziger yesterday, I find that you're competent to enter a guilty plea, if you so desire. Based on the testimony that's been provided, I specifically find that you have the ability to adequately work

with your counsel in regard to the defense of your case and, furthermore, that you understand the nature and consequences of the proceedings against you.

Sir, has anyone done anything that you believe is wrong or unfair in order to cause you to enter a guilty plea?

THE DEFENDANT: No, sir.

THE COURT: Has anyone threatened you, coerced you, intimidated you, or put any improper pressure upon you in order to cause you to enter a guilty plea?

THE DEFENDANT: No, sir.

THE COURT: Sir, do you have a copy of the plea agreement in front of you?

THE DEFENDANT: I do.

THE COURT: Is the original plea agreement here in court?

MR. GOLD: Yes, Your Honor, it is.

THE COURT: Okay.

MR. GOLD: Would you like it?

THE COURT: No, that's fine. I have a true and accurate copy, I believe.

MR. GOLD: Okay.

THE COURT: If you would, provide the original to Mr. Amodeo, I'd appreciate it.

MR. GOLD: Certainly, Your Honor.

THE COURT: I may have some questions for him.

(Counsel provides defendant with original.)

Mr. Amodeo, if you would take a moment to review that document, that is the original. I'd like you to verify that that is the plea agreement that you've signed, sir.

(Pause in proceedings while the defendant reviews.)

THE DEFENDANT: It is, Your Honor.

THE COURT: Your signature appears on the last page of the plea agreement; is that correct, Mr. Amodeo?

THE DEFENDANT: It does.

THE COURT: And your initials appear on each and every page of the plea agreement; is that correct?

THE DEFENDANT: Yes.

THE COURT: Did you read the entire plea agreement before you signed it, sir?

THE DEFENDANT: I did.

THE COURT: Did you discuss the plea agreement with your counsel before you signed it, sir?

THE DEFENDANT: I did.

THE COURT: Did you have an adequate opportunity to confer with your counsel and to receive his advice before you signed the plea agreement?

THE DEFENDANT: Yes.

THE COURT: Did you ask your counsel questions about the plea agreement?

THE DEFENDANT: I did.

THE COURT: And do you feel that your questions were adequately answered?

THE DEFENDANT: They were.

THE COURT: Do you believe that you understand the terms of the plea agreement, sir?

THE DEFENDANT: I do.

THE COURT: Mr. Gold, if you would, would you summarize the principal benefits to Mr. Amodeo of entering into this plea agreement.

MR. GOLD: Yes, Your Honor.

First of all, there will be no further charges arising out of the conduct, which gave rise to the plea agreement. We are going to recommend a guideline sentence. There is a provision for restitution to the victims for any of the employers that are required to repay the Internal Revenue Service, if that comes to pass, and he has an obligation to pay that money.

In there is a provision for acceptance of responsibility, two levels, if it's up to Level 15. But if it's 16 or greater, three levels, assuming nothing else comes along to our attention.

We're going to recommend that he receive a four-level upward adjustment for his role in the offense. We are jointly recommending with the defense no upward or downward departure, with the exception that he will retain the

ability to recommend to the sentencing court that he receive a downward departure for diminished capacity, pursuant to the Sentencing Guidelines Section 5K2.13. Not that the government agrees, but he is retaining the ability to argue that.

THE COURT: Okay.

MR. GOLD: There is also provisions in here that would allow him to cooperate with the United States and to allow us to then review his cooperation and potentially file either a 5K1, based upon substantial assistance or thereafter Rule 35. And there's a provision for the payment of the taxes from 2004, through and including 2006, and then about ten pages dealing with the forfeiture of assets. I know I may have gone beyond just what we may have promised him.

THE COURT: Okay.

MR. GOLD: But I think I've gotten the provisions in there.

THE COURT: All right. I have a couple questions for counsel about the plea agreement. Specifically, with respect to Section A.12., subparagraph b.(5), there's a provision in here about what would occur in the event that Mr. Amodeo provides false testimony or falsely implicates or incriminates another person.

There were certain conditions that would apply. And specifically, under 12.b.(5), it says "The defendant would not be permitted to withdraw the guilty plea to those counts to

which defendant hereby agrees to plead in the instant case, but in that event, defendant will be entitled to the sentencing limitations, if any, as set forth in this plea agreement..."

As I've looked at the plea agreement, there are certain recommendations. But in each instance, the agreement specifically provides that those recommendations are not binding on the Court, and the defendant acknowledges that. Are there any limitations on sentencings set forth in this plea agreement whatsoever?

MR. GOLD: Not other than what we've previously discussed, the five counts, which would be a total of 25 years, and then all the other recommendations.

THE COURT: Okay.

Mr. Slaughter, are you clear on that?

MR. SLAUGHTER: That's correct. There's also an agreement that would permit Mr. Amodeo to contest that a hearing down the road, whether the first 8 million that he received was stolen money and not subject to forfeiture, and that would also hold on -- go over to the two houses, and they're marked out in the plea agreement.

THE COURT: Okay. So, there are factual issues in terms of forfeiture, but in terms of --

MR. SLAUGHTER: They wouldn't be decided today, but would be decided later in court.

THE COURT: Okay. But in terms of sentencing, incarceration, supervised release, fines, those matters, there are no limitations whatsoever in this plea agreement, are there?

MR. SLAUGHTER: This document contains them all.

MR. GOLD: No, Your Honor, there are no other limitations.

THE COURT: Have you advised your client on that?

MR. SLAUGHTER: Yes, he's aware of that.

THE COURT: Okay.

The other question I have is looking at page 18 of the agreement, and this is in the section dealing with forfeiture, forfeiture which begins on Section A.16., page 10, and then continues on. On page 18 at the bottom of the page, it says, "The defendant admits and agrees that the conduct described in the Factual Basis above provides a sufficient factual and statutory basis for forfeiture of the property sought by the government."

MR. GOLD: That should be below.

THE COURT: Well, that's what I was inquiring about, because there are facts, I believe, set forth above which are not in the factual basis below, and --

MR. GOLD: We could insert the words above and below.

THE COURT: Okay. I think, Mr. Slaughter, if you

need to examine this and review it with your client, that's fine. My impression in reading it was that that was perhaps a typographical error in terms of just capitalizing factual basis, and what would be referenced would be the facts outlined above as well as the facts set forth below.

Because if you look earlier at the top of the page, there's a reference to the fact that the corporations identified above were funded exclusively with the proceeds of the fraud scheme described below, and the scheme was Amodeo's sole source of income. And that is a statement I don't think that's in the factual basis below. So, are the parties relying on that statement, as well as the factual basis below?

MR. GOLD: Above and below, Your Honor.

And actually, there is language in the statement of facts that perhaps was not picked up in the forfeiture language that discusses the 172 million versus 181 million. It's approximately an $8 million, $9 million difference. And with that exception, it was the sole income, and he's retained the ability to argue to the sentencing judge that that original 8 million, in his mind, may be fees as opposed to the stolen tax money.

THE COURT: Right. He was retaining an argument for the Court to resolve later that he was paid approximately 9 million dollars in commissions or fees, correct?

MR. GOLD: That's correct, Your Honor.

THE COURT: And that's the reason for the delta between the 172 million and the 181 million, correct?

MR. GOLD: Yes, sir.

THE COURT: Okay.

All right. Mr. Slaughter, with the modification proposed by the government in terms of making that language read, "...the facts outlined above and those set forth in the factual basis below...," be acceptable?

MR. SLAUGHTER: Yes, Your Honor.

THE COURT: If you would interlineate that on the original and review it with your client and initial it.

(Pause in proceedings.)

MR. SLAUGHTER: We've initialed them, Your Honor.

MR. GOLD: And, Your Honor, I'll read you the language as now written, and if the Court wants I can refile this plea agreement in toto or just the one page. It's the Court's pleasure.

THE COURT: If you would, just file the entire plea agreement, okay?

MR. GOLD: Okay.

THE COURT: All right. And the language, then, we're on page 18, the paragraph at the very bottom that would carry over to page 19; is that correct?

MR. GOLD: Yes, sir. And it reads, "The defendant admits and agrees that the conduct described above and in the

factual basis below provides a sufficient factual and statutory basis...," et cetera.

THE COURT: Okay, thank you.

MR. GOLD: Now, does the Court want me to put amended when we refile the plea agreement?

THE COURT: You can indicate amended on it, that's fine.

MR. GOLD: Okay.

THE COURT: Has it been initialed by counsel for both parties?

MR. GOLD: Yes.

THE COURT: As well as by Mr. Amodeo?

MR. GOLD: Yes.

MR. SLAUGHTER: Yes, sir, blue ink.

MR. GOLD: I think, what I'll do is handwrite in the word amended and we'll both initial and it'll be filed.

THE COURT: Okay, thank you.

Mr. Amodeo, once the original is back in front of you, I have some questions to ask you, okay?

First of all, Mr. Amodeo, you have the amended plea agreement in front of you, correct?

THE DEFENDANT: Yes, sir.

THE COURT: Okay. Has the government made any promises or representations to you to induce you to enter into a plea agreement, other than those set forth in the document

in front of you, sir?

THE DEFENDANT: No, sir.

THE COURT: Has any other person or entity made any promises or representations to you whatsoever that you're relying upon in order to enter into the plea agreement, other than those promises set forth in the document, sir?

THE DEFENDANT: No, sir.

THE COURT: Sir, in terms of sentencing, there is several provisions in here that have been briefly summarized by Mr. Gold in terms of sentencing, specifically, if you would, turn to Section A.6. On page 4. It sets forth that the United States will recommend that you be sentenced within the applicable guideline range as determined by the Court, pursuant to the Sentencing Guidelines. Do you see that, sir?

THE DEFENDANT: Yes, sir.

THE COURT: Okay. You understand that in regard to sentencing, the Court is not a party to this agreement, correct?

THE DEFENDANT: Yes, I understand that.

THE COURT: The Court is not bound by this agreement in any way, correct?

THE DEFENDANT: Yes.

THE COURT: The only parties to this agreement are you and the U.S. Attorney's Office for the Middle District of Florida, correct?

THE DEFENDANT: Yes.

THE COURT: Okay. So, you understand that the Court has discretion to accept or reject any recommendation that is made by you or by the parties collectively with respect to your sentencing, correct?

THE DEFENDANT: I do.

THE COURT: All right. Similarly, with respect to Section A.7., those same principles apply, correct, sir?

THE DEFENDANT: Yes.

THE COURT: Any questions about that?

THE DEFENDANT: No.

THE COURT: The same principles would apply with respect to Section A.8. Do you have any questions about that, sir?

THE DEFENDANT: I don't.

THE COURT: And similarly, with respect to Section A.9. And A.10., the same rules would apply. Any questions about that?

THE DEFENDANT: No.

THE COURT: With respect to Section A.10. In regard to cooperation or substantial assistance, sir, you understand that the determination in terms of whether or not you qualify for substantial assistance is solely the decision of the U.S. Attorney's Office, correct?

THE DEFENDANT: Yes.

THE COURT: Okay. And because that's their decision and they can make it in their discretion, you understand that if they decide not to file a motion giving you credit for substantial assistance, that you'll have no basis upon which to challenge that, correct, sir?

THE DEFENDANT: Yes.

THE COURT: Okay. Furthermore, sir, in terms of the recommendations made by the parties and whether or not the government files a motion requesting that you be given credit for substantial assistance, you understand that if things don't go as you like in terms of sentencing in regard to the Court accepting the recommendations and/or the government making a motion for substantial assistance, you would not be allowed to withdraw your guilty plea, correct, sir?

THE DEFENDANT: Yes, I understand.

THE COURT: Do you have any questions about that?

THE DEFENDANT: No.

THE COURT: Furthermore, sir, there's certain stipulated facts in the plea agreement. You understand that the Court may use those facts in determining what sentence would be appropriate, correct?

THE DEFENDANT: Yes.

THE COURT: Do you understand that the Court is not bound by or limited by those facts? The Court could consider additional facts in determining your sentence.

THE DEFENDANT: Yes.
THE COURT: Sir, as set forth on page 20 of your plea agreement, it provides that the United States is not limited to the forfeiture described in the agreement; do you understand that?
THE DEFENDANT: I do.
THE COURT: Do you understand that the government could seek to obtain forfeiture of any assets that it believes are the result of the fraudulent scheme alleged in the indictment, correct?
THE DEFENDANT: Yes.
THE COURT: Furthermore, on page 21, it provides that forfeiture of your assets shall not be treated as a satisfaction of any fine, restitution, cost of imprisonment, or any other penalty imposed by the Court; do you understand that, sir?
THE DEFENDANT: I do.
THE COURT: Do you have any questions about that?
THE DEFENDANT: No.
THE COURT: So, you would not be given credit against any fine, penalty, or cost of imprisonment imposed by the Court for the assets you forfeited; do you understand?
THE DEFENDANT: I do.
THE COURT: Similarly, on page 21 under Section B.1., it provides that there is no limitation in this

agreement with respect to the fines that could be imposed; do you understand that, sir?

THE DEFENDANT: I'm sorry, Your Honor, where?

THE COURT: I'm on page 21, sir, under Section B.1., the very last sentence. Do you understand that under that term, there is no limitation on the fines that could be imposed by the Court in regard to sentencing?

THE DEFENDANT: Yes, sir.

THE COURT: Sir, on page 23 under Section B.5., there's a waiver of your right to appeal. Have you reviewed that section, sir?

THE DEFENDANT: I have.

THE COURT: Do you understand that by executing this agreement and entering a guilty plea pursuant to this agreement, agree that you would be waiving a right to appeal your sentence, except to the limited extent specifically set forth in Section B.5. Of the agreement, correct?

THE DEFENDANT: I do.

THE COURT: And so, therefore, you would be waiving your right to appeal your sentence, except to the extent that your sentence exceeds the guideline range as determined by the Court or to the extent the sentence exceeds the statutory maximum or to the extent that the sentence constitutes a violation of the 8th Amendment, which is a guarantee against cruel and unusual punishment, or you would have the right to

appeal the sentence in the event that the government were to appeal; do you understand?

THE DEFENDANT: I do.

THE COURT: Those are the only circumstances under which you would appeal your sentence; do you understand?

THE DEFENDANT: Yes.

THE COURT: In addition, by entering into this settlement agreement, you would be waiving your right to collaterally attack your sentence; do you understand, sir?

THE DEFENDANT: I do.

THE COURT: Furthermore, sir, if you do enter a plea of guilty, you'll be waiving your right to claim ineffective assistance of counsel; do you understand that, sir?

THE DEFENDANT: Yes, sir.

THE COURT: Do you have any questions about waiving that right, sir?

THE DEFENDANT: That right is up to this point and time, I presume, as opposed to proactively?

THE COURT: Well, you would be waiving your right to claim ineffective assistance of counsel through the entry of your guilty plea, sir, with respect to any conduct --

THE DEFENDANT: No, I don't.

THE COURT: -- of counsel leading up to your entry of a guilty plea.

THE DEFENDANT: Your Honor, here's what I don't

understand about that. I don't know what conduct's going to occur in the future. Yes, right now I have no problem with counsel's conduct. But I don't even know who the sentencing counsel is necessarily going to be. So, I don't know how I could tell that I have ineffective assistance of counsel before it's occurred.

THE COURT: Okay.

MR. SLAUGHTER: Your Honor, the plan is if this plea goes through, I'm staying on, and we'll probably bring in Mr. Sands.

THE COURT: Okay. So it's your plan to remain counsel of record, if the plea is accepted?

MR. SLAUGHTER: Yes, sir.

THE COURT: Okay.

MR. GOLD: Your Honor, may I speak with counsel just one quick second?

THE COURT: Sure.

(Pause in proceedings while counsel confer.)

MR. GOLD: Your Honor, my understanding is slightly different than perhaps Mr. Amodeo's, although I understand his concerns. But in terms of ineffective assistance of counsel, it's any time up through and including the sentencing process. Once the plea is entered and he is sentenced, it's any ineffective assistance of counsel through that period he's waiving.

THE COURT: Mr. Amodeo, are you willing to waive any right to claim ineffective assistance of counsel through sentencing, sir?

THE DEFENDANT: Your Honor, I've got to ask you again, does that mean if there's something done between now and then, I waive the right to object to it?

THE COURT: Well, I can't advise you on that. You're going to need to confer with your counsel about that.

(Pause in proceedings while attorney-client confer.)

THE DEFENDANT: Yes, sir, I'll go ahead and waive it.

THE COURT: So you understand that by entering into this plea agreement and pleading guilty, you would be waiving your right to claim ineffective assistance of counsel through sentencing, sir?

THE DEFENDANT: I do.

THE COURT: And you have no reservations whatsoever about waiving any claim for ineffective assistance of counsel at this point and time, do you, sir?

THE DEFENDANT: No, sir.

THE COURT: You understand that sentencing will take place in the future, correct, sir?

THE DEFENDANT: I do.

THE COURT: You're willing to accept that waiver?

THE DEFENDANT: Yes.

THE COURT: All right. Mr. Amodeo, next, we're going to discuss the penalties that you're facing, if you do plead guilty. Although they're set forth in the plea agreement, I'm going to ask the government to summarize the penalties that you're facing for each count that you wish to enter a guilty plea with respect to, and then we're going to review those penalties. So if you would, please pay close attention, and be prepared to answer questions about the penalties, okay?

THE DEFENDANT: Yes, sir.

THE COURT: Does anyone need a break or are we okay to proceed?

MR. GOLD: I'm okay.

THE COURT: We're okay? All right.

If you would.

MR. GOLD: Yes, Your Honor. As to all five of the counts, the penalties are the same as to each one. And that is each count carries a maximum sentence of five years imprisonment, a fine of $250,000, a term of supervised release of not more than three years, and a special assessment of $100 per felony count, and each of these are.

Now, in this case, though, because this is a case involving a financial gain or loss, pursuant to Title 18, United States Code, Section 3571(d), a court could impose a fine, which is not more than greater of twice the gain or

twice the gross loss.

So theoretically, with the amount of payroll taxes being 181 -- well, between 172 and 181 million, theoretically, the Court could impose a fine of between $344 million and $362 million. And, obviously, there's also restitution that I think we've previously discussed.

THE COURT: All right. So, he's facing a term of five years of imprisonment for each one of the counts?

MR. GOLD: Yes, sir.

THE COURT: In terms of sentencing, those sentences could be concurrent or consecutive, correct?

MR. GOLD: The answer technically is yes, but with the guidelines, assuming the Court were to go with the guidelines, it's most likely there would have to be some type of stacking up through the 25.

THE COURT: Okay. And what is your best guestimate of the guideline range at this point and time?

MR. GOLD: I think that the guidelines may very well be in excess of the 25 years.

THE COURT: Okay. So then, in regard to each of the counts, there's a penalty of a maximum term of imprisonment of five years. He's got five counts, so that would result in a 25-year term of incarceration?

MR. GOLD: That's correct. That would be the cap on the amount of imprisonment would be 25 years.

THE COURT: Okay. And the guideline range is above that is what you're saying?

MR. GOLD: I believe, it may very well be.

THE COURT: Okay.

MR. GOLD: It effectively caps his sentence at 25 years.

THE COURT: All right. In terms of the fine, you've got the $250,000 per charge, which times five is one and a quarter million dollars.

MR. GOLD: Subject to the other provision.

THE COURT: Subject to the other provision that you just mentioned, which is two times the gain or loss?

MR. GOLD: Correct.

THE COURT: Which could add another $362 million?

MR. GOLD: Yes, sir.

THE COURT: That's $181 million times two, right?

MR. GOLD: Right, that's correct.

THE COURT: And I understand that there's an issue still remaining for resolution by the Court in terms of whether it's $171 million loss caused or whether the loss caused was $182 million, correct?

MR. GOLD: Yes, sir.

THE COURT: All right. And in terms of supervised release, it's not more than three years for each count, which would add up to 15 years of supervised release?

MR. GOLD: Yes, sir.

THE COURT: Special assessment, the same thing, $100 times five counts, $500, correct?

MR. GOLD: Yes, sir.

THE COURT: Mr. Amodeo, do you believe that you understand the penalties that you're facing as explained by the government, if you enter a guilty plea, sir?

THE DEFENDANT: I do.

THE COURT: Okay. Do you have any questions whatsoever about the five-year term of imprisonment that you face with respect to each individual count, sir?

THE DEFENDANT: I don't.

THE COURT: Do you understand that that could result in a maximum term of imprisonment of up to 25 years, correct, sir?

THE DEFENDANT: I do, yes.

THE COURT: Do you have any questions about that?

THE DEFENDANT: No.

THE COURT: Do you have any questions about the fine of $250,000 per count that you're facing, sir?

THE DEFENDANT: No, I don't.

THE COURT: Do you have any questions about the supervised release of up to three years that you're facing per count, sir?

THE DEFENDANT: No.

THE COURT: Do you understand that supervised release is a period of time after you've served any incarceration where you would be subject to strict conditions, and if you fail to abide by those conditions, you would be returned to prison, correct, sir?

THE DEFENDANT: I do.

THE COURT: Any questions whatsoever about supervised release and what it means?

THE DEFENDANT: No.

THE COURT: Has your counsel been able to answer all of your questions adequately to your satisfaction about the penalties that you're facing if you enter a guilty plea, sir?

THE DEFENDANT: Yes.

THE COURT: Do you still have any questions that you want to ask counsel about the sentence that you're facing, if you enter a guilty plea, sir?

THE DEFENDANT: No, sir.

THE COURT: Sir, again, you understand that a different judge, a district court judge, someone other than me, would handle the sentencing, if your guilty plea is accepted, correct?

THE DEFENDANT: Yes.

THE COURT: Have you discussed with your counsel the Sentencing Guidelines and how those may apply in regard to your sentence?

THE DEFENDANT: I have.

THE COURT: You understand that the statutes that you've been charged under provide a maximum penalty for each count; however, the Court would use the Sentencing Guidelines as a guide to determine what your sentence should be, correct, sir?

THE DEFENDANT: I understand that.

THE COURT: Do you understand that there are a variety of factors that the Court will consider in applying the Sentencing Guidelines in regard to your sentencing, sir?

THE DEFENDANT: Yes.

THE COURT: Okay. And you understand that those factors include your criminal history, the conduct you engaged in, whether there are any victims of the offense, whether or not you engaged in obstruction of justice, whether or not you accepted responsibility for your acts, and a variety of other factors, correct?

THE DEFENDANT: Yes.

THE COURT: Have you discussed with your counsel what guideline range may apply to you in regard to sentencing?

THE DEFENDANT: I have.

THE COURT: Do you understand that as we mentioned at the outset that the Probation Office will prepare a report and provide facts and recommendations to the judge that the judge may use in connection with your sentencing, correct?

THE DEFENDANT: Yes.

THE COURT: You understand that you and your counsel would receive a copy of that report, sir?

THE DEFENDANT: Yes.

THE COURT: Okay. What's important for you to understand is you may disagree with the version of the facts set forth in the report. And in that event, you would be able to argue it and present evidence to the judge in regard to what facts should govern your sentencing. But what's important for you to understand is that the Court may rule against you and side with the Probation Office in terms of its account of the facts. Do you understand that, sir?

THE DEFENDANT: I do.

THE COURT: Do you have any questions about that process or how it works?

THE DEFENDANT: No.

THE COURT: In regard to sentencing, sir, I want you to understand that the Court has broad discretion in deciding what sentence should be imposed on you; do you understand that?

THE DEFENDANT: I do.

THE COURT: And each judge exercises his or her discretion somewhat differently; do you understand?

THE DEFENDANT: I do.

THE COURT: Because of the things that we've

discussed in terms of the guideline ranges, how they would be applied to you individually and the Probation Department having to prepare its report, as well as the judge's discretion, do you understand that at this point and time no one can tell you precisely what guideline range would apply to you, correct, sir?

THE DEFENDANT: I do understand that.

THE COURT: So, to the extent that you've had discussions with your counsel or anyone else about what guideline range would apply to you, you understand that at this point and time all they can do is give you their best guess about what guideline range would apply, right?

THE DEFENDANT: Yes, I understand.

THE COURT: And again, sir, you understand that the Court has the right to reject all recommendations made by the parties and sentence you up to the maximum term allowed by the law; in this case, 25 years of incarceration, correct?

THE DEFENDANT: I do.

THE COURT: And if the Court were to do that, you would have no right to withdraw your guilty plea, correct, sir?

THE DEFENDANT: Yes.

THE COURT: Any questions about that?

THE DEFENDANT: No.

THE COURT: And that would also be the case in the

event that the judge were to sentence you beyond the guideline range; do you understand that?

THE DEFENDANT: Yes.

THE COURT: In other words, the guideline range is just a guideline, it's a recommendation, it's not binding on the Court. And so, the Court can sentence you up to the maximum term allowed under the statutory provisions under which you've been charged.

THE DEFENDANT: I understand the sentence is up to the judge, Your Honor.

THE COURT: Also, sir, if you're aware of anyone else who has been charged with a similar crime, I want you to understand that you have no right to expect that you would receive a sentence similar to that other person; do you understand?

THE DEFENDANT: Yes.

THE COURT: Okay. And that's because of the factors we've been discussing. Each judge exercises his or her discretion independently. Your sentence will be determined on the facts of your case and based on certain reports and recommendations, correct?

THE DEFENDANT: Yes.

THE COURT: In addition, sir, I want you to understand that parole's been abolished. And by that, I mean to say that if you are sentenced to a term of incarceration,

you should expect to serve all or substantially all of the term of incarceration; do you understand?

THE DEFENDANT: Yes.

THE COURT: Any questions about that?

THE DEFENDANT: No.

THE COURT: In terms of the fines and assessments that may be imposed, do you have any questions about the fines that the Court could impose in connection with your sentencing, sir?

THE DEFENDANT: No, sir.

THE COURT: We've already outlined the $250,000 per count, and we've also addressed the fact that the government may seek a multiplier of two on any gain or loss sustained; do you understand?

THE DEFENDANT: Yes.

THE COURT: In addition, as set forth in your plea agreement, sir, the government is seeking forfeiture of a variety of property. First of all, they're seeking a money judgment in the range of $172 million to $181 million, they're seeking certain real property specifically outlined on page 11 of your plea agreement, and I'll give you a moment to make sure that you're with me on the review of the forfeiture items, sir.

THE DEFENDANT: Yes.

THE COURT: They're seeking a forfeiture of certain

vehicles described on page 11, as well as a Learjet, certain promissory notes. In addition, on page 12, they're seeking forfeiture of certain seized funds, and that continues on to page 13. They're seeking all of the assets of the corporations described on page 13 and continuing on through page 17, including but not limited to any lawsuits or settlement proceeds. Do you understand, sir?

THE DEFENDANT: I do.

THE COURT: And again, even though there's an extensive list of the items of forfeiture sought by the government, you understand that the government may seek additional forfeitures from you, correct, sir?

THE DEFENDANT: Yes.

THE COURT: You understand, sir, that in addition, you could be ordered to make restitution to victims of the crimes that have been alleged, correct?

THE DEFENDANT: Yes.

THE COURT: And by pleading guilty, sir, you understand that you'd be losing certain civil rights, including the right to vote, the right to possess firearms, the right to serve on a jury, and to hold public office, correct, sir?

THE DEFENDANT: Yes.

THE COURT: You understand that you'd be pleading guilty to multiple felonies, correct, sir?

THE DEFENDANT: Yes.

THE COURT: Mr. Gold, are there any other aspects of the penalties that Mr. Amodeo's facing that you'd like the Court to address?

MR. GOLD: No, except with the one exception on the forfeiture on page 20 at the top. As to the two particular pieces of real property, those relate to that difference between the 172 and 181 million dollars. The government's position is that those two properties are forfeitable. Mr. Amodeo's are that they're not if they came from the fees, and that the Court will decide those as well.

THE COURT: Okay. So that is an issue -- those two pieces of real property described on page 20 remain an issue for the Court to adjudicate in terms of forfeiture?

MR. GOLD: Yes, sir.

THE COURT: And also, in terms of the money judgment, is there a potential range for that money judgment between 172 and 181 million dollars?

MR. GOLD: Yes, sir.

THE COURT: Okay.

All right. Mr. Amodeo, do you have any question about those items that remain for adjudication by the Court?

THE DEFENDANT: No, sir.

THE COURT: You understand that in terms of the property described, it's only those two properties described

on page 20 that you retain a right to argue about whether or not it's subject to forfeiture, correct?

THE DEFENDANT: Yes.

THE COURT: And similarly, as set forth on page 10, you understand that in terms of the money judgment that will be entered against you, there's a very limited issue that remains for adjudication, and that is the amount of the money judgment between the range of $172 million and $181.8 million, correct?

THE DEFENDANT: Yes.

THE COURT: Mr. Amodeo, do you feel that you understand all of the penalties that you're facing, if you enter a guilty plea?

THE DEFENDANT: I do.

THE COURT: All right. Mr. Amodeo, you understand that you're not required to plead guilty, correct?

THE DEFENDANT: Yes.

THE COURT: You have every right to maintain that you're innocent and to require the government to prove beyond a reasonable doubt at trial that you're guilty of each of the crimes alleged, correct?

THE DEFENDANT: Yes.

THE COURT: I want to advise you of certain rights that you'd have at trial, and you would be giving up those rights or waive those rights if you do enter a guilty plea,

sir. First, you would have a right to counsel. If you can't afford counsel, the Court will provide counsel for you at no cost; do you understand, sir?

THE DEFENDANT: I do.

THE COURT: So, you would have counsel represent you at trial, and you would have an adequate opportunity for that counsel to get prepared in order to represent you at trial; do you understand?

THE DEFENDANT: Yes.

THE COURT: All right. Furthermore, sir, you'd have the right to a 12-person jury. And the issues of fact, as you alluded to earlier, would be determined by the 12-person jury. In addition, sir, you would have the presumption of innocence. You would not be required to offer any testimony on your own behalf. It would be the government's burden to prove that you're guilty beyond a reasonable doubt. You'd the presumption of innocence. No negative inference could be drawn if you failed to testify; do you understand?

THE DEFENDANT: Yes.

THE COURT: On the other hand, if you wanted to testify on your own behalf, you would have the right to offer testimony on your own behalf; do you understand?

THE DEFENDANT: Yes.

THE COURT: All right. Sir, you'd also have the right to confront any witnesses called by the government. By

that, I mean that your counsel would have the right to examine any witnesses called by the government through cross examination. In addition, you'd have the right to object to the introduction of any evidence by the government. Do you have any questions about that, sir?

THE DEFENDANT: No.

THE COURT: In addition, sir, you would have the right to compulsory process. And by that, I mean to tell you that if there were witnesses that you thought would offer testimony which would be favorable to your case, the Court would assist you by issuing subpoenas and compelling witnesses to appear before the Court to offer that testimony to help you in defense of your action. Any questions about that?

THE DEFENDANT: No.

THE COURT: All right. Sir, you understand that if you do enter a guilty plea, you'll be waiving all of those rights associated with trial that I just explained, correct?

THE DEFENDANT: I do.

THE COURT: The only thing left for the Court to do would be to enter a finding that you are guilty of each of the counts that you're pleading guilty with respect to; do you understand?

THE DEFENDANT: Yes.

THE COURT: There would be no trial whatsoever; do you understand?

THE DEFENDANT: Yes.

THE COURT: And furthermore, you'd be giving up any and all defenses that you would have with respect to the counts that you desire to plead guilty with respect to; do you understand?

THE DEFENDANT: Yes.

THE COURT: All right. In addition, sir, I want you to understand that if you do enter a guilty plea, you'll be waiving your right against self-incrimination, such that the prosecutor or the Court can ask you detailed questions about the crimes that have been alleged, and you'll be required to answer those questions truthfully; do you understand?

THE DEFENDANT: I do.

THE COURT: If you enter a guilty plea, it would be a waiver of your right to appeal the finding that you are guilty; do you understand?

THE DEFENDANT: I do.

THE COURT: Sir, the one right that you would not give up by entering a guilty plea is your right to assistance of counsel, sir. You would still have the right to assistance of counsel, and you can have your retained counsel represent you. But if you need appointed counsel, the Court will appoint counsel for you to represent you in connection with your sentencing. Any questions about that?

THE DEFENDANT: No, sir.

THE COURT: All right. Mr. Amodeo, in a moment I'm going to ask the government to summarize the facts that it would intend to prove at trial in order to establish that you're guilty of the charges alleged. In this particular instance, the factual summary may be fairly lengthy, so I want to make sure that you have a pen and paper in front of you. I want you to pay close attention to the summary of the facts.

If there's anything stated in the summary that you believe is inaccurate in any way or misleading or false, I want you to let us know. At the conclusion of the summary, I'm going to ask you to let us know of any facts that you believe that have been outlined by the government that are inaccurate, misleading, or false, okay?

THE DEFENDANT: Okay.

THE COURT: All right. Mr. Gold, would you please summarize the facts.

MR. GOLD: Yes, Your Honor.

First of all, they are set forth at pages 26 through 36. There's 11 pages of facts into which Mr. Amodeo and his attorneys had great input. I don't know if the Court wants me to read them or incorporate them by reference. I can certainly try and summarize them, but, obviously, this is an extremely complicated case, so I'll be happy to proceed however the Court wishes.

THE COURT: Well, I'm looking at the summary. It's

26 through 36. It's double spaced. I would ask you to summarize. Well, actually, to avoid any error, why don't you go ahead and read them into the record.

MR. GOLD: Okay.

All right. There is the section called Introduction. This case involves a web of one public and several private companies, including multiple employee leasing companies, also known as professional employee organizations or PEOs. The responsibilities of the PEOs included, among other duties, the recording and paying over of the payroll wages and payroll taxes of the worksite employees.

Amodeo had operated small businesses prior to the time period of the indictment in this case and was aware that once Federal Insurance Contribution Acts or FICA and withholding taxes, trust fund taxes are collected, they are supposed to be held for and paid over to the Internal Revenue Service. Notwithstanding this knowledge, Amodeo conspired with other members of the conspiracy to divert payroll tax funds paid to the PEOs by the PEO clients and utilize those funds for other purposes.

There were a number of companies directly controlled by Amodeo, including the Sunshine Companies, Professional Benefit Solutions, which is PBS, Paradyme, Inc., which is Paradyme, Presidion Solutions, Inc., which is noted as PSI, Quantum Delta Enterprises, Quantum, Wellington Capital Group,

Inc. Or Wellington, and AQMI Strategy Corporation or AQMI. Amodeo had varying degrees of control over a number of additional companies involved in the conspiracy, including Mirabilis Ventures, Inc., which will be described as Mirabilis.

The second section talks about Mr. Amodeo's purchase of Sunshine Companies from PSI. PSI is a Michigan-based holding company for several PEOs that during the period from 2001 through 2005 provided comprehensive and integrated resource management services, including payroll services, to small and medium-sized companies. Prior to July of 2005, PSI was a wholly-owned subsidiary of Presidion Corporation, a publicly traded company, which was later de-listed.

Amodeo did not become involved with PSI until 2004. Prior to his involvement, PSI had already acquired seven PEOs, which made up PSI's book of business or the contracts PSI had with its PEO clients. In or about May 2001, PSI acquired Sunshine Staff Leasing, Sunshine Companies I, II, III, and IV, collectively referred to as the Sunshine Companies. Post-acquisition, these entities did business as Presidion Solutions I, II -- it should say III. It appears there's a typo there, but it's III, IV, and V, respectively.

PSI acquired Paradyme in on about January 2002, which subsequently did business as Presidion Solutions VI. PSI then acquired certain PEO customer contracts from BST,

Inc. In or about June 2002. Lastly, PSI acquired PBS in or about January 2005, which subsequently did business as Presidion Solutions VII. With the acquisitions of the Sunshine Companies, Paradyme and PBS, PSI had at least 2,200 clients and approximately 29,700 worksite employees. The clients of the PEOs entered into contracts or service agreements with PSI or its subsidiaries.

Initially, the clients entered into the agreement with the Sunshine Companies, then later on the clients either entered into an agreement with Paradyme or PBS. According to the contract signed by the clients, when PSI or its subsidiaries started providing services to the client, PSI became the co-employer of its clients' employees and assumed the liabilities and responsibilities for reporting and paying over to the Internal Revenue Service the payroll wages and the payroll taxes of the worksite employees.

At the end of a client's payroll cycle, a client would e-mail, fax, or mail the number of hours worked by the worksite employees to PSI. After receiving the information, PSI computed the amount of FICA, Medicare, withholding taxes, workers compensation insurance, and 401(k) contributions to be added to the client's bill, along with PSI's administrative fee. PSI would then e-mail, fax, or mail this information back to the clients, who would either direct debit, mail, or wire the funds to PSI.

Beginning in July 2004, Amodeo began negotiating with the principals of PSI to assist them in the reduction of their corporate debt, which included unpaid payroll taxes totaling at least $13 million, including interest, penalty, and taxes, which were accrued by the Sunshine Companies.

At the time, the parent company of PSI, Presidion Corporation, was preparing for an annual audit. In an attempt to have Presidion Corporation appear more profitable as a publicly-traded company, PSI wanted the Sunshine Companies' payroll tax liabilities removed from Presidion Corporation's financial statements.

To that end, on October 18th, 2004, PSI signed a consulting agreement with Amodeo as the president of AQMI. The consulting agreement called for Amodeo to provide tax advice to PSI for a nonrefundable fee in the amount of $150,000 and an additional fee of 25 percent of any tax savings of the company's current payroll tax liability, which at the time was at least $13 million, including interest, penalties, and taxes.

Amodeo's plan was to have Wellington, a corporation he controlled, purchase the Sunshine Companies from PSI, and thereby relieve PSI's financial statements of the Sunshine Companies' accumulated payroll tax liabilities. On December 1, 2004, AQMI provided a line of credit in the amount of approximately $3 million to Wellington. On December 8, 2004,

Amodeo, through Wellington, agreed to purchase the Sunshine Companies for approximately $500,000.

During December 2004, PSI transferred approximately $8.9 million to AQMI. Witnesses for the government who were associated in a management capacity with PSI will testify that they expected Amodeo to use the $8.9 million to remit payments to the Internal Revenue Service in satisfaction of outstanding payroll tax obligations of the Sunshine Companies.

Amodeo contends that he and AQMI took the position that for tax purposes all of the funds constituted payment pursuant to the consulting agreement. Wellington used a portion of the funds received from AQMI to purchase multiple cashier's checks to complete the purchase of the Sunshine Companies.

Amodeo's purchase of the Sunshine Companies did not include PSI's book of business, which was transferred to Paradyme, a wholly-owned subsidiary of PSI. Wellington acquired the Sunshine Companies on or about December 31st, 2004, and subsequently dissolved the Sunshine Companies. Since the purchase of the Sunshine Companies by Wellington, Amodeo caused to be paid approximately $3.2 million to the Internal Revenue Service toward the Sunshine Companies' payroll tax liability, which currently totals over $37 million, including interest, penalties, and taxes.

The third subsection is Amodeo's purchase of PSI,

Paradyme, and PBS. On or about May 18th, 2005, Amodeo was again approached by principals of PSI regarding further problems with the company, including a severe shortage of working capital, other liabilities totaling millions of dollars, and potential cancellation of its workers compensation insurance policy.

Amodeo and other members of the conspiracy devised a reorganization strategy for the aggregate PSI book of business. In or about July 2005, Wellington, at Amodeo's direction, acquired PSI and consequently acquired control of PSI's subsidiaries and remaining PEOs, Paradyme and PBS.

Thereafter, between June 2005 and December 2005, Amodeo directed that the payroll taxes collected from the clients not be paid over to the Internal Revenue Service, but instead be used to pay secured creditors, both arm's length third parties and entities Amodeo controlled, critical vendors of PBS and Paradyme, and to purchase commercial and business assets for the benefit of Amodeo and the other co-conspirators. It was Amodeo's grand plan to not remit the payroll taxes in order to grow Mirabilis to the point that it could become a publicly traded company. Once that was accomplished, Mirabilis would be able to repay the payroll taxes.

Pursuant to this plan, Amodeo directed that funds PBS should have used to pay payroll taxes instead be

transferred from a PSI account maintained at Bank of America, which was called the Ultimate Master account, which collected the payroll tax funds from PBS, to a PSI account maintained at First Southern Bank, known as the Reserve account. The funds were later disbursed from the Reserve account at Amodeo's direction for purposes unrelated to the payment of payroll tax liability to the IRS.

From June 10th, 2005 until December 31st, 2005, Amodeo caused to be transferred approximately $64,600,000 to the Reserve account from the Ultimate Master account for the purpose of rehabilitating PSI's book of business, acquiring other businesses and paying operating expenses, which enabled Amodeo, companies he controlled, and other members of the conspiracy to acquire personal assets, such as real estate and automobiles.

The fourth section is entitled, Transfer of Paradyme and PBS business to AEM. In late 2005, negotiations occurred to sell the book of business of Paradyme and PBS to AEM, Inc., effective January 1st, 2006. A major purpose of the sale was to shift the apparent responsibility for the payment of the payroll taxes to AEM and its parent company, Mirabilis, a private equity fund, one of the consequences of which was to make it more difficult for the Internal Revenue Service to determine which company was responsible for the payroll taxes.

Although the sale was never fully consummated, AEM

thereafter had effective operational control over the book of business of Paradyme and PBS. Mirabilis was originally formed by Amodeo in 2004 to buy distressed businesses, and eventually evolved into a business that specialized in acquisitions of and mergers with other businesses in various industries.

By late 2006, Mirabilis had grown to be a conglomerate of approximately 70 companies involved in various industries, including consulting, corporate security, employee leasing, and hotel ownership. Although Amodeo was never an officer, director, or employee of Mirabilis, he created Mirabilis, brought in the officers to run the company, and funded the company with diverted payroll tax funds that should have been paid over to the Internal Revenue Service.

In most instances, Amodeo exercised or attempted to exercise considerable control over both the long term and short term management of the company. For example, during a March 21st, 2006, Mirabilis board of directors meeting attended by Amodeo, he told the board that they had a fiduciary obligation to him as the company's sole common stock shareholder and senior secured creditor.

He recommended various changes to the board of directors that were subsequently implemented by the board. He laid out recommended changes in the operational procedures that were also implemented by the board and proposed future acquisition strategies, which were to be funded by cash

infusions, which he would supply.

The cash infusions made by Amodeo were derived from payroll tax funds. Mirabilis used these funds to fund acquisitions of other businesses, pay substantial salaries, and make investments in businesses, in which certain members of the conspiracy held separate interests.

In connection with the anticipated January 2006 purchase by AEM of the Paradyme and PBS book of business, a member of the conspiracy signed a hold harmless agreement on behalf of PSI promising to pay Mirabilis $50 million by December 31st, 2005 in return for Mirabilis' agreement to hold PSI harmless for any subsequent claims against the company, up to a maximum of $70 million.

This obligation effectively diverted to Mirabilis $50 million of funds owed to the Internal Revenue Service, with the additional advantage of creating a $70 million debt owed by Mirabilis that could be used in negotiating with the Internal Revenue Service for deferment of the payment of the rapidly escalating unpaid trust fund taxes.

This was part of and consistent with Amodeo's overall plan of circumventing the Internal Revenue Service's immediate collection of accrued trust fund tax obligations by transferring collected trust fund taxes from corporation to corporation and concomitantly creating offsetting intercorporate liabilities that were used to justify

nonpayment and to create leverage in ongoing negotiations with the Internal Revenue Service.

In or about January 2006, Amodeo requested that a legal memorandum be prepared by the outside law firm of general counsel for Mirabilis on the law applicable to the reporting and payment of payroll taxes to the Internal Revenue Service.

On February 2nd of 2006, a final version of the memorandum was submitted to Amodeo regarding the relationship between current trust fund obligations after acquired funds and willfulness under Internal Revenue Code, Section 6672. The memorandum described in detail the legal obligation to hold payroll taxes for the Internal Revenue Service and specified civil and criminal penalties, including criminal penalties under Section 7202, for failure to follow the applicable law.

Amodeo knew that the memorandum had, in fact, been completed and admits that he had received it, but it is his position that he never read it and never requested that anyone summarize its contents to him. He submitted the memorandum, still allegedly unread by him, to the general counsel for Mirabilis immediately upon receiving it and directed that a copy be provided to the Mirabilis board of directors. Amodeo also personally delivered a copy of the memorandum to the Internal Revenue Service in July 2006.

Although Amodeo is a former attorney and experienced with debtor-creditor law, in failing to read the memorandum or inquire further into its contents, Amodeo deliberately and consciously tried to avoid learning what specific statutes prohibited his conduct and deliberately closed his eyes to what he had every reason to believe was the fact, that is, that he was legally prohibited from permitting collected trust fund taxes to be used for any purpose other than the transmission in due course to the Internal Revenue Service.

Consequently, Amodeo accepts full responsibility for intentionally and willfully violating 26 United States Code -- the section should be a symbol, rather than a section -- 7202 by failing to remit payroll taxes collected by PBS to the Internal Revenue Service during quarterly periods in 2006 in which Amodeo was in control of PBS, including the first, second, and fourth quarters of 2006 referred to in Counts 7, 8, and 10 of the indictment.

The next section is entitled, Use of AEM to missappropriate PBS' payroll taxes. During 2006, members of the conspiracy used AEM to misappropriate PBS' payroll taxes. During the 2006 year, the funds intended to pay the payroll taxes for PBS were held in a Bank of America account in the name of AEM, along with funds to pay the payroll taxes for AEM, which had its own minuscule book of business.

Instead of paying the payroll taxes for PBS, Amodeo

and members of the conspiracy directed that funds be transferred from the AEM Bank of America account to an account at SunTrust Bank in the name of PSI, which was known as the Capital account. During 2006, approximately $23,750,000 was transferred from the AEM Bank of America account to the SunTrust Capital account. After the funds were transferred to the Capital account, the funds were used by Amodeo and members of the conspiracy to purchase, fund, and grow additional businesses.

In addition to the funds transferred to the Capital account during 2006, funds were also directly transferred from the AEM Bank of America account to companies controlled by Amodeo and members of the conspiracy, such as Common Paymaster Corporation, Nexia Strategy Corporation, and Mirabilis to fund the companies' operations and to acquire other companies. In December 2006, after the receipt of the grand jury subpoenas, Amodeo knowingly permitted payroll taxes collected on a daily basis from the PEO book of business to be used to fund net payroll and health claims of Mirabilis and its affiliates.

Subsection 6 is entitled Total unpaid payroll taxes. It is the position of the government that Amodeo and other members of the conspiracy knowingly failed to remit to the Internal Revenue Service payroll taxes totaling in excess of $181 million. However, Amodeo believes that the figure is no higher than $172 million. The exact amount will be determined

by the Court at sentencing.

That last section, subsection 7, is Obstruction of an agency investigation. Commencing in early 2005, Amodeo and others were in contact with the Internal Revenue Service concerning the Sunshine Companies' tax liabilities, but withheld information about PBS' tax liabilities from the Internal Revenue Service until February 2006, by means that included the late filing of Forms 941 at which time PBS' payroll tax liabilities exceeded $100 million.

On or about June 26, 2006, a co-conspirator advised an Internal Revenue Service officer that payroll tax money not paid to the Internal Revenue Service was used to purchase two other companies when, in fact, the money was used to purchase, among other things, several companies, cars, a plane, and real estate.

On or about August 29, 2006, Amodeo and members of the conspiracy met to conduct a mock deposition of Amodeo to prepare him for a meeting with Internal Revenue Service revenue officers. During a recess in the mock deposition, Amodeo was advised by a co-conspirator that his account might expose them to prosecution for federal offenses.

As a result of that conversation, Amodeo subsequently changed his account to conceal material aspects of their activity. This revised version of his account was communicated to Internal Revenue Service representatives by

one or more members of the conspiracy at Amodeo's direction in an attempt to obstruct and impede the Internal Revenue Service's investigation of PBS.

THE COURT: Thank you.

If we could just correct that one Roman numeral with respect to the Presidion Solutions I, II, and III --

MR. GOLD: That's fine.

THE COURT: -- and follow the same procedure that we did earlier in terms of interlineating the change and having both sides review it and initial it --

MR. GOLD: That's fine.

THE COURT: -- and then, I'll proceed to ask Mr. Amodeo questions about the factual summary.

(Pause in proceedings.)

MR. GOLD: It has been done, Your Honor.

THE COURT: All right, thank you.

Mr. Amodeo, you listened to and paid attention to the summary of the facts provided by Mr. Gold, correct?

THE DEFENDANT: I did.

THE COURT: All right. And did you have an opportunity to make notes regarding any inaccuracies or misleading statements that you found in the summary provided by Mr. Gold?

THE DEFENDANT: I did.

THE COURT: All right. And other than the one Roman

numeral being changed, which we've already addressed, was there anything in the factual summary provided by Mr. Gold that you believe is inaccurate, incorrect, or misleading in any way, sir?

THE DEFENDANT: There was not.

THE COURT: All right. Now, you are familiar with the events surrounding the companies' activities that were just summarized by Mr. Gold, correct?

THE DEFENDANT: I am.

THE COURT: Do you have a clear recollection of those events?

THE DEFENDANT: I do.

THE COURT: And all statements in terms of your actions and your intent at the times you acted are true and accurate, are they?

THE DEFENDANT: Yes.

THE COURT: Sir, if you would, please turn to page 24 of the plea agreement under Section B.6. There's a provision in there titled Middle District of Florida Agreement. Have you reviewed that paragraph, sir?

THE DEFENDANT: I'm sorry, Your Honor.

THE COURT: That's all right. It's on page 24, sir.

THE DEFENDANT: Yes.

THE COURT: Under Section B, subparagraph 6. Do you see the section?

THE DEFENDANT: I do.
THE COURT: All right. Have you reviewed that section, sir?
THE DEFENDANT: Yes.
THE COURT: You understand that that section means that the agreement that you've entered into in this plea agreement is only binding on the United States Attorney's Office for the Middle District of Florida, correct?
THE DEFENDANT: Yes.
THE COURT: It's not binding on any other governmental agency, state or federal, correct?
THE DEFENDANT: Yes.
THE COURT: Sir, in your own words, what is it that you did that may make you guilty of Count 1, the conspiracy count, sir?
THE DEFENDANT: I agreed to transfer funds that came from unpaid payroll taxes.
THE COURT: And you knew that those funds should have been paid to the government?
THE DEFENDANT: Yes, sir.
THE COURT: You knew that they were payroll tax funds?
THE DEFENDANT: I did.
THE COURT: All right. And you did that voluntarily, did you, sir?

THE DEFENDANT: Yes.

THE COURT: No one threatened you or coerced you in any way to do that, sir, did they?

THE DEFENDANT: No.

THE COURT: All right. Similarly, with respect to Count 2 -- well, I'm sorry, with respect to Counts 7, 8, and 10, which allege failure to collect and remit payroll taxes, again, sir, what is it that you did in your own words that may make you guilty of those counts, sir?

THE DEFENDANT: I was the owner of a company, which owned a PEO, that allowed a third party to collect the payroll taxes, and I had asked for a memorandum to make sure it was okay to use that money to pay other things. I chose not to read the memorandum when it came in, because I was concerned about the conclusions the memorandum might arrive at. Therefore, I violated a duty to make sure the payroll taxes were paid.

THE COURT: You knew that you had that duty, sir?

THE DEFENDANT: Yes.

THE COURT: Okay. And you willfully violated that duty, did you?

THE DEFENDANT: Yes.

THE COURT: And, again, that's something that you did voluntarily without anyone forcing you to do it, sir?

THE DEFENDANT: Yes.

THE COURT: Similarly, with respect to Count 27 that alleges obstruction of agency proceedings, sir, in your own words, what conduct is it that you engaged in that may make you guilty of that, sir?

THE DEFENDANT: I permitted, in fact, instructed the accountants who were dealing with the IRS to change the way that they presented the history of events from Presidion as a result of the advice that was given during the mock deposition, and that would have made it more difficult for the IRS to determine who owed the taxes in the end of 2006.

THE COURT: And again, that's something that you did knowingly and intentionally, sir?

THE DEFENDANT: Yes.

THE COURT: And you did that with the intent of making it difficult for the IRS to understand what had actually transpired?

THE DEFENDANT: Yes.

THE COURT: Sir, do you want to plead guilty, because you are guilty or is there some other reason?

THE DEFENDANT: Because I am guilty, Your Honor.

THE COURT: All right. Based on your testimony and, again, with respect to competency of the testimony of Mr. Danziger, I find that you are competent to enter a guilty plea, that you understand the consequences of entering a guilty plea. And based on your testimony, sir, there is a

factual basis for you to enter a guilty plea. As I said, you know, there are various phases, and we're getting to the last phase where I ask you how you plead. Is there anything that you want to ask your counsel or tell your counsel or the Court that may bear on your decision in terms of whether or not to plead guilty, sir?

THE DEFENDANT: No.

THE COURT: Do you want to add to, change, or modify your testimony before this Court here today in any way before I ask you how you plead, sir?

THE DEFENDANT: No.

THE COURT: During the course of the proceedings today, sir, have you had any difficulty understanding what's been said by any participant?

THE DEFENDANT: No, Your Honor.

THE COURT: Do you feel that you have a clear understanding of the decision that you're about to make and the consequences of that decision, sir?

THE DEFENDANT: I do.

THE COURT: Sir, then, I'm going to ask you how do you plead with respect to Counts 1, 7, 8, 10, and 27 of the indictment, sir?

THE DEFENDANT: Guilty.

THE COURT: You plead guilty to each and every count, sir?

THE DEFENDANT: Yes, sir.
THE COURT: All right. Are you doing that freely and voluntarily without any coercion or intimidation, sir?
THE DEFENDANT: I am.
THE COURT: Counsel for the parties, are you aware of any legal reason why the Court should not enter a report and recommendation to the district court judge that Mr. Amodeo's desire to enter a guilty plea be accepted?
MR. GOLD: No, sir.
MR. SLAUGHTER: No, Your Honor.
THE COURT: Do you want to add anything further for the record at this point and time?
THE DEFENDANT: No, Your Honor.
COUNSEL: No, Your Honor.
THE COURT: All right. Sir, I find that your guilty plea is made competently, it's made freely, knowingly, intelligently, and voluntarily, it's also supported by a proper factual basis on your desire to enter a guilty plea is not the result of any force, threats, coercion, or promises whatsoever, except those promises expressly set forth in the plea agreement, therefore, I'm going enter a report and recommendation to the district judge that your desire to enter a guilty plea be accepted.
Mr. Slaughter, you've indicated that if this was the outcome of the hearing today, that you would remain in the

case?

MR. SLAUGHTER: I remain in the case, and we'll probably bring in additional counsel.

THE COURT: Okay, for sentencing?

MR. SLAUGHTER: Yes, sir.

THE COURT: Okay, very well. If you'd have them file a notice of appearance, I'd appreciate that.

MR. SLAUGHTER: Okay.

THE COURT: All pending motions will be denied, and that would include your motion to continue your appearance on a limited basis, Mr. Slaughter, okay, so you've now made a general appearance, okay?

MR. SLAUGHTER: Yes.

THE COURT: All right.

Very well, anything further?

MR. GOLD: No, Your Honor. Thank you again for your accommodation for the parties.

MR. SLAUGHTER: Thank you, Your Honor, for your accommodation.

THE COURT: All right.

(Hearing concluded at 12:00 p.m.)

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CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING IS AN ACCURATE TRANSCRIPTION OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

Koretta Stanford 9-30-08

Koretta Stanford Date
Official Court Reporter
(407) 872-1715

Appendices Volume 1

Appendix 1.7

2008 McLean Hospital Comprehensive Patient Evaluation

McLEAN HOSPITAL

HARVARD
MEDICAL SCHOOL

The Pavilion at McLean Hospital
115 Mill Street
Belmont, Massachusetts, 02478-9106
E-mail: pavilion@mclean.org
Tel: 617 855-3570
Fax: 617 855-3768

Alexander Vuckovic, M.D.
Medical Director

PAVILION DISCHARGE SUMMARY
Frank Amodeo

b. 09/01/1960

Admitted to The Pavilion: August 6, 2008
Discharged to Intensive Outpatient
Follow-Up via Dr. Choras and
Ms. O'Rourke: August 21, 2008

History of Present Illness:

This 48 year old married White man was referred to The Pavilion in the context of a likely longstanding Bipolar Mood Disorder as well as a history of legal difficulties stemming from an alleged tax fraud. Mr. Amodeo has been under the care of Dr. Jeffrey Krottenberg in Florida since November of last year, and has been noted to be suffering from a significant elevation of mood, irritability, euphoria, and a likely delusional system, in the context of which he has stated that he wished to become emperor of the world. Complicating the situation has been that Mr. Amodeo has indeed had a great deal of business success, as well as contacts with powerful figures around the nation and the world. Further complicating the matter is that Mr. Amodeo's legal difficulties have led to the likelihood of an imminent indictment on tax fraud charges. The patient has already had a felony conviction, and has been disbarred as an attorney. Mr. Amodeo has recently been on a regime that includes valproic acid and had a brief trial of quetiapine, with unclear impact on his symptom state. He comes here for a thorough evaluation, as well as treatment recommendations.

At the time of Mr. Amodeo's initial assessment his mental status was of a somewhat obese, pleasant gentleman who showed no psychomotor agitation, retardation, tics, tremors, or adventitious movements. He made good eye contact, and was friendly, voluble, with spontaneous speech that was occasionally pressured and tangential, but redirectable. The patient denied any mood disturbance, appeared to be elevated in his mood, and seemed remarkably unconcerned with his serious legal difficulties. He denied obsessions, compulsions, suicidality or homicidality. While he denied delusions, he appeared grandiose, and readily admitted that he believed that he was destined to be emperor of the world, and that his many business activities were geared toward making such an outcome occur. He was grossly cognitively unimpaired. He

appeared to be of above average intelligence. His insight was limited by his delusional symptomatology. His social judgment was grossly appropriate.

Mr. Amodeo was admitted to The Pavilion with a provisional diagnosis on Axis I of Psychosis, NOS, R/O Bipolar Disorder, Manic, with psychotic features, R/O Schizoaffective Disorder, Bipolar Type, and a history of stimulant abuse, specifically pseudoephedrine. On Axis II, we deferred a diagnosis, but had a concern about the likelihood of Narcissistic and Antisocial Personality Disorder. On Axis III, previously diagnosed Obstructive Sleep Apnea was noted, as was previously diagnosed Early Adult Onset Diabetes Mellitus, hypertension, and a history of asthma.

Mr. Amodeo underwent a number of evaluations, consultations, and lab examinations. They included urinalysis, which was benign, urine drug screens which were negative for substances of abuse, a lipid panel, which was notable for cholesterol of 191, triglycerides of 176, HDL of 43, and LDL of 113 mg per deciliter. Serum prolactin was slightly elevated for a male at 19 nanograms per milliliter, with normal of less than 13. Morning cortisol was normal at 15.8 micrograms per deciliter. TSH was normal at 2.42 Miu/ml. B12 was normal at 716 picograms per milliliter, and folic acid was normal at 8.8 nanograms per milliliter. Hemoglobin A1C was elevated at 7.1%. Serum homocysteine was elevated at 10.2 micromoles per liter. Methylmalonic acid was normal at .14 micromoles per liter. A total testosterone was low at 138 nanograms per deciliter. Free testosterone was low at 7.5 nanograms per deciliter. A liver profile was normal, except for a trivially elevated ALT of 45 IU/l, presumably due to valproic acid therapy. A repeat prolactin level remained elevated at 24 nanograms per milliliter. The patient's PSA was normal at 1.3 nanograms per milliliter. Sex hormone binding globulin was low at 6.9 nanomoles per liter. Cardio CRP was elevated at .572 mg per deciliter. The patient's CBC and differential were essentially within normal limits. Valproic acid levels varied, but stayed within the normal range in the 71 to 83 micrograms per milliliter range. The patient's EEG was read as a normal awake, drowsy, and sleep EEG. The patient's overnight sleep study confirmed a likely obstructive sleep apnea syndrome. CPAP was administered and was helpful at 13 centimeters of water pressure. Dr. Evan Murray saw the patient in neurologic consultation and noted non-specific findings, likely related to the effects of his mood disorder, also possible impact of insufficient sleep, and medication side-effects. His clinical history was not very suggestive of a Seizure Disorder or a neuro-degenerative condition, but a very early neuro-degenerative condition could not be entirely excluded. His elemental neurologic examination was unremarkable. EKG showed a possible old anterior infarct. Dr. Marian Klepser saw the patient in medical consultation. She noted obesity, hypertension, and metabolic syndrome, and changed his Toprol XL to Labetalol therapy. She recommended follow-up with cardiology. She noted a history of heel pain and leg weakness, and felt that he might have a mild plantar fasciitis. The patient's MRI exam, without contrast, showed no anatomical brain abnormality. At the time of this dictation we are awaiting a repeat MRI with gadolinium, including a pituitary study due to the patient's mild hyperprolactinemia. Cardiologic evaluation by Dr. John Levinson resulted in a recommendation for an echocardiogram, and a nuclear treadmill stress test. These have been done, and we await results. Psychologic and neuropsychologic testing were performed by Dr. Susan Parks, whose results are appended. Dr. Parks felt that the patient showed no significant cognitive deficits, and concurred with the likely clinical diagnosis on Axis

I of a Bipolar Disorder, with psychotic features. On Axis II, Mixed Personality Disorder, with narcissistic and antisocial traits was noted.

Mr. Amodeo's Pavilion course was relatively uneventful. He took part in multiple consultations willingly and saw individual treaters, including Dr. Peter Choras, who was his Pavilion attending psychiatrist, myself on a daily basis, and Ms. Andrea O'Rourke, who acted as a liaison to family, and more particularly his wife. Dr. Jennifer Taylor performed a substance abuse evaluation, and felt that the patient fulfilled criteria for a past psychostimulant dependency. She noted that he still was dependent on caffeinated beverages, in large amounts.

We initiated a trial of antipsychotic medication, first olanzapine, at dosages increasing to 7.5 mg at night. Strikingly, within a week of the administration of olanzapine Mr. Amodeo's previously intractable delusional system appeared to soften considerably, as he acknowledged that he might indeed be suffering from symptoms of Bipolar Illness, and also acknowledged that his hope of becoming emperor of the world was quite unrealistic. He remained seemingly unconcerned about the potential impact of his legal problems, even though during the course of his time here he discovered that he had been indicted on multiple counts of tax fraud, and would be expected to turn himself over to federal authorities upon his return to Florida. During his time here Mr. Amodeo also took part in a forensic consultation by Dr. Katz of Dr. Thomas Gutheil's forensic evaluation group. We are not privy to the results of that consultation. Mr. Amodeo complained of a significant increase in his hunger on olanzapine therapy, and the drug treatment was changed to ziprasidone in the several days prior to his treatment conference. Once again he tolerated this, appeared to lose his severe hunger, and continued to have improvement in his delusional symptoms.

On the 20th of August a treatment conference was held attended by the patient, his Florida forensic psychiatrist, Dr. Danziger, by conference call, and his local treatment team consisting of myself, Dr. Choras, Ms. O'Rourke, Dr. Parks, and Dr. Taylor.

We reviewed the results of Mr. Amodeo's evaluation at The Pavilion and confirmed a likely diagnosis on Axis I of a Bipolar Disorder, Manic, with psychotic features, as well as a history of stimulant dependency, presently in a degree of partial remission. On Axis II, we established that Mr. Amodeo did likely suffer from a Mixed Personality Disorder, with narcissistic and antisocial features. On Axis III, we noted multiple medical problems including metabolic syndrome, prodromal AODM, obstructive sleep apnea syndrome, and a newly discovered hypogonadism. We await the results of the patient's MRI pituitary study.

We strongly recommended continuing local therapy until the patient's Geodon dosage was in a fully therapeutic range, and to that end I increased the patient's dose from 60 to 80 mg on the day of his Pavilion discharge. He was agreeable to staying in the area for the course of the next week, during which time he would be seeing Dr. Choras and Ms. O'Rourke on a regular basis prior to returning to Florida, where he understands he needs to turn himself in to federal authorities.

Mr. Amodeo was discharged outright from The Pavilion on the 20th of August in a moderately improved condition with discharge diagnoses as above.

His medications on discharge included Depakote ER 3000 mg at bedtime, Fish Oil 3 grams twice daily, Labetalol 300 mg twice daily, enteric coated aspirin 81 mg in the morning, folic acid 1 mg in the morning, Geodon 80 mg at suppertime and Rozerem 8 mg at night. Dr. Danzinger is in the process of obtaining psychiatric aftercare for Mr. Amodeo in Florida for his return, as Dr. Krottenberg will not be able to follow the patient. Mr. Amodeo is aware of this.

At the time of his discharge he was non-suicidal, cooperative with treatment, and willing to follow the treatment team's recommendations.

We are available to Mr. Amodeo and his treaters in any way they deem appropriate in the future.

Alexander Vuckovic, M.D.

McLean Hospital

115 Mill Street, Belmont, Massachusetts 02478-9106
Telephone 617 855-2000, FAX 617 855 3299

August 7, 2008

Dr. Alex Vuckovic
Medical Director, The Pavilion
McLean Hospital

Re: Frank Amodeo
MR#170910
DOB: 9/1/60

Reason for Referral: Pavilion Evaluation.

Dear Alex:

I had the pleasure of evaluating Mr. Frank Amodeo this afternoon. As you know, he is a 47 year old right-handed Caucasian male who is presently experiencing legal issues stemming from allegations of tax fraud and is presently admitted for clarification of his possible psychiatric diagnoses. Consideration has been given to bipolar disorder, schizoaffective, sociopathy, and/or malingering.

Mr. Amodeo reports feeling that he would be "emperor of the world" since the age of 13 or 15. He states "even in high school when I was President of my class, I would show up for events in a limousine and ensure that the marching band was playing at my arrival". Today he expresses no doubt whatsoever that he will be emperor of the world by the year 2015. He endorses some mild depressive symptoms, but states that this is due to feeling "disconnected from what's out there." Today is the last day of a grand jury evaluation of whether he will be indicted on charges of tax fraud. He states that he was running a company named *Mirabilis (Miracle)* that included subsidiaries of some 60 other companies. This organization provided staffing for other companies and one of its subsidiaries fell into tax difficulties owing $180 million dollars to the government. Mr. Amodeo states "I agree with government that these taxes are due", but he states that "I never profited from any of this" and this will be demonstrated in court. He feels that this will "lend credibility" to him allowing him to have the ability to move forward on his plans for implementing a *Mirabilis* model of employment in all cities in the world, and thereby making governments "irrelevant" and putting him in charge. He feels that this will bring increased peace to the world. He believes that the company *Mirabilis* is a "test of how I would take over the world" and "it was successful". "It sends a message of power to the world."

He states that he was diagnosed with bipolar in 1995, but may have had mania during law school at the age of 24. At that time, he was engaged in a concurrent Ph.D. program at Georgia State University but did not complete this due to his father developing cancer. He was evaluated in November of 2007 by his psychiatrist, Jeffrey Krotenberg, after Mr. Amodeo had witnessed a video of himself in an apparent manic state giggling and being inappropriate. At that time, he decided to try medications, whereas he had previously been adverse to considering them. At the age of 7, he felt that he had teleported himself and his friends out of the way of a moving train.

He hears a voice in his head which he states, "I'm pretty sure" that it's his own voice telling him what to do. The voice has never instructed him to commit crimes, dangerous acts, or to destroy things. "I've seen people in colors" since the age of 10 or 12. Since February of 2008 at night or in dim light, he has seen people that he knows and is able to dialogue with them. The last time this happened was in early July, 2008.

He denies any history of seizures or head injury. He usually obtains between 7 and 8 hours of sleep each night, but prior to admission for several days he had slept only 7 hours, and then two days prior to admission, had no sleep whatsoever. He has been diagnosed with obstructive sleep apnea in September or October of 2007, but did not use his CPAP machine regularly until July of 2008. He denies any memory or concentrations problems, but feels that he has had difficulty composing his thoughts in writing in "crisp and concise" language. He has had some difficulty with spelling and finding words over the past 3 to 4 months. He also endorses having "wobbly legs" in the morning and experiencing a great deal of ankle and heel pain when standing up in the morning. Several months ago, he had experienced a few falls related to this. After about 45 minutes of walking, the pain improves somewhat, and he is able to walk and climb stairs; however, he feels weak. He also experiences some intermittent numbness in the distal third of both of his legs when he is sitting in a chair for a long time, or sometimes laying in bed. He does not experience this while walking. He denies any lower back pain, radiating symptoms down the legs, incontinence, or problems in his arms. He denies any dysphagia or voice changes. He points out that some friends have noticed a possible mild change in his voice. He denies any droopy eyelids. The patient denies any muscle cramping or myalgias. He endorses some intermittent chronic twitching of the right shoulder that he feels is related to a remote baseball injury.

He has no known drug allergies. His medications include Depakote and Metroprolol.

Past Medical History – Includes hypertension, obstructive sleep apnea, 15 pound weight gain since starting Depakote.

Social History – He earned his J.D. degree at Emory. He denies any history of alcohol, drug, or tobacco use. He has been married to his second wife for 19 years. He has a 22 year old stepson with Down Syndrome, and an 18 year old daughter. See above for additional details.

Family History – His mother had a stroke at age 64. His brother has some type of difficulty that "no one knows the cause of". His brother never left home, never completed high school or college, but has no known mental retardation. There is no family history of Alzheimer's disease, Parkinson's disease, psychosis, or bipolar disorder.

Mental Status Examination – The patient is short, well-dressed, well-groomed, and overweight. He is cooperative, very pleasant, socially engaging and smiles easily. His eye contact is good and his speech is clear with a regular rate, rhythm, and prosody. There are no phonemic or paraphasic errors. He denies hallucinations at this time. His insight is reduced and his judgment is impaired in relation to his delusional thinking. His thought process is linear. He denies suicidal ideation. Tests of orientation, language repetition, naming, reading, writing, spelling, clock drawing, Serial 7's, spelling *earth* forwards, backwards, and in alphabetical order are intact. Luria hand sequences are learned easily, but sustained with difficulty. Go/No-Go testing reveals mild impulsivity. He registers 4/4 memory items on the first attempt, and after five minutes recalls three spontaneously and one more with cueing. After an additional five minutes, he recalls three spontaneously and one with cueing. Cranial nerves II through XII are intact. Motor strength,

bulk, and tone are normal. There is no pronator drift. He is able to plantarflex his ankle while standing on the same foot time ten times each side. He is able to squat and rise to standing five times consecutively without use of his arms. He is able to run up two flights of stairs and down without difficulty or unsteadiness. Sensory testing reveals normal light touch, sharp, and proprioception. He is Romberg negative. Coordination testing reveals a normal finger-to-nose, rapid alternating movements, fine motor control, and heel to shin examinations. Reflexes are 2+ throughout with both toes downgoing.

Impression – Mr. Frank Amodeo is a 47 year old male admitted for clarification of his psychiatric diagnoses. His cognitive examination revealed grandiosity, delusional thought processes, slight impulsivity, mild attentional difficulties, and mild memory retrieval difficulties. These are non-specific findings, more likely related to the effects of his mood disorder and/or possible psychotic disorder, insufficient sleep, and possible medication side effects. His clinical history is not very suggestive of a seizure disorder or a neurodegenerative condition at this time but a very early neurodegenerative condition cannot be entirely excluded. His elemental neurological examination is unremarkable.

Recommend ongoing management of his psychiatric condition. Brain imaging is reasonable, if he has not been imaged recently or if he is thought to have a change in his behavior compared to baseline, to exclude lesions in limbic regions. Neuropsychological testing would better characterize the mild cognitive difficulties noted on office screening. He should continue using CPAP nightly with a goal of obtaining between 7 and 8 hours of sleep each night. His complaints of "wobbly legs" in the morning seem to be more likely related to pain in the ankles and heels rather than a primary neuromuscular condition. His examination today reveals excellent strength in the lower extremities and no clinical history to clearly point to the presence of a neuromuscular disorder. Recommend evaluation by a podiatrist or rheumatologist for these symptoms in the feet. Weight loss may also be beneficial both for ankle and foot pain and his sleep apnea. Nutritional counseling may be helpful for promoting weight loss.

I would be happy to see Mr. Amodeo in follow-up should any abnormalities be detected during his work-up, or should any neurological issues arise.

Sincerely,

Evan D. Murray, M.D.
Behavioral Neurologist

EDM/sc

Imaging Center — McLean Hospital — MRI Report

AMODEO, Frank

MRN: 170910

8/8/08 3:00 pm

HALL: Pavilion

Referred by Dr. Vuckovic

MRI EXAMINATION OF THE BRAIN

Clinical History

Bipolar disorder.

Technique

We obtained sagittal T1 weighted images followed by axial proton density, FLAIR, gradient echo, T1, T2 and diffusion weighted images. Coronal FLAIR and SPGR images were obtained.

Findings

No radiographic abnormality is seen.

Ventricular system and subarachnoid spaces are within normal limits. There are no intracranial collections, mass lesions, deformity of ventricular system or shift of midline structures. There are no foci of abnormal signal intensity within the brain parenchyma. No abnormality is seen at craniocervical junction. Midline structures are intact. Vascular flow voids are maintained and paranasal sinuses are essentially clear.

Impression

No anatomical brain abnormality is seen.

AAZ: 8/10/08
emp: 8/10/08

Amir A. Zamani
Amir A. Zamani, M.D. 7:30 am

DATED: 8/23/08

MRI REPORT MRI REPORT MRI REPORT MRI REPORT

Harvard Medical School

Donald A. Davidoff, Ph.D., ABPDC
Director
Donald L. Round, Ph.D.
Assistant Director
Susan Parks, Ph.D.
Director of Training

McLean Hospital

An Affiliate of the Massachusetts General Hospital Partners Healthcare System, Inc.

Department of Neuropsychology

Neuropsychological and Psychodiagnostic Evaluation

Name:	AMODEO, FRANK .
DOB:	9/1/1960
Date of Evaluation:	8/12/2008
Clinician:	Susan Parks, Ph.D.
Unit:	The Pavilion
Referral:	Alex Vuckovic, MD

SOURCES OF INFORMATION: Information contained in this report was derived from direct contact with Mr. Amodeo and McLean Hospital records.

REFERRAL QUESTION: Mr. Amodeo is a 47 year old, right-handed, Caucasian, separated man who was self referred to The Pavilion for a diagnostic evaluation and treatment recommendations.

HISTORY OF PRESENT ILLNESS: Mr. Amodeo came to The Pavilion for a psychiatric evaluation requesting an "objective view" of his manic symptoms. He reported that he was currently under a criminal investigation related to money that is owed to the government following changes in his business. He has reportedly been diagnosed with bipolar disorder and includes grandiose and bizarre thoughts involving beliefs around becoming emperor of the world. He reports being open to psychiatric treatment. Mr. Amodeo has been under the care of Dr. Jeffrey Krotenberg since November 2007.

PAST PSYCHIATRIC HISTORY: Mr. Amodeo reports experiencing symptoms of mania since college and reports suffering from undertreated "mild bipolar disorder" for the past 8 years. He believes his episodes are consistent with a rapid cycling subtype and symptoms have included delusional and grandiose thinking, decreased sleep, racing thoughts, and impulsive spending including impulsively buying a million dollar house and buying a clothing store after walking in it simply to shop. He reports he has been prescribed and taking Depakote since November 2007 with good effects.

PAST MEDICAL HISTORY: Remarkable for high blood pressure, sleep apnea (CPAP for 2 months) diagnosed in September 2007.

SUBSTANCE USE HISTORY: Mr. Amodeo denied any past or current use of illegal drugs or alcohol. He does drink large amounts of caffeinated beverages. Mr. Amodeo is a non-smoker.

FAMILY HISTORY: Mr. Amodeo's father is reportedly a gambler and was diagnosed with liver cancer in 1987. His brother is reportedly "isolative" with possible psychiatric problems. His mother suffered a CVA a year ago.

SOCIAL, DEVELOPMENTAL AND ACADEMIC HISTORY: Mr. Amodeo was a product of a vaginal birth with the only complication including his mother smoking during his pregnancy. He was born in Detroit and was raised in Orlando. He met all developmental milestones appropriately although he did report having a surgery to correct a stomach blockage in his first year of life. Mr. Amodeo reports himself as a good student and never experienced any academic difficulties earning mostly As. When asked to describe himself as a child, he reported that he was "smart, ...charismatic, ...I got along with others." He played football and baseball. He attended the University of Central Florida and graduated in 1983 with a degree in Political Science. He attended Emory Law School from 1984-87 while he was attending Georgia State where he was reportedly enrolled in a Doctoral Program. He started his own business while he was in school. He reportedly worked for a law firm from 1988-1990 and has been self employed since 1990.

When asked about abuse, Mr. Amodeo reported two events including having a babysitter who was abusive to his brother (age 5) and his aunt being murdered after she left from babysitting Mr. Amodeo. He stated, "I was probably the last person in our family to see her alive."

Mr. Amodeo's father, Frank is 67 and his mother, Margaret is 65. She has been recovering from a CVA suffered in April 2007. Mr. Amodeo was married previously for 3 years and he had no children from that marriage. Mr. Amodeo has been remarried to Claire for 19 years, but the couple is currently going through a difficult time. They have one daughter, Mia, who will be 18 in a month, is a senior in high school and will be going to college next year. Claire has a son, Gentry, to a previous marriage. He is 22 years old and reportedly has Down's syndrome. Mr. Amodeo is the eldest of three.

BEHAVIORAL OBSERVATIONS: Mr. Amodeo is a well appearing male who appears his stated age. He was comfortably dressed in casual clothes and his grooming was neat. He sat in an upright position and made good eye contact. He was attentive to the examiner which remained consistent throughout the evaluation. Speech was fluent with normal rate, tone, rhythm and volume and reflected an average lexicon. His affect was stable. He put forth good effort on all neuropsychological and psychological tests. He denied suicidal and homicidal ideation. His associations were generally logical and coherent with a goal directed stream of thoughts; however, he did endorse thoughts of being the world leader and that he refers to the "committee on his hands." He talked about how it is difficult for him to know what is reality and what is delusional given his high powered career, achievements and connections. He did not appear to attend to internal stimuli during the testing session. He demonstrated some, but limited insight into his psychiatric symptoms. Due to Mr. Amodeo's good effort and attention, this evaluation is regarded as an adequate representation of his current level cognitive functioning and psychological functioning.

SYNTHESIS OF TEST FINDINGS AND RECOMMENDATIONS: Mr. Amodeo is a 47 year old, right-handed, Caucasian, separated man who was self referred to The Pavilion for a diagnostic evaluation and treatment recommendations. He was diagnosed with Bipolar Disorder and has been taking Depakote as prescribed since November 2007.

Mr. Amodeo's clinical presentation is quite complex and suggests the presence of a mood disorder with psychotic features and unique personality characteristics that highly influence his behaviors. His mood disorder is consistent with a Bipolar I Disorder with rapid cycling. Although testing strongly and clearly supports the presence of longstanding depressive issues, it is very likely that Mr. Amodeo utilized his manic symptoms as a way to avoid his depression. Additionally, his cognitive features associated with his manic presentation (i.e., over-incorporation, grandiosity) may have been a strength in achieving the impressive progress that he has historically demonstrated. This appears to have begun many years ago when he was concurrently completing two graduate programs and continued throughout his lifetime, being involved in multiple high level corporate situations simultaneously. However, when Mr. Amodeo's symptoms of his bipolar disorder are not adequately managed, he demonstrates delusional symptoms including grandiosity and poor reality testing. Thus, he runs a fine line between using the energizing aspects of his mood disorder and tilting into a state of severe symptoms that are destabilizing. Clinical history juxtaposed against his test findings suggest the latter has more recently occurred and his recent state of distress has made it more difficult for him to function. Caution should be made that as his manic symptoms are better managed, his depression and issues accompanying his depression (i.e., poor self image, issues about his impending future) may become overwhelming to him and his suicide risk factors may become more of a pressing issue. Thus, careful monitoring of depressive and manic symptoms is highly suggested and careful discussion around suicidal ideation is highly recommended.

Mr. Amodeo's clinical presentation is underscored by the presence of narcissistic and antisocial features. In the context of mania, these symptoms may have become amplified, making it difficult to discern what behaviors resulted from the mood disorder, as well as what behaviors were being driven by his personality features as there is some overlap (i.e., grandiosity, impulsivity). Mr. Amodeo does not reach the full diagnostic criteria for neither Narcissistic nor Antisocial personality disorders exclusively. However, he does present with features of both of these disorders that negatively impact his functioning and relationships with others; thus, his presentation is most consistent with a Personality Disorder Not Otherwise Specified with Narcissistic and Antisocial features.

A multimodal treatment approach is recommended. Careful psychopharmacology will be required because of his extreme medication sensitivity. With regard to psychotherapy, Cognitive Behavioral Therapy is suggested because of his cognitive style where he is over-incorporative and at times loses touch with reality. Thus, straight-forward and structured, skill-focused work that CBT encourages appears to be the best fit for Mr. Amodeo. Dialectical Behavioral Skills could also be woven into his psychotherapy. Specific techniques that are suggested include self assessment (i.e., gaining self awareness of the earlier warning signs of emotions), detection of early, moderate, and significant warning signs of his illness (both mania and depression), mood monitoring with focus on reframing distorted thinking, reality testing, distress tolerance skills and practicing mindfulness. At times, Mr. Amodeo's emotions may feel so overwhelming that he may periodically be at risk to act impulsively. Therefore, impulse control skills should also be reviewed, even if not the primary focus of therapy. In addition to management of his Bipolar illness, Mr. Amodeo demonstrates character traits consistent with a Personality with Narcissistic and Antisocial traits. These symptoms may become more amplified during periods of mood instability and this should be addressed in psychotherapy.

Mr. Amodeo's performance on the neuropsychological evaluation revealed strong cognitive abilities. Testing suggests adequate abilities in simple attention, concentration, executive controls, language abilities, visuospatial functioning and memory. Mr. Amodeo is a bright individual (FSIQ=109,

VIQ=109, PIQ=107) with many cognitive strengths. His pattern of IQ test scores suggests the presence of well developed cognitive abilities with no indication of learning difficulties.

DIAGNOSTIC IMPRESSIONS:

Axis I	296.64 Bipolar I Disorder, Most Recent Episode Mixed, Severe with psychotic features
Axis II	301.9 Personality Disorder Not Otherwise Specified (Narcissistic and Antisocial Traits)
Axis III	High Blood Pressure, Sleep Apnea
Axis IV	Life Stressors
Axis V	GAF=50-55/100

EVALUATION PROCEDURES:
Wechsler Abbreviated Scale of Intelligence (WASI)
Digit Span
Trail Making A and B
Controlled Oral Word Association Test and Semantic Fluency
Stroop Color Word Test
Boston Cancellation Test
Boston Naming Test 15 card screen of the Boston Diagnostic Aphasia Examination
Rey-Osterreith Complex Figure
Logical Memory I and II -Stories A and B of the Wechsler Memory Scale-Revised
California Verbal Learning Test II Short Form (CVLT-II-SF)
Wisconsin Card Sorting Test (64 card version)
Clock Drawing Test
Rorschach Inkblot Test (Exner Scoring System)
Millon Clinical Multiaxial Inventory –III
Beck Hopelessness Scale
Beck Depression Inventory-II
Beck Suicide Scale
Sentence Completion
Clinical Interview
Record Review

COGNITIVE TEST RESULTS (please refer to attached score page for scores and ranges):
Orientation, Intellectual and Motor Skills: Mr. Amodeo was oriented to self, date, place and circumstances around his evaluation and hospitalization. He showed no difficulty with left-right orientation. His performance on the WASI revealed a FSIQ estimate of 109 which falls within the Average range with commensurate verbal (VIQ estimate=109, average) and performance (PIQ estimate=107, average) based skills.

Language Functions: Mr. Amodeo's confrontation abilities fell within normal limits (13/15 BNT). He missed the two most difficult items, initially calling a yoke a "bridle." He benefited from phonemic cues for both missed items. His performance on the Vocabulary subtest of the WASI indicated above average abilities in expressive vocabulary, verbal knowledge and fund of information. His average performance on the Similarities WASI subtest indicates adequate verbal abstraction and reasoning abilities.

Visuospatial Functions: Mr. Amodeo's performance on the WASI matrix reasoning subtest indicated average abilities in nonverbal fluid reasoning. Of note, there was notable intratest scatter within this subtest. His performance on the Block Design test also fell within the average range indicating adequate abilities in visual construction. He was able to complete all of the 2x2 designs and earned maximum speed points for all of these designs. He was able to quickly see the gestalt and utilized a block by block approach to solve each item. He was only able to complete one of the four 3x3 designs. The design completed was done quickly and utilizing his good approach strategies and earned speed points. However, he began to struggle with the next designs, breaking configuration once. When asked to copy the Rey Complex figure, his final score fell within normal limits despite utilizing a part oriented and fragmented approach. His final product resembled the exemplar with mild inaccuracies.

Learning and Memory: Mr. Amodeo's performance on verbal memory tests was largely within normal limits. His performance on a 9 word list learning task (CVLT-II-SF) indicated mildly impaired abilities on the first of the 4 learning trials, a measure of concentration and working memory (Standard Score -1.5, mildly impaired). However, he demonstrated an adequate learning curve over the complete learning trial portion of this test (4, 8, 8 and 7/9 words, T=50). He was able to recall 8/9 words at the short delayed free recall trial (average, Standard Score 0.5). After a longer delay, he was able to recall 8/9 words without cuing (above average, Standard Score 1) and 8/9 with cueing (above average, Standard Score 1). Discriminability was solid and he was able to identify 9/9 words on a recognition trial (Standard Score 0.5) with no false positives (Standard Score 1, above average). He tended to utilize a serial clustering strategy to learn the words, meaning that he tended to learn and recall them in the order than they were presented, rather than using a semantic clustering strategy which involves clustering the information into meaningful categories to make learning more efficient. On a second verbal learning test (WMS-R Logical Memory, contextual learning), he was able to take in 31/50 details across 2 stories (average) and after a delay was able to recall 33/50 details (above average). On a recognition format trial, he was able to correctly answer 18/21 questions, consistent with his acquisition trial.

Mr. Amodeo's performance on the Rey Visual Memory recall trials indicated adequate storage and recall of complex visual information after short and long delay conditions with no loss of information, despite mild difficulties on the copy trial. His approach was more organized and careful. He first addressed the gestalt, followed by the details. His final result was accurate with mild omission and misplacement of details.

Executive Functions: Mr. Amodeo's maximum forward digit span on a test of simple auditory attention fell within the average range for his age (DF=7, consistent). His responses were quick and accurate. His maximum backward digit span also fell within the average range suggesting adequate abilities in concentration and working memory (DB=5, consistent). His performance on a test of visual scanning was quick and accurate (Trails A, 0 errors, 16 seconds) and fell within the above average range. On Trails B, a more difficult test of divided attention and set shifting, he had no difficulty and completed the trial with good speed, accuracy and self-monitoring (33", 0 errors, above average). A second test evaluating visual scanning and the ability to focus on target stimuli while ignoring irrelevant stimuli (Boston Cancellation Test) fell solidly within the average range on structured and unstructured subtests with novel and over-learned stimuli (Unstructured Symbol: 73", 0 omissions; Unstructured Letter: 63", 1 right and 1 left omission; Structured Symbol: 66", 0 omissions; Structured Letter: 78", 1 right omission). He was able to draw a clock to command and set the time to "10 after 11" without difficulty. On the Stroop Color test, a test of his ability to

focus on target stimuli while disregarding irrelevant stimuli, his performance fell within the average to the above average range. Phonemic fluency fell within the above average range (F=20, A=16, S=20). Semantic fluency fell within the average range (21 animals). On the Wisconsin Card Sorting test, Mr. Amodeo's performance was solid as he was able to complete four categories in 64 trials. He was able to complete the first category within 11 trials.

PSYCHOLOGICAL TEST RESULTS:

Response Style: Mr. Amodeo's responses on his MCMI-II, as well as other psychological tests, suggest no odd test taking behavior and he approached tests in an open and flexible manner.

Psychological Resources/Cognitive Organization: Mr. Amodeo's test results suggest he is in a state of mild, but chronic stimulus overload, making it difficult to access adequate psychological coping resources. This appears to be related to internal and external events that he is currently experiencing and may be related to psychological pain resulting in some object loss. This finding is somewhat unexpected, given evidence on testing that suggests the presence of above average adaptive capacities when compared to others. This leaves him at risk for recurrent episodes of anxiety, tension, nervousness and irritability. During times when he experiences limited frustration tolerance, he may be at risk for acting impulsively or demonstrating emotional outbursts. Currently, he appears to be experiencing substantial levels of intrusive ideation which he has little control over and may involve concern about his future and the lack of needs being met. Interestingly, Mr. Amodeo tends to take in more information than he can organize efficiently and he tends to examine situations to a point beyond necessity. However, when success hinges on his performance, he tends to harness this quality in a positive manner, utilizing it in an efficient manner. Conversely, in time demanding or more stressful situations, his over-incorporative style tends to interfere with effective decision making processes.

Reality Testing: Mr. Amodeo's test results suggest that when he is calm he has an increased chance of engaging in adequate reality testing. However, when he experiences shifts in his mood, resulting in experiencing more intense emotions, his reality testing becomes impaired. He gives evidence of experiencing a diminished ability to think logically and coherently and cannot keep a connected flow of ideas. As a result, he may demonstrate instances when he utilizes arbitrary and circumstantial reasoning and display moments where his thought processes are loose, scattered and confusing to himself and others. He may demonstrate ruminative and circumstantial thinking, ideas of reference and disorganized speech. During these times it may appear that he is out of touch with others and is unable to order his thoughts in a manner where he can adequately communicate with others. Testing suggests the presence of ideas of reference, feelings of grandiosity and irrational jealousy that reaches delusional (paranoid) levels. Cognitive mediation abilities are impaired in that he demonstrates mild to moderate impairment in his ability to form accurate impressions of himself and others. He is vulnerable to misinterpretation of the actions or intensions of others and may have difficulty anticipating the consequences of his own actions or recognizing the boundaries of appropriate behavior.

Although he does not appear to suffer from a pervasive psychotic disorder, Mr. Amodeo's test results suggest that he may suffer from "mini episodes" marked by disorganization, paranoia/suspiciousness, or delusions. This appears to be primarily related to his mood disorder in that his psychosis appears to fluctuate with the changes in the intensity of his mood state. He seems to work quite hard to manage his disorganized and sometimes odd thoughts and when his mood

symptoms are better managed, theses features are often within his awareness. When he is not suffering from rapidly shifting moods, he is typically able to utilize adequate reality testing abilities.

Affect/Impulse Control: Mr. Amodeo's results suggest he is susceptible to episodes of affective disturbance with marked features of depression and mania. While he may frequently be depressed and morose, at other times he may be erratically moody, complaining with underlying feelings of intense anger and discontent that may be directed in a passive aggressive or direct manner. Although he may not openly report feelings of depression, he gives evidence of being predisposed to affective malaise that interferes with his being able to function optimally. Mr. Amodeo shows a maladaptive way of processing affect in which he exerts little control over his emotions which does not suggest that he is incapable of self control, but rather, he chooses not to do so. His Depression Index via the Rorschach Exner Scoring system reached significant levels (5/5). His BDI-II score of 16 is elevated. Endorsed depressive features include feeling sad, discouraged about the future, decreased enjoyment, guilt, expectation to be punished, disappointment in self, self-critical thoughts, irritability, difficulty making decisions, difficulty with initiation, fatigue, decreased appetite with some weight loss and decreased interest in sex. His score of 1/20 on the BHS does not signify concerning levels of hopelessness.

Mr. Amodeo's manic episodes appear to involve a display of expansive and hostile character features, rather than euphoria. During these times he gives evidence of being talkative, restless, hostile, distractible, subject to tantrums and interpersonally disruptive. Evidence of emotional dyscontrol include feeling erratic, quick changing moods and feeling like things are out of control when things do not go as planned.

Mr. Amodeo denies suicidal ideation and his Beck Suicide Scale of 0 suggests no overt suicidality. Of note, his Rorschach Suicide Constellation Scale was clinically significant (8/8) suggesting some suicide potential. Risk factors include feeling emotions quickly and intensely, grandiosity, periods of decreased reality testing, impulsivity, anger and oppositional traits, and a sense of being disconnected from others. He endorsed one item on the Self-Destructive Potential MCMI-III scale including "I feel deeply depressed for no reason I can figure out." It is important to note that the discrepancy between his report of suicidal ideation and the strong indicators of suicide potential elucidated by this evaluation demonstrate diminished awareness which may have implications in treatment regarding his recognition of possible indicators of suicidality.

Self/Interpersonal: Mr. Amodeo's test results suggest he is not paying sufficient attention to himself and may purposefully self avoid; however, despite narcissistic and grandiose features, this tendency towards avoidance may be in effort to avoid engaging in negative self examination. When he does pay attention to himself, he may compare himself unfavorably to others or he may be sensitive to how his actions may affect others. He may attempt to deal with uncertainty about his image of himself or concerns about his self-value in an overly intellectualized manner and he may distort or overlook realistic considerations. Thus, his avoidance has a protective motivation. He appears to have a limited capacity to identify comfortably with others, despite a desire to be close to others. He appears to expect that interactions with others will be characterized by a larger measure of competition, rather than collaboration. Thus, he is at risk of approaching interpersonal relationships too assertively and aggressively. He tends to be a socially withdrawn person and be isolated. Although he may have many people in his life who are important to him, it may not be easy for him to establish and sustain meaningful interpersonal relationships.

Mr. Amodeo appears to experience limited and diminished self-esteem. He tends to have persistent self-deprecation and a tendency to undermine his constructive opportunities. His poor self image of feeling worthless and ineffectual may make ordinary stresses and responsibilities seem excessively demanding. He may have limited capacity to comfortably identify with individuals in his life may feel apprehension or mistrust towards others. His heightened anxiety may become associated with social avoidance. Additionally, his anxiety may cause him to appear edgy, restless and indecisive, which only further exacerbates interpersonal difficulties. He may have a history of feeling disappointed in others and may struggle with trusting and opening up to others because of a fear they will also disappoint him. Because he is not always able to trust others, it may lead to overt destruction, self-defeating behaviors, or expressions of anger. Because he may worry about the consequences of his overtly expressed anger, he may express resentment in a passive aggressive manner or withdrawal from others.

Personality: Mr. Amodeo's MCMI-III resulted in elevated scores on the narcissistic and antisocial personality traits.

Thank you for this referral. It was a pleasure working with Mr. Amodeo.

Susan Parks, Ph.D.
Licensed Psychologist
Neuropsychologist
Training Director, Neuropsychology Post Doctoral Training Program
Instructor in Psychology, Department of Psychiatry, Harvard Medical School

McLean Hospital	Name: Amodeo, Frank	MRN: 170910
Harvard Medical School	DOB: 09/01/60	Hall: Wyman
115 Mill Street	DOE: 08/12/08	Referral: Vuckovic
Belmont, MA 02478	Age: 47	Education: 19
	Gender: I	

Key to Scores

T-Score	Level of Functioning
0-39	Above average
40-59	Average
60-64	Borderline
65-69	Mildly impaired
70-79	Moderately impaired
80-89	Severely impaired
90+	Profoundly impaired

Adult Neuropsychological Test Battery
Summary of Scores
© 2001 Miles Turter, Psy.D.

Table of Contents	*Raw*	*T-Score*	*%ile*	*Level of Functioning*
Intelligence				
Vocabulary (WASI)	63	37	90%	above average
Similarities (WASI)	50	50	50%	average
Block Design (WASI)	57	43	75%	average
Matrix Reasoning (WASI)	53	47	61%	average
Verbal IQ	109	44	73%	average
Performance IQ	107	45	68%	average
Full 4 IQ	109	44	73%	average
Attention/Concentration				
Digits Forward (WMS-R) points	10	43	79%	average
Digits Backward (WMS-R) points	8	44	73%	average
Executive Controls				
Trails A	16	34	95%	above average
Trails B	33	29	98%	above average
Cancellation Letters		46	68%	average
Cancellation Symbols		49	58%	average
Cancellation Structured		50	53%	average
Cancellation Unstructured		45	73%	average
COWAT	56	30	98%	above average
Semantic Fluency: Animals	21	55	34%	average
Stroop Word	117	38	88%	above average
Stroop Color	79	47	61%	average
Stroop Color/Word	43	47	61%	average
Interference		55	30%	
Wisconsin Card Sorting Test	Errors=10	48		average
Perseverations	5	56		average
Learing to Learn	0			within expeted range
Language				
Boston Naming Test (BDAE)	13 out of 15	Mean = 12.9	SD = 1.9	average
Vocabulary (WASI)	63	37	90%	above average
Similarities (WASI)	50	50	50%	average
Visuospatial				
Rey-O Copy	31		2-5%	mildly impaired
Block Design (WASI)	57	43	75%	average
Matrix Reasoning (WASI)	53	47	61%	average
Memory				
Logical Memory I (WMS-R)	31	44	75%	average
Logical Memory II (WMS-R)	33	38	90%	above average
Logical Memory Recognition	18	86%		
Logical Memory Retention		106%		
CVLT-II SF; List A Trial 1	4	SS -1.5		mildly impaired
CVLT-II List A Trial 1-4	27	50	50%	average
CVLT-II Short Free	8	SS 0.5		average
CVLT-II Long Free	8	SS 1		above average
CVLT-II Long Cued	8	SS 1		above average
CVLT-II Recognition Hits	9 out of 9	SS 0.5		average
Discriminability		SS 1		above average
Semantic Clustering		SS -0.5		average
Serial Clustering		SS 2.5		above average
Rey Immediate Recall	18.5	54	34%	average
Rey Delayed Recall	21	49	53%	average
Rey Retention		114%		

Imaging Center — McLean Hospital — MRI Report

AMODEO, Frank

MRN: 170910

8/18/08 11:00 am

HALL: Pavilion

Referred by Dr. Vuckovic

MRI OF PITUITARY WITH AND WITHOUT CONTRAST

Clinical History

Hyperprolactinemia.

Technique

Sagittal T1 and coronal T1 weighted images were obtained before and after injection of contrast. Movement artifacts are present on many of these images.

Findings

Sella turcica is not expanded. The dorsum sella is asymmetric being larger on the right side and more hyperintense. This is likely insignificant. The pituitary itself is rather small. It has a concave superior margin. It is best seen on coronal T1 weighted noncontrast images no. 10 and 11. With injection of contrast, the enhancement is more or less homogeneous as seen on image no. 11. Infundibulum of pituitary is minimally shifted to the left side but no cause for this infundibula shift is evident on this examination. Suprasellar cistern is clear. Optic chiasm is unremarkable. No parasellar abnormality is seen.

Impression

I doubt there is any pituitary abnormality. Minimal deviation of infundibulum from right to left is likely insignificant. No pituitary or suprasellar mass is detected.

AAZ: 8/23/08
emp: 8/24/08

Amir A. Zamani

Amir A. Zamani, M.D. 7:30 am

DATED: 8/28/08

MRI REPORT MRI REPORT MRI REPORT MRI REPORT

Amodeo, Frank
170910
WYM

Recording Date :8/13/2008 **Report Date: 8/13/2008**

Background Activity:

This is a digitally acquired electroencephalogram . Both referential and differential montages are examined. Electrodes are placed in accordance with the international 10-20 system.

Alpha:

Frequency: 9-10 Hz Amplitude: 40-70 uV Location: Occipital

Alpha activity was symmetric and reactive to eye opening.

Beta:

Frequency: 15-28 Hz Amplitude: 5-10 uV Location: Anterior

Other Activity:

No focal slowing or epileptiform activity is noted. EKG reveals a sinus rhythm.

Hyperventilation:

Normal response.

Sleep:

Normal drowsiness and sleep. Stage I and II present. Loud snoring with snoring associated arousals occurred.

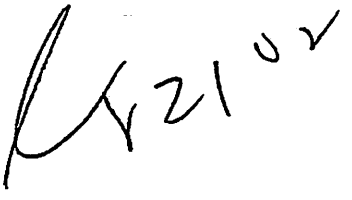
Photic Stimulation:

Normal photic response. A small amount of photic driving occurred between 15-20Hz.

Interpretation:

Normal awake, drowsy and sleep EEG. Loud snoring with snoring associated arousals suggest obstructive sleep disordered breathing. Clinical correlation and follow up of this finding is recommended.

Evan D. Murray, MD
Department of Neurology
McLean Hospital



GEMS IT MAC1200 FRANK AMODEO 000170910, MOBILEXUSA
Male, 47 Years (09/01/1960)

HR 64bpm

FACILITY: MCLEAN UNIT: PAU

Measurement Results:

QRS		82 ms
QT/QTcB	392 /	404 ms
PR		168 ms
P	:	108 ms
RR/PP	: 916 /	920 ms
P/QRS/T	: 14/ -33/	15 degrees

< P
< T
< QRS

Interpretation:
*** Age and gender specific ECG analysis ***
Normal sinus rhythm
Left axis deviation
Inferior infarct , age undetermined no acute changes
Abnormal ECG
M Klepper MD 8/1/08

Order Physician
Refer Physician
Technician

Unconfirmed report.

MCLEAN INT. MED. ASSOC.

Room Cart# Site#
Aug 08 2008 12:04:43 PM 25mm/s 10mm/mV ADS 60Hz 0.05 40Hz AX2 5R1 12 Lead

McLean Hospital

115 Mill Street, Belmont, Massachusetts 02478-9106
Telephone 617 855-2000, FAX 617 855-3299

SUBSTANCE ABUSE CONSULTATION NOTE

Patient Name:	Frank Amodeo
Medical Record #:	170910
Date of Birth:	09/01/60
Date of Evaluation:	08/09/08

I was asked to see Mr. Amodeo for the purpose of a substance use consultation. The details of his psychiatric history are documented elsewhere in the chart.

Mr. Amodeo is a 47-year-old married white man who lives in Orlando, Florida with his wife. He stated that, with the exception of a sip of champagne at his own wedding, he has never consumed alcohol. He also denies any illicit substance use or abuse of prescription medications.

Mr. Amodeo did report a significant history of drinking stimulant beverages throughout most of his life. He said that he drank at least 1.5 gallons of caffeinated soda starting at age 9 or 10 when he was in Little League and that this pattern continued through age 16. Mr. Amodeo said that between ages 16 and 29 his consumption of caffeinated beverages increased to approximately 3 gallons per day. He noted that he typically would consume a pitcher of iced tea per sitting. Mr. Amodeo said that between ages 29 and 40, he was prescribed Isoclure for asthma. He said that when this medication was no longer available, he substituted 16 Sudafed tablets daily in addition to his 3-gallon per day consumption of caffeinated beverages. Mr. Amodeo said that he was "almost continuously manic" during this approximately 11-year period with the exception of a 6-month hiatus in 1999, during which he did not take any Sudafed and his consumption of stimulant beverages was reduced to approximately 1 gallon per day.

Mr. Amodeo said that at age 40 he began running in order to lose weight and improve his overall health. He noted that he no longer required Sudafed and found that whenever he had a cold or flu and took cold medication with a stimulant, he felt "buzzed" and the people around him noticed a significant elevation in his mood. He said that during this period, a psychologist named Dr. Lewis raised the suspicion of a possible bipolar disorder

Mr. Amodeo said that his physican recommended that Mr. Amodeo decrease his consumption of stimulant beverages and, prior to entering the McLean Hospital Pavilion, Mr. Amodeo was able to reduce his consumption from 3 gallons per day to 2 gallons per day and is working to further reduce his stimulant beverage consumption.

Assessment: In my opinion, Mr. Amodeo meets criteria for Stimulant Dependence in addition to his other psychiatric symptoms. The co-occurrence of chemical dependency and psychiatric illness suggests that a comprehensive treatment program must address both disorders simultaneously.

Mr. Amodeo acknowledged the ways in which stimulant beverage use has helped him to maintain a high level of energy throughout high school, where he earned a 3.9 GPA from Oakridge High School in Orlando, "mostly straight A's" from the University of Central Florida, and enabled him to attend Emory Law School during the day while pursuing a graduate degree in economics at night. Mr. Amodeo also acknowledged the ways in which stimulant beverage use has helped him to bolster his self-confidence and ability to manage multiple tasks simultaneously.

Mr. Amodeo acknowledged the extent of his stimulant beverage use during the past approximately four decades and the magnitude of the lifestyle changes that will be required to discontinue his dependency and cope with functioning at a less rapid pace. I believe that Mr. Amodeo would benefit from psychoeducation regarding the relationship between stimulant beverage use and his psychiatric instability, and urge Mr. Amodeo to continue individual psychotherapy in addition to psychopharmacological management to help maintain stability.

Recommendations

1. Continue psychopharmacological and psychotherapeutic strategies to maintain stability.

2. Continue to reduce stimulant beverage use under the supervision of a physician.

Jennifer Taylor, Ph.D.

Subj: RE: Frank A
Date: 8/14/2008 2:58:36 P.M. Eastern Daylight Time
From: JLevinson@Levinsonharris.com
To: Alpsy@aol.com

et, voila!
J

Frank Amodeo

John Levinson, MD, PhD
Levinson Harris Medical Group
535 Boylston Street 7th Floor
Boston MA 02114
Phone 617-247-3444 Fax 617-247-9444

Clinical summary for Frank Amodeo

Report: 08/14/2008

****

Unit No: 463-97-03 Age: 47 Birthdate: 09/01/1960
Address: 2875 S.orange Ave Ste500 1810
Orlando,fl 32806
home #: 407-855-0055
work #: 407-373-4351
Genl MD: T. Higgins
Ref MD: Alex Vuckovic
Last office visit: 08/14/2008
Next office visit: / / (approximate)

****

ECG: 08/14/2008: SR 77/-40 -- LADEV, POSSIBLE OIMI, NSSTTWAS
Main Dx: ABNL ECG, HTN

****

*** Family & Social Hx ***

Fhx: Stroke, Hypertension, Diabetes, Cancer
Spouse: Claire Holland
Occupation: President AGMI Strategy Co
SHx: Lives with spouse in Orlando. Trained in law/econ
Alcohol: Social alcohol
Substance: No substance abuse
Caffeine: 3 or more/day
Diet: Ad lib
Exercise: Active with regular walking exercise
Tobacco: Never

*** Current Medications ***

Metoprolol	100 mg - 1 QD
Depakote	500 mg - 6 QD
Cpap	

Aspirin 81 mg - 1 QD

*** Allergy List ***

There are no allergies in the database for this patient

*** Problem List ***

1. ABNL ECG W ?IMI INA
2. HYPERTENSION
3. OBESITY
4. GLUCOSE INTOLERANCE
5. BIPOLAR DISORDER
6. SLEEP APNEA - OBSTRUCTIVE

*** Procedure List ***

1. 08/13/2008 hs crp=0.572 (hi risk) tsh 2.42

*** Fluoroscopy List ***

There are no fluoroscopies in the database for this patient

*** Weights & Lipids ***

Date	Wt	Chol	LDL	HDL	TG	Ratio	Medications
05/29/2008	F	0	248	167	49	162	5.0
08/14/2008	F	233	191	113	43	176	4.4

*** Visit Report ***

Visit Date: 08/14/2008 @ OFC

Weight: 233 pounds, with BMI of 37.6
Vitals: 125/80 @ 76 reg L=R
General: Healthy appearing centrally obese man
HEENT: EOMI PERRL no arcus Dentition OK
Skin: Without stigmata of cardiac disease
JVP: 5cm
Carotids: Normal in upstroke & without bruits
Thyroid: Normal, nonnodular
Chest: No dullness, clear to P&A
Cor: ?PMI, RRR w soft S4
Abdomen: NBS, Nontender, w/o masses, bruits, hsm
Ext: No c/c/e, no stasis changes or ulcers, nl gait
Pulses: Full & symmetric UE's & LE's
Neuro: Ox3, CN intact, general motor OK

Narrative:
Outpatient Cardiovascular Consultation

>>Chief Complaint.

Abnormal EKG, possible metabolic syndrome

>>Present Illness.
This is the first office visit for this 47 year-old man referred by Dr. Vukovich for the problems above among others. The patient is now at the Pavilion in order to have a thorough reassessment of his psychiatric status. He tells me that he has bipolar disorder with a significant manic component but that there is question as to how much of the illness and especially the mania are related to his work.

The coronary risk factors include hypertension which he says was only diagnosed perhaps three months ago, obesity, and gender. He is felt to have perhaps pre-diabetes as well but no one has diagnosed frank diabetes. He has never abused tobacco. There is no family history of atherosclerotic disease. With regard to known coronary cardiac risk factors, he has never used Redux for Phen-Fen, never had rheumatic fever.

His weight has been going up steadily. Three months ago, in response to LDL of 167 he tells me that his internist told him in no uncertain terms that he either needed to tighten up on the diet and lose weight or get medications by the fall. The patient has cut portions, almost completely discontinued snacks, and says he has lost 5 pounds. Follow-up labs which I have shown under today's date are significantly improved from the ones three months ago.

He says that he has progressive exertional dyspnea and he describes mild huffing and puffing which he believes is related to allergy and asthma as well as perhaps overweight. He does not have tightness or pain.

He has not had palpitations, syncope, presyncope, and so forth -- but he does tell me that his heart rate has been noted to be fast and that has been attributed to the fact that he has about 25 cups each day of caffeinated tea.

He was diagnosed as having sleep apnea and started using CPAP just last month. He says he is compliant on a regular basis.

He says that he has not had cardiovascular noninvasive testing as we talked about echocardiography and stress testing given his abnormal EKG.

>>Allergies, Medications, Past Medical and Surgical History, Family Medical History.
See lists above. He is married but separated. He trained in the law and in economics and is now president of AQMI Strategy Corp. which purchases and turns around businesses then either liquidating or selling them. He says mostly they liquidate. His life is enormously stressful. He is now in a position where he is thinking very seriously about changing what he does do something much more relaxing.

>>Review of Systems.
Positives: Beyond the above he only notes the psychiatric and asthma-related issues. He has also recently had some trouble with his left foot as he has been exercising more at the urging of his physician in Florida.
Otherwise negative -- details to be found in the paper record

>>Physical Examination.
Above

>>Laboratory.
Lipids from recently are shown above and are much better than studies from three months ago.

CRP is on the high risk side. TSH is normal.
Fasting sugar from back in May was 131 in Florida. Sugar more recently at 99 is top normal.
Renal function is normal.
Glycohemoglobin at 7.1 is elevated.

>>Assessment & Recommendations.
In summary, this is a 47-year-old man with issues as noted below. NOTE that he is unsure of his medications and believes that the metoprolol has been changed to some other similar medication. I believe he is on long-acting metoprolol.

ABNL ECG -
His EKG does indeed look like old inferior infarction. However, many people with this EKG will turn out never to have had infarction -- it can be a false positive. With his various risk factors it is certainly worth knowing unequivocally. I believe that his huffing and puffing dyspnea is on the basis of deconditioning and overweight with perhaps an element of asthma -- but this dyspnea is obviously another reason to proceed toward noninvasive testing.
>> echocardiogram
>> nuclear treadmill stress test off metoprolol the day of the study
>> we will get these next week and he and I will confer by telephone with the results.

OSA -
Sleep apnea diagnosed in being treated with CPAP.

HTN -
Controlled nicely

LIPIDS -
His current lipids are fine for primary prevention unless he does indeed have diabetes. With his glycohemoglobin being 7.1 it may well be that we are moving in that direction. However, he has been losing weight and his lipids are clearly already better so I do not think it would be essential at this point to treat. If his stress test comes back positive for coronary disease we would be stuck treating him to the secondary prevention guideline. Same is true if his tendency toward diabetes does not resolve. Finally, he has an elevated CRP which would be another concern in this regard.
>> would recommend rechecking CRP with lipids in three months

PREVENTION -
Weight loss is going to be his major target. His blood pressure, sleep apnea, lipids, and glucose intolerance are all related to obesity. His dyspnea is probably also related to obesity. He is working hard and succeeding so for now I think there is nothing to do but continue. Of course we also spoke about his truly heroic caffeine consumption.

Thank you very much, Alex, for asking me to participate in this patient's care. Please let me know if I have missed anything important or if my speech recognition system has encrypted portions of this letter to you.

Sincerely,

John R. Levinson, M.D. Ph.D.

Prepared by computer speech recognition - please excuse transcription errors
****

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It has removed 2 spam emails to date.
Paying users do not have this message in their emails.
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Date: 08/18/08

Re: Frank Amodeo
DOB: 09/01/60

Dr. Alexander Vuckovic.

Dear Dr. Vuckovic:

Thank you for referring Frank Amodeo. He is a patient with obstructive sleep apnea. He is a 47-year-old man who has been in the pavilion undergoing a complete evaluation for possible bipolar disease. He has been on Depakote at 3000 mg and still states that he maintains a low level. He has gained weight with the Depakote, and that may be contributing in part to his sleep apnea.

The patient has had obstructive sleep apnea diagnosed previously in Florida, and he states that he was diagnosed a year ago, September 2007 in Orlando, and he has just started using CPAP July 2008. His symptoms are excessive daytime sleepiness and loud snoring. He has no longer been able to sleep with his significant other, and that has prompted him to start using his CPAP.

Sleep History: The patient goes to bed at approximately 11 to 11:30 p.m., wakes at 6:30 to 7:30 a.m. He thinks that he sleeps 6-7 hours in bed. Before Depakote he was taking a nap for an hour on Saturday and Sunday, and since he has been using Depakote he has been napping daily.

He has a nasal pillow for his CPAP and he does sleep on his side, so a mask change to a different type of nasal pillow may be warranted. Unfortunately he did not bring any of his equipment with him.

The patient considers himself retired.

He does not have symptoms of restless legs. He will wake up in the morning feeling his legs and feet somewhat weak and painful. He also notices that when he sits for a long period of time and then it goes away with movement.

The patient rarely has a feeling of being suffocated at night. He always snores and frequently wakes up gasping for air. He will wake once a night with the need to go to the bathroom.

Epworth Sleepiness score is 13/24, and in the last 6-7 months he has had an unpleasant dry mouth in the morning.

Family History: Notes he has 2 children and 3 siblings. Mother is 64 and has had a stroke. Father is 67 and has had cancer. His children are age 22 and 18, and there is no known sleep apnea in the family.

Social History: The patient is married, has had a complicated business social situation. He does not consume ethanol or tobacco but does have 2-1/2 galloons of iced tea a day with sweetener, from a restaurant.

On exam Frank is 5 feet 6 inches tall, weighs 230 pounds. Neck is 47 cm. Blood pressure is 122/81, pulse is 71, and pulse oximetry 97% saturation. Mallampati score is III/IV. His uvula tends to sit on the back of his tongue. It folds. It is long and thick. I do not see significant tonsillar tissue, but there are prominent posterior tonsillar folds. His nose is blocked. He has used Nasonex in the past.

Medications: The patient has recently started Geodon and a different blood pressure medicine. He does not remember what, but he had been on Depakote at high dose of 3000 mg a day. He did feel that it helped, but it does not sound like he has ever been on Lamictal.

This patient has known sleep apnea. He had a polysomnogram on August 8, 2008 and it was done as a titration study as ordered, but he had some events at the lower pressures, 5 and 6 cm. At 5 cm of pressure his respiratory disturbance index was significantly elevated. It was considered 120, but that was only because it was a very short time until he went up to 6 cm. At 6 cm his respiratory disturbance index was 11.3, and he did very well at 10 cm with an index of 4.35. Snoring stopped at 10 cm, and he thinks that is what he set it at home.

Unfortunately the patient received his CPAP from Walgreens Home Care, and he has had no followup.

I suggested that the patient continue to use his CPAP at 10 cm. If he wanted to bring his machine in to check it, we would be happy to do that. He should be seen by a home care respiratory therapist when he gets back to Florida, which is his choice, and if he loses 20 or 30 pounds he might become a very good candidate for surgery. I would like to see him back any time the patient feels that it is necessary, but I understand he will be leaving in a few days.

He clearly does have sleep apnea, does benefit from CPAP and I think now is more motivated to use it regularly. He understands more about maintenance and the importance of persistence.

Thank you very much for referring this patient.

Yours sincerely,

Sandra Horowitz

Sandra Horowitz, M.D.
Tel: 617-783-1441
Fax: 617-783-1458
Sleep HealthCenters

SH/712134/2264

cc:

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CPAP Polysomnography Report

Patient Name: **Amodeo, Frank**	Patient Gender: Male	Test Date: 8/8/2008
Patient D.O.B.: 9/1/1960	Height: 65.0 In	Test Location: Framingham
Patient Age: 47	Weight: 224.0 Lb	Referring MD: Alexander Yuckovic, MD

History: The patient was diagnosed with sleep apnea by prior polysomnography. This study is performed to determine the appropriate CPAP pressure. He has been on CPAP for 6 weeks, but previous studies are not available.

Technical Summary: Attended in-laboratory recording montage included: EEG, EOG, EMG, EKG, nasal thermistor flow, nasal pressure, pharyngeal snoring, respiratory effort (2 channels), anterior tibialis EMG, SaO2 and body position. Continuous Positive Airway Pressure (CPAP) was initiated at the beginning of the study. This study was performed in accordance with the AASM scoring manual.

ALL NIGHT DATA							
Total Recording Time	419 min	WASO	12 min	Min SaO2	92.0%		
Total Sleep Time	360 min	Stage N1	5.3%	Baseline SaO2	95.0%		
Sleep Efficiency	85.8%	Stage N2	56.9%				
Sleep Latency	47 min	Stage N3	4.2%				
		Stage R	33.6%			PLM Index	0.0
		Stage R Latency	64 min			PLM arousal index	0.0

CPAP was titrated from 5 to 13 cm of water pressure. A pressure of 11-13 cm of water was most effective and was observed during supine-REM sleep. in this study he had 41 apneas and hypopneas. At 5 cm h20 pressure he had frequent events that improved by 11 cm H20 pressure.

EKG Findings: Single-lead demonstrated no clinically significant abnormalities.
EEG Findings: Three channel EEG demonstrated no seizure activity.

Further Interpretive Notes: The patient reported that sleep was worse than usual, awoke feeling awake but not alert and would be willing to wear CPAP at home. He complained of many dreams during the night and light sleep.

Diagnosis:

- Obstructive Sleep Apnea 327.23

Discussion:

- Treatment for moderate obstructive sleep apnea is often warranted even in the absence of clinical symptoms. Recommended options include positive airway pressure, custom-made oral appliances, or upper airway surgery. Regardless of treatment approach for the obstructive sleep apnea, maximization of nasal airway patency, weight loss if appropriate, and avoidance of sedatives and alcohol in proximity to bedtime are strongly encouraged.

- This study shows the effectiveness of CPAP in treating sleep-disordered breathing. Consider a trial of **CPAP at 13 cm of water** pressure during sleep with clinical follow-up to assess treatment response. It would be useful to have his pre CPAP data and to check his own CPAP for current pressure. History suggests he has a CPAP unit but has gained weight and may need an increased pressure.

Note was made of vivid dreams during the test and REM was early at 64 minutes. The may be a sign of sleep deprivation but is also noted with mood disorder and narcolepsy.

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Clinical correlation is recommended for all patients undergoing polysomnography. Caution is recommended with driving or during other activities requiring alertness for safety.

Thank you for referring this patient for a sleep study and interpretation. If you have any questions or comments, please feel free to give us a call.

Sandra Horowitz

Sandra Horowitz, M.D., FRCP(C)
Board Certified in Sleep Medicine
Medical Director, Sleep Health*Centers* at Framingham

Nutrition Consult/ McLean Pavilion Program

Name: Frank Amodeo
Date of Consult: 8/12/08

Referral Purpose: To assess current nutrition status and eating behaviors and to make recommendations to help promote healthy weight management, optimal health and normalized eating.

Summary of Consult

Frank is a 47-year old man who comes to the Pavilion for treatment and evaluation of symptoms related to Bipolar Disorder. He notes an 18lb weight gain since November due to Depakote. This was on top of the 30lbs he had gained in the 8 years prior. He attributes weight gain to sedentary lifestyle and increased focus on work accompanied by a lot of stress. However, he has been controlling portions over the past 5-6 weeks after showing signs of insulin resistance. Frank has also started walking 4 miles most days at the beginning of July and is gradually rebuilding some muscular stamina.

Frank's weight is 222lbs, 156% of ideal weight for height of 5'6". His BMI is 36 placing him in the obese category and at risk for health complications. Labs on 8/07/08 indicate Hemoglobin A1c is elevated at 7.1, but glucose was normal at 99. Lipids were not available at time of consult. Moderate weight loss of 10-15% would significantly improve blood sugar regulation and help prevent high cholesterol/ heart disease in the future. This would be a weight goal of 190-200lbs. Recommend working toward this over the course of the year and reevaluating at that point.

Frank reports that his diet until recently consisted mainly of calorie dense fast food. His eating per recent diet recall has improved some now that he is being mindful about choices. A typical day includes two eggs with cheese or an omelet, bacon and wheat toast (at a diner), a roast beef or turkey sandwich for lunch and a filet mignon, baked potato with butter and vegetables for dinner. Although this is an improvement, Frank would benefit from decreasing saturated fat and increasing intake of fruits and vegetables. It may be helpful for him to work with a dietitian who can help him strategize around making gradual dietary changes.

Frank notes a tendency to turn to high carbohydrate foods to elevate his mood. Caffeine serves this purpose as well; "it counteracts the depression". Food also offers distraction and pleasure. Frank goes on to say that he tends to snack more when anxious. He would benefit from developing some alternative coping skills and increasing awareness of physical hunger cues.

Although Frank drinks a lot of caffeinated beverages, he takes in very little other fluid, including water. He drinks 3 gallons of iced tea a day which is a decrease from the 5-6 gallons he was drinking a couple months ago. Caffeine could be contributing significantly to anxiety and it would be beneficial for him to gradually cut back and add in more water. Frank has started taking fish oil pills (6g/day). Also recommend a multivitamin and B-complex due to high level of stress.

Recommendations

- Gradual weight loss of 10-15% (190-200lbs)
- Decrease saturated fat in diet (i.e. cheese, red meat, butter)
- Increase fruit and vegetable intake

- Increase intake of lean proteins (fish, chicken, beans, tofu)
- Regular exercise 45-60 minutes a day optimally for weight loss, starting at low intensity and gradually progressing
- Continue fish oil supplement
- Add multivitamin and B-complex
- Gradually cut down on iced tea to ≤ 40oz a day and increase water/other fluids
- Work with a dietitian around weight loss
- Avoid concentrated sweets (juice, sugar, sweets)
- Good regulation of blood sugar

Amy Gleason Gardner, MS RD
Nutrition Therapist
Pavilion Program, McLean Hospital
617-855-2268

McLEAN HOSPITAL
PROGRESS NOTES

Page 1

No. Name Brandi Amodeo.
47 Pavilion

8/11/08

PMH/ ↑BP dx 5/08
asthma, longstanding (20's) - never hosps.
uses albut inhaler prn.
sleep apnea - uses CPAP x 1 mo.
adv surg at newborn ? type.

Allerg/ no.

ROS/ LOC - no. SZ ⊖ H/A c allerg season.
Eyes - myopic - dry glasses. Ears -
sinus probs c allergies. Teeth -
Thy ⊖ CV fast. irreg heartbeat - recent
ETT(?) - "clean bill of health". Pulm ⊖.
GI appt no good sx GERD. Hep ⊖
Bowels ⊖ GU ⊖ Wt ↑ 10 lbs on Depakote.
STD ⊖ Back - Musk ⊖ Heel pain

SH/ ↑ cig no ETOH ⊖ IVDA ⊖ Tooth 16 fudged/
x 11 yrs - stopped '00. Caffeine 2-3 gal
ice tea/d (Equal). Exercise walk 2-3 mi/d
recently, nothing before. "Turnaround" work
separated. 1 dau. ↑ pets.

FH/ 3 sibs - 1 bro; "developmental probs"
M CVA ↑BP. Wife ↑ A1c
F Ca esoph remiss x 11 yrs
1 dau A&W

meds/ Depakote, Zyprexa x 2 → d
Zith dcl x 3 d, metoprolol. FASO.
200 ↑

McLEAN HOSPITAL
PROGRESS NOTES

No. Name Fraude Amodeo

8/11/08 MEF

150/88. 225 1/2 lbs 5'6" p 72 reg
↳ later 155/90 (A) 9 BMI = 36 (obese)
pleasant obese wm.
HEENT Fonn Discs flat Mouth - Neck -
Chest clear Heart reg tones Abd
protuberant NT surg scar RUQ. Back -
Organs palp: GU normal. Ext nl/cl/e
pedal pulses 2+=. (N) handed. CN 2→12 -
ATNs nl Romb - Gait nl Strength LE nl.
Speech clear articulate appropriate.

Imp/
(1) Obesity / ↑BP - BP not under adequate
control. Sugg ↓ fx lactofol + follow.
needs aggressive wt loss.
(2) Abn EKG → ?EMI, under. age. Pt says had
cardiac imaging recently - please get
record. Before embarking on vigorous
exercise program, need clarification of
cardiac status. Add NTG SL q /d.
(3) Heel pain - leg weakness. No evidence of
the latter. ? mild plantar fasciitis.
May benefit by heel stretches.
? podiatry consult → Sugg Dr Hester
at Pro Sports Ortho (787 487 9444).

Dictated by Millspaugh MD

NORTH SHORE MEDICAL CENTER LABORATORIES Page 1

Salem Hospital Laboratory
81 Highland Ave
Salem, MA 01970
(978)741-1215 Ext. 4134

Union Hospital Laboratory
500 Lynnfield St
Lynn, MA 01904
(781)581-9200 Ext 3456

***** LABORATORY REPORT *****

Patient: AMODEO,FRANK
Unit # : 10226283 Loc: MCLNPAV Copy To Phys: VUCKOVIC,ALEXANDER
Acct # : 001046797880 Sex: M
DOB : 09/01/1960 Age: 47Y
Phone #: 617-855-2000 Printed: 08/07/2008 at 06:31

TEST	ABN	RESULT	NORMALS	UNITS	
08/06/2008 at 12:30			Ordering Physician: VUCKOVIC,ALEXANDER		
URINE DRUG SCREEN					
AMPHETAMINES (U)		NEG	[NEG]		NS
BARBITURATE (U)		NEG	[NEG]		NS
BENZODIAZEPINES(U)		NEG	[NEG]		NS
CANNABINOIDS(U)		NEG	[NEG]		NS
COCAINE METAB (U)		NEG	[NEG]		NS
OPIATES (U)		NEG	[NEG]		NS
DAU COMMENT		Please Note: Unconfirmed positive screening results should not be used for non-medical purposes. Confirmation may be performed at physician's request.			NS
ETHANOL (U)		NEG	[NEG]		
MACROSCOPIC UA					
COLOR UA		NORMAL	[NORM]		NS
CHARACTER UA		CLEAR	[CLEAR]		NS
SPECIFIC GRAVITY UA		1.019	[1.003-1.030]		NS
PH UA		6.0	[5.5-6.5]		NS
PROTEIN UA		NEG	[NEG]		NS
GLUCOSE UA		NEG	[NEG]		NS
KETONES UA		NEG	[NEG]		NS
BILIRUBIN UA		NEG	[NEG]		NS
BLOOD UA		NEG	[NEG]		NS
UROBILINOGEN UA		0.2	[0.2-1.0]	MG/DL	NS
LEUKOCYTES UA		NEG	[NEG]		NS
NITRITE UA		NEG	[NEG]		NS

{NS} = Processed and/or performed at NSMC, 81 Highland Ave, Salem, MA

NORTH SHORE MEDICAL CENTER LABORATORIES Page 1

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Lynn, MA 01904
(781)581-9200 Ext 3456

***** LABORATORY REPORT *****

Patient: AMODEO,FRANK
Unit # : 10226283 Loc: MCLNPAV Copy To Phys: VUCKOVIC,ALEXANDER
Acct # : 001046816771 Sex: M
DOB : 09/01/1960 Age: 47Y
Phone #: 617-855-3574 Printed: 08/08/2008 at 06:30

TEST	ABN	RESULT	NORMALS	UNITS	
08/07/2008 at 08:00			Ordering Physician: VUCKOVIC,ALEXANDER		
COMPLETE BLOOD COUNT					
WBC		10.20	[4.0-11.0]	K/uL	NS
RBC		4.66	[4.60-6.20]	M/uL	NS
HGB		14.1	[14.0-18.0]	G/DL	NS
HCT		40.8	[40.0-54.0]	%	NS
MCV		87.5	[81.0-99.0]	FL	NS
MCH		30.3	[27.0-31.0]	PG	NS
MCHC		34.7	[32.0-36.0]	G/DL	NS
PLATELET		204	[150-450]	K/uL	NS
RDW-CV		14.2	[11.0-16.0]	%	NS
DIFFERENTIAL					
NEUTROPHIL	L	47.6	[54.0-62.0]	%	NS
LYMPHOCYTE	H	41.3	[25.0-33.0]	%	NS
MONOCYTE	H	8.5	[3.0-7.0]	%	NS
EOSINOPHIL		2.0	[0.0-3.0]	%	NS
BASOPHIL		0.6	[0.0-1.0]	%	NS
ABS NEUT COUNT		4.80	[1.8-7.0]	K/UL	NS
COMP METAB PANEL					
SODIUM		141	[135-146]	MEQ/L	NS
POTASSIUM		4.3	[3.6-5.0]	MEQ/L	NS
CHLORIDE		100	[100-110]	MEQ/L	NS
CARBON DIOXIDE		28	[20-29]	MEQ/L	NS
ANION GAP		13	[8-16]	meq/L	NS
GLUCOSE		99	[65-99]	MG/DL	NS
BUN		18	[5-21]	MG/DL	NS
CREATININE		1.2 New IDMS standardization method as of 7/14/08.	[0.6-1.2]	MG/DL	NS
GFR_x1.2 IF AFR		>60	[60-128]	ml/min/1.7	NS
TOTAL PROTEIN		6.5	[6.1-8.3]	G/DL	NS
ALBUMIN		3.7	[3.3-4.8]	G/DL	NS
CALCIUM		9.0	[8.9-10.3]	MG/DL	NS
BILIRUBIN,TOTAL		0.5	[0.4-1.2]	MG/DL	NS
ALK PHOS		68	[0-100]	U/L	NS
ALT	H	41	[0-35]	IU/L	NS
AST		25	[0-46]	U/L	NS
LIPID PANEL					
CHOLESTEROL		191	[0-200]	MG/DL	NS

NORTH SHORE MEDICAL CENTER LABORATORIES

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Union Hospital Laboratory
500 Lynnfield St
Lynn, MA 01904
(781)581-9200 Ext 3456

***** LABORATORY REPORT *****

Patient: AMODEO,FRANK
Unit # : 10226283 Loc: MCLNPAV Copy To Phys: VUCKOVIC,ALEXANDER
Acct # : 001046816771 Sex: M
DOB : 09/01/1960 Age: 47Y
Phone #: 617-855-3574 Printed: 08/12/2008 at 06:30

TEST	ABN	RESULT	NORMALS	UNITS	
08/07/2008 at 08:00			Ordering Physician: VUCKOVIC,ALEXANDER		
LIPID PANEL		(CONTINUED)			
TRIGLYCERIDE		176	[0-250]	MG/DL	NS
HDL		43	[>39]	MG/DL	NS
CHOL/HDL		4.4	[<5]		NS
LDL		113	[40-130]	MG/DL	NS
NON HDL CHOL		148.0		MG/DL	NS
DEPAKENE		87	[50-100]	UG/ML	
CORTISOL AM		15.8	[7.0-18.0]	UG/DL	
PROLACTIN				NG/ML	
		19	REFERENCE RANGE: (NG/ML) MALE: 3-13 FEMALE: PRE-MENOPAUSAL: 3-27 POST-MENOPAUSAL: 3-20		
TSH		2.42	[0.34-5.00]	MIU/ML	
B12			[180-914]	PG/ML	
		716	REFERENCE RANGE: (pg/ml) NORMAL: 180-914 INDETERMINATE: 145-179 DEFICIENT: <145		
FOLIC ACID					
		8.8	REFERENCE RANGE: (ng/ml) NORMAL: >3.0 INDETERMINATE: 2.5-3.0 DEFICIENT: <2.5		
HEMOGLOBIN A1C	H	7.1	[4.5-6.5]	%	
HOMOCYSTEINE (S/P)	H	10.2	[<10]	UMOL/L	
FREE TESTOSTERONE					
TESTOSTERONE	L	138	[240-950]	ng/dL	MC
FREE TESTOSTERONE	L	7.5	[9-30]	ng/dL	MC
METHYLMALONIC ACID					
METHYLMALONIC		0.14	[0-0.40]	umol/L	
		Reference range: <= 0.40			
CRP		NON-REACTIVE	[NR]		
CARDIO CRP					

NORTH SHORE MEDICAL CENTER LABORATORIES Page 3

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(978)741-1215 Ext 4134

Union Hospital Laboratory
500 Lynnfield St
Lynn, MA 01904
(781)581-9200 Ext 3456

***** LABORATORY REPORT *****

Patient: AMODEO,FRANK
Unit # : 10226283 Loc: MCLNPAV Copy To Phys: VUCKOVIC,ALEXANDER
Acct # : 001046816771 Sex: M
DOB : 09/01/1960 Age: 47Y
Phone #: 617-855-3574 Printed: 08/12/2008 at 06:30

TEST	ABN	RESULT	NORMALS	UNITS

08/07/2008 at 08:00 Ordering Physician: VUCKOVIC,ALEXANDER

CARDIO CRP (CONTINUED)

CARDIO CRP	H		[0.00-0.30]	MG/DL

0.572 Relative Risk (Cardiac)
Low: <0.10 mg/dl
Average: 0.10- 0.30 mg/dl
High: >0.30 mg/dl
PERFORMED AT:
NORTH SHORE MEDICAL CENTER
500 LYNNFIELD STREET
LYNN, MA 01904

{MC} = Processed and/or performed at Mayo Clinic, Rochester, MN.
{NS} = Processed and/or performed at NSMC, 81 Highland Ave, Salem, MA
{UH} = Processed and/or performed at Union Hosp., 500 Lynnfield St, Lynn, MA

NORTH SHORE MEDICAL CENTER LABORATORIES Page 1

Salem Hospital Laboratory
81 Highland Ave
Salem, MA 01970
(978)741-1215 Ext 4134

Union Hospital Laboratory
500 Lynnfield St
Lynn, MA 01904
(781)581-9200 Ext 3456

***** LABORATORY REPORT *****

Patient: AMODEO,FRANK
Unit # : 10226283 Loc: MCLNPAV Copy To Phys: MCLEAN,NON-STAFF
Acct # : 001046899736 Sex: M
DOB : 09/01/1960 Age: 47Y
Phone #: 617-855-3574 Printed: 08/13/2008 at 14:05

TEST	ABN	RESULT	NORMALS	UNITS	
08/12/2008 at 08:00			Ordering Physician: MCLEAN,NON-STAFF		
LIVER PANEL					
TOTAL PROTEIN		6.8	[6.1-8.3]	G/DL	NS
ALBUMIN		3.6	[3.3-4.8]	G/DL	NS
BILIRUBIN,TOTAL		0.4	[0.4-1.2]	MG/DL	NS
DIRECT BILI		0.0	[0.0-0.2]	MG/DL	NS
ALK PHOS		53	[0-100]	U/L	NS
ALT	H	45	[0-35]	IU/L	NS
AST		25	[0-46]	U/L	NS
DEPAKENE		73	[50-100]	UG/ML	
FREE T4					
FT4		0.6	[0.6-1.6]	NG/DL	
PROLACTIN				NG/ML	
		24	REFERENCE RANGE: (NG/ML)		
			MALE: 3-13		
			FEMALE:		
			PRE-MENOPAUSAL: 3-27		
			POST-MENOPAUSAL: 3-20		
PSA		1.3	[0.0-4.0]	NG/ML	
TOTAL T3		108	[87-178]	NG/DL	
ANTI-HAV		NEG	[NEG]		
ANTI HBC		NEG	[NEG]		
HBSAB		NEG	[NEG]		
HBSAG		NEG	[NEG]		
HEP C ANTIBODY		NEG	[NEG]		
SEX HORM. BIND. GLOB					
SHBG		6.9		nmol/L	
		Reference range: 10 to 60			

{NE} = Test performed by Mayo Medical Laboratories New England,Wilmington,MA
{NS} = Processed and/or performed at NSMC, 81 Highland Ave, Salem, MA

NORTH SHORE MEDICAL CENTER LABORATORIES Page 1

Salem Hospital Laboratory
81 Highland Ave
Salem, MA 01970
(978)741-1215 Ext 4134

Union Hospital Laboratory
500 Lynnfield St
Lynn, MA 01904
(781)581-9200 Ext 3456

***** LABORATORY REPORT *****

Patient: AMODEO,FRANK
Unit # : 10226283 Loc: MCLNPAV Copy To Phys: MCLEAN,NON-STAFF
Acct # : 001046975031 Sex: M
DOB : 09/01/1960 Age: 47Y
Phone #: 617-855-3574 Printed: 08/15/2008 at 16:00

TEST	ABN	RESULT	NORMALS	UNITS
08/15/2008 at 08:00		Ordering Physician: MCLEAN,NON-STAFF		
DEPAKENE		83	[50-100]	UG/ML

{NS} = Processed and/or performed at NSMC, 81 Highland Ave, Salem, MA

NORTH SHORE MEDICAL CENTER LABORATORIES Page 1

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81 Highland Ave
Salem, MA 01970
(978)741-1215 Ext 4134

Union Hospital Laboratory
500 Lynnfield St
Lynn, MA 01904
(781)581-9200 Ext 3456

***** LABORATORY REPORT *****

Patient: AMODEO,FRANK
Unit # : 10226283 Loc: MCLNPAV Copy To Phys: MCLEAN,NON-STAFF
Acct # : 001047008592 Sex: M
DOB : 09/01/1960 Age: 47Y
Phone #: 617-855-3574 Printed: 08/19/2008 at 06:30

TEST	ABN	RESULT	NORMALS	UNITS
08/17/2008 at 21:30		Ordering Physician: MCLEAN,NON-STAFF		
URINE DRUG SCREEN				
AMPHETAMINES (U)		NEG	[NEG]	NS
BARBITURATE (U)		NEG	[NEG]	NS
BENZODIAZEPINES(U)		NEG	[NEG]	NS
CANNABINOIDS(U)		NEG	[NEG]	NS
COCAINE METAB (U)		NEG	[NEG]	NS
OPIATES (U)		NEG	[NEG]	NS
DAU COMMENT		Please Note: Unconfirmed positive screening results should not be used for non-medical purposes. Confirmation may be performed at physician's request.		NS
ETHANOL (U)		NEG	[NEG]	

{NS} = Processed and/or performed at NSMC, 81 Highland Ave, Salem, MA

NORTH SHORE MEDICAL CENTER LABORATORIES Page 1

Salem Hospital Laboratory
81 Highland Ave
Salem, MA 01970
(978)741-1215 Ext 4134

Union Hospital Laboratory
500 Lynnfield St
Lynn, MA 01904
(781)581-9200 Ext 3456

***** LABORATORY REPORT *****

Patient: AMODEO,FRANK
Unit # : 10226283 Loc: MCLNPAV Copy To Phys: VUCKOVIC,ALEXANDER
Acct # : 001047032857 Sex: M
DOB : 09/01/1960 Age: 47Y
Phone #: 617-855-3574 Printed: 08/19/2008 at 16:00

TEST	ABN	RESULT	NORMALS	UNITS
08/19/2008 at 08:00		Ordering Physician: VUCKOVIC,ALEXANDER		
DEPAKENE		73	[50-100]	UG/ML

{NS} = Processed and/or performed at NSMC, 81 Highland Ave, Salem, MA

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA

v.

Case No. 6:08-cr-176-Orl-28GJK

FRANK L. AMODEO

NOTICE REGARDING POSSIBLE CONFLICT OF INTEREST BY DEFENSE COUNSEL

The United States of America, by A. Brian Albritton, United States Attorney for the Middle District of Florida, hereby files this notice that prior to the beginning of the sentencing on May 12, 2009, the United States will raise with this Court a possible conflict of interest on the part of Harrison T. Slaughter, Jr., Esq., that was previously undisclosed to the United States.

Mr. Slaughter has been representing defendant Amodeo in this prosecution since the investigatory phase. An allegation in the Superseding Indictment and a fact to which defendant Amodeo plead guilty was that, on or about August 29, 2006, defendant Amodeo and members of the conspiracy met to conduct a "mock deposition" of defendant Amodeo to prepare him for a meeting with Internal Revenue Service revenue officers. Those allegations were at the heart of the conspiracy count (Count One) as it related to the obstruction of justice (and the obstruction of justice count originally charged [Count Twenty-Seven]).

Until defendant Amodeo's one hundred twenty page Sentencing Memorandum was filed on May 4, 2009, the United States had no knowledge that Mr. Slaughter was

present at that meeting and, therefore, a possible witness.[1] During the literally dozens of meetings with defendant Amodeo and Mr. Slaughter, including multiple meetings in which the "mock deposition" was discussed, neither defendant Amodeo nor Mr. Slaughter advised the United States of Mr. Slaughter's presence at that "mock deposition."

This very recent revelation now raises the issue whether Mr. Slaughter had a conflict of interest in representing defendant Amodeo, and whether defendant Amodeo is willing to waive any such conflict. As such, even though the United States is not seeking Mr. Slaughter's withdrawal as counsel, the United States will request that this Court before proceeding with the sentencing inquire as to whether defendant Amodeo is willing to waive any possible conflict of interest. The United States believes that such an inquiry must be made and that defendant Amodeo waive any possible conflict of interest before proceeding to sentencing.

Respectfully submitted,

A. BRIAN ALBRITTON
United States Attorney

By: *s/ I. Randall Gold*
Assistant United States Attorney
Deputy Chief, Orlando Division
Florida Bar Number 0268062
501 West Church Street, Suite 300
Orlando, Florida 32805
Telephone: (407) 648-7500
Facsimile: (407) 648-7643
E-mail: randy.gold@usdoj.gov

[1] This issue may have been raised in an early draft of the Sentencing Memorandum provided by defense counsel, but the draft was so unwieldy that the United States missed the reference.

U.S. v. FRANK L. AMODEO **Case No. 6:08-cr-176-Orl-28GJK**

CERTIFICATE OF SERVICE

I hereby certify that on May 8, 2009, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

Kenton Sands, Esq.

Harrison T. Slaughter, Jr., Esq.

I hereby certify that on May 8, 2009, a true and correct copy of the foregoing document and the notice of electronic filing was sent by U.S. Mail to the following non-CM/ECF participant(s):

N/A

s/ I. Randall Gold
Assistant United States Attorney
Deputy Chief, Orlando Division
Florida Bar Number 0268062
501 West Church Street, Suite 300
Orlando, Florida 32805
Telephone: (407) 648-7500
Facsimile: (407) 648-7643
E-mail: randy.gold@usdoj.gov

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs. Case No. 6:08-CR-176-ORL-28

FRANK AMODEO,

Defendant.

MAY 12, 2009

Transcript of Proceedings
HEARING ON SENTENCING
Day 1

Before The Honorable JOHN ANTOON II
United States District Judge

APPEARANCES:

For the Plaintiff: Randy Gold
Anita Cream
Assistant U.S. Attorneys
501 W. Church Street, Suite 300
Orlando, FL 32805

For the Defendant: Harrison T. Slaughter
Orlando, FL 32801

Kenton V. Sands
Daytona Beach, FL 32114

Proceedings recorded by mechanical stenography, transcript produced with computer-aided transcription.

P R O C E E D I N G S

(CASE CALLED.)

THE DEPUTY CLERK: Counsel, please state your appearances for the record.

MR. GOLD: Good morning, Your Honor. On behalf of the United States, Randy Gold. Seated with me at counsel table is Richard Smith, special agent from the IRS, and Anita Cream, Assistant U.S. Attorney.

MS. CREAM: Good morning, Your Honor.

MR. SLAUGHTER: Good morning, Your Honor. Harrison Slaughter on behalf of Frank Amodeo who is seated to the right of me, and Kent Sands who is seated behind me.

THE COURT: The first order of business I suppose is the notice regarding possible conflict of interest by defense counsel which is document 101 in my file and 103 which is the response filed by Mr. Slaughter. When I say it's the first order of business, of course an issue in this case all along has been the competence of the defendant, so the government's suggestion is that I make inquiry of the defendant regarding a possible conflict and waiver of that conflict, and I think before I do that I need to hear again from counsel regarding the competence of the defendant, particularly his capacity to waive conflict if one did exist.

MR. SLAUGHTER: Your Honor, in response to their motion, I have two exhibits, one where we turned over the

sign-in sheet showing my name at that, quote, mock trial, both handwritten and typed.

THE COURT: Mr. Slaughter, let me interrupt you for one second. I saw that conflict in their motion and your response, and I don't think that the real issue is their notice. I'm going to take you at your word that there's not a notice issue.

MR. SLAUGHTER: Can I then say one or two other things?

THE COURT: Okay. If you want to make the record clear, go ahead, but my concern more is whether there actually is some sort of conflict, and the obvious reason for my interest in that is that I want this record to be clear and not have to deal with this issue four or five years down the road.

MR. SLAUGHTER: And so do I.

I was hired by Mr. Amodeo to help him get his license back in the summer of '06, his license in Georgia.

THE COURT: This is license to practice law?

MR. SLAUGHTER: Yes, sir. I didn't even know what companies he owned. I didn't know what Mirabilis was. I didn't even know what a PEO was. I was asked to come to this presentation. I sat in the presentation and I'm hearing words like PEO for the first time in my life. I still didn't know what they were. I don't know if I was there for the

whole time, but I left.

And then maybe two months later he asked me to help him find counsel to help negotiate with the IRS with an eye towards maybe getting a former IRS commissioner, and I think he and I went to Washington, D.C. and we went down south and we retained some lawyers down south and didn't retain some lawyers in Washington. However, before I left, in the back of my mind I'm thinking what was this videotaped under oath statement. So with some effort I got the transcript and I read it. And I read it again. And then I turned it over to Paul Hawkins, who was 31 years with the IRS as a criminal investigator, and he read it. And he says, he confirmed what I'm thinking, that there's a massive theft going on. So we started asking for documents. And then we literally confronted Mr. Amodeo, and, you know, he within I guess about five or six weeks we were in discussions with the U.S. Attorney to cooperate and enter a plea.

So that's what I knew about that meeting. I didn't participate in any of the conversations with any of the internal people. I just sat there and watched and there were probably 20 people in there that didn't know what they were even watching. And that's it.

But the fact that I was there, I certainly never hid it from the government. I'm on the video, and Mr. Amodeo's record is that he made no secret that I was there.

And I have the exhibits to show that these things were turned over to the government indicating that, in fact, I was there.

THE COURT: Bring me up to date regarding your client's psychiatric care and his present level of capacity to proceed.

MR. SLAUGHTER: Yesterday he talked to his primary therapist who is Dr. Peter Choras who is a psychoanalyst and he's been working with Mr. Amodeo, and Jeffrey Danziger is in the courtroom today. The therapist told Mr. Amodeo that before he makes a decision on any kind of waiver, he needs to take time and get a third lawyer to advise him whether or not there's a conflict, and in other words he said slow down and make the right decision. And we have Dr. Danziger in here and we can give you some testimony on that.

Do I think he's competent today? Yes, I do. But I am not going to give him advice on whether to waive it nor do I think Mr. Sands is because we participated in the plea bargain, I participated in the plea bargain and the change of plea, so I don't think I should be giving him advice on to whether or not he should waive it to have a clear record.

THE COURT: Well, does the government at this point believe that there is a conflict?

MR. GOLD: Not necessarily. But I felt it was the sort of thing that needed to be brought to the attention

of this court so that we don't four or five years down the road have to face this issue.

THE COURT: You just heard what Mr. Slaughter said, Mr. Gold, regarding the events leading up to the filing of this notice. Do you disagree with anything that he said?

MR. GOLD: Well, let me just supplement very briefly. First of all, as of July 17, 2006, Mr. Slaughter had also entered a notice of appearance in the bankruptcy court relating to one of Mr. Amodeo's corporations called Community Health Solutions of America where he represented Mr. Amodeo in that proceeding.

Now, in terms of the notice issue, we've reviewed maybe three million documents. We've got 20,000 hours of videotape. I'm not saying that they did not provide that. Okay. What I am saying is that when we received the sentencing memo and went through the final draft this time, that's when Mr. Smith, Steve McCabe, also an IRS special agent, and myself noticed it, and we immediately felt we had to bring it to the attention of the court.

There were enough other witnesses at that deposition that I can't imagine that I would have called Mr. Slaughter as a witness, and if there is no actual conflict I don't think we need a waiver and we can proceed. But I felt that it was important --

THE COURT: Well, there are two possible ways

there could be a conflict, I think. You can tell me your thoughts on this. One would be that you would call him as a witness, and the other -- which you're telling me is not an issue. You see no reason that you would be calling him as a witness. And the other possibility, of course, is that he would be a potential witness for Mr. Amodeo and would be giving testimony or would not be giving testimony, even though he had testimony to give. And I have to rely, I think, on what Mr. Slaughter tells me in that regard.

MR. GOLD: One thing I can tell you is we've had numerous discussions with Mr. Slaughter and Mr. Amodeo. We, in discussing this August 2006 mock deposition or whatever you want to call it, we specifically asked Mr. Amodeo, you know, who was there. He didn't say anything about Mr. Slaughter. Mr. Slaughter never piped up and said by the way, I was there too and I've already given you the stuff. That never happened.

Now, whether Mr. Amodeo would have called him as a witness with 20 or 30 other people there, I don't know that that would have ever happened as well. But I know, based on what I know now, I would not have called Mr. Slaughter as a witness.

THE COURT: Okay. Mr. Sands.

MR. SANDS: Could I be heard for just a moment, Your Honor?

THE COURT: Yes, sir.

MR. SLAUGHTER: I was just going to address one of the facts that -- I wouldn't have known to get the transcript had I not been there, and I certainly wouldn't have hidden the fact to them because I could care less whether they knew I was there because I was the one that was bringing him in to cooperate. But as it relates to being a witness for him, that's why Mr. Sands, when it became clear that he was indicted, I brought Mr. Sands and Brian Phillips in because of the potential that I would be a witness because Paul Hawkins and I were the first lawyers that told him that what they were doing was a crime. So the point I was thinking, I could very easily be a witness on his behalf and I told him, I think sometime on January 6 or 7, and it took us a while to convince him, but within a day or so he got the message. But that's the other issue here is that we were the ones that told him, hey, what you're doing wrong is, you know, a massive federal crime. And granted there was another witness with me, Paul Hawkins, but I just wanted to put that on the record. And I think Mr. Gold would agree that I'm the one that brought him in and told him that he was committing a crime. That specifically told him this is a crime.

MR. SANDS: I would just like to add to the record, Your Honor, that I also placed this information in the original draft of the sentencing memorandum which I

provided to the government back in March, basically exactly the same language as you see in the current draft of the sentencing memorandum, so I'm kind of flabbergasted that we're having this discussion now.

The problem I have, again, I've talked to Mr. Amodeo about it and given, I don't think that I can provide conflict counsel to him any more than Mr. Slaughter can given the fact that I was brought in by Mr. Slaughter. Although I did not appear at the change of plea hearing, I had been working with him before that. But my concern right now is that we just heard about this on Friday. Dr. Choras is telling Mr. Amodeo you cannot make snap decisions. Mr. Amodeo also is finding out, actually found out yesterday that apparently the government is not making a substantial assistance recommendation. We're in a situation where in the space of just the last few days the case has been completely turned upside down, and I have a client who a doctor from Harvard is telling us is, you know, not in a position, even medicated be in a position where he's competent to be able to make decisions like that on the fly, and I don't know why we should be in this position.

One of the reasons that I wrote that sentencing memorandum was to try to flesh out any potential issues and try to reach resolution on as many issues as we could possibly reach. And we actually have made strides in that

direction, or we had until Friday. And the apple cart has been completely upset by this. And I'm in a situation where Mr. Amodeo is telling me he wants to talk to conflict counsel, I think somebody who used to be with the Florida Bar, and I'm too close to be able to give him independent advice. Even though I just came into this in the latter stages, I didn't have any part back during the mock deposition or anything like that. I actually was just involved in this case within the last eight months. But I have real concerns right now that I'm being pushed into a situation which is problematic both now and maybe in the future in terms of looking back on this. Particularly given, I cannot provide, I don't think -- I'm concerned about being able to provide counsel to him on this issue given my historical involvement in the case.

THE COURT: What happened with Mr. Phillips? You say he was brought in early on?

MR. SANDS: He was actually -- Mr. Slaughter can address that, I think, better than I can. He was involved before I was, but Mr. Slaughter's absolutely correct that Mr. Phillips and I were in the fall, late summer, early fall of last year, brought in potentially to be able to actually take the case to trial if that ended up being necessary in contemplation of the fact that Mr. Slaughter might potentially be a witness. Now, that didn't end up coming to

pass.

THE COURT: Okay. You add an additional ingredient to this issue and that is that Mr. Amodeo is saying he wants to talk to an attorney regarding the issue of conflict that's been raised by the government?

MR. SANDS: That's what I wanted to convey to the court, yes. That is what Mr. Amodeo has conveyed to me.

MR. SLAUGHTER: Your Honor, obviously when Mr. Sands puts in the dates and says clearly that I was at the mock deposition, I never made any, hid it from anybody.

THE COURT: Let me tell you, Mr. Slaughter, once again. I am accepting your representations in that regard. The government's not challenging them. I don't know why the government didn't find out about it earlier. Mr. Gold attributes that to merely having such --

MR. SLAUGHTER: I'd say massive.

THE COURT: -- a huge number of documents that they were going through and says that it didn't, the light bulb didn't light up until he was reviewing the memo.

MR. SLAUGHTER: Theoretically we were going to start the sentencing on Monday. I didn't even learn of the motion, Randy called and told me, I said do what you have to do. I didn't see it until Monday morning because my computer for whatever reason was out this weekend. But to do it on the eve of the sentencing, I'm just looking at Frank and

saying I am not going to give you advice in this because that's just doubling --

THE COURT: I understand that.

If the issue were merely raised by the government and I accepted the facts as represented in the response to that memo, it would be possible for me to merely say there is no conflict and we go on from there. Now I've got an additional problem and that is that in response to the notice that was filed by the government, the defendant is saying that he wants to talk to somebody about a conflict. That's problematic, I believe.

Does the government wish to respond with regard to that issue, simply the fact that the government has raised a potential conflict and now, with counsel, with Mr. Slaughter. Mr. Sands, I agree, is colored by the same brush. And at this point it seems that I should give Mr. Amodeo the opportunity to talk to another lawyer. Does the government agree?

MR. GOLD: May I have a second, Your Honor?

THE COURT: Yes.

MR. GOLD: Your Honor, part of the problem I have agreeing with letting him talk to waiver counsel is obviously Mr. Slaughter and Mr. Amodeo have been aware of this from the very beginning. At no time was this raised in terms of the plea or any other proceeding where Mr. Amodeo or Mr.

Slaughter felt it was important to bring it to the attention of the court. We've gone all this way since the indictment, and if Mr. Slaughter and Mr. Amodeo thought it was an issue, you know, they've said that we should have raised it as late as March, but the point is even at the time of the plea, Mr. Amodeo, who is a former lawyer although disbarred, he was certainly aware of the issue. Mr. Slaughter was aware of the issue. And yet they obviously -- I think what they're trying to do now or what Mr. Amodeo, and I'm not imputing anything bad to either counsel, but I think what's happening here is now that Mr. Amodeo sees a way to maybe push back the sentencing a little bit, now he's raising it for the first time where he's never ever addressed this with any court or us before about a conflict with Mr. Slaughter.

MR. SANDS: May I respond, Your Honor?

The problem is that the government has suggested the conflict and what advice we have given him in the past with regard to whether there is or is not a conflict is irrelevant at this point. The government has suggested the conflict. And what Mr. Amodeo is telling me is he wants to talk to another attorney who would be conflict free about it. So the conversations that may or may not have occurred in the past between counsel and Mr. Amodeo are, unfortunately from our perspective, irrelevant at this point.

MR. SLAUGHTER: And again, I repeat, I must have

told Mr. Gold 20 times that I told Frank what he was doing was wrong, that he was committing a crime. He's known that from the first day that we came in to cooperate.

MR. GOLD: That's correct. But I was never told that he thought he was a possible witness.

MR. SLAUGHTER: I mean if you're getting down to whether there's going to be a trial, but there was a plea. I didn't see a reason to have to have a waiver at that plea when he enters into the plea.

THE COURT: It appears to this court that the facts surrounding this mock deposition years ago were known to Mr. Slaughter and Mr. Amodeo from the very beginning and I'm confident that Mr. Sands was made aware of them as soon as he was brought into the case as well. The concern the court would have regarding Mr. Slaughter's involvement in that deposition have largely been allayed by his representations to the court, which the court accepts. He's an officer of this court and I have no reason not to believe what he has said here today. And I don't think the government does either.

The concern that I would have would be a situation where Mr. Slaughter would feel compelled or Mr. Amodeo would feel compelled to have Mr. Slaughter testify during a trial before a jury vouching for the defendant's credibility. I don't know what is on Mr. Amodeo's mind that

he now wants to talk to somebody about a potential conflict, talk with a lawyer regarding the possible conflict, which apparently is merely in response to the government's notice, but I'm not going to delay these proceedings. We're going to start them. I have spent a lot of time reading filings made by Mr. Sands and Mr. Slaughter. The issues have been framed. An agreement has been entered into. I will, however, allow Mr. Amodeo to talk to whoever he wants. He's got that right. I'm not allowing him, he's got a right to talk to anybody else in the meantime.

If he talks with another lawyer, perhaps that could be Mr. Phillips, I don't know, but if he talks to somebody else, because we're not going to finish today obviously, and that person, that lawyer believes there is reason for me to have a hearing, I will conduct a hearing to determine whether there is a conflict.

Now, typically the way I handle, as counsel's aware, the way I handle sentencing, I think the way most district judge's handle sentencings is to merely start off with the presentence report and ask whether there are problems with it, but there are so many issues raised that I think that I'll proceed with allowing counsel just to be heard on those issues without now engaging in the formality of starting the standard colloquy. And those issues are raised primarily by defense counsel, so I will let you all

proceed.

MR. SANDS: May I have just a moment, Your Honor?

THE COURT: Yes, sir.

(DISCUSSION OFF THE RECORD.)

MR. SANDS: Your Honor, before we get to that, Mr. Amodeo has indicated to me that he wishes to bring some additional facts to the attention of the court with regard to this conflict issue. I think that it's better obviously for the court to hear that now than for the issue to have to be addressed at a later point in time. I believe it would require a direct representation to the court by Mr. Amodeo.

THE COURT: Do you understand, Mr. Amodeo, that I said that I would give you an opportunity to talk to someone and present any argument, and for that matter evidence that you might have regarding the existence of a conflict?

THE DEFENDANT: Yes, Your Honor, I do.

THE COURT: And you want to make things known to me now regarding that issue?

THE DEFENDANT: I do, sir. It's just time.

(DISCUSSION OFF THE RECORD.)

THE COURT: Is that what you want to do?

THE DEFENDANT: Yes, Your Honor. Mr. Slaughter was reminding me that the tendency of my disorder is to be impulsive and that may, that it may be better for me to wait a moment before I make the kind of snap decisions I tend to

make when I'm in this state of the mental condition. But I do want to let the court know that the conflict is not just the mock deposition, it extends back afterwards considerably through the investigation. There are other issues of conflict that I wish to discuss. That's why I needed to speak to counsel, not just because of this event, although I heard Mr. Slaughter tell --

THE COURT: Let me ask Mr. Slaughter a question. Mr. Slaughter, you have Dr. Danziger here, right?

MR. SLAUGHTER: Right there.

THE COURT: Was he going to be your first witness?

MR. SLAUGHTER: Yes.

THE COURT: Do you agree, Mr. Amodeo, that Mr. Danziger give testimony at least to get this hearing under way?

THE DEFENDANT: Yes, sir. I can see no problem with that. Yes, sir.

THE COURT: You may proceed, Mr. Slaughter.

MR. SLAUGHTER: Jeffrey Danziger.

Whereupon:

JEFFREY A. DANZIGER,

called as a witness, having been first duly sworn according to law, testified as follows:

DIRECT EXAMINATION

BY MR. SLAUGHTER:

Q. Dr. Danziger, give us your full name, please, and spell your last name, slowly?

A. Jeffrey A. Danziger. D A N Z I G E R.

Q. And what do you do for a living?

A. I am a psychiatrist.

Q. And how long have you been so employed?

A. I completed my residency in 1986, so that would make 23 years.

Q. And where did you go to undergraduate school?

A. My undergraduate was at Harvard College, Cambridge, Massachusetts.

Q. And what was your degree in?

A. A bachelor's degree, magna cum laude, in biology.

MR. GOLD: Your Honor, I'll stipulate to Dr. Danziger's expertise in forensic psychiatry.

MR. SLAUGHTER: I'd rather make a short presentation, Your Honor, than take the stipulation.

THE COURT: Okay. Well, you understand I've heard him many times before.

MR. SLAUGHTER: Then I'll stipulate.

THE COURT: And he is qualified based on his education and experience to give opinion testimony pursuant to 702, that is, within the field of forensic psychiatry.

BY MR. SLAUGHTER:

Q. Did there come a time when I called you about a client of mine?

A. Yes.

Q. And tell the court when that was.

A. That was on July 18, 2007.

Q. And what were you asked to do, if anything?

A. At that time you explained to me that you were representing Mr. Amodeo who was involved in a very complex tax matter, you had concerns about your ability to work with him and wondered if he was suffering from any psychiatric or psychological ailment. As such you asked me to evaluate him.

Q. And when did that evaluation take place?

A. The initial evaluation actually took place over three dates; those were August 26, August 29 and September 10 of 2007.

Q. Did I supplement sending Mr. Danziger up with any videos of any behavior that I thought was potentially bizarre or would be helpful to you?

A. Yes. There were a number of videos that you sent to me. These included April 20, 2005, speech he gave at the

University Club. A March 23, 2006 board meeting. A videotape entitled nine days in the Congo. And then a conference call from February 28, 2006. Those were the key documents that I reviewed.

Q. And based upon those three sessions and looking at those videos, were you able at that time to formulate an opinion?

A. Yes.

Q. What was that opinion?

A. It was my opinion that Mr. Amodeo suffered from bipolar disorder, type one, that he was in a manic episode and had psychotic features.

Q. And would you tell the court what bipolarism is?

A. Bipolar disorder is primarily a diagnosis of mood. The cardinal feature is the presence of manic episodes. During manic episodes individuals have a mood that is predominantly euphoric or elated, although there may be periods of irritability. There is markedly increased energy despite a decreased need for sleep. There is an inflated self esteem to the point of grandiosity. Individuals may have racing thoughts, pressured speech or increased motor behavior. Because of the grandiosity there is often unwarranted optimism and individuals with bipolar disorder may engage in foolish and risky behavior, they simply see no obstacles, no barriers, there is unwarranted optimism and, as

such, their reckless and impulsive behavior frequently gets them into significant trouble.

While the hallmark of bipolar disorder is manic episodes, individuals with bipolar disorder also suffer from depressive episodes. During these depressive episodes, the mood is low, there is feelings of hopelessness, worthlessness, even suicidal thinking and there is a disturbance of sleep, appetite, energy and concentration.

In speaking with Mr. Amodeo, he related first a history to me of both manic and depressive episodes. When I met with him in the fall of 2007 he presented with pressured speech, tangential thinking, markedly increased energy, despite getting by on very little sleep and described to me a rather messianic vision, essentially that he is, his economic methods would eventually make governments an anachronism, that he would set up regional areas of 30,000 square miles with three and a half million people, and because of his restructuring of the world's economy, eventually world governments would wither away. He essentially would establish his Terran empire. My opinion was that this was all extraordinarily delusional and consistent with someone suffering from mania.

In addition, reviewing the videotapes that Mr. Slaughter supplied to me showed that this was not anything new. In other videotapes he had spoken about similarly his

plans to dominate the world's economy to, for example, become bigger than Citibank by the end of 2006, become the largest company ever. In one of the videotapes he spoke about becoming an advisor to the Congo, eliminating their debt, making them a first world nation in less than a year.

And not only were there grandiose themes in many of these audio and videotapes, but there was a disturbance in the flow of his thought. He often rambled illogically, made very little sense.

These are very difficult things to fake and malinger. It is easy for someone to say I hear voices or I think I'm Jesus or the emperor of the world, that's relatively easy for anyone to say. What's hard to do is to ramble on for an hour in a rapid pressure and disorganized manner. That's extraordinarily difficult to do and suggests to me genuine psychiatric illness.

Q. Can I interrupt you for a second? Did the videos that I sent up to you, were they in front of groups of people?

A. Oh, yes.

Q. They were in front of his business associates in formal settings?

A. One was an interview, the nine days in the Congo was with some sort of a reporter or videographer, but the others seemed to be a conference call to three or 400 employees of Mirabilis. The meeting at the University Club in April of

2005, that was before a variety of investors and corporate officials. So these were not merely his own ramblings but given to employees and educated people.

Q. Before I cut you off you were starting to say something?

A. Simply that at the end of those three meetings I spoke with you by telephone. You had, of course, expressed to me your concerns, speaking as an attorney, as a lay person in medical matters, something is not right with my client. And I said to you your client is seriously mentally ill. He presents with classical features of bipolar disorder. He's currently in a manic episode with psychotic features. I explained this was likely why you were having difficulties in defending him and why his mood would change from day to day. Some days he was rational, some days he was not. And I stated, first, that I wanted to get more information, likely speak to his wife of 19 years which later was arranged, and I also suggested that he was in need of treatment with psychotropic medications to control his condition.

Q. And at the time that you saw him the first time, was he taking any psychotropic medicine?

A. None at all.

Q. And could you tell the court what type of medicines you thought he should be taking?

A. It was my opinion he needed to be on both mood

stabilizing and anti psychotic medications. This is a typical medication strategy used in individuals with bipolar disorder. Not everyone with bipolar disorder has the psychotic or delusional features. Mr. Amodeo when I saw him, and to the present day, did. My recommendation was, first, a mood stabilizing agent, something to try to level out the mood, and secondly, the addition of a anti psychotic medication to try to control and eliminate his grandiose and delusional beliefs.

Q. And did I ask you if you could provide those medications to him and treat him?

A. At the time I requested that he see another doctor so as not to have any confusion between forensic roles and a treatment role.

Q. And who was that doctor?

A. I referred him to a colleague of mine, Dr. Jeffrey Krotenberg, a psychiatrist in Lake Mary, Florida.

Q. Did there come another time that I called and asked you to see Mr. Amodeo?

A. Yes. That was on May 12, 2008.

Q. And was he with his wife?

A. At that time he was. However, I had met with his wife previously on October 1, 2007 and obtained information then, so when I met with Mr. Amodeo on May 12, 2008, that was again at your request and his wife was present at that time.

Q. And had I told you whether or not I thought he was getting better or worse?

A. You were concerned that he was getting worse and were quite concerned about your ability to work with him in a reasonable and rational way.

Q. And how long did you see him on that occasion?

A. Perhaps an hour and a quarter at that time.

Q. And can you tell the court what your opinion was?

A. At that time my major focus per your request was was he competent to stand trial, and looking at things factually, and of course Mr. Amodeo has a law degree, there was no question that he knew what the charges were theoretically, he knew what the penalties, he knew what a lawyer did, what a United States Attorney and what a judge did. There was no question as to his factual understanding of the legal process.

My concern, however, was his rational understanding. He believed, because of his ability to foretell the future, that all charges would be dropped, that Mr. Gold, the United States Attorney, would simply fold his hand, and that his path to world domination would continue apace. He was disregarding the advice of his attorneys believing that he could tell the future because he had the power of old testament prophets and, as such, he did not need to listen to his lawyers. He was not in any jeopardy. He

was 100 percent convinced of this.

When I asked him what would happen if he was in any way wrong, he stated that he would not kill himself, but a holy fire from above would consume him and take him to heaven.

My concern at this point was even though he factually understood the legal process, he did not, in my opinion, have a rational understanding of the legal process insisting that Mr. Gold would simply fold his hand. Secondly, it was my opinion he could not consult with his attorneys with any reasonable degree of rational understanding. And I authored a report shortly thereafter expressing to Mr. Slaughter my concerns that because of his bipolar disorder, type one mania with psychotic features, he was not competent to proceed. Moreover, he expressed concern about his ability to handle financial and contractual matters and suggested that probate court, guardianship proceedings would likely be appropriate.

Q. Now, do you recall whether or not Mr. Gold and the special agents from the IRS came to your office and you explained this situation to them?

A. Yes. There was a meeting one afternoon shortly thereafter, you were present, Mr. Gold was present as well as the agent, and I expressed my opinions and findings to them.

Q. Now, would you tell the court what about this where we

went to court in the probate to have him declared incompetent?

A. The first proceeding was on June 10, 2008 before the Honorable Circuit Court Judge Belvin Perry, Jr. here in Orange County, and that was an emergency guardianship hearing where I offered testimony relating to Mr. Amodeo's mental illness, his delusional beliefs, and at that point Judge Perry did grant the emergency guardianship and also, pursuant to the Florida statutes, appointed a committee of disinterested professionals with no involvement in this matter to evaluate him for guardianship.

Q. And would you tell the court who was appointed and what their findings were of Mr. Amodeo?

A. The psychologist appointed was Dr. Darlene Antonio, a licensed clinical psychologist, and she met with Mr. Amodeo on June 26, 2008. Dr. Antonio opined that Mr. Amodeo had a long-standing history of ingrained delusions, he expressed a belief that he could transmute molecules, was having out of body experiences and having prophetic visions. What was important was that Dr. Amodeo performed --

Q. Dr. Amodeo?

A. I'm sorry. Dr. Antonio. Dr. Antonio performed the MMPI-2, the Minnesota Multiphasic Personality Inventory, second edition. This is a broad band psychological test, but what's key about it is that it has internal validity scales.

It helps you distinguish between someone who is genuinely psychiatric versus someone who is attempting to exaggerate or malinger psychiatric. Dr. Antonio evaluated the test and opined it was consistent with a genuine psychosis and that he generated a valid profile.

Q. Meaning he wasn't faking?

A. Correct. That was Dr. Antonio's opinion based upon the objective MMPI-2 test. As such, Dr. Antonio opined that limited guardianship was appropriate.

The second examiner was Dr. --

Q. Wait a minute. Did she give a psychological opinion as to his mental condition?

A. Oh, yes, similar to mine, that he suffered from a bipolar disorder with psychotic features. Essentially our diagnoses were congruent.

Q. And who was the second physician that saw Mr. Amodeo?

A. That was Dr. Edward Ballantine. Dr. Ballantine is a psychiatrist in Seminole County who does forensic work and interestingly also acquired a law degree in middle life. Dr. Ballantine on June 28, 2009 opined that Mr. Amodeo suffered from bipolar disorder, type one mania, that he had racing thoughts and grandiose delusions, and opined that plenary guardianship was appropriate. So both of the, both the psychiatric and psychological examiner including psychological testing done in June 2008 reached conclusions

essentially identical to mine.

MR. SLAUGHTER: Just one second, Your Honor.

Your Honor, I thought it might be helpful to the court for the court to watch the video or snippets of the video from the speech at the University Club and then afterwards have Mr. or Dr. Danziger advise you what's going on mentally. This will give us a snapshot into what Mr. Amodeo was doing with his business associates at the time. And the date was?

THE DEFENDANT: April 20, 2005. But I need some help connecting to the monitors.

(DISCUSSION OFF THE RECORD.)

THE COURT: Hold on one second. Is there any way you can make that available to the people in the audience as well?

MR. GOLD: Your Honor, it's also not coming up on our screen.

THE COURT: Okay. We'll get it fixed.

(DISCUSSION OFF THE RECORD.)

THE COURT: We'll take a five minute break while Miss Darley gets that set up.

(BRIEF RECESS.)

MR. SLAUGHTER: What is the date of this meeting?

THE DEFENDANT: This is the February 28 system wide conference call. Is that the first one, Doctor, or do

you want the Omni conference?

THE WITNESS: However you wish to.

MR. SLAUGHTER: The Omni conference. Do you have it broken down into snippets so the judge doesn't have to watch the whole thing?

THE DEFENDANT: Yep.

MR. GOLD: Your Honor, I don't oppose Dr. Danziger testifying about what he saw, but to just have snippets of this.

THE COURT: Have you seen it before, Mr. Gold?

MR. GOLD: We have. Well, we've seen the April 23. I believe this conference is a telephone call, but I don't think it's a video, am I correct?

MR. SLAUGHTER: We're doing the University Club one.

MR. GOLD: Okay. Yes. But I think what's necessary is that counsel put the entire thing into evidence rather than just snippets.

MR. SLAUGHTER: That's fine. It's 40 some minutes.

MR. GOLD: I'm not suggesting that we have to watch the entire thing, but I think for the record to have just snippets --

MR. SLAUGHTER: That's fine.

THE COURT: I don't think it's been offered yet,

but when it is offered I will receive the entire exhibit. And, Mr. Gold, to the extent that you believe it's incomplete or there's something else on it that I should see, I'll give you the opportunity to show me that before we move on to the next witness.

MR. GOLD: Okay.

(VIDEO PLAYING.)

BY MR. SLAUGHTER:

Q. Dr. Danziger, have you viewed that video before?

A. Yes, I have.

Q. And there is more to that video that we'll talk about later, but would you tell the court what if anything that you saw that corroborated your opinion of bipolarism?

A. First off, this was more than two years before I first saw Mr. Amodeo, so to me this was an important historical document. Secondly, if you listened to that, first, he is all over the place. He is talking, his speech often goes from one topic to another. More importantly, there are grandiose themes in there. Listening early on, he's talking about his ability to change human behavior, to predict human behavior through mathematical models, and as such, this is the underpinning of what he called his master plan.

He also speaks in there of the ability to make 500 times the money invested, and even when mentioning the Roadhouse Grill, which is a restaurant chain, he said we can

buy it for five million dollars and make our money back in the first hour. So while I don't have a MBA and I'm not an expert in business, as I listen to this, I hear someone who says I can predict future behavior of humans, I have that ability, I can make you investors 500 times your money, and if I buy a company, I'll make you your money back in an hour. And then he cites in some bizarre reference in how the Jews have been doing it for 5,000 years and that's how it can be done.

I listen to this snippet and, Your Honor, there's more stuff in this 40 odd minute videotape, but I listen to this and I think this is grandiosity. There are certainly talented businessmen in the world, but with what I know about Mr. Amodeo, I see speech that rambles all over the place and I see various grandiose and delusional beliefs which are consistent with someone who feels I have an economic master plan that will ultimately dominate the world. That's on page 56 of the transcript of this.

Q. What's the next minute on the tape that you found significant?

A. I have it -- I'm not sure what minute it's located. The transcript is page 29 and at that point he talks about by the end of 2006 Mirabilis becoming 50 percent larger than Citicorp's 110 billion in shareholder equity. That was in a year and a half.

MR. SLAUGHTER: Do you know where that is?

(VIDEO PLAYING.)

BY MR. SLAUGHTER:

Q. Would you tell the judge, you reviewed this I think on Sunday?

A. Yes; and previously.

Q. Tell the judge what the significant things that Mr. Amodeo said during this time that either bolster your opinion or took away from it?

A. There are other things on this tape. For example, early on after he starts talking about his ability to predict the future, he then starts talking about how his global changing policies will eliminate the medical malpractice crisis. I'm not sure where that came from, except that's a bizarre tangent that's on page 19 of the transcript.

On page 29 of the transcript he states that Mirabilis will be 50 percent more than Citibank's 150 billion in 2006.

On page 43 he talks about having thousands of employees and his plan that at the end of the first year they get jewelry, then they get a car, then a house, then a franchise, and then they become something about guild across employee lines, which I don't know what that means. And then he says, and this is in May of '05, by January 1 of 2006 we'll have officers in 125 cities around the globe, and by

2010 no human being will be more than one hour away from one of our offices in the entire globe. Now, this ties into what he said in the beginning with his master plan.

So, as I view this, a full two years before I saw him, we have someone here who essentially is talking about growing from scratch a company that will dominate the world's economy, that they'll be larger than Citicorp in a year and a half, and his speech here is rambling and all over the place, full of various grandiose and delusional themes. Why was this relevant to me? What he's saying here is the same thing he was saying to me in 2007 and 2008 and, as I view this videotape, I see one who is manic, delusional and grandiose.

Q. Do you know to whom he was speaking at that conference?

A. Corporate board members of his company and I believe other investors and interested parties.

Q. Now, you mentioned that there can be times of euphoria and also times when he has angst and is angry?

A. Yes.

Q. Is there a tape that we can play to show the judge that angle?

A. Yes. That was a 14 minute tape from February 28, 2006 which was a conference call to the three or four hundred employees at Mirabilis, runs about 14 minutes, and that demonstrates someone who is in a very irritable manic phase,

but also demonstrates a thought disorder and various grandiose and paranoid themes.

Q. What was the date again?

A. February 28, 2006. This is an audiotape, not a video, because it was a conference call.

MR. SLAUGHTER: Can you play that?

(AUDIO PLAYING.)

MR. GOLD: Your Honor, if I can pause just very briefly, it seems like we are jumping from spot to spot and we're losing the import of what's there, and I don't know if that's the way the tape's designed or Mr. Amodeo was just jumping to spots that he think is important.

MR. SLAUGHTER: No. I think what happened was the first run we thought would take the whole 14 minutes and he apparently had set it up to be two takes, correct?

THE DEFENDANT: The first one was a snippet and then the snippet ended. I just tried to find the right spot to start this one at. The easiest thing would be to just play this in full, but then you're going to hear over again what was already said. And this is a complete version of the 14 minutes.

MR. GOLD: Your Honor, at this point we've heard various things. We think, at this point I hate to take up the time, but we've got to play the 14 minutes. I mean we're just jumping all over the place.

MR. SLAUGHTER: Your Honor, it's your call. There's some very good stuff on the tape that Dr. Danziger is going to talk about and you'll hear some pretty weird things that's going to come out.

THE COURT: Well, we're well into a total of 14 minutes, so go ahead and finish it.

MR. GOLD: Well, part of the problem is we've skipped sections through the 14 minutes.

(DISCUSSION OFF THE RECORD.)

THE COURT: What are you going to do, Mr. Slaughter?

MR. SLAUGHTER: He wants to start at the beginning because he can't find where it was split before. He didn't have it written down and he started playing the wrong tape to begin with.

(DISCUSSION OFF THE RECORD.)

MR. GOLD: Your Honor, it now sounds like Mr. Amodeo is trying to testify about who is there, so I think we need to stop any editorial comments from Mr. Amodeo.

(VIDEO PLAYING.)

THE COURT: Stop this for a second, please.

Mr. Slaughter, does the 14 minutes include this introductory?

MR. SLAUGHTER: No. That's the problem. Mr. Amodeo is afraid to move it forward to where he starts

talking and so he should be starting any second, and then it's 14 minutes.

I don't know how to work his computer.

THE COURT: Well, you say any second. Is it literally any second or does this go on for some time? Do you know?

(DISCUSSION OFF THE RECORD.)

(VIDEO PLAYING.)

MR. SLAUGHTER: Sorry we had to play that twice for you, Judge.

BY MR. SLAUGHTER:

Q. Dr. Danziger, please tell us what jumped out at you as a forensic psychiatrist as it relates to your diagnosis of Mr. Danziger. Or Mr. Amodeo. Sorry.

A. In bipolar disorder the mood is not always elated or euphoric. It can also be profoundly irritable which is also demonstrated here. There is a marked irritability. He is telling employees they can march in the streets, they can go to the department of labor, he'll take their profits if they do anything wrong or he'll sue them. So there is a marked irritability and anger.

However, the grandiosity persists. He speaks about building nations, protecting democracy and making sure that 5100 employees don't get killed in the process, which seems rather bizarre to me. He speaks about changing the

world. He also states that they are the fastest company to profitability ever, no one is even close, all of which seems to me grandiose and quite illogical.

Q. And untrue?

A. Likely untrue. Speaking at the beginning he says that in the next 72 hours later this week we're going to double our employees, double the volume of our business. The rest of the talk seems to be an angry diatribe with rather illogical and grandiose statements.

To me, looking at this as a psychiatrist, I'm seeing someone with a manic episode with grandiosity and profound irritability. What's also striking to me is there's a room full of people here, presumably employees and executives of the company, nobody seems to be questioning comments about changing the globe and imperiling democracy. So to me, again, this was well over a year before I saw Mr. Amodeo. This is consistent with someone who is mentally ill with irritability, grandiosity and disturbed thought patterns.

Q. Now, did you watch a video called nine days in the Congo?

A. I did.

Q. And I'm going to ask you a couple of questions and then ask the judge if you want to hear this video.

What is the significance of that video to you?

A. This video had to do with some of Mr. Amodeo's employees who were advising a presidential candidate.

Q. Presidential candidate where?

A. For the Democratic Republic of the Congo. So he was involved in Congolese politics and had a person they were supporting and giving advice to.

Q. You're talking about Mr. Amodeo?

A. Mr. Amodeo. Apparently this was part of his strategy to extend the global influence of Mirabilis. And two of these employees I believe were actually imprisoned for nine days and obviously there was great concern about their well-being, would they be released, would they be harmed.

So the first issue was to me, perhaps naively, what the heck was an Orlando company doing involved in a Congolese presidential race. The second factor is that as the interview goes on, Mr. Amodeo states that his role is to be an economic advisor to this nation and his belief was that within a year he could double their gross national product, eliminate their debt and make them a first world nation if only they would follow his economic plans.

So not only did he have a desire to essentially have his candidate become the president of the Congo through his political assistance and machinations, but in addition, that would allow him to be an economic advisor to that nation and essentially turn it into a first world country if only

they would follow his economic advice.

Well, I'm certainly not an expert on international politics or economics, my comments that I wrote after viewing this tape were audacious and grandiose. And, again, putting in the context of everything else, this was consistent with someone who was manic, euphoric and grandiose, and consistent with someone who had a master plan to dominate the world's economy.

Q. When you watched the video, can you tell to whom he is speaking?

A. I believe he's speaking to some sort of interviewer, someone with the media, so this was not a meeting to a large group of people, but I believe it was to someone for a documentary.

MR. SLAUGHTER: Your Honor, this tape is 51 minutes. I'm not suggesting we play the 51 minutes, but could we play a couple parts of it, say 15 minutes of it so you get the flavor of --

THE COURT: I'll tell you what we'll do. We'll take a 15 minute break, which I need to do anyway, and we'll go to noon, but during the break you can cue the parts that you want to play. If there's anything the government wants to play, you can do the same thing.

You may step down for the time being, Doctor. You're still under oath.

We are in recess for 15 minutes.

(BRIEF RECESS.)

MR. SLAUGHTER: Your Honor, I think we've cued it up to right where he's going to be interviewed, it should take about four or five minutes.

THE COURT: Thank you.

(VIDEO PLAYING.)

BY MR. SLAUGHTER:

Q. Did that snippet corroborate your opinion?

A. Yes. Certainly he states all you have to do is listen to me, within a year I'll double your gross national product, eliminate your debt and make you a first world nation within three years. This is something that obviously has defied world leaders and the World Bank and economic advisers throughout the world, but Mr. Amodeo says with conviction, looking into the camera, with my theories I can perform these economic miracles. I view this as grandiosity of delusional proportions.

Q. Now, did there come a time when you and I had a discussion as to whether or not he should seek inpatient evaluation? If so, where and under whose auspices?

A. This was after the events of May of 2008 and then after the guardianship evaluation in June of 2008, my opinion was that Mr. Amodeo was not competent to stand trial. Further, his treating psychiatrist, Dr. Krotenberg, had fired

him because Mr. Amodeo was non-compliant to his medications. So Mr. Amodeo was unmedicated, in my opinion not competent to stand trial and quite delusional to where it was interfering with your ability to defend him.

I recommended to you at that time that we try to send him to an academic institution and suggested perhaps we send him to what's arguably the best psychiatric hospital in the country, which would be McLean Hospital, Belmont, Massachusetts, that is Harvard University's flagship psychiatric hospital. There were several purposes for this. The first was essentially to get a second opinion or perhaps a fourth or fifth opinion. While I was of the opinion that Mr. Amodeo suffered from serious mental illness, my understanding was that the agents from the Internal Revenue Service and United States Attorney's Office were understandably skeptical of my opinion and diagnosis. My thinking was let's send him to the best psychiatric hospital we can, have an inpatient evaluation, psychological testing, a period of observation, and let's see if they agree with me.

Secondly, it was to get him treatment and to get him stabilized because he was unmedicated and uncompliant as an out patient. And, thirdly, the idea was if he could get stabilized, this might solve the issue with his being incompetent to proceed. So for all of those reasons, I recommended that we make arrangements to try to get him to an

academic medical center and suggested the McLean Hospital in Massachusetts.

Q. I'm showing you what is marked as defense exhibit 47 for identification and ask you, have you seen that?

A. Yes, I have. I was sent a packet of this. These are various records, consults and documents from the physicians, psychiatrists, psychologists who worked with Mr. Amodeo during his 15 day stay at the McLean Hospital.

Q. Either during or after, did you have discussions with those physicians and psychologists?

A. I did. The treatment team met to discuss Mr. Amodeo and I was able to participate via telephone and they related to me verbally their findings and recommendations which they later followed up with these written documents.

MR. SLAUGHTER: Your Honor, could we move 47 into evidence?

MR. GOLD: No objection, Your Honor.

THE COURT: 47 is received from the defendant.

BY MR. SLAUGHTER:

Q. Would you tell the court what significance, if any, 47 had to your evaluation of Mr. Amodeo's condition?

A. The bottom line, Your Honor, is that after 15 days at McLean Hospital, psychological testing, multiple psychiatrists, behavioral neurologists, they reached the same conclusion that I did, that Mr. Amodeo suffers from bipolar

type one mania with psychotic features, and they started him on a mood stabilizing agent, Depakote, and an anti psychotic medication, Geodone. Essentially their conclusions were consistent with mine.

Q. And would you tell the court exactly what they did? Did they do psychiatric testing or psychological testing and blood testing?

A. He was seen by multiple individuals. The two psychiatrists on his case were Dr. Choras and Dr. Vuckovic, both of whom have appointments as Harvard faculty. He was also seen by a psychologist, Dr. Jennifer Taylor who did a chemical dependency evaluation; Dr. Susan Parks, a neuropsychologist; Dr. Evan Murray, a physician and behavioral neurologist; as well as Dr. Marian Klepser, an internist. They did a battery of tests, blood testing, EEGs, MRIs of the brain. They did a sleep study on him. They performed all sorts of tests of his blood chemistries and metabolic functioning.

Essentially the opinion was that this was someone who indeed was suffering from bipolar disorder with a demonstrated history of both manic and depressive episodes. They noted a variety of bizarre delusional beliefs, including the belief that he had the power to move molecules, to tell the future, and that his economic plans would dominate the world and he would essentially become the emperor of the

earth.

The psychological testing as with Dr. Barrett was consistent with genuine illness. Again, there are very subtle and clever tests designed that can distinguish those malingering mental illness from those who are genuinely psychotic and the testing performed up there was consistent with someone who was genuinely mentally ill.

In addition, they also noted problems with stimulant dependency, a past history of the use of caffeine and Sudafed, which may have exacerbated the mania. Nevertheless, even during periods of time when he was not using those over the counter substances, he nevertheless continued with manic and psychotic features.

Essentially they discharged him on Depakote and Geodone. They also diagnosed a number of medical conditions and sent him home in a partially improved state. Their opinion was that while he was still ill and continued to harbor the delusional beliefs, his mood was more stable and he was appropriate for outpatient treatment.

Q. Now, the doctors at McLean, they are not forensic psychiatrists and psychologists, are they?

A. No, they are not.

Q. And what is the difference?

A. In forensic psychiatry one is not involved in patient care. In forensic psychiatry one takes medical and

scientific data about people's mental state and applies it to legal situations and legal contexts, and the doctors there at McLean Hospital were doing first a diagnostic evaluation, and then, secondly, initiating treatment.

Q. And did you suggest that we also have a forensic psychiatrist visit him while he was at Harvard?

A. Yes, I did.

Q. And his name was Bernard Katz?

A. That was Dr. Bernard Katz.

Q. And could you tell the court what findings, if any, he had?

A. Dr. Katz met with Mr. Amodeo on August 18, 2008. Dr. Katz agreed with my diagnosis, again, that this was someone with bipolar disorder with psychotic features. Dr. Katz again opined that while Mr. Amodeo still had residual symptoms of mental illness, he wrote that he was, quote, likely competent to stand trial as of now, unquote.

Q. All right. Now, at the time that Mr. Amodeo entered his plea, did you opine to the court of his mental state at the time that he entered that plea?

A. I did. After coming out of McLean I met with Mr. Amodeo on both September 3 and September 18 of 2008. The competency hearing was held in this building before United States Magistrate Judge Kelly, and at that hearing I opined that while Mr. Amodeo had bipolar disorder with psychotic

features, that while there were still symptoms of mental illness, he was nevertheless partially improved to where he could comprehend the legal process, work with his attorneys in a rational way and assist in his defense.

Q. Now, during the time that the indictment covers, do you know whether or not there was a licensed psychiatrist on the staff of Mirabilis?

A. Yes, there was a licensed physician with training in psychiatry.

Q. What is his name?

A. Dr. Robert Pollack.

Q. And could you briefly tell the court what his background is?

A. He is a psychiatrist, undergraduate at Yale, trained at the University of Florida, and a board certified psychiatrist.

Q. And do you know whether or not he established a patient-doctor relationship with Mr. Amodeo?

A. I don't have actual documents or medical records. Mr. Amodeo has stated to me that prescriptions were prescribed for asthma medications and that there was some understanding between them that the doctor was looking out for him and keeping an eye on him. That is the information I have from Mr. Amodeo. If that is accurate, if a prescription was written and there was that understanding, then that would

suggest a doctor-patient relationship was in evidence.

Q. Now, you mentioned to the court that you saw these videos where he was talking to board of directors and other personnel from Mirabilis. What significance does that have in your opinion of his bipolarism?

A. Certainly as I viewed this, I saw someone with unstable moods, grandiose delusions, plans for world domination. This is something that should have come to someone's attention, particularly if they're trained in psychiatry or psychology. Similarly, I would imagine that other trained professionals in the business or legal arena might have had some question as to the scope of these plans.

Q. In all of the videos that you saw where he was speaking to groups of people -- do you want some water? Did you ever observe anybody question him, call him on the carpet, tell him he was nuts, or in any way try to dissuade him from the course of action that he was talking about taking or envisioning for the company?

A. Well, I certainly don't know what back channel communications there may have been or discussions off the record. In what I viewed, there were no such discussions, questions, can we really do that, despite the extreme grandiose nature, megalomania, there did not seem to be anyone standing up and questioning can we really do this.

Q. Now, if somebody were a manic depressive and they

utilized the services of forensic accountants, lawyers, people of stature in the business community and the legal profession and the accounting profession, would Mr. Amodeo listen to them or would he overrule any decisions that they had made?

A. Difficult to say. When someone is in a manic state they see only success, boundless optimism, grandiosity, a belief in their destiny. They cannot see any obstacles, pitfalls, nothing can go wrong. Normal caution, normal reticence is simply abandoned. If someone had said to him you can't do this, it's impossible, it won't work, it's wrong, maybe he would have listened to them, maybe he wouldn't have. I don't know. But at least from what I viewed, I didn't see anybody standing up and saying can we really do this, is this right? Can we really make the Congo a first world nation? Can we dominate the world? On one point he said at the 4-20-05 meeting, by 2010 we'll have a Mirabilis office within an hour of every human being on the earth. Did anyone ever question this or say that seems a little extreme? Not that I ever heard or saw.

Q. Would these individuals of academic professionalism, lawyers, accountants, etcetera, would their support have encouraged Mr. Amodeo in his manic state?

A. Well, if someone is already manic and if people of various backgrounds were telling him you're okay, your plans

make sense, well, that would be like pouring gasoline on the fire. That would only likely inflame or cause him to increase his efforts believing that everything is justified.

Q. Is there anything that you would like to tell the judge that I have failed to ask you, based upon your notes?

A. Simply that, Your Honor, it's my opinion that Mr. Amodeo suffers from a severe psychiatric illness. The information that I obtained from Mr. Amodeo, from his wife, from other sources is consistent with someone who has suffered from this illness from at least the 1980s. Previous psychiatrists and psychologists have diagnosed psychothymia which is a variant of bipolar illness, in 1985 a Dr. Urashami described him for Social Security evaluation as the most manic person she has ever seen. This is a mentally ill individual.

It is my opinion that the mental illness, which was uncontrolled during the period of time he was at Mirabilis, the positive aspects of it was that he had vision, charisma, he could provide enthusiasm for individuals, but without a break on it, his behavior became reckless.

It is my opinion that his actions, he believed, were foreordained, his destiny to become the emperor of the world, his divine mission, so to speak. Because of his mental illness it is my opinion that he could not appreciate that his conduct was wrong. He saw no obstacles, no pitfalls

in his manic and delusional --

MR. GOLD: Objection. He's now getting into way beyond what we would call diminished capacity. It almost sounds, when he says he was not able to appreciate his conduct, that we're now getting into an insanity test, and I don't think that has ever been raised.

MR. SLAUGHTER: Your Honor, I think what we were getting at is 5(k)2.13, diminished capacity.

THE COURT: Well, what Mr. Gold says though is correct, it sounded like we were going right down the McNaughton standard and we were going to hear that the delusions were reasonable in his mind and all of that.

There's an objection. I sustain the objection. You can ask another question.

BY MR. SLAUGHTER:

Q. Do you have something that you would like to say with reference to the objection?

A. I would clarify, Your Honor. I'm certainly not here to testify as to insanity. Mr. Amodeo took a plea, I know that insanity is not on the table here, it is not an issue. I'm not asked to opine on that. I'll clarify. My opinion is that the offense was committed while he was mentally ill and suffering from a significantly reduced mental capacity. While he may at some point have understood that he was skirting the law, pushing the rules, doing things that were

not proper, it's nevertheless my opinion that his significantly reduced mental capacity contributed to that offense. He believed that he would ultimately be justified, that the end results of dominating the world's economy, creating a better world for everybody, would prove him right in the end. So it's my opinion that his mental illness contributed significantly to the offense, affected his judgment and reasoning, and played a major role in what happened.

Q. I'm going to anticipate a cross examination question. When a patient like Mr. Amodeo comes in and starts talking to you and saying I want to run the world, I want to be the emperor of the world, how can you tell whether or not they're faking or trying to exacerbate a condition to gain your testimony?

A. There are several things that we can do. The first is we try to obtain collateral information, and in this case I had information as to past history, previous evaluations done in the 1990s, and I also spoke with his wife who provided a very good history for prior episodes.

Secondly, I reviewed the videotapes which were a year and two years before I ever met Mr. Amodeo, and these documents, in my opinion, show grandiosity and a disturbed flow of thought before any criminal charges or any such issues were raised.

Next, psychological testing was done. Dr. Barrett in the guardianship evaluation did psychological testing which was consistent with genuine mental illness. And then I recommended to you, let's send him to McLean hospital, let's have them observe him over an extended period of time. It's hard to fake continuously for 15 days. They observed him for 15 days, performed psychological testing, had multiple people evaluate him. Everyone's conclusion here, mine, Dr. Barrett, Dr. Ballantine, Dr. Choras, Dr. Vuckovic, Dr. Parks, everyone who saw him reached the same conclusion I did, bipolar disorder type one mania with psychotic features. And in this case efforts were made to get multiple opinions, do testing, obtain history. In my opinion, this is not faking, this is real.

Q. No further questions.

One final. Did Dr. Vuckovic lead the team at Harvard?

A. Yes, he did.

Q. Is that exhibit 47 for the defense?

A. Yes.

Q. Would that give a good background of the findings of the Harvard team, separate and apart from yourself?

A. Yes. It is a discharge summary which summarizes the work of every member of the team.

MR. SLAUGHTER: Thank you. No further questions.

MR. GOLD: Your Honor, do you want me to proceed now or take the lunch break because I'm going to be a while?

THE COURT: Well, by that question I take it you're not going to finish before lunch, right?

MR. GOLD: Absolutely not.

THE COURT: Well, would you use the ten minutes or so you have and then we'll come back after lunch?

MR. GOLD: Sure. Be happy to.

May I speak with counsel one second?

THE COURT: Certainly.

(DISCUSSION OFF THE RECORD.)

THE COURT: Mr. Gold, if you need time to get organized, I'll go ahead and break now.

MR. GOLD: So much has been said this morning on so many things, it would certainly help, but I'm prepared to proceed if the court wants.

THE COURT: We'll go ahead and break. Please be back at five minutes after one.

(LUNCH RECESS.)

AFTERNOON SESSION

MR. GOLD: May I proceed, Your Honor?

THE COURT: Yes.

CROSS EXAMINATION

BY MR. GOLD:

Q. Good afternoon, Dr. Danziger.

A. Good afternoon, Mr. Gold.

Q. As I understand it, you did not meet Mr. Amodeo until approximately August of 2007?

A. Correct.

Q. And you didn't discuss any of this with his wife until after October of '07 or somewhere in that timeframe?

A. I met with her October 1, 2007.

Q. And these meetings occurred after the conduct which has been alleged in the indictment to which Mr. Amodeo pled?

A. Yes.

Q. Now, when you went to the probate court to deal with the competence to handle his own affairs, that was also after the timeframe, was it not?

A. Yes, that was in June and then again in, is it September? Yes, June. I'm sorry, August of 2008.

Q. You spoke on direct examination about the psychiatric reports of Dr. Ballantine and Dr. Antonio, I believe?

A. Correct.

Q. Now, those reports were basically a snapshot at that

time about his mental status, is that correct?
A. Yes. As well as giving a diagnosis because bipolar disorder is not a diagnosis you have for a day or two, it implies a longer standing condition.
Q. All right. But you can agree that it was a snapshot of how he presented himself at that time?
A. That was the mental status part. They also obtained a history looking back in time, but, yes, they only saw him on the one occasion.
Q. Now, there was nothing in either Dr. Antonio's report or Dr. Ballantine's report that opined whether he had used poor judgment during the times set out in the indictment?
A. That's correct. Those were a focus on his present ability to handle his affairs, which was appropriate to a guardianship evaluation.
Q. Okay. Now, when you first examined Mr. Amodeo, he knew that you were examining him in relation to either criminal charges or potential criminal charges?
A. Yes.
Q. And he knew that you might be called upon to testify in his behalf?
A. Well, that was not discussed at that time. Sure, that was a possibility.
Q. Now, you mentioned in your report a Dr. Philip Tell.
A. Yes.

Q. Did you ever see any reports from Dr. Tell?
A. No, I did not.
Q. He's a psychiatrist?
A. Actually he's a Ph.D. psychologist.
Q. Okay. And you obviously didn't get a chance to talk to Dr. Tell?
A. Correct.
Q. You would agree that either talking to Dr. Tell or seeing his medical records would have also been good historical information for you to have in terms of rendering your diagnosis?
A. Yes, if those records were available it would have been helpful.
Q. And you mentioned Dr. Pollack, Robert Pollack, is that correct?
A. Yes.
Q. And you said that he was a psychiatrist?
A. Yes.
Q. And as I understand it, he was Mr. Amodeo's psychiatrist at one time?
A. Well, I don't know. I don't believe that he actually ever saw him in an office. I'm not aware of any, if that.
Q. You don't know whether he treated him in any way for bipolar disorder?
A. All I know from Mr. Amodeo is that he, according to

Mr. Amodeo, he received some prescriptions for asthma medications from Dr. Pollack and that Dr. Pollack, according to Mr. Amodeo, was there to keep an eye on him. I'm not aware that he ever actually saw him in an office type setting, treated him as a regular patient. Again, this is what I learned from Mr. Amodeo, no other sources.

Q. And as a follow-up to that then, you did not reach out to Dr. Pollack to talk to him?

A. Correct.

Q. And you didn't ask to see whether he had any records of treatment?

A. Correct.

Q. And, again, these would have been helpful if they existed looking historically where Mr. Amodeo had been psychiatrically?

A. If any such existed, yes.

Q. Now, in speaking with Mr. Amodeo and others, you knew that Dr. Pollack was actually in business with Mr. Amodeo, did you not?

A. Yes.

Q. And he worked with him side by side?

A. That was my understanding.

Q. Was it also your understanding that he met with Mr. Amodeo almost daily?

A. That was what Mr. Amodeo related to me that through

their business, yes.
Q. And there was no indication that he thought Mr. Amodeo --
MR. SLAUGHTER: Your Honor, I'm going to object if Mr. Gold is testifying with this question.
MR. GOLD: It's cross examination.
THE COURT: Objection's overruled.
MR. SLAUGHTER: But it has to be based on fact.
THE COURT: All I heard was there's no indication that he thought.
MR. GOLD: Let me rephrase the question, Your Honor.
THE COURT: Who is he?
MR. GOLD: Dr. Pollack.
THE COURT: Okay.
BY MR. GOLD:
Q. Do you have any indication from anything that you have reviewed that Dr. Pollack thought that he was mentally ill?
A. The only information that I have came from my discussions with Frank Amodeo and also conversations with his wife, Claire Holland. This is what they related to me. I don't have any documents. I can certainly tell you what they told me, if that would be helpful.
Q. Well, you opined earlier about other people working with Mr. Amodeo and whether they would have continued to work

with him, is that correct? Did you discuss that on direct examination?

A. Yes.

Q. And based upon that, you have no indication that Dr. Pollack disbelieved any of Mr. Amodeo's theories?

A. I certainly don't know what he did or did not believe.

Q. All right. Now, you referred Mr. Amodeo to Dr. Krotenberg I believe you said.

A. Correct.

Q. And to the best of your knowledge, Mr. Amodeo knew that Dr. Krotenberg was also examining him in relation to criminal charges?

A. No. Dr. Krotenberg's role was as a treater, not as a forensic psychiatrist.

Q. Well, you are relying at least in part on Dr. Krotenberg's opinion of Mr. Amodeo and his treatment, are you not?

A. Well, to some extent. If he had reached a radically different diagnosis, I perhaps might have rethought my own reasoning, but the reasoning for the referral to Dr. Krotenberg was Frank Amodeo, in my opinion, needed treatment.

Q. Now, in coming to an opinion about a patient's mental state, you would agree that it's important that a patient be honest with a doctor?

A. Yes, it's certainly helpful. People are not always

honest, that is why we look at collateral sources as best we can.

Q. All right. But it's important in your mind for a patient to be truthful with you?

A. It certainly helps.

Q. And you know from your review of the records that Mr. Amodeo was not truthful with Dr. Krotenberg?

A. To some extent he was not fully compliant with medications and he minimized some of the grandiose delusions about taking over the world.

Q. Well, specifically he did not discuss with Dr. Krotenberg his views about becoming emperor of the world?

A. That's correct.

Q. And when you discussed this with Mr. Amodeo, I believe you said he said that although he knows this to be true, he keeps it to himself usually?

A. In some situations he does, even though he believes it to be true, he's seen the reaction other people will have, so he does not always reveal it.

Q. So he picks and chooses with whom he wants to be truthful?

A. Truthful about his delusional beliefs?

Q. Yes.

A. Okay. Yes. Yes.

Q. All the reports from McLean then are after the facts

alleged in the indictment?
A. Well, yes, they are from August of 2008.
Q. And you would agree that persons who are charged with a crime or about to be charged with a crime can become depressed?
A. Well, yes.
Q. I mean you've seen this in your practice, have you not?
A. Sure. If someone is facing serious charges, well, that is a stressful thing, of course.
Q. All right. And I believe your testimony was that either you or Mr. Slaughter thought that Mr. Amodeo was getting worse from what you originally saw, is that correct?
A. Well, this was in May of 2008 and Mr. Slaughter called me stating that Frank seemed to be doing poorly, he was having trouble working with him, was concerned he was getting worse and concerned about his ability to work with him on this case.
Q. Now, but you would agree though that the fact that criminal charges were pending could have caused Mr. Amodeo to feel worse at that time?
A. Well, certainly facing criminal charges is a stressful thing. If you have a preexisting mental illness, a stressor of that magnitude could exacerbate or worsen it.
Q. Now, you said one of the reasons for your opinion that

he was bipolar with delusional aspects was he spoke of becoming the emperor of some empire, is that correct?

A. Yes. He spoke of achieving world domination, establishing the Terran empire. Speaking as a psychiatrist, well, that sounds delusional to me.

Q. The Terran empire, did he ever explain to you what the Terran empire was?

A. Yes. Essentially he would become the de facto ruler of the earth, that governments would wither away, that there would be Mirabilis everywhere on the planet. He would support Supreme Court justices, presidents would take direction from him, that he would essentially become the emperor of the earth.

Q. Did he explain to you that the Terran empire came from Star Trek?

A. Well, he spoke about some science fiction references.

Q. Was one of the references to Star Trek?

A. He did not mention Star Trek specifically to me.

Q. So he did not describe to you that the Terran empire then was from Star Trek?

A. Well, he did not say that to me, and having watched Star Trek, I know about the Federation of Planets, but not the Terran empire.

Q. And you didn't think it was important to look up and see what the Terran empire was?

A. No. Counselor, I thought somebody saying I'm going to take control of the world and become the emperor and governments will wither away to my authority, well, as a psychiatrist, I thought that reflected grandiose delusions. I did not think it required researching Star Trek mythology.

Q. All right. Let me back up. He didn't tell you that the basis of the Terran empire was to basically take over the world and kill anybody who disagreed with him?

A. He did not say anything about killing anyone who disagreed with him. He did not reference that to me.

Q. Now, you talked about these delusions of his. You're aware that there are conventions that deal with things like Star Trek?

A. Well, yes. I don't attend, but I am aware there are such conventions.

Q. Thousands of Star Trek devotees, correct?

A. Yes.

Q. They dress up as Star Trek characters?

A. I understand that they do.

Q. And they speak in languages like Klingon?

A. Well, they speak in made-up languages, yes. I understand that for some people they have quite a bit of fun with that.

Q. And in your mind though, somebody walking around in Star Trek costumes speaking some bizarre language, in your

mind, would be delusional?

A. No, they would not. And the reason is if they are going to a convention to have fun, if they're with their friends, if they enjoy dressing up as a Romulan or as a future space soldier, well, it's the same thing as people who go to Renaissance fairs or civil war enactors, it's a way of recreation and fun in a social setting. Now, that's not delusional. That's a hobby. Maybe a little bit eccentric for some folks, but it's a hobby, it's shared by a group of people and accepted within that group.

Now, if I see someone who comes in and tells me he's the captain of a starship, he came from the future, or if I see someone who really believes they're a Klingon, that's delusional. That's not reality. So there's quite a difference between a civil war reenactor or someone who enjoys Star Trek conventions and dressing up versus someone who actually believes this to be true.

Q. Mr. Amodeo effectively wanted to grow his business empire to enormous proportions, is that accurate?

A. Yes. He believed that it was his destiny.

Q. He wanted to expand internationally?

A. Well, yes.

Q. That's not unusual in the business world, is it?

A. No. Certainly entrepreneurs do wish to grow their business and become very successful, that is not unusual.

Q. Including heads of corporations that want to expand globally?
A. Sure, yes.
Q. Some bizarre ideas often bear fruit, don't they, in the corporate context?
A. I'm not sure about bizarre ideas bearing fruit. Certainly sometimes visionaries may have ideas that become successful. Whether those ideas are bizarre or not, I don't know.
Q. Mr. Amodeo thought he was a visionary, right?
A. Well, yes. He also thought that he could tell the future and was going to rule the world, but, yes, he thought he was a visionary.
Q. Now, do you think that when Bill Gates was in his garage and wanted to expand his computer idea and take over the world, would you have called him delusional?
A. No. He didn't want to take over the world, he just wanted to set the standard for computing, so I'm not aware that he ever claimed to have the power to transmute molecules, foretell the future, that a fire from heaven would consume him. I certainly don't know Mr. Gates, but I'm not aware that any of those things would apply to him.
Q. As a result of looking into Mr. Amodeo's background, you knew that he owned at least 15 companies?
A. Yes.

Q. You knew that he ran them?
A. That was my understanding that there was -- well, I don't know the details. I understand there were a series of interlocking companies that he controlled or owned or had some interest in.
Q. And that there were approximately 70 others in a very short period of time that he purchased?
A. That's my understanding, though I don't know the exact number.
Q. All right. Now, you said that regarding the discussions on the tape regarding building this empire quickly, because he was talking about this global concept happening very quickly, that that was a sign of his bipolar disorder?
A. Yes.
Q. Yet in a two or three year period he did come to own or control 85 companies, did he not?
A. Yes.
Q. He also had a number of well respected professionals go to work for him?
A. Apparently so.
Q. Lawyers, are you aware that there were lawyers that went to work for him?
A. Yes. I understand that sitting in the board room were people with law degrees.

Q. Accountants and CPAs?
A. I understand that there were.
Q. Former special agents of the FBI?
A. I believe so.
Q. Former special agents of the Secret Service? I think we saw one on tape, Mr. Billings?
A. I didn't know that he was with the Secret Service, but I'll accept your representation.
Q. So, effectively, he was able to fool all of these people into believing his theories?
A. Is fooled the right word? I don't know. Were they -- why were they there? How much money did they receive and what benefit came to them? I don't know if fool is the right word.
Q. He was able to convince them to keep working with him on a day to day basis?
A. That, yes.
Q. Now, were you aware that he was able to sit two seats down from the president of the United States, George W. Bush?
A. Yes, I saw a photo of that.
Q. And that he was invited by former President Clinton apparently to sit on the board of directors of one of his foundations?
A. Yes.
Q. You have no indications that in meeting with President

Bush that he had any impaired judgment?
A. Well, I don't know the circumstances of the meeting. I saw a photograph of it. I don't know how much money you have to throw around to sit down with the president, but, yes, he sat down at a table with the president and I saw a signed, autographed picture.
Q. And you have no indication that he exhibited any poor judgment as it related to President Clinton?
A. Since I don't know the circumstances of that meeting, what he promised, what he said, I don't know.
Q. Looking back historically, you would agree that there was no indication that he was incapable of making informed decisions about some of the following things. His right to marry or divorce.
A. Well, yes. He married Claire, so I don't think there's any question that 20 odd years ago he had the right to do that.
Q. Or that he was incapable of making informed decisions about his right to vote?
A. Voting? I'm not aware of any problem with voting.
Q. Or incapable of understanding his right to have a driver's license?
A. I don't see a particular problem with the driver's license.
Q. Or operate a motor vehicle?

A. I'm not aware of his driving skill, but I'm not aware he had difficulty in driving a vehicle.
Q. He can't have any problems, he didn't seem incapable of understanding his right to travel?
A. No. Certainly had the right to travel if he wished to do so.
Q. Or to seek or retain employment?
A. I guess I should clarify at what time point. At any time point, now?
Q. No. My question is let's limit it to just June of '04 through February of '06.
A. All right.
Q. Do you have any indication -- would your answer be any different now that we've limited the timeframe?
A. I, of course, did not see him during that time, but as far as issues regarding could he vote, could he get married, could he drive a car, I'm not aware that those abilities were impaired.
Q. The same thing with determining his residence?
A. Yes. He could pick a home.
Q. Or his right to consent to medical treatment?
A. I'm not aware that he had any delusional beliefs affecting his medical health at the time or his understanding of medical conditions or procedures.
Q. Now, all these questions that I've just asked you,

they go back to the report of Dr. Antonio, do they not? Those were some of the things that she was looking at that time, is that correct?

A. That's correct. And if you recall, she referenced that in her opinion Mr. Amodeo should receive limited guardianship. Some of the things you listed she thought were okay, but issues relating to the need for mental health treatment relating to his ability to conduct business, well, she had concerns about those things.

Q. She did not opine concerning the time period of the indictment though, did she?

A. No. Because for the probate court, the focus was on the present.

Q. Now, people who are bipolar are capable of leading normal lives, are they not?

A. Under two conditions. First, the illness for many people is a remitting and relapsing illness, meaning there may be long periods of time or even without medication they're not ill and during that time they may function without symptoms. The other time is when the illness is properly controlled with medications.

Q. But even without medication what you're suggesting is they may be capable of leading perfectly capable lives?

A. Some may, some may not. Usually during periods of time where the illness is in its full flower, by definition

the illness produces either significant distress or impairment in social, occupational or other important areas of functioning. So if they are having an acute manic or an acute depressive episode, by definition their ability to function will be impaired.

Some individuals will have long periods of remission where the illness is quiet. Other individuals have a more malignant course and the illness tends to be more chronic and persistent. Those folks have a much more difficult time of it.

Q. People who are bipolar though can have successful careers?

A. They can if they're either lucky with a benign, relatively mild bearing of the illness or if their illness is properly controlled.

Q. They can raise families?

A. Yes. Although the divorce rate is extraordinarily high in bipolar disorder because of the nature of the illness.

Q. Mr. Amodeo was married to his wife I believe 18 years at that point?

A. At what point?

Q. When you examined him?

A. I believe it was 19, but that's pretty close.

Q. Now, other than the videotapes that you reviewed, you

didn't get an opportunity to observe Mr. Amodeo during the time period of the indictment?

A. No. I did not know who he was and had no contact with him.

Q. The videos you saw were the videos that were handpicked by his attorneys to have you review?

A. Well, yes, his attorneys supplied them to me. Whether they were handpicked or not, I don't know, but, yes, they were supplied to me.

Q. And you did not see the thousands of hours of other videotape that existed, did you?

A. No.

Q. And you never saw Mr. Amodeo, other than on the videotapes, in his day to day business dealings?

A. No. I certainly had nothing to do with Mirabilis, was not there when day to day business was conducted and had no dealings with him of any kind.

Q. And during the timeframe of the indictment you didn't see him interact with his family? Well, I don't even think there was anything on the video, but you didn't see him interact with his family, did you?

A. No. I did not know him.

Q. Or his friends?

A. No.

Q. Let's talk about the tapes that we saw earlier. The

meeting at the University Club.
A. Yes.
Q. All right. You said it was your opinion that he was rambling on that videotape.
A. Yes.
Q. In fact, didn't he seem to be very much in control of that meeting and what he was saying?
A. Well, he seemed to be in control of the meeting, there's no question about that, but if you read through the transcript, there are times when he says things that make very little sense. For example, I'm referring to the transcript now, he's talking about on the one hand being able to predict and change human behavior, and then on page 12 of the transcript starts talking about solving the medical malpractice crisis, and I'm not sure what the connection is, how that links up.

Later on he again, on page 56, talks about how by 2010 no human being will be more than an hour away from one of their offices. In another eight months we'll have 125 offices. These are things to me that suggest a problem.
Q. They suggest a problem or they suggest that he was rambling?
A. The rambling part is that he shifts topics at times and goes off on tangents. That is what I mean by that. There are also delusional factors in there as well.

Q. You would agree though that he appeared to be very confident in what he was saying?
A. Oh, yes, he was confident.
Q. He appeared to be a very good speaker?
A. He seems to be a good orator and he seemed to portray himself as excessively self confident, yes, which would be consistent with a manic state.
Q. He sounded intelligent?
A. Certainly his vocabulary is good, he's an educated man, he sounds intelligent.
Q. His speech was controlled, he wasn't screaming?
A. No, of course he was not screaming.
Q. If anything, he seemed to have a gift of gab?
A. Well, and certainly speaking well, speaking fluently, speaking excessively, having a gift of gab, again, would be consistent with a manic state.
Q. Now, you said that on that particular occasion that he was exaggerating things, or what you felt were exaggerations, is that correct?
A. Yes.
Q. A lot of what he said though, wasn't it, in a way, as much as you say it's a potential symptom of the bipolar disorder, wasn't it also equally consistent with puffery of a salesman trying to sell a product?
A. In my opinion it went beyond puffery. It's one thing

to tout your expertise, how investors can make money with you. It's another thing to claim that you're going to solve the medical malpractice crisis, be 50 percent larger than Citicorp in a year and a half. Those things sound beyond hyperbole to me.

Q. On the videotape you didn't see anybody get up and walk out, did you?

A. No.

Q. Nobody stood up and said this guy's crazy, I'm out of here?

A. Nobody said that.

Q. Nobody got up and walked out on it?

A. Not that I could see.

Q. Now, you've had an opportunity in your practice to examine white collar defendants, haven't you?

A. Yes.

Q. And many of them have the same traits that Mr. Amodeo does? For example, many of them have grandiose thoughts.

A. I've not seen too many to this degree with the element of grandiosity. I have testified on some individuals with bipolar disorder on diminished capacity issues. I've not had any white collar defendant whose plans were to become emperor of the earth though. So that was the most extreme grandiose delusion that I heard.

Q. Other white collar defendants you also have seen

exhibit narcissism just like Mr. Amodeo, correct?
A. Yes. Narcissism certainly does not excuse conduct. That is an inflated something of self esteem, conceit to exaggerated proportions, yes. That is a character flaw and would not qualify to mitigate or excuse criminal conduct.
Q. They all have large egos?
A. That would be one way to say narcissism.
Q. All these other individuals not were necessarily bipolar, were they?
A. No. And certainly I've testified at times for the United States Attorney's Office saying somebody is not mentally ill.
Q. Doctor, if we could just answer my questions, please, without all the editorial comments.
A. Sure.
Q. His performance on that tape was also consistent with a slick con man, was it not?
A. That could be one interpretation.
Q. All right. Now, I don't know if it was on that tape, I think it was, but there was some discussion about law and economics, is that correct?
A. Yes.
Q. And you were saying that in relation to the law and economics, when Mr. Amodeo was talking about predicting human behavior based upon mathematical formulas or some sort of

mathematics, you said that that was a symptom of his bipolar disorder?

A. In my opinion that reflected grandiosity to believe that he could actually predict future events with certainty.

Q. All right. Doctor, are you familiar with a Dr. -- not a doctor, a Judge Richard Posner?

A. No.

Q. All right. Are you familiar with the rational choice theory?

A. No.

Q. Are you familiar with the Freakonomics?

A. I've read the book, yes.

Q. And you know that at least in that sense in Freakonomics that the thought is that you can predict human behavior based upon economics?

A. I certainly don't want to speak for the author of Freakonomics. The issue is can you predict individual behavior, large scale society trends. That I don't know.

Q. You would agree that some of this is an academic debate, there's people on both sides of that fence?

A. I'm not familiar with that academic debate.

Q. Now, let's talk about the February 28, 2006 conference call. Did you talk to him about the background of that call, what caused that call to take place?

A. No.

Q. All right. So he didn't talk to you about the fact that there was somebody who had countermanded his orders from Richmond and that that's why he had called that particular conference call?
A. No, I did not know that.
Q. In your experience, you have seen businessmen whose subordinates don't follow instructions and they become upset with them, don't they?
A. That can happen.
Q. And you said that at least in part his being irritable was corroborative of his bipolar disorder?
A. It would be consistent.
Q. Now, people who are not bipolar can become irritable?
A. Of course they are. But the issue was the context it was in and the statements made, not merely the irritability.
Q. And there's people who are not bipolar who are capable of being euphoric?
A. Generally if something good happens to them, they can have feelings of elation or euphoria, the birth of a child, for example. The issue is it doesn't last a week and it is not associated with the other symptoms of bipolar disorder. That's the distinction.
Q. Watching the tape it left no doubt that he was running the company?
A. Well, he certainly appeared to be the man in charge.

Q. On that tape he certainly chose his words carefully, did he not?
A. I'm not sure if the words chosen and careful -- he threatened to sue people, told them to go to the department of labor, told them that he was familiar with people marching in front of the company. I'm not sure those words were carefully chosen. Somebody may disagree with that that they were threatening and across the line, but I'll leave that to others to decide.
Q. He wasn't out of control?
A. No, he certainly didn't holler at anybody or threaten physical harm in that sense, no.
Q. Now, you also said that his thoughts about the Congo were another symptom or manifestation of his bipolar disorder?
A. Yes.
Q. Yet he did send people to the Congo, did he not?
A. Yes, he did.
Q. And on the tape you saw one of the individuals on there say that he would go back, didn't you?
A. Yes, I believe he said that.
Q. And he also said that he believed in Mr. Amodeo's theories.
A. All right. He said that.
Q. He didn't say that Mr. Amodeo was crazy?

A. No, he did not.
Q. Now, did I understand you to say that, in fact, his caffeine dependence exacerbated his bipolar disorder?
A. Yes.
Q. And that was based upon the reports that you saw from McLean?
A. Yes. They were of that opinion that the overuse of caffeine and Sudafed could have played a role in worsening his condition.
Q. Can you point me to any of the reports that say that?
A. In McLean?
Q. Uh-huh.
A. Sure.
Q. That say that it possibly exacerbated his condition.
A. I'm having trouble finding that, although I know it's in here.
Q. I'll give you time to find that, Doctor.
A. All right.
MR. SLAUGHTER: Substance use history is on page one.
THE WITNESS: All right. I have a report here from Jennifer Taylor, Ph.D. at McLean hospital, and in her conclusion she notes the co-occurrence of chemical dependency and psychiatric illness suggests that a comprehensive -- must address both disorders simultaneously. I believe that Mr.

Amodeo would benefit from -- regarding stimulant beverage use and his psychiatric instability.

Q. That does not say that his caffeine dependency exacerbated his bipolar condition, does it?

A. She does reference the link between them.

Q. Where?

A. Simply in what was stated there, how they impact on one another. She also noted that earlier in her report Mr. Amodeo said that he was almost continuously manic during this 11 year period with the exception of a six month hiatus during which did he not take any Sudafed and his consumption of stimulant beverages was reduced, which would imply some correlation or exacerbation.

Q. It does not say in that report that the use of caffeine exacerbated his symptoms, does it?

A. Does she actually use that phrase?

Q. Yes, sir.

A. No.

Q. Which is what I believe you said that, you know, she had said. I believe on direct examination you said specifically that the doctors there said that his bipolar disorder was exacerbated by the caffeine.

A. That was the impression that I had from my conversations with them. I simply have what Dr. Taylor wrote in her report.

Q. All right. Now, when you first met with Mr. Slaughter back or the first report I believe you wrote him was in May of 2008, was it not?
A. That's correct.
Q. And by that time you had seen Mr. Amodeo several times?
A. Correct.
Q. And he had discussed with you at that time his caffeine dependence?
A. Yes. He had told me he was drinking quite a bit of caffeine and had taken Sudafed.
Q. Your report to Mr. Slaughter mentions nothing about any dependence exacerbating his bipolar disorder?
A. That's right.
Q. And you would agree that Dr. Antonio's report says nothing about that?
A. Correct.
Q. And Dr. Ballantine's report says nothing about that?
A. Correct.
Q. As a matter of fact, Dr. Vuckovic, is that how you pronounce his last name?
A. Yes, I believe so.
Q. His report upon discharge says absolutely nothing about the caffeine exacerbating his bipolar disorder, although he does reference that he was still dependent on the

caffeinated beverages?
A. Correct.
Q. And your report of August 28 of '08 mentions nothing about the fact that Mr. Amodeo's caffeine consumption exacerbated his bipolar condition?
A. Yes.
Q. Yes, it is correct?
A. That's correct.
Q. Now, you've testified that the bipolar disorder led Mr. Amodeo to exhibit poor judgment.
A. Correct.
Q. And with that poor judgment you're aware that it's alleged that he stole almost 200 million dollars?
A. Yes.
Q. In your opinion, how much more would he have stolen if his judgment wasn't impaired?
A. I don't know how to answer that question. If he did not have a mental illness, would any of this have happened or would there have been some criminal conduct? That I don't know.
MR. GOLD: I have no further questions, Your Honor.

REDIRECT EXAMINATION

BY MR. SLAUGHTER:

Q. Do you have Dr. Antonio's report up there?

A. Yes, I believe I do. I have it here.

Q. And as Mr. Gold said, this, quote, snapshot that she took, did she not say that he lacks the ability to consent to refusal of medical or other professional treatment or care, counseling services or treatment?

A. Yes.

Q. Did she also say that he lacks the ability for access to consent to or release confidential records or papers?

MR. GOLD: Objection, Your Honor. I have no objection as long as it's clear that that was at that moment and no other moment in time.

THE COURT: That's my understanding. You may proceed.

BY MR. SLAUGHTER:

Q. Did she say he lacked that ability?

A. She did indeed.

Q. Why don't you tell the court what Dr. Antonio said as Mr. Gold said in his, quote, snapshot, what abilities he lacked because of his bipolar condition?

A. She opined that he lacked the ability to, that he lacked the ability to control or manage real or personal property or income from any source, lacked the ability to

manage a business, act as a member of a partnership, make contracts, pay or collect debts, make gifts, initiate, defend or settle lawsuits, execute a will or be admitted to the Florida state hospital or any other public treatment facility on a voluntary basis. She said he did have the ability to make decisions about travel, where to live and education.

Q. And on page two did she say he was not able to make informed decisions regarding his or her right to contract?

A. Yes.

Q. And he lacked the ability to make informed decisions regarding his or her right to sue or assist in the defense of suits of any nature against him or her?

A. Correct.

Q. And he lacked the ability to make an informed decision regarding his or her right to manage property, make any gift or disposition of property?

A. Correct.

Q. Now, there was another doctor that was seen, you said this was an MD and the person had also obtained a law license?

A. Yes. That's Dr. Edward Ballantine.

Q. Would you tell the court on page two what he said Mr. Amodeo lacked on that snapshot day?

A. Dr. Ballantine opined that Mr. Amodeo lacked the ability to do everything, which was right to marry, vote,

apply for government benefits, drive, travel, seek employment, contract, manage property, make decisions involving his residence, consenting to medical treatment or any other decisions about his social environment.

Q. And on page four what did he say he lacked?

A. Essentially Dr. Ballantine stated, quote, this man's racing thoughts and grandiosity significantly impair his ability to make informed decisions in all areas of his life, and he went down the page and said that he lacked the ability to do everything including running businesses, making legal decisions and so forth.

Q. Now, Mr. Gold asked you a question about caffeine dependence that you put into your report or you talked about on direct examination. Did you not say that you had talked to the team on at least one or two occasions?

A. On at least one occasion, yes.

Q. And where did you get the information that there was a codependence on caffeine that exacerbated the bipolar?

A. I believe that was from verbal discussions. They wanted him to not take Sudafed and reduce the amount of caffeinated beverages because of the concern that could worsen his condition.

Q. Now, if a person has bipolarism, are you able to say like say from one to ten what you believe the severeness of that condition is?

A. Well, certainly at any point in time I can offer an opinion whether the symptoms are mild, moderate, severe or extreme. I can look back in time at a point and say at this point the patient was seriously ill with extreme manic symptoms, they're extremely depressed and in a hospital, so at any given point I can make an assessment how ill they are at that point. I can also look back over the course and offer general opinions as to how malignant or benign over the course of treatment has been and all.

Q. Now, in this particular case based upon all you've seen in Mr. Amodeo, the tapes and from our sources including Claire and everybody else that may have talked to you, from a scale of one to ten, where would he be?

A. It's hard to quantify it. I'll simply say he's had a rather malignant course of illness, rather chronic and unstable depressive symptoms, chronic and unstable manic symptoms, and persisting delusions in spite of treatment. This would be a rather severe variant of the bipolar illness.

Q. Would Mr. Amodeo be able to conduct the affairs normal in life today or from '04 to '07 without medication?

A. Well, if you're talking about basic activities of daily living, can you drive a car, can he shave himself, can he make himself macaroni and cheese at his house, yes, he can do those things. Because of his delusional beliefs, is that going to affect his ability to make rational judgments in the

business world and dealing with others? Well, that's why we're here today.

Q. Now, Mr. Gold asked you about whether or not he was a con man and he asked you about all these smart people that were in the room and didn't say anything. Has anybody shared with you what these people were being paid?

A. I don't know the exact amount. I know they were well compensated.

Q. Has anybody shared with you the fact of how many people knew that this money was stolen?

A. I don't know how many people knew that or suspected that.

Q. With reference to bipolarism, is it consistent with bipolarism for a person to start a number of business activities simultaneously?

A. Yes. They may start many projects, have trouble completing them, handling them all, and they may easily over extend themselves.

Q. And have you heard of anyone single building or project or subpoena that Mr. Amodeo associated himself with that ever was successful or turned a profit?

A. I don't know of any.

Q. Is that consistent with bipolarism?

A. Yes, it's consist with someone who clearly is not functioning well and somebody who would clearly be ill,

either that or a poor businessman, but the former is likely given the history here.

Q. Was Mr. Amodeo expansive?

A. Oh, yes. How can you be any more expansive than believing it's your duty to rule the planet.

Q. Was there unwarranted optimism?

A. Yes, absolutely.

Q. And grandiosity and poor judgment?

A. Certainly the grandiosity, the belief of his preternatural powers, super natural abilities, messianic destiny. Oh, yes, there was quite a bit of grandiosity here.

Q. And would those symptoms lead to imprudent involvement in poor business investments?

A. Well, certainly one could argue that's exactly what happened here.

Q. With reference to bipolarism and ethics, is there any correlation?

A. Sure. Ethical constraints are often disregarded. Even though someone may have an inkling that this is wrong, they'll create a way to justify it in the end. And it states in our Diagnostic and Statistical Manual, individuals in a manic state may disregard conventions, engage in behavior that is inappropriate or even criminal, and through the prism of their illness be able to justify and rationalize their behavior.

Q. What did Claire Holland, Frank Amodeo's wife, tell you about Mr. or Dr. Pollack?

A. She -- I'm going off what she told me October 1, 2007. She stated that she had e-mailed him saying that Frank was talking about being emperor of the universe. Her recollection his reply was that he needed rest and to play more and that he was keeping an eye on him. That is what Claire Holland related to me.

Q. And based upon your discussions with Mr. Amodeo and with Claire Holland, did he ever diagnose or did he ever prescribe any bipolarism medications such as --

A. I'm not aware that that was done.

Q. Mr. Gold also asked you about isn't it possible he was just a slick con man?

A. He did ask me that.

Q. And based upon your experience and expertise and with a reasonable degree of psychiatric certainty, can you tell, is he a slick con man or does he suffer from bipolarism?

A. He suffers from bipolar disorder in my opinion, based not only on my opinion but multiple other psychologists, psychiatrists and psychological tests. This is not merely a scoundrel, this is someone who has a serious mental illness that, in my opinion, greatly affected and influenced his behavior.

Q. One final question. When a person is manic or

euphoric, is there any criteria of how long that lasts in bipolarism?

A. And the answer is the minimum duration for a manic episode is one week. However, the episode can last months or in some cases even years. It can be chronic and persistent in some unfortunate individuals.

Q. And do you have an opinion based upon a reasonable degree of psychiatric certainty of whether Mr. Amodeo's bipolarism and his manic episodes were chronic over the last few years?

A. Well, if you look at his history, he certainly had periods of depression interspersed. He has relatively few what we call euthymic or relatively normal days. Either he's in a manic state, a depressed state, or what we call a mixed state where he's irritable but unhappy but also accelerated. So his illness seems to cycle between these different cycles. He will stay manic for a period of time, he's manic for a while, has a spurt of depression, may be manic again. He tends to have multiple episodes occurring through his cycling.

Q. If there were a punch list of symptoms for bipolarism with reference to your diagnosis, would Mr. Amodeo hit each and every one of them?

A. Yes, he would. He has the elevated, irritable mood, grandiosity, racing thoughts, reckless behavior, markedly

increased energy, a depressed need for sleep, the inflated self esteem, the reckless spending, so, yes, he hits the DSM-4 criteria very well.

Q. And what impact, if any, would that have on Mr. Amodeo participating the theft of 180 million dollars --

MR. GOLD: Object, Your Honor, asked and answered. We've been all over this.

MR. SLAUGHTER: I have not asked that question before.

THE COURT: Overruled.

Q. Did you hear the question?

A. Yes. It is my opinion that because of his manic and grandiose state, his belief that it was his destiny to rule the planet, that any ethical concerns were pushed aside as a pursuit of his vision and he found a way to justify it in his mind because his mind was affected by a mental illness.

Q. And did the professionals around him have a positive impact on that feeling that he had?

A. I'm certainly not aware that anyone put a brake on it.

MR. SLAUGHTER: Thank you. No further questions.

MR. GOLD: If I can have just have one second, Your Honor.

Your Honor, just two questions. May I?

RECROSS EXAMINATION

BY MR. GOLD:

Q. Having a bipolar disorder is not necessarily inconsistent with being a slick con man, is it?

A. Someone could be both.

Q. And when you talk about someone being manic for periods or depressed for periods, much of that is based upon a patient's self reporting, isn't that correct?

A. As well as the observations of others. Often times individuals who are ill don't recognize their behavior or actions are inappropriate.

MR. GOLD: I have no further questions, Your Honor.

THE COURT: You may step down, sir.

THE WITNESS: Thank you, Your Honor.

MR. SLAUGHTER: May Dr. Danziger be excused?

THE COURT: Yes.

Oh, I wanted to ask a question, Doctor. I wanted to ask a question about the term psychothymia. Tell me about that.

THE WITNESS: Psychothymia can be considered a variant of bipolar disorder. It refers to individuals who have an unstable mood state with mild manic and mild depressive symptoms that persist over time. So one could think of it as a minor varianted bipolar disorder, although

someone recognizes there are symptoms of both mania and depression.

For some individuals psychothymia may be how the bipolar actually presents. For example, in their early 20s, they may have minor mood permutations, but as they get older the illness increases. Other individuals, it may be a mild or variant disorder persisting throughout life where they have the mild episodes of mania and depression, but never progressing to the full blown illness.

THE COURT: Okay. Thank you, sir.

THE WITNESS: Thank you, Your Honor.

MR. SANDS: Your Honor, our next witness is Mr. Amodeo.

THE COURT: Okay.

MR. GOLD: Your Honor, I think, based upon this morning's conversations though, I think the court at least needs to make an inquiry because he was talking about the conflict. I don't mind him going forward obviously, but I want the court to at least place on the record he's doing this voluntarily, after consulting with his attorneys. I don't want him to come back and say that his lawyers forced him to testify or anything like that.

THE COURT: Okay. Mr. Amodeo, raise your right hand, sir, and be sworn.

Whereupon:

FRANK LOUIS AMODEO,

called as a witness, having been first duly sworn according to law, testified as follows:

THE COURT: Sir, what is your full name?

THE DEFENDANT: Frank Louis Amodeo.

THE COURT: Mr. Sands, what is it you're going to question him about?

MR. SANDS: Mr. Amodeo would like to testify about his, the manifestations of his illness in his earlier life, about his long course of involvement with Mirabilis, about his subsequent cooperation with the government. He basically wants to testify as to the, basically the narrative of the case as set forth in the sentencing memorandum.

THE COURT: Okay.

MR. GOLD: Your Honor, we already have the stipulated facts in the plea agreement that are contained in the PSR. If this is a supplement, it's one thing, but if he's now contesting the facts in there, I have some concerns.

MR. SANDS: Your Honor, one thing I can tell you is that Mr. Amodeo has gone through this process with the understanding and expectation that he would have the opportunity to make a thorough statement to the court explaining his behavior, explaining what happened, and he wants to have the opportunity to do --

THE COURT: Well, he will have that opportunity. The question is whether he's going to do it now based on his earlier representation that he thought there was some sort of conflict he had, some sort of conflict that counsel had with regard to his referring to Mr. Slaughter's representation. You thought that if he did, you might also, Mr. Sands.

MR. SANDS: Right. And I have no problem with your conducting any kind of examination that you deem fit, Your Honor.

THE COURT: Mr. Amodeo, it's my understanding that you have received treatment and that you are competent to proceed with this hearing and that you were competent to enter a plea when you entered your plea. Is that your understanding?

THE DEFENDANT: Yes, sir, that's my understanding.

THE COURT: Are you thinking clearly this morning, or this afternoon?

THE DEFENDANT: Honestly, Your Honor, not up to speed. Dr. Danziger had to change my medication last week because it reached near toxic levels.

THE COURT: But you've understood everything that's happened here, right?

THE DEFENDANT: Yes, sir, I have.

THE COURT: And you're able to express yourself

clearly here today, aren't you?

THE DEFENDANT: I believe so, sir, yes, sir.

THE COURT: What you're saying is that your medication was changed and have you reacted positively to that?

THE DEFENDANT: It's actually a negative reaction to it. I spoke with Dr. Danziger during the break. He's going to have me get a blood test done.

THE COURT: And what is the negative reaction?

THE DEFENDANT: They had to reduce the amount of medication so the mood swings are greater. I've noticed myself cycling while I've been in here, a little more depressed, a little more manic, and take a blood test and then he's going to re-prescribe medication for me in a different combination, but he told me I had to have the blood test first.

THE COURT: Did you hear everything that your attorney said this morning?

THE DEFENDANT: I did.

THE COURT: Did you understand it?

THE DEFENDANT: Yes.

THE COURT: Did you hear everything that Mr. Gold said?

THE DEFENDANT: I did.

THE COURT: Did you understand that?

THE DEFENDANT: I do.

THE COURT: I watched you at times during the hearing and you seemed to indicate by body language and gesture and conversation with your attorneys that you were aware of what was going on. Was my impression correct?

THE DEFENDANT: Yes, sir.

THE COURT: Mr. Sands just indicated that he wanted you to have an opportunity to address the court regarding several things, including your history of mental illness, your involvement with Mirabilis, and the kinds of things that are included in the presentence report with regard to background. Did you hear that?

THE DEFENDANT: I did.

THE COURT: Now, as I recall, you're an attorney?

THE DEFENDANT: Yes, sir.

THE COURT: You're educated as an attorney but right now you don't have a license, is that correct?

THE DEFENDANT: Yes, sir.

THE COURT: You're a graduate of Emory University School of Law?

THE DEFENDANT: Yes, sir.

THE COURT: And you have actually engaged in the practice of law, most of which was commercial in nature, is that right?

THE DEFENDANT: Yes, sir.

THE COURT: You did a good bit of bankruptcy work at one time?

THE DEFENDANT: I did.

THE COURT: And that involves transactions and relationships between creditors and debtors, is that right?

THE DEFENDANT: Correct.

THE COURT: And during the time that you were not practicing law, you've been engaged in the business world, is that right?

THE DEFENDANT: Yes, sir.

THE COURT: In fact, you have made a living as consultant from time to time consulting other executives or representatives of other entities regarding how they should go about their business, is that right?

THE DEFENDANT: I have.

THE COURT: You were paid for that?

THE DEFENDANT: Yes, sir.

THE COURT: In some instances it seems like you were paid a lot of money for that.

THE DEFENDANT: Yes, sir.

THE COURT: Now, you indicated this morning that you had a concern as to whether your attorneys, I think you were talking about Mr. Slaughter specifically, had a conflict of interest, is that right?

THE DEFENDANT: Correct.

THE COURT: Have you thought about that since you brought it to my attention?

THE DEFENDANT: I have.

THE COURT: Do you now think that there's such a conflict?

THE DEFENDANT: I have discussed it briefly in the intervening time. The conflict runs to Mr. Slaughter, Mr. Phillips and Mr. Pannoff, and now the conflict runs even deeper after Mr. Gold's last comment. There is a very specific understanding about the statement of facts in the plea agreement, and if Mr. Gold is trying to change that understanding today, then I have a problem with it. Those facts were created so that --

THE COURT: Wait a minute, I don't think Mr. Gold is trying to change it. He's saying that he wants to make sure that it's not changed.

THE DEFENDANT: The meaning of those facts are not what has been projected in other proceedings.

THE COURT: Well, let me just back up. I've got the presentence report here and you're telling me that you believe that it has -- the facts set forth in that presentence report are accurate, right?

THE DEFENDANT: No.

THE COURT: Oh, you don't.

THE DEFENDANT: Not at all. Nor in the statement

-- in the statement of facts of the plea agreement were done with very specific meanings and not what has been portrayed in the presentence report, at all. And the only reason I agreed to it after weeks of excruciating negotiation was because I was -- it was represented to me that, number one, existing substantial assistance had remained in place, and then, more importantly, far more importantly to me, is that this proceeding would take weeks and I'd be able to present all kinds of witnesses in order that the whole story would be told, that these hundreds of hours of videos would be entered into the record so that the complete layout of all of the evidence would be --

THE COURT: Hundreds of hours?

THE DEFENDANT: Hundreds of hours.

THE COURT: Of videos.

THE DEFENDANT: Of videos. I have 267,000. I've been able to reduce them to a few hundreds hours.

THE COURT: So you contemplated that I would listen to hundreds of hours of video?

THE DEFENDANT: No. I contemplated that they would be entered into the record kind of in block.

THE COURT: Well, maybe they will be. It's not inconsistent -- let me stop you one second because I want to make sure you understand how I go about things. I don't think there's a defendant or defense attorney around here

that will say, I hope there's not, that I haven't given them an adequate opportunity to present evidence in mitigation. I hope I'm not known as a judge that doesn't give both sides a fair opportunity to be heard, in this kind of case or any other kind of case. So it's not my intention to cut anybody off.

I don't like to deal with information that's not relevant. I don't like to deal with information that is redundant. And you understand that because you're a lawyer. I mean the system will break down if we do that. If you have information that you think I should hear in helping me make a decision as to what a fair and just sentence would be, I'll listen to it. It's hard to imagine a great deal that's not contemplated under 3553.

THE DEFENDANT: That's what my expectation was, Your Honor.

THE COURT: Well, knowing that, are you still maintaining that what is in the presentence report is inaccurate? Or is it that you're concerned that you're not going to get an opportunity to present evidence that you think is mitigating?

THE DEFENDANT: I haven't seen the presentence report.

THE COURT: Oh, you haven't seen the report.

THE DEFENDANT: My version I gave to Mr. Sands

and I've never seen a copy of the presentence report since then. But I have heard some of the claims that were in it because I talked to Mr. Sands on the phone.

THE COURT: So let me back up. You're telling me that you've never read the presentence report?

THE DEFENDANT: That's correct, Your Honor.

THE COURT: Can you tell me what you believe the conflict of interest that Mr. Slaughter has is?

THE DEFENDANT: My recollection of a memo when the government needed me to sign a plea agreement so that they could get authority to prosecute the case without going through their regular channels was they threatened to deprive me of counsel and attack my counsel's fees if I didn't sign the plea agreement within a couple of days, with no changes made, even though they knew I didn't agree with it. Shortly after that is when I went real manic and that's when Mr. Slaughter did the guardianship proceedings.

MR. SLAUGHTER: Different plea agreement, Your Honor. That was a different plea agreement.

THE COURT: I was just going to go back and look at the date. That was some time ago.

THE DEFENDANT: Correct.

THE COURT: Well, that plea agreement isn't relevant. The plea agreement you did sign is relevant. Now, let me go back to the presentence report. A second ago you

told me that what was in the presentence report was not correct.

THE DEFENDANT: What I've heard of it in being brought up in other proceedings, yes, sir. There are civil actions which are pending and people have been citing portions of things which I just disagree with. And Mr. Sands read to me before he filed a set of objections early in the process, he called me and he read to me some paragraphs and some responses. And that's what I've seen of the presentence report.

THE COURT: So you've never had possession of it?

THE DEFENDANT: I had it because I gave it to Mr. Sands. Apparently they gave one to Mr. Slaughter and one to me, not one to Mr. Sands, so I sent it to him.

THE COURT: Without reading it?

THE DEFENDANT: He was at my condominium interviewing me, so I think he took it with him that day. Just circumstances.

THE COURT: But you didn't read it before he came to your condominium?

THE DEFENDANT: No, sir.

THE COURT: So go back to the conflict. What is the conflict?

THE DEFENDANT: I guess the conflict -- that's what I don't know. Honestly, I'm facing a severe sentence

and I'm not even sure what the conflict is. There is a, I've been told that there is a Mr. Atkinson who helped us out in another case from Tallahassee who is an expert and I want to find out what the conflict is and what my waiver does to any of the rights that I might have. That's what I'm looking to get an answer to.

THE COURT: Well, I tell you what, if you can't articulate a conflict, I'm not going to delay the proceedings, but I will delay the proceedings for you to read the presentence report and I'll delay them until three o'clock. During that time I want you to read the presentence report.

THE DEFENDANT: Yes, sir.

THE COURT: And I want you to discuss the presentence report with your attorneys.

(RECESS.)

THE COURT: Mr. Amodeo, did you have an opportunity to read and review the presentence report?

THE DEFENDANT: I did, Your Honor. And just so I can make it clear to the court, I had read Mr. Salce's version of this before, the one that I assume was a draft. I had gone over that with Mr. Sands. The only thing I had not seen was the final version where the probation office put in Mr. Sands' objections and concerns.

THE COURT: Okay. Well, that's really not part

of the report, that's an addendum where the objections and the responses from the parties, from probation and in this case the government appear. But you did read the body of the report?

THE DEFENDANT: Yes, sir. And I read it all again this afternoon just to be on the safe side.

THE COURT: Okay. And do you have any objections as to the factual accuracy of that report?

THE DEFENDANT: Are you going to try to save me on this one, Kent?

MR. SANDS: Could I interject for just a moment, Your Honor? I think I can explain what Mr. Amodeo's position is and then he can affirm it if he so chooses.

The statement of facts in the presentence report is largely based on the statement of facts from the plea agreement. The statement of facts in the plea agreement was drafted very carefully with a certain amount of vagueness to leave the parties with the ability to argue their respective positions at sentencing on specific issues. For example, with regard to what Mr. Amodeo's intent was in December of 2004, with regard to the monies that were paid over at that point in time, the 8.9 million. Mr. Amodeo thinks that the statement of facts itself is, unless you know the fuller facts of the case, which he wants to bring to the court's attention now, is incomplete and potentially misleading. But

Mr. Amodeo agreed that the statement of facts was not incorrect.

THE COURT: That's all I'm asking. Is there anything in the report that you would object to as being factually inaccurate? As I understood what your attorney just said, the answer is no, but that there were certain areas where the facts in the plea agreement were vague and that that was intentional and that I would -- that your attorneys anticipated that was something that you and perhaps they would speak to during this sentencing hearing.

THE DEFENDANT: That's correct, Your Honor.

THE COURT: But Mr. Sands also says that those facts are pretty much the same as the facts in the presentence report and therefore they wouldn't be inaccurate. Is that correct?

THE DEFENDANT: That's correct, Your Honor.

THE COURT: And you had an opportunity to discuss the report with your attorneys, right?

THE DEFENDANT: Yes, I did.

THE COURT: Now, there also are objections that your attorneys have raised as to the probation officer's application of the guidelines.

THE DEFENDANT: Yes, sir. I've seen those.

THE COURT: And you're in agreement with their objections, is that correct?

THE DEFENDANT: I am.

THE COURT: And do you have any other objections as to the application of the guidelines that have not been raised?

THE DEFENDANT: No, sir.

THE COURT: Are you satisfied with that inquiry, Mr. Sands?

MR. SANDS: Yes, Your Honor.

THE COURT: Mr. Slaughter.

MR. SLAUGHTER: Yes, sir.

THE COURT: Mr. Gold.

MR. GOLD: I am, but still we have to get to the issue of whether he's going to testify voluntarily, but I also may be able to short circuit this a little bit and save the court a great deal of time.

THE COURT: I'm not to that point. That's where I was going until I was confronted with the possibility that he had not read the report yet. That's where I started earlier.

MR. GOLD: Okay. If I could just tell the court, I mean once we get through this, the United States is willing to stipulate pages one through 90 of the sentencing memo, not that we agree with everything in there, but that's what his testimony would be. The court can consider it for whatever reason the court wants without the necessity for further

testimony so that we don't, in effect, rehash everything. I'm not saying that everything is factually accurate, but that's what his testimony would be.

THE COURT: Okay. Going back, let's go back to the other question and that's whether you testify or not. You probably remember from your criminal law or criminal procedure course that a defendant has a right to testify during a trial and also during a sentencing, and you also have a right not to testify. It's up to you to decide whether you want to testify or not. And you indicated a minute ago that you did want to testify.

THE DEFENDANT: Yes, sir.

THE COURT: And I just want to make sure that you're doing that freely and voluntarily.

THE DEFENDANT: Yes, sir.

THE COURT: Has anyone threatened you or coerced you or intimidated you in any way to persuade you to testify?

THE DEFENDANT: No, sir.

THE COURT: Has anyone done anything that you think is wrong or unfair or unethical in order to persuade you to testify?

THE DEFENDANT: No, sir.

THE COURT: Are you ready to testify because you want to testify?

THE DEFENDANT: Yes, sir.

THE COURT: And you're making this decision freely and voluntarily?

THE DEFENDANT: I am.

THE COURT: And you've had an opportunity to discuss with Mr. Slaughter or Mr. Sands or both of them about this decision?

THE DEFENDANT: I have.

THE COURT: Okay. Anything else?

MR. GOLD: Nothing, Your Honor.

MR. SANDS: Defense would call Mr. Amodeo.

MR. GOLD: I guess we're not accepting the stipulation.

MR. SANDS: No, certainly not as phrased. That's not really the stipulation we were talking about before anyway.

MR. GOLD: Well, I can, if you want me to say that those are the facts that he believes at the present time, that's fine.

MR. SANDS: What Mr. Gold is referring to, Your Honor, is we were in the process last week of talking about a potential stipulation in the case by which the government would stipulate that the pages one through 90 of the sentencing memorandum are Mr. Amodeo's actual recollection of the events that occurred during that time period reflected in pages one through 90. We were discussing that at that point

in time. There's been a lot of water under the bridge since then. Mr. Amodeo has not indicated to me that he wants to forfeit his right to actually testify and have you assess his credibility and his account simply by reference to my sentencing memorandum. Is that correct?

THE DEFENDANT: Yes, that's correct.

THE COURT: Okay.

DIRECT EXAMINATION

BY MR. SANDS:

Q. Please state your name for the record.

A. Frank Louis Amodeo.

Q. Mr. Amodeo, how old are you?

A. 48.

Q. Just as a preparatory matter, what medications are you taking today?

A. So far today I have had 2,000 milligrams of Depakote and 40 milligrams of Geodone which is about two-thirds of my Depakote dose and about half of the Geodone dose.

Q. And that hasn't prevented you from understanding what is going on in the proceeding today?

A. No, it hasn't.

Q. I'd like to take you back and talk with you first a little bit about your background before this case. Where were you born?

A. Detroit, Michigan.

Q. And when did you actually move to Orlando?
A. 1965.
Q. How old were you at that time?
A. I was five. It would be the end of '65, beginning of '66. I don't remember exactly.
Q. How many children other than yourself in your family?
A. Four. Other than myself, three.
Q. What was your father doing for a living when you moved down to Orlando?
A. He was, he did bowling lane promotions. He was kind of a promotions manager, you know, held events to attract new customers to the venue.
Q. How would you describe your childhood?
A. My childhood was pretty good. You know, my father got really involved with little league, we played little league a great deal. Both my parents worked, financially it was a bit of a struggle, they were lower middle class. And eventually my dad got a business, but all through the struggles financially they were actively involved in our school and sports and other stuff.
Q. How did you do in school? And, again, I'm focusing now on secondary school, high school.
A. I did really well in school, particularly from junior high on I started straight A type grades.
Q. What kinds of activities were you involved in when you

were in school?
A. Early on in the middle school I was playing little league baseball, little league football. When I got to Memorial Junior High School I started things like the chess club and the math club and those type of activities, more academic pursuits. And then by the time I got to high school it was, I no longer had the hand to eye coordination of the size for the sport so I kind of dropped from the sports all together and stayed with things like building a radio station for the school and really speech and debate which became my principal activity until student government in the last year.
Q. Okay. Did you have an opportunity to actually participate in radio shows or TV shows?
A. I did. I had a -- Oak Ridge High School, we actually built a radio station and got it licensed and so I did a political commentary, how America is going to the dogs on a daily basis for probably a semester, and then I was a panelist on the Pro and Con television show which ran on channel 9 in '78.
Q. What kind of grades were you receiving?
A. I was 3.89 kind of average, just under a 4.0.
Q. You mentioned student council. Did you at some point become a part of the student council at your school?
A. Yeah, I ran for student council my senior year and was elected.

Q. What did you do, if anything, with regard to your coronation as senior council president?

A. You know, it may be my first recount of some of these events. While I was student council president, the Orlando Sentinel ran a little article that I was running the school like it was a country. I had created different layers of student government. I gave people appointments. I got authority to write, you know, passes to excuse students from classes. I had the ROTC which was acting as my personal, they were the Army, they got to actually do drills and stuff. I ran the pep rallies for the football teams and Oak Ridge had a really good football team having just integrated at the time. And so I ran some real cool pep rallies including I came in a limo and had security guards and put on displays.

I was also, I believe, the first or second student advisor to the Orange County School Board, I took that on as a formal position. And that was kind of, you know, so the senior year was kind of me creating a country. And I did it all through to the end.

Q. Had you received any kind of mental health counseling in your adolescence?

A. No, I had not.

Q. What was your habit with regard to the intake of the caffeinated beverages?

A. It stemmed from the little league and stuff and really

the family, it would be 12 to 24 Cokes a day when I was a kid. As I got to my senior year in high school I began to change that a little bit more towards iced tea, but that really wouldn't become a conversion until I got to Emory.

Q. How would you describe your interaction with other students? I mean did you have positive interaction with other students in your school?

A. Yeah, positive and limited in some sense. One of the reasons why the election really went so well is because I was the sports guy as the jocks liked me and then amongst selections they voted for me. I also received predominantly all of the black vote. I just seemed to get along with everybody. I've always been charismatic. But I didn't really develop close friendships. I mean I had maybe one close buddy in high school and a couple that were one step removed.

Q. Where did you go after high school?

A. I went to the University of Central Florida.

Q. What was your major?

A. Political science.

Q. And how long did it take you to obtain that degree?

A. Five years, I believe, or a little over their norm. I had some extra hours, but it took me a little longer than normal to get the degree.

Q. Why was that?

A. While going, I had set up a couple of businesses that were related to the cypress clock industry. My dad had moved into the cypress clock business which is those old clocks, they're shaped like that and I had discovered that -- well, actually I didn't discover, I was kind of facilitated as becoming an intermediary between the importers of the products and all the little cypress clock companies and really what that amounted to is I, as a kid, didn't mind loading it up in a van and driving around. But over time I built it into a business where I was able to get imports from Japan directly and started dealing with the import brokers. At the same time I started building the retail store, so I'd supply these guys their components and then I'd buy some of their product and I'd sell them at Belz Outlet Mall, the international shopping center, that type of thing.

Q. Now, this was while you were a full-time student at UCF?

A. That is correct.

Q. Did there come a time during your student days at UCF that you experienced an episode that you now equate with your condition, your bipolar condition?

A. Yeah. There was the first time I remember what is, what I now believe is depression was when I thought I got what I thought was sick. My parents were living in a duplex so I and my buddy from high school were renting the other

side and for two weeks, maybe a little longer, I was in bed and never got out. They brought me the stuff home from school, I studied there and I just kept saying I'm sick, I'm sick, I'm sick, and I can't get out.

Q. Did you go to the doctor?

A. You know, I didn't go to the doctor. In fact, it's still probably a bad trait of being a little too Italian ethic macho to go to the doctor. I should just stick with it through, stay there and get healthy.

Q. Why is it you associate that episode with your current condition?

A. I've now been able to read about the current condition, I've been able to study about the depressive periods of time and what really happened is I was locked into a depressive state of time.

Q. What happened?

A. I went blank. I came out of it. Literally I came out of it and that morning I told him I'd sell him the supply base because he needed it for his wholesale company, went and found my two partners which was a buddy that was staying with me and a professor in the university and told them look, I'm selling out, I'm going to law school. And the girl I had met along the way called up and said, you know, we need to see more of each other and pretty quickly decided to get married.

Q. How long, this is your -- this is not Claire Holland,

correct, your current wife, this is your first wife?
A. That's correct.
Q. How long after you met your first wife did you actually end up getting married?
A. Three months probably.
Q. And where did you end up going to law school?
A. Emory University.
Q. At that point in time where were you living?
A. When I first got to Atlanta I was living at the, in an apartment in a downtown tower at the corner of Peachtree and North, and that was right up next to Georgia Tech University which is where she was a student at, so I had picked it so that she was in walking distance to Georgia Tech.
Q. Were you a full-time student at this point?
A. I would be in eight or ten weeks. In other words, I had been accepted to Emory, so the first couple of months there I wasn't a student yet.
Q. What were you doing if you weren't in school?
A. I had started by trying to open a business called the outlet nuthouse in one of their outlet malls on Buford Highway and I had obtained a job in the evenings as a deli manager.
Q. Did you continue with any of those jobs after you started school in the fall?
A. The outlet mall was the old Buford Highway and simply

wasn't viable, so that one disappeared, but I did continue with the deli manager position once I started school.

Q. What kind of hours were you working while you were in school?

A. This was usually, you know, like 5:00 to 2:00 since I was the closer, I was the new guy, so I was working the late hour shifts at the deli.

Q. How, if at all, did that job affect your school performance?

A. In the beginning I was missing my morning property class which had been scheduled at 8:00 a.m. with Professor Alexander, and so I probably missed the, you know, six of the first seven classes, in which case I got reported -- he reported me to the dean.

Q. How was your marriage?

A. The marriage had gotten real shaky by this time and she was talking about and would shortly thereafter, I don't have the exact date, just move back on campus, move back into the dorms.

Q. So how long did you all actually stay together after your marriage?

A. Four months.

Q. Now, after the marriage had collapsed, you're still working, correct?

A. Correct.

Q. Were you doing anything else other than the working, other than going to Emory?
A. Well, at Emory, once I got before the dean, Professor Alexander said that I was really a pretty good student and they told me I wasn't permitted to work full-time and go to Emory law school, that was against policy. So by then some of the Georgia Tech guys told me how much money they were making delivering pizzas for Domino's, so I quit the deli job, I took the Domino's pizza job and I asked the dean if I could take some more classes, and she said yes. And so I went over to Georgia State University and registered in the graduate business program.
Q. So at this point in time you were at Emory law school, you were in a graduate business program and you were working at night?
A. That is correct.
Q. Did there come a time during this period that you considered a career in the CIA as well?
A. During my, after my first year of law school the CIA came recruiting on campus and I went ahead and applied to the CIA.
Q. Why did you do that?
A. Well, I was fascinated with the excitement and adventure that would come with it was the principal leading factor and I was trying to find some kind of career that was,

that the law degree would be useful for which was not law. I think I had an intuitive grasp at the time that there was a deficiency in my work at the law school which had to deal with detailed study, reading of subjects. I was really good about listening in class and memorizing things and not so good about sitting down and reading textbooks.

Q. Was that being reflected in your grades?

A. Yeah, it was. You know, interesting enough somebody observed that I tended to have better grades in classes in which I would be less likely to, in other words, some of my business classes would be lower than my others, and what that really amounted to is I made sure I attended the classes that I wasn't, didn't have a natural instinct for.

Q. Now, at this point in time how old were you?

A. 25.

Q. Had you, we've already talked about your adolescence. Had you sought out any kind of mental health counseling at this point? You've already gone through a failed marriage. You had the issues at school. Had you sought out any kind of mental health counseling?

A. No.

Q. What happened with your CIA application?

A. They passed me through the first evaluations and I never followed up on the second. I turned them down, but they had a second set of tests they wanted me to submit to.

Q. Why did you turn them down?
A. I don't know. Bad mistake.
Q. Did you continue to be fascinated by the CIA and their activities thereafter?
A. Yeah, I mean, you know, at least the television portrayal of it is exciting and interesting and that's kind of what I like to do.
Q. Did you ultimately complete your law degree?
A. I did.
Q. And what year was that?
A. 1987.
Q. And what were your plans at that point in time?
A. By then I had enrolled in the doctoral and financial economics program at Georgia State and I planned to complete the doctoral work and teach finance or economics. I liked teaching.
Q. And is that what you ended up doing?
A. No. My father had contracted the throat cancer and it was pretty severe such that he would not ever fully recover from it, even to this day, and so I knew that I probably had to go help at least a little bit about, you know, covering the family's expenses because they hadn't had insurance, so they had already lost everything by the time I would get my license.
Q. How many times did you have to take the bar exam to

get your license?
A. Just once.
Q. And that was the Georgia bar?
A. That is correct.
Q. Who ultimately hired you for your first job out of law school?
A. It was a firm called Hyatt Legal Services.
Q. Explain a little bit about what Hyatt Legal Services did at that time.
A. They are a storefront legal operation which is kind of like H&R Block, they're from the same family and so it's a related concept. And what they did is they had simple, generally speaking, what they proceeded with is simple cases, standard DUIs, trust and wills, all which could be done on forms, and kind of the one exception to that rule was bankruptcy cases. And that, you know, Chapter 7s are really easy and formalistic, especially under the rules in place at the time, and it didn't have all the convolution that exists today. But the Chapter 13 cases are, were a monster. And nobody did a good job for the debtors and Hyatt's lawyers weren't well trained in them, so that was the only kind of complicated case they did. Although some individual attorney every once in a while would take something more interesting.
Q. What role did you take on at Hyatt?
A. When I ended up, I was the guy that sat there and did

intakes, you know, partially it was because I liked doing it, I could talk to people, they seemed to like me, and partially it was because I was the unmarried single guy, so that if I was there on Saturday it was okay, you know, not family and kids. And then I became their bankruptcy attorney and that was a completely different turn of events.

Q. How did that come about?

A. Over this first summer I was doing the bankruptcy cases and the Chapter 13s and very, very simplistic financial equations are helpful to debtors in Chapter 13, but none of the attorneys were using them from what were the mills, just turning out case after case after case after case. So I would walk into court and say, you know, we need to revalue this asset. People were like what are you doing? It's a car. And I'm, like, the guy can't pay the payment now, why do you think if you put the 400 dollar payment in the Chapter 13 plan he's going to be able to pay it next month? This car isn't worth it, let's rewrite the installment. And I did that a dozen times during that first summer I was there, so that I kind of become the bankruptcy guy and they were calling me for it. And then Hyatt got in trouble and what happened is they got, there were six judges, each of them sent out a contempt citation to the firm on the same day, 36 contempt violations pending for failure to represent your client. Now, what that really was is Hyatt's system is you

got paid based on how much revenue you generated in any particular month. It was a current period month that you got the money. And so attorneys would take all the fees from Chapter 13, credit them to their account, work for a month or two, and then leave to go to a different firm. It was kind of a, you know, it was a wheelhouse. People came in and left it, so the 13 cases would get kind of abandoned. And Hyatt's solution to that problem was to give me all the bankruptcy cases.

Q. And how many bankruptcy cases did you take on just as a standard caseload?

A. There was about 454 new filings a year, 254 to 454 new filings and about 2,000 cases. I think the first day I got 400 from Hyatt.

Q. At that point in time how did you rank so far as you knew among bankruptcy filing attorneys in the Atlanta area?

A. Top three in Atlanta and certainly the top hundred in the country.

Q. And how long out of law school were you at this point?

A. Four months.

Q. What was going on in your personal life at this same time? And again, we're focusing on those first years at Hyatt.

A. Claire Holland had come to Hyatt via a class action background where she was a litigator, but couldn't litigate

and take care of her son any longer, so she had come up to Atlanta and kind of taken the first thing that was available which was a Hyatt, you know, assistant manager type position. So I had met her when she came in to be interviewed by my manager at my office, and I eventually would date her and get married a couple of months later.

Q. Okay. So how long in this instance, we're talking about the second marriage now, after you first met Miss Holland did you actually get married?

A. I met her in the summer of '88. I first dated her at the New Orleans and Atlanta football game, so between September and December of '88 I had my first date and got married.

Q. You mentioned her child. Did the child have any special needs?

A. Gentry is ADHD Downs syndrome and has some other medical conditions.

Q. Do you recall a foundation by the name of the Euralius (ph) foundation?

A. Yes.

Q. What is the Euralius foundation?

A. It was actually me and a couple of my buddies from Georgia Tech, we were putting on this great and glorious think tank that we were going to be.

Q. And what was the focus of the foundation?

A. Develop new thoughts and concepts that would revolutionize the world and, you know, it was, you know, it was kind of a group of guys that this is what, the label we needed to hang out together and talk about things that didn't seem to have any practical significance.

Q. Did that go anywhere?

A. No, it did not. My wife got upset with it when she found out it was kind of what she viewed as a facade and I just quit and then it kind of faded away.

Q. Did you ever tell people around the Hyatt offices that your family was extremely wealthy and lived in a compound?

A. Yes.

Q. Do you know why you did that?

A. No, I don't.

Q. Did Miss Holland ever ask you to seek out during this period of time any psychological counseling? And, again, I'm focusing on this early period of time.

A. Depends on how much you mean by early. '88, no. '89, no. But somewhere in the beginning of the early Nineties there was a couple of occasions where she wanted me to go see a psychiatrist.

Q. Did she have any particular or articulate to you any particular concerns about caffeine or the use of prescription medication?

A. She became -- she used to be a pharmacological

salesperson so she became very concerned about my using the asthma medicine called Isochlor, and when her own research on it and I guess the FDA eventually agreed because they banned it was because it was a psychotropic and when you take it, you could like, you know, taking LSD.

Q. Did she tell you with respect to particular behavior you had why it was that she was concerned?

A. Only because I was, you know, hearing helicopters come by. She gave me recounts of stuff that I don't remember, some of which that I was saying and doing and she pretty much insisted that I stop taking the Isochlor.

Q. Did you do that?

A. I did stop.

Q. Did you, however, substitute anything in its place?

A. I did.

Q. And what was that?

A. Sudafed. She had told me that the over the counter dose is about half of the prescription dose, and so I started taking four Sudafed four times a day for my asthma condition, in my mind, and what I was taking it for I believe was for the asthma condition. And I would take that all the way till I was sent to Williamsburg boot camp.

Q. How much were you taking?

A. 16 Sudafed a day.

Q. Did you tell her that you had done that?

A. No, I didn't.
Q. Why didn't you tell her?
A. Probably because she yelled at me. Taking too much.
Q. You have another child, Mia, correct?
A. I do.
Q. When was Mia born?
A. 1990.
Q. Is she your only child together?
A. She is.
Q. After Mia was born in 1990, did that change the dynamics at your house in terms of the employment situation?
A. Yes. Claire chose or we chose together for Claire to not work, to really give up her law career and take care of the children, especially Gentry. Gentry's father was a real problem and, you know, it continued to be until he's passed away now. And Claire had also become, you know, disappointed in the adversarial process. She thought the litigation, and started looking at mediation, knowing that she could maybe do some mediation stuff, which was very new at the time, really from the house on very great occasions, but most of her effort would be spent towards raising the two kids.
Q. Now, did you, in connection with her leaving her job, did you change your professional career at all?
A. Yeah. Hyatt ended up with -- Hyatt ended up giving me an opportunity and then they said that if I did it, if I

would practice separately, they would send me all of their bankruptcy work. They gave me an office, they just turned over the office to me without any cost and said that they would refer the cases down to me, and they keep the first $200 bucks and that's what their attorneys got and we got all the rest of the money on the case, that is me and my office would collect the balance, and so I set up the law firm of Amodeo, Durden and Thompson. Originally Amodeo and Durden, and Thompson who is a pretty experienced bankruptcy attorney joined a few months later.

Q. And at that point were you primarily doing bankruptcy work?

A. No. It was really, it was -- I was primarily doing bankruptcy work. The rest of the firm had taken on some other kind of litigation.

Q. How long did that firm survive?

A. Eighteen months to two years.

Q. What was the cause of its demise?

A. Claire came in one day and saw how badly we had managed the bank accounts and the trust accounts of the thing and basically told me this is not how a law firm is run, go shut it down.

Q. Was Claire, Miss Holland, the only one that was complaining?

A. Yeah, and she wasn't even part of the firm. She just

had come in one day and was looking around and happened to talk to Scott Walker, who was like the manager, and Doug Erickson, who was my executive assistant, and then that evening she told me. Lawyers don't behave like this, you need to stop.

Q. Wasn't it also true that there were bar complaints mounting at that time about lack of activity in bankruptcy cases, etcetera?

A. That was before the Hyatt time. I don't believe it was when Claire actually had closed it down. I don't think any bar complaints had been filed against me or maybe one had. She wouldn't have known that. She just saw how sloppy it was.

Q. Did you ultimately shut the business down?

A. Yes.

Q. And when was that?

A. Right within the next month or so I -- we had a receiver appointed who was to wind up the affairs of the business and start dividing up the cases amongst the attorneys.

Q. Did you ultimately have to deal with bar complaints as well?

A. I did.

Q. And why was that?

A. Most of it dealt with the money issues. There were a

couple that were kind of strange that actually ended up being fought out like I lent money to a client -- Mr. Durden had a criminal case, a bad check case, didn't show up, client's going to go to jail. The only way out of it was for the client to pay off the check. I lent the client the money to solve the problem and then I got hit with a bar complaint because I wasn't supposed to lend clients money.

Q. Isn't it a fact though that there was a lack of internal controls in your firm and that clients weren't being serviced in an expedient manner?

A. That's correct.

Q. How did that affect your bar license?

A. That became, the lack of attention to the clients became a big problem, especially until I started taking the cases. As I closed the firm, I started working the cases myself and wasn't bringing in any new cases. What that caused to happen was the money ran out because the money came on the new cases, not the old cases. And so if anything caused the lack of internal controls and the mismanagement of the funds, it was because there was no more revenue generation, so the firm cycled into collapse. So much that the receiver couldn't pay the storage unit and they threw all the documents out.

Q. How did you end up dealing with the bar complaints?

A. I eventually just surrendered my license.

Q. And what year was that?
A. '93, '94 I believe was when the suspension occurred and '97 is when the disbarment took place.
Q. Now, at this point in time when the old, when the law firm business has collapsed and closed, did you make a move from where you had been living?
A. Yes. In between I had built up clients who were in business, and so I stayed, I moved into those businesses in Atlanta. One group of businesses was actually in Puerto Rico and so I started working with all of those companies, both in Atlanta and other places, but primarily from Atlanta. And then in '94, the end of '94, the beginning of '95, the partners in Atlanta had problems with the Puerto Rican situation, and because it was, you know, I was the youngest person in it and I needed the money the worst, off to live in Puerto Rico I went. I would commute back and forth for a while.

That had a lot of problems. One, Claire and the family was getting all kinds of aggravation because of my conduct, so people were knocking on the door, that type of thing. And number two, taking care of the kids without any support structure whatsoever was burdensome on Claire. So they moved to Orlando and we came down here in '95.

Q. Did you buy a home or did you rent?
A. We rented.

Q. What was your financial condition in 1995?
A. It was pretty much, you know, paycheck to paycheck in '95.
Q. Now, did you have a steady paycheck?
A. When I was in Puerto Rico at the beginning of it, I got a good contract right after the businesses that I went down to be involved with were closed and that lasted for about six months. After that, no.
Q. What did you do to try to support yourself once you had come down to Florida?
A. I ran into a friend of mine who was an accountant and he had some cases which were just difficult to handle, and he wanted to -- and I gave him solutions, and suddenly it developed into a pretty decent working relationship where he would get clients with hard problems, I would figure out how to solve those problems, tell him about it, and he would go do it.
Q. Were these typically tax debt workout type problems?
A. Tax controversy work, Department of Labor prohibited transaction issues.
Q. Now, did there come a point in time after you first moved to Orlando that your wife again brought up the subject of your mental condition?
A. She couldn't figure out why I couldn't hold anything that looked like a steady job, and frankly she couldn't

figure out why with all the credentials I had that I hadn't gone ahead and got a real position at a real place. And so one day she said you're not coming back in the house if we don't go get you evaluated, and she drove me over to the Princeton Center Life to have an evaluation.

Q. Now, how if at all was that connected to Social Security disability?

A. It was a precursor to that. They wanted to admit me when she took me there, but we didn't have insurance, so --

Q. Did you ultimately have an evaluation to determine whether or not you might qualify as disabled under Social Security in order to receive the kind of mental healthcare treatment that she thought you needed?

A. Yeah, that was actually the next event. Once Princeton said we couldn't come without the funds, Claire --

Q. May I approach, Your Honor?

Let me recapitulate. You went to Princeton Behavioral Center in Orlando and they recommended a course of treatment, but you could not afford it at that time, is that correct?

A. That's correct.

Q. And as a result you sought a Social Security disability determination?

A. Yeah. Claire made me go to Social Security, see if I could get a disability determination, not so much for the

disability funds, but to get the Medicare treatment and get treatment for the condition.

Q. What happened?

A. I went to an interview and they turned me down actually.

Q. Do you recall who you were examined by?

A. Sidney Urashami.

Q. And do you recall anything about the tests or examination that was administered to you by Dr. Urashami?

A. Yeah. It went on for a while and she talked to me about all the up and coming business activities I was going to have and what I understand now is part of the evaluation was financial qualifications. And then the rest was the stuff that I've been experiencing for the last couple of years.

Q. Well, what if anything did you tell her about your financial circumstances?

A. Without knowing the events, I probably bragged about a whole bunch of prospects.

Q. Were you ultimately able to receive Medicaid based on disability?

A. No.

Q. What if anything did you tell your wife about this evaluation?

A. Really just that they had turned me down.

Q. Did you obtain any form of alternative mental health treatment at that time?
A. No.
Q. When was the first time that you actually started getting any kind of treatment?
A. First time I got any treatment was with Dr. Louis at Pensacola.
Q. What about Dr. Tell?
A. I had a written test evaluation with Dr. Tell and I think I may have had a couple of sessions with him before I went to Pensacola, but he was -- that wasn't so much sessions with him, he was trying to lay out a plan of action. I think at the time he really thought I just needed to talk to somebody to start with and we never got to a conclusive treatment plan, in great part because I didn't have the money. I mean it's the same thing over again.
Q. Based on your few treatments with Dr. Tell, what was your understanding, if any, about what you were suffering from?
A. I think with Dr. Tell I had no understanding. I mean there was no description of either the bipolar condition or anything else, it was just that, you know, I kind of was like not adjusted socially and I needed somebody to talk to.
Q. At this point in time had you begun working with building contractors?

A. I had.
Q. And tell the court about that.
A. One of the ways in which I had discovered that I was helpful is as a salesman and the contractors would often need somebody to assist. Bidding is part of the process, but the other part of the process is selling the services and what we can do better and what we need to do better, and so I began to work with different contractors on helping them get jobs, and sometimes helping them get capital. Mico Construction didn't have enough money to get a bond. Alcabuto had money. I put them together and got a little bit of the profits for brokering the transaction.
Q. This would have been in the late Nineties?
A. This was in the late Nineties.
Q. Now, you mentioned a moment ago in your testimony that you subsequently got some treatment in Pensacola. How is it that you ended up in Pensacola, Florida?
A. In the, in 1998 I was contacted by the postal inspector who said that there was a grand jury investigation going on in Atlanta and they needed me to testify, and I went and asked them if they would do it here and they took the interview at Tradeport. I had no clue it was about me at the time, and eventually got indicted for a mail fraud charge after that interview. And the sentence was to go to the shock incarceration program, the federal boot camp.

Q. Let me step back for a second. What if any connection did that mail charge have to your previous practice?
A. It was the last client, I mean literally it's the last client in the door. The mother-in-law -- Lance Santiago was the client. He came to me and threatened to sue for malpractice because his case had been taken over by Rich Thompson. I agreed to take the case back, but only if $50,000 would be put in escrow and we would use that for the case. I told the mother-in-law it would only be used for the case. And then I discovered the case was an impossibility and we're going to burn the 50,000 up in fees immediately if they weren't already earned, so instead of wasting the money in the estate, I let Lance who was in Puerto Rico and join the Puerto Rican project and take his money with him or most of it and I didn't tell the mother-in-law.
Q. So you ultimately pled guilty to using her money for this real estate project, is that correct?
A. Correct.
Q. What was the sentence that you received from the court in that case?
A. Two years and the boot camp program.
Q. And you mentioned Pensacola.
A. The boot camp program is at Williamsburg, Pennsylvania, and that's the strange part about this. It's a tough program and I had the best time I had had in years.

Q. Well, let's step back for a second. What was your original sentence from Judge Tidwell?
A. Twenty-four months and then three years probation.
Q. All right. And you served that in a boot camp program?
A. I served six months and eleven days in the boot camp program and then I was supposed to do six months at a halfway house and some home confinement.
Q. In connection with that original case, did you receive any mental health evaluation?
A. No.
Q. While you were --
A. While I was being -- during the presentencing report stage of the first case, the presentencing office, the probation officer asked my attorney if I had had a mental evaluation, and to that point in time I had not, and she said I don't understand it, you need to go have him have an evaluation. I had an evaluation done by a gentleman I know now to be Dr. O'Hagen and I have never seen that report. But that was the only mental evaluation I did and it was done at kind of the poking of the probation office.
Q. What if any changes in your lifestyle -- strike that.
Did you change your Sudafed, caffeine practices while you were in prison?
A. Yeah. While I was at the boot camp I had become

captain of the team and so the PA said he couldn't give me any more Sudafed because either the inmates would get me to switch with them and then I'd get, Mr. Perfect would get gigged, or I would trade it and the guards would come and see me. So basically they said you have to stop taking it. And what you do is you take your inhaler and you run. And I got to be a pretty good runner at the time and I stopped taking all the Sudafed. They only let you drink Coke once a week at the boot camp. You drink water. So --

Q. Looking back on it, did that result in any changes to your behavior?

A. While I was at the boot camp it was a completely different world, but as soon as I got to the halfway house, I was, I said it was the Florida allergies and I was back on the caffeine and the Sudafed.

Q. Where were you at the halfway house and when did that start?

A. The halfway house was, had to be the end of August just timewise and it's the one that used to be in Maitland. And I was there from August, really didn't have anyplace to go, Claire had moved out of the area, so I just stayed as opposed to moving towards home confinement.

Q. What had Miss Holland done with the children at this point in time? You said she moved out of the area?

A. She moved out of the area and had the kids with her.

Q. Once you got to the halfway house, what did you do for employment?
A. Went back to work for the accounting firm and --
Q. This is the accountant that you had met?
A. Beforehand.
Q. Previously?
A. Yes. And started working on the same kind of construction brokering arrangements that I had just begun to develop when the postal inspector had first come about.
Q. Now, as a practical matter, explain what those brokering events entailed.
A. Contractor needed to have staffing. I'd go find the staffing company, I'd find the contractor, and I'd get paid a commission for putting the two together.
Q. How many hours a day were you allowed to be working while you were out of the halfway house?
A. Probably nine or ten.
Q. How many hours a day were you actually working?
A. Nine or ten.
Q. Were you working while you were at the halfway house?
A. Oh, yes. When I got back I would be on the cellphone calling up trying to put the deals together.
Q. And what if anything happened with regard to your supervised release as a result of your business activities?
A. Halfway house or the supervised release?

Q. Were you able to complete that supervised release period successfully?
A. Yes, I was.
Q. Okay.
THE COURT: How about the halfway house, did you complete that?
THE WITNESS: No, sir, that's where I was going. During January, the last month of the halfway, I was signed out to a client's office as opposed to the main office. They called and I got violated for being at the wrong place. I was at the client's office, but I wasn't at the accountant's office, and then I was sent back to Saufley Field. That's where I first got real medical treatment was they happened to have a psychiatrist there and she said she was only one of two that remained, and Claire talked to her on the phone and she actually took me in and gave me an evaluation and started paying attention.
Q. Do you recall that psychiatrist's name?
A. Dr. Louis. I believe I've seen it as Janet Louis since then, but she was always Dr. Louis to me.
Q. Do you recall what her diagnosis was?
A. The psychothymia was what her diagnosis was. Here's what she told me. And I have the materials on this. She said she couldn't do a complete diagnosis because the BOP didn't have the resources. She said it was at least mild

bipolar disorder and she said it was caffeine and Sudafed psychosis. And she gave me a whole slew of materials which I just dredged up on caffeine psychosis which she said was the effect of the quantity that I was drinking while in jail and that I had to start cutting back immediately and stop all cold medicine. And I've not taken any cold medicine since then, although the caffeine has gone up and down since that time.

THE COURT: Before we get too far down the road I wanted to ask you a question about surrendering your license in Georgia. Did the Georgia bar pursue your license? Were they in a position of engaging in proceedings to have your license revoked?

THE DEFENDANT: Yes. They had filed a couple of actions where I got reprimanded and then they had like 12 more pending, and I agreed to a voluntary suspension, but I was still contesting some of the actions.

THE COURT: Were there disbarment proceedings under way?

THE DEFENDANT: They were under way, yes.

BY MR. SANDS:

Q. You were talking about Dr. Louis's recommendation with regard to the Sudafed and caffeine. You did change your practices with regard to those drugs?

A. The Sudafed completely. The caffeine was, I reduced

it immediately, though I said I have back slid on occasion.
Q. When were you actually released from the prison camp on the violation of the supervised release?
A. It was September of 2000.
Q. Okay. And at this point in time where were you living?
A. I didn't really have a place. When I got done that time I was picked up, my accountant friend had came and picked me up and I came back here, Claire had gotten a job with an overseas project with USAID and I came back and kind of stayed with my family, either my dad or my brother for a couple of weeks while I found a place to rent.
Q. I think you mentioned before, Claire is an attorney, correct?
A. That's correct.
Q. And at this point in time she was working as a mediator?
A. She was working as a mediator.
Q. And what exactly was she doing for USAID as a mediator?
A. In this particular case it wasn't as a mediator. She was establishing a rule of law program in Kurdistan. And so she was one of a team of U.S. lawyers that went over there to help them institute different rule of law procedures including alternative dispute resolutions which was her

specialty.
Q. Now, while she was over there, what was being done with the children?
A. I took care of the children.
Q. Did you actually, after finishing your stint in prison and your period of treatment with Dr. Louis, did there come a point in time when you saw another therapist?
A. Yes. When I came back I pretty quickly went to Dr. Joseph Trim.
Q. Where is Dr. Joseph Trim's practice located?
A. It was on Lee Road originally and now it's moved downtown.
Q. And how long did you actually treat with Dr. Trim?
A. It was quite a while because I was actually in his office during 9-11. We were both in his office when 9-11 happened, and that was still on Lee Road, so maybe a month or two after that I began to run, you know, just short on money again when he moved downtown. So a year, over a year.
Q. So did you stop seeing him because you had run short on money?
A. Yes.
Q. Did you seek out any other kind of mental health treatment at that point in time?
A. I didn't, but I developed -- the probation officer who was handling supervised release for me is Scott Fanelli and

he, you know, had noticed the difference when I was in counseling and not, and so he came to me and said that the Bureau of Prisons would be willing to help me modify my supervised release order requiring me to have regimental health counseling, and then they'd be able to pay for it and the money wouldn't matter any more.

Q. And did you do that?

A. I did that.

Q. And who did you see?

A. A therapist named Diane Shuker.

Q. Do you know if her appraisal of your mental condition was any different than what you received previously from Dr. Louis?

A. Not that I know of, no.

Q. How often did you see her?

A. I'm pretty sure it was a weekly visit.

Q. At this point in time had anyone suggested that you take any kind of medication for bipolar condition?

A. Dr. Trim had suggested that I go to Dr., I want to call him Chekov, but that's Star Trek. He's pretty well-known in the area as a psychiatrist and he was the one to go there for an evaluation because he thought it may be biological and that medicine might be required.

Q. Speaking of Star Trek, is the Terran empire, does that have anything to do with Star Trek?

A. No. The only time it came up in Star Trek at all was when Kirk went into an alternative universe. It has nothing to do with Star Trek otherwise.

Q. You heard reference to a Terran empire. Do you derive that term from Star Trek?

A. No. It probably was derived from, you know, years and years and years of science fiction. I have no doubt that that's where the concept originally came from, but the underpinning thoughts still exist and in this case it was a much more narrow version.

So this doctor here in Orlando, I went to see him one time for the evaluation and it cost like $200 for 15 minutes, and I just couldn't afford it. I mean there was just no money for it and I couldn't go back to him, and that's when Dr. Trim said you got to pay me too and you're $400 behind.

Q. This was after the termination of your supervised release?

A. No. This was during supervised release.

Q. When did your supervised release actually terminate then?

A. September of '03.

Q. Well, so after you've gone to this doctor, did you seek out and obtain any additional mental health counseling?

A. After I went -- well, that was Diane Shuker. Trim and

this other doctor were at the same time.
Q. Right. And did you continue to see Trim?
A. Then I was out of money at the same time. Then within a couple of weeks or a month, I was done with Trim and I was with Miss Shuker.
Q. Okay. And when did you stop treating with Miss Shuker?
A. When the day, when supervised release ended, then I was done with Miss Shuker because I was there under the government's contract.
Q. Would it do violence to your recollection if I said September of 2003?
A. No. September 2003.
Q. Now, at that point in time I take it that you're without any ongoing mental health counseling?
A. That's correct.
Q. At that point in time what was your stance with regard to any Sudafed type drugs?
A. I was taking none. I thought I was cured.
Q. Were you completely abstaining from caffeine?
A. No, I was not.
Q. What was your practice with regard to the intake of caffeine at this point in time? Again, this is late 2003.
A. A gallon of iced tea a day.
Q. Did you understand that that could cause problems?

A. No, because that was so much less than before, I thought I was okay.
Q. What had you been drinking then?
A. Probably two and a half times that amount.
Q. At this point in time, and again, I'm talking about end of 2003 into 2004, did you become acquainted with a gentleman by the name of Dr. Robert Pollack?
A. I did.
Q. How did you meet Dr. Pollack?
A. Brenda Detreville and Woody Johnson brought Dr. Pollack around one day and said this is a guy you have to meet, he thinks like you do.
Q. Okay. You mentioned two other people. Explain who they are and how you knew them.
A. Woody Johnson was one of the, was a marketing consultant and was with Matrix Network, Inc. And I met him when he was trying to sell advertising services to one of the distressed print companies that I was working with. Brenda Detreville is a local media, I don't know exactly what she does, but she kind of flits around among all the different media here and does some promotions and other stuff. She was a good friend of Woody's from a firm they worked at together. They both knew Dr. Pollack.
Q. Now, at this point in time, this is after your supervised release, what were you actually doing for a

living?
A. I was doing the distressed consulting work. One of the things that happened by this time is people in the telemarketing business had found that I was a convenient choice to help close their businesses down and that, you know, I had gotten, my understanding now looking on it partially because I was willing to take inordinate risk, but at the time I just thought I was great at it. They'd pay me a reasonably large sum of money and I'd go and shut down their troubled businesses.
Q. Now, getting back to Dr. Pollack for a moment, did you establish any sort of doctor patient relationship with him after you met him?
A. Dr. Pollack told me -- the only thing he ever did with me in terms of a doctor-patient relationship, on a couple of occasions and maybe it was even one occasion with like three refills, he gave me an albuterol prescription to take as a inhaler for my asthma, and he referred me to an EMT and to a dermatologist.
Q. Did you ever discuss your mental health issues with Dr. Pollack, including letting him know what your prior history had been in terms of seeing other doctors and therapists?
A. Yes. I generally told the story to all the people that were involved and the bipolar condition was one of the

elements with Dr. Pollack that was literally asked to watch out for me, and he, at one time I was publishing the bipolar condition on my website and Dr. Pollack came in and scratched it out and said we want to say medical condition. Bipolar conveys the wrong message when it's on your website. But part of Bob's function was to tell me if I had gone over the edge because I was, I had done it in the past and, you know, the easy way for me to recover is I'd go home and I would sleep and I would tend to be better.

Q. Now, when you say part of his function, would you step ahead a little bit to his future role?

A. Not in 2003 but in 2004. 2004 is when it happens.

Q. Now, did you -- you mentioned Matrix. Explain to the court briefly what exactly it is that Matrix did back in 2003, 2004.

A. Kind of a loose knit group of consultants. Typically they were middle aged executives who had been, you know, displaced from large companies and they kind of got together and they would look for different kind of work to do, whether it would be a profit improvement, whether it would be a marketing plan, or in many cases, what attracted them to me was I could get clients and they would work on them.

Q. What if any connection did Dr. Pollack have to Matrix?

A. He became one of Matrix's principal officers, principal consultants. I mean they didn't call themselves

officers, they were members or shareholders or something like that.

Q. When did you first begin doing some work with Matrix?

A. 2003. It got started because the Matrix guys, there was a case from my accounting friend that the Matrix people did all the work on. That was how it got started. And then I was using the Matrix people to do litigation support in a civil action that was taking place in South Florida, Smith International case. So it would be 2003.

Q. What was your understanding as of say late summer of 2003 of the financial condition of Matrix?

A. It was in pretty bad shape. They were, they struggled all the time. It was always how do I get money to pay the next set of bills and can we pay the rent. And Woody did a pretty good job of making sure that the essentials were paid, but they weren't making any money.

Q. At this point in time, before any kind of restructuring, who were the main principals at Matrix?

A. Bob Flynn. Woody Johnson. Bob Pollack had been added. John Murphy. Dan Jittu. And then it would be Bob Curry, Dan Myers, Jason Carlson, Tom Broadhead.

Q. Obviously there's mention in the sentencing memorandum of the woman by the name of Edie Curry. What if any relationship is there between Bob and Edie Curry?

A. Edie and Bob are sister and brother and Tom is Edie's

husband.
Q. Now, did the company actually go through a reorganization as part of this adding personnel?
A. Yeah. They became Matrix Network Orlando because Tom brought in input of $125,000 in capital so they became Matrix Network Orlando when that event occurred.
Q. Where were they located?
A. It was in the Wachovia Bank building on the 14th floor. Matrix originally was in the beer can building sharing space with (INAUDIBLE), and then when Tom put in the money and Hughes moved out of the Wachovia building, that floor was able to be rented really cheap. In fact, Jim said Rihanna and Tom Broadhead bought all the furniture on the floor for a dollar. They went over to Hughes and got them to sell 50 offices for a buck and then they rented the floor. November of '03, I believe.
Q. I'm sorry. In connection with this restructuring, did Edie Curry ultimately become involved with the company?
A. To start with, Edie Curry came down -- Bob Curry got Edie to come down and have lunch with me and spend an afternoon because Edie Curry was the skeptic and she went through and listened to my war story and went back to Bob and said this will be probably a pretty good deal for you guys, but not so much for me, I'm going to keep my own company up here in Virginia, which was Brookmeade Group. And so Matrix

Network Orlando forms, it associates with me, and Edie is kind of out of the loop for the, I mean not, she was in on phone calls, you know, and was hearing what was going on, but wasn't really involved in the first few months.

Q. What did you understand about her background back then?

A. She was an attorney, I thought she was a CPA, I know that's not the case now. She had been the highest ranking woman at Nestle and she had handled the insider trading investigation of Capital One's executives.

THE COURT: Before you go too much further, tell me again about the website and Dr. Pollack.

THE DEFENDANT: I have on my website, I published that I was a convicted felon, that I had been bankrupt and that I had been disbarred.

THE COURT: And he just said change it to a medical condition?

THE DEFENDANT: Well, and I also put on that I was bipolar. And he said scratch the bipolar and make it a medical condition. I left the others on. Mr. Holtz didn't want me to, but I told him, you know, I've gotten through these three years by being straightforward with everybody about what my background is, but I did change the bipolar condition to medical condition at Dr. Pollack's request.

BY MR. SANDS:

Q. Can you let the court know when that was?

A. That was '06, maybe late '05, early '06. I mean I have an example of it in the notes.

Q. And what company is this with respect to, the website?

A. AQMI Strategy Corporation.

Q. Now, did the reorganization, so far as you know, solve Matrix's financial problems?

A. No. They took on a company called Sports Magic something which was a Bob Curry client, and it ate up all of Tom's money in like 60 or 90 days.

THE COURT: Mr. Sands, we're going to go ahead and wrap it up for today. Let me ask you to consider what Mr. Gold said earlier about the 123 page memorandum. I know the exact number of pages.

MR. SANDS: Did you read them all?

THE COURT: Oh, yes. That's why I knew about the halfway house. But that's not to say that you can't continue to do what you're doing. I'll let you do that. But it may be better, you may want to consider leaving that in place and accepting the stipulation that that's what's contained in there is what Mr. Amodeo considers to be the relevant facts leading up to the, all the way up to the sentencing, I guess.

The other thing is it would free you up to ask questions about those areas that are vague, rather than

merely repeat what is already there.

MR. SANDS: I understand, Your Honor, and I'll talk with Mr. Amodeo.

THE COURT: I understand about Edie and her brother and all that because I read it here.

MR. SANDS: And I appreciate that. And I will talk with him about it and see what he will agree to.

MR. SLAUGHTER: Your Honor, could we have that room left open? It's raining and that way we can talk without running out in the rain.

THE COURT: Yes, I'll make arrangements somehow for you, Mr. Slaughter. It's a thought. I'm happy to listen to it. And hearing something is different from reading it, but I want you to make good use of your time and I want to assure you that I have read it and --

MR. SANDS: I appreciate that. One thought I'm throwing out and Mr. Amodeo can hear it too, we're certainly interested in actually based on the fact, obviously this is a pretty comprehensive sentencing memorandum in terms of the facts at least, and we're interested in hearing back from the court obviously in terms of what questions you have after having read it and what you think is important. And we certainly want to be responsive to that.

Also, in terms of being able, if the court so wishes, to play video that I only referred to, you know, in

various parts of the sentencing memorandum, if you want to hear particular parts, maybe you want to hear an entire meeting or a bigger section --

THE COURT: I'll tell you what I'm primarily interested in right now is those areas that you and Mr. Gold deliberately left vague in the sentencing agreement because I don't know what that is. I mean I don't know what you're referring to there.

The conduct that is described in the sentencing memorandum is very complex. I mean it warrants drawing pictures perhaps at points to keep everybody straight, but stuff we're doing now, I've got that down pat already.

MR. SANDS: Right. And, of course, we're just really getting into the time period of the actual indictment. But your comments are certainly heard, Your Honor, and we'll talk about it.

THE COURT: Miss Darley, would you see if you can give them a room.

MR. SLAUGHTER: The room was open, I just wanted to make sure we could use it while we wait for the rain to stop and modify our presentation.

THE COURT: We'll be back tomorrow at nine o'clock.

(HEARING RECESSED.)

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

s/ Anthony Rolland

ANTHONY ROLLAND

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA

v. **Case No. 6:08-cr-176-Orl-28GJK**
(Forfeiture)

FRANK L. AMODEO

PRELIMINARY ORDER OF FORFEITURE

THIS CAUSE comes before the Court upon the filing of the Motion of the United States of America for Issuance of a Preliminary Order of Forfeiture, which, upon entry, shall be a final order of forfeiture as to the defendant, Frank L. Amodeo. The Court, being fully advised in the premises, hereby finds as follows:

1. That defendant, Frank L. Amodeo, has agreed that as a result of the conspiracy to commit wire fraud in, in violations of 18 U.S.C. § 371, and as alleged in Count One of the Indictment to which he pled guilty, the assets described more fully below are subject to forfeiture to the United States.

2. That, pursuant to the provisions of 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), and Fed. R. Crim. P. 32.2(b)(2), the United States is entitled to the forfeiture of the following as a result of his actions:

a. The real property, including all improvements thereon and appurtenances thereto, located at:

(1) 1159 Delaney Avenue, Orlando, Florida;

(2) 3801 Carolina Avenue, Richmond, Virginia;

(3) 4905 Research Drive, Huntsville, Alabama;

(4) 102 West Whiting Street, Tampa, Florida; and

(5) The proceeds of the sale of 509 Riverfront Parkway, Chattanooga, Tennessee, currently held in the bankruptcy estate of Winpar Hospitality Chattanooga, LLC, Case No. 07-11908, U.S. Bank. Court, E.D. Tenn.

b. The following vehicles:

(1) 2006 Black Harley Davidson Motorcycle, VIN # 1HD1BWB156Y077592;

(2) 2006 Mercedes Benz CLS 500C Coupe, VIN # WDDDJ75X46A032858; and

(3) 2006 BMW 750Li, VIN # WBAHN83536DT30059

c. Gates Learjet Model 25D, Aircraft Number 4488W;

d. The following promissory notes:

(1) A promissory note in the amount of $3,500,000.00 dated on or about May 7, 2007 between Wellington Capital and Worker's Temporary Staffing, Inc., including payments of $63,000.00 per month; and

(2) A promissory note in the amount of $5,500,000.00 dated on or about May 27, 2007 between Mirabilis Ventures, Inc. and Conrad D. Eigenmann, Jr., including semi-annual payments of at least $100,000.00.

e. The following seized funds:

(1) $253,487.45 in proceeds seized from the trust account of the law firm of Balch Bingham LLP;

(2) $101,393.86 in proceeds seized from the trust account of the law firm of Shutts & Bowen;

(3) $42,419.72 in proceeds seized from the trust account of the law firm of Mateer and Harbert;

(4) $100,000.00 in proceeds seized from the trust account of the law firm of Maher, Guily, Maher PA;

(5) $105,922.96 in proceeds seized from the trust account of the law firm of Martin, Pringle, Oliver, Wallace, & Baur LLP;

(6) $50,000.00 in proceeds seized from the trust account of the law firm of Bieser, Greer & Landis LLP;

(7) $8,518.30 in proceeds seized from the trust account of the law firm of Allen, Dyer, Doppelt, Milbrath & Gilchrist PA;

(8) $25,000.00 in proceeds seized from the trust account of the law firm of Valenti, Hanley & Robinson PLLC;

(9) $10,000.00 in proceeds seized from the trust account of the law firm of Brown, Stone, & Nimeroff LLC;

(10) $21,900.00 in proceeds seized from the trust account of the law firm of Hunt Rudd PA;

(11) $41,029.54 in proceeds seized from the trust account of the law firm of Ford & Harrison PA;

(12) $12,528.51 in proceeds seized from the trust account of the law firm of Broad & Cassel;

(13) $20,754.19 in proceeds seized from the trust account of the law firm of Latham, Shuker, Barker, Eden, & Beaudine LLC; and

(14) $13,100.99 in proceeds seized from Fifth Third Bank Account No. 7440599020 in the name of Soone Business Development.

f. The assets of the following corporations, including but not limited to the below listed lawsuits and/or settlements:

Corporations:

AEM, Inc., d/b/a Mirabilis HR,
AQMI Strategy Corporation,
Hoth Holdings, LLC,
Mirabilis Ventures, Inc.,
Nexia Strategy Corporation,
Presidion Solutions, Inc.,
Professional Benefit Solutions, Inc.,
d/b/a Presidion Solutions VII, Inc.
Quantum Delta Enterprises, Inc.,
d/b/a Siren Resources, Inc.,

Titanium Technologies, Inc.,
f/k/a Titanium Consulting Services, Inc.,
Tenshi Leasing, Inc.
Wellington Capital Group, Inc.

Lawsuits:

Style of case	Location	Case No.
Mirabilis Ventures, Inc. v. Jeffrey Reichel	Broward County, Florida	CACE 07011827
Mirabilis Ventures, Inc, and Nexia Strategy Corp. v. Palaxar Group, LLC, et al.	Orange County, Florida	07-co-13191 (37)
Mirabilis Ventures, Inc. v. Forge Capital Partners, LLC, et al.	Orange County, Florida	07-CA-13828 (33)
Mirabilis Ventures, Inc. v. J.C. Services, Inc., et al.	U.S.D.C., M.D. Fl.	6:06-cv-1957-Orl-22KRS
AEM, Inc. d/b/a Mirabilis HR v. Sheryl Okken, Progressive Employer Services, LLC, et al.	Brevard County, Florida	05-2007-CA-006526
RKT Constructors, Inc. v. Del Kelley and Robi Roberts	Orange County, Florida	2007-CA-012599-0
Mirabilis Ventures, Inc. v. Stratis Authority, Inc., et al.	Orange County, Florida	07-ca-13826 (37)
Mirabilis Ventures, Inc. v. Premier Servicing, LLC and Robert Konicki	Orange County, Florida	07-ca-33197 (34)
Mirabilis Ventures, Inc. v. Robert Lowder, et al.	Orange County, Florida	2006-CA-005742-0
Kenneth Hendricks, et al. v. Mirabilis Ventures, Inc., et al. (Counterclaim)	U.S.D.C., M.D.Fl.	8:07-cv-661-T17EAJ

Style of case	Location	Case No.
Kenneth Hendricks, et al. v. Mirabilis Ventures, Inc., et al. (Counterclaim)	Hillsborough County, Florida	DC-07-014201J
Berman, Kean & Riguera, P.A. v. Mirabilis Ventures, Inc., et al. (Counterclaim)	Broward County, Florida	07-024968 (21)
Anthony T. Sullivan v. AQMI Strategy (Counterclaim)	Orange County, Florida	07-CA-0015981-0
Paysource, Inc. And Robert Sacco v. Mirabilis Ventures, Amodeo, et al. (Counterclaim)	U.S.D.C., S.D. Ohio	3:07cv0129
Prime Acquisition Group, LLC v. Ionic Services, Inc., et al. (Counterclaim)	Palm Beach County, Florida	502007CA02242
Michael Mapes, et al. v. Wellington Capital Group, Inc.	U.S.D.C., D. Neb.	8:07cv77
Briarcliff Village, LLC v. Mirabilis Ventures, Inc.	Clay County, Missouri	07CY-CV09414
William Gregory v. Floyd Road v. Mirabilis Ventures, Inc. (Counterclaim)	Hillsborough County, Florida	07-CA-010780
Coastal Equity Partners, LLC v. Pacific Atlantic Capital Corp., et al. (Counterclaim)	Henrico County, Virginia	CL07-1960
Liberty Property Limited Partnership v. Mirabilis Ventures, Inc., et al. (Counterclaim, settled)	Duval County, Florida	162007CA003642
Tranmere Rovers Football Club v. Mirabilis Ventures, Inc. (Counterclaim, settled)	Liverpool, England	7LV30022

Style of case	Location	Case No.
Mark Lang v. Mirabilis Ventures, Inc. (Counterclaim, settled)	Orange County, Florida	48-2007-CA-002929-0
David Chaviers, Norman Chaviers, Kellie Ledbetter and Tom Hancock v. Mirabilis Ventures, Inc. And Frank Amodeo, et al. (Counterclaim, settled)	U.S.D.C., N.D. Ala.	CV-07-0442-cls
Carlton Fields v. Mirabilis Ventures, Inc. (Counterclaim, settled)	Hillsborough County, Florida	07-CC-038145
Brevard County v. RKT Constructors, Inc. (Counterclaim, settled)	Brevard County, Florida	05-2007-CA-12251
Bellsouth v. RKT Constructors, Inc., et al. (Counterclaim, settled)	Orange County, Florida	05-2007-CA-9660-0
Dutko Global Advisors LLC v. AQMI Strategy Corporation (Counterclaim, settled)	Orange County, Florida	48-2007-CA-018164-0
Capital Office Products of Volusia County, Inc., v. Mirabilis Ventures, Inc. (Counterclaim, settled)	Volusia County, Florida	2007-34950 COCI
CDW Corporation, Inc. v. Information Systems, Inc. (Counterclaim, settled)	Cook County, Illinois	2007-L-002446
RKT Constructors, Inc. v. Florida Department of Transportation (Settled)	Broward County, Florida	05-2003-CA-047397
RKT Constructors, Inc. v. Florida Department of Transportation (Settled)	Broward County, Florida	05-2006-CA-060518

Style of case	Location	Case No.
Providence Property & Casualty Insurance Co, et al. v. Paradyme, Inc., d/b/a Presidion Solutions VI (settled)	U.S.D.C., E.D. Tx.	4:07-CV-202
Presidion Corporation v. Arrow Creek, Inc., et al.	Palm Beach County, Florida	502006CA001417xxxxMB

g. Any and all property of the following bankruptcy estates, including funds which now constitute or have constituted funds of the estate:

Style of case	Location	Case No.
In Re: Winpar Hospitality Chattanooga, LLC.	U. S. Bankruptcy Court, E.D. Tenn.	07-11908
Sam Hopkins, Trustee v. Todd Pattison and Mirabilis Ventures, Inc.	U. S. Bankruptcy Court, D. Idaho	08-08005-JDP
In Re: Mirabilis Ventures, Inc.	U. S. Bankruptcy Court, M.D. Fl.	6:08-bk-04327-KSJ
In Re: Hoth Holdings, LLC	U. S. Bankruptcy Court, M.D. Fl.	6:08-bk-04328-KSJ
In Re: AEM, Inc.	U. S. Bankruptcy Court, M.D. Fl.	6:08-bk-04681
In Re: North American Communications	U. S. Bankruptcy Court, D. Utah	2:07-bk-24900

Being fully advised in the premises, the Court finds:

WHEREAS, by virtue of the plea agreement, the United States is now entitled to possession of the above-listed assets pursuant to 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), and Rule 32.2 of the Federal Rules of Criminal Procedure;

It is hereby ORDERED, ADJUDGED and DECREED:

1. That all right, title and interest of defendant, Frank L. Amodeo, in the above-listed assets is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

2. That, following the entry of an order of forfeiture, the United States is authorized to seize the specific property subject to forfeiture. The United States also shall publish notice of the order and of its intent to dispose of the forfeited asset in such a manner as the Secretary of the Treasury may direct. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the above-described assets, that is the subject of this Preliminary Order of Forfeiture, as a substitute for published notice as to those persons so notified.

3. That any person, other than Frank L. Amodeo, who has or claims any right, title or interest in the above-described assets must file a petition with this Court for a hearing to adjudicate the validity of his alleged interest in the forfeited asset. The petition should be mailed to the Clerk of the United States District Court, Orlando Division, 401 W. Central Blvd., Suite 1200, Orlando, Florida 32801-0120, within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier.

4. The petition shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited asset, the time and circumstances of the petitioner's acquisition of the right,

title or interest in the forfeited asset, and any additional facts surrounding the petitioner's claim and the relief sought.

5. After receipt of the petition by the Court, the Court will set a hearing to determine the validity of the petitioner's alleged interest in the forfeited asset.

6. That upon adjudication of all third-party interests in the above-described assets, this Court will enter a Final Judgment of Forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), in which all interests will be addressed.

DONE and ORDERED this 2nd day of October, 2008, in Orlando, Florida.

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA

v. Case No. 6:08-cr-176-Orl-28GJK

FRANK L. AMODEO

PLEA AGREEMENT

Pursuant to Fed. R. Crim. P. 11(c), the United States of America, by Robert E. O'Neill, United States Attorney for the Middle District of Florida, and the defendant, **FRANK L. AMODEO**, and the attorneys for the defendant, Harrison T. Slaughter, Jr., Esq., mutually agree as follows:

A. **Particularized Terms**

1. **Counts Pleading To**

The defendant shall enter a plea of guilty to Counts One, Seven, Eight, Ten, and Twenty-Seven of the Indictment. Count One charges the defendant with Conspiracy, in violation of 18 U.S.C. § 371. Counts Seven, Eight, and Ten each charge the defendant with Failure to Collect and Remit Payroll Taxes, in violation of 26 U.S.C. § 7202. Count Twenty-Seven charges the defendant with Obstruction of an Agency Proceeding, in violation of 18 U.S.C. § 1505.

2. **Maximum Penalties**

Counts One, Seven, Eight, Ten and Twenty-Seven each carry a maximum sentence of five years imprisonment, a fine of $250,000, a term of supervised release of

not more than three years, and a special assessment of $100 per felony count, said special assessment to be due on the date of sentencing. The fines for Counts One, Seven, Eight and Ten, are also subject to Title 18, United States Code, Section 3571(d), which provides for a fine which is not more than the greater of twice the gain or twice the gross loss. With respect to certain offenses, the Court shall order the defendant to make restitution to any victim of the offenses, and with respect to other offenses, the Court may order the defendant to make restitution to any victim of the offenses, or to the community, as set forth below.

3. **Elements of the Offenses**

The defendant acknowledges understanding the nature and elements of the offenses with which defendant has been charged and to which defendant is pleading guilty. The elements of Count One (Conspiracy, 18 U.S.C. § 371) are:

First: That two or more persons, in some way or manner, came to a mutual understanding to try to accomplish a common and unlawful plan, as charged in the indictment;

Second: That the Defendant, knowing the unlawful purpose of the plan, willfully joined in it;

Third: That one of the conspirators during the existence of the conspiracy knowingly committed at least one of the methods (or "overt acts") described in the indictment; and

Fourth: That such "overt act" was knowingly committed at or about the time alleged in an effort to carry out or accomplish some object of the conspiracy.

The elements of Counts Seven, Eight, and Ten (Failure to Collect and Remit Payroll Taxes; 26 U.S.C. § 7202) are:

First: That the defendant was a person who had a duty to collect, truthfully account for, and pay over federal income and social security taxes that the defendant was required to withhold from the wages of employees for the charged calendar quarters;

Second: That the defendant failed to collect or truthfully account for and pay over federal income and social security taxes that the defendant was required to withhold from the wages of employees for said calendar quarter; and

Third: That the defendant acted willfully.

The elements of Count Twenty-Seven (Obstruction of an Agency Proceeding, 18 U.S.C. 1505) are:

First: there was an agency proceeding;

Second: the defendant was aware of that proceeding; and

Third: that the defendant intentionally endeavored corruptly to influence, obstruct or impede the pending proceeding.

4. **No Further Charges**

If the Court accepts this plea agreement, the United States Attorney's Office for the Middle District of Florida agrees not to charge defendant with committing any other federal criminal offenses known to the United States Attorney's Office at the time of the execution of this agreement, related to the conduct giving rise to this plea agreement.

5. **Mandatory Restitution to Victim of Offense of Conviction**

Pursuant to 18 U.S.C. §§ 3663A, defendant agrees to make full restitution to the Internal Revenue Service and any client taxpayer who is required to re-pay the Internal Revenue Service for withholding and FICA taxes not turned over by defendant and any company with which he was affiliated to the Internal Revenue Service.

6. **Guidelines Sentence**

Pursuant to Fed. R. Crim. P. 11(c)(1)(B), the United States will recommend to the Court that the defendant be sentenced within the defendant's applicable guidelines range as determined by the Court pursuant to the United States Sentencing Guidelines, as adjusted by any departure the United States has agreed to recommend in this plea agreement. The parties understand that such a recommendation is not binding on the Court and that, if it is not accepted by this Court, neither the United States nor the defendant will be allowed to withdraw from the plea agreement, and the defendant will not be allowed to withdraw from the plea of guilty.

Defendant's Initials Chief's Initials

7. **Acceptance of Responsibility - Three Levels**

At the time of sentencing, and in the event that no adverse information is received suggesting such a recommendation to be unwarranted, the United States will not oppose the defendant's request to the Court that the defendant receive a two-level downward adjustment for acceptance of responsibility, pursuant to USSG §3E1.1(a). The defendant understands that this recommendation or request is not binding on the Court, and if not accepted by the Court, the defendant will not be allowed to withdraw from the plea.

Further, at the time of sentencing, if the defendant's offense level prior to operation of subsection (a) is level 16 or greater, and if the defendant complies with the provisions of USSG §3E1.1(b), the United States agrees to file a motion pursuant to USSG §3E1.1(b) for a downward adjustment of one additional level. The defendant understands that the determination as to whether the defendant has qualified for a downward adjustment of a third level for acceptance of responsibility rests solely with the United States Attorney for the Middle District of Florida, and the defendant agrees that the defendant cannot and will not challenge that determination, whether by appeal, collateral attack, or otherwise.

8. **Role in Offense**

The United States will recommend to the Court that the defendant receive a four-level upward adjustment, pursuant to USSG § 3B1.1(a), regarding the defendant's role in the offense. The defendant understands that this recommendation

or request is not binding on the Court, and if not accepted by the Court, the defendant will not be allowed to withdraw from the plea.

9. **No Upward/Downward Departure - Joint Recommendation**

Pursuant to Fed. R. Crim. P. 11(c)(1)(B), the United States and the defendant agree to jointly recommend to the Court that in sentencing the defendant the Court neither depart upward nor downward from the applicable sentencing guideline range, and the United States and the defendant further agree that no such upward or downward departure would be appropriate in this case. The defendant, however, retains the ability to recommend to the Court that he receive a downward departure for diminished capacity, pursuant to U.S.S.G. § 5K2.13. The defendant understands that these recommendations or requests are not binding on the Court, and if not accepted by the Court, the defendant will not be allowed to withdraw from the plea.

10. **Cooperation - Substantial Assistance to be Considered**

Defendant agrees to cooperate fully with the United States in the investigation and prosecution of other persons, and to testify, subject to a prosecution for perjury or making a false statement, fully and truthfully before any federal court proceeding or federal grand jury in connection with the charges in this case and other matters, such cooperation to further include a full and complete disclosure of all relevant information, including production of any and all books, papers, documents, and other objects in defendant's possession or control, and to be reasonably available for interviews which the United States may require. If the cooperation is completed prior to sentencing, the government agrees to consider whether such cooperation qualifies as

"substantial assistance" in accordance with the policy of the United States Attorney for the Middle District of Florida, warranting the filing of a motion at the time of sentencing recommending (1) a downward departure from the applicable guideline range pursuant to USSG §5K1.1, or (2) the imposition of a sentence below a statutory minimum, if any, pursuant to 18 U.S.C. § 3553(e), or (3) both. If the cooperation is completed subsequent to sentencing, the government agrees to consider whether such cooperation qualifies as "substantial assistance" in accordance with the policy of the United States Attorney for the Middle District of Florida, warranting the filing of a motion for a reduction of sentence within one year of the imposition of sentence pursuant to Fed. R. Crim. P. 35(b). In any case, the defendant understands that the determination as to whether "substantial assistance" has been provided or what type of motion related thereto will be filed, if any, rests solely with the United States Attorney for the Middle District of Florida, and the defendant agrees that defendant cannot and will not challenge that determination, whether by appeal, collateral attack, or otherwise.

11. **Use of Information - Section 1B1.8**

Pursuant to USSG §1B1.8(a), the United States agrees that no self-incriminating information which the defendant may provide during the course of defendant's cooperation and pursuant to this agreement shall be used in determining the applicable sentencing guideline range, subject to the restrictions and limitations set forth in USSG §1B1.8(b).

12. **Cooperation - Responsibilities of Parties**

a. The government will make known to the Court and other relevant authorities the nature and extent of defendant's cooperation and any other mitigating circumstances indicative of the defendant's rehabilitative intent by assuming the fundamental civic duty of reporting crime. However, the defendant understands that the government can make no representation that the Court will impose a lesser sentence solely on account of, or in consideration of, such cooperation.

b. It is understood that should the defendant knowingly provide incomplete or untruthful testimony, statements, or information pursuant to this agreement, or should the defendant falsely implicate or incriminate any person, or should the defendant fail to voluntarily and unreservedly disclose and provide full, complete, truthful, and honest knowledge, information, and cooperation regarding any of the matters noted herein, the following conditions shall apply:

(1) The defendant may be prosecuted for any perjury or false declarations, if any, committed while testifying pursuant to this agreement, or for obstruction of justice.

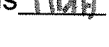
(2) The United States may prosecute the defendant for the charges which are to be dismissed pursuant to this agreement, if any, and may either seek reinstatement of or refile such charges and prosecute the defendant thereon in the event such charges have been dismissed pursuant to this agreement. With regard to such charges, if any, which have been dismissed, the defendant, being fully aware of the nature of all such charges now pending in the instant case, and being further aware

of defendant's rights, as to all felony charges pending in such cases (those offenses punishable by imprisonment for a term of over one year), to not be held to answer to said felony charges unless on a presentment or indictment of a grand jury, and further being aware that all such felony charges in the instant case have heretofore properly been returned by the indictment of a grand jury, does hereby agree to reinstatement of such charges by recision of any order dismissing them or, alternatively, does hereby waive, in open court, prosecution by indictment and consents that the United States may proceed by information instead of by indictment with regard to any felony charges which may be dismissed in the instant case, pursuant to this plea agreement, and the defendant further agrees to waive the statute of limitations and any speedy trial claims on such charges.

(3) The United States may prosecute the defendant for any offenses set forth herein, if any, the prosecution of which in accordance with this agreement, the United States agrees to forego, and the defendant agrees to waive the statute of limitations and any speedy trial claims as to any such offenses.

(4) The government may use against the defendant the defendant's own admissions and statements and the information and books, papers, documents, and objects that the defendant has furnished in the course of the defendant's cooperation with the government.

(5) The defendant will not be permitted to withdraw the guilty pleas to those counts to which defendant hereby agrees to plead in the instant case but, in that event, defendant will be entitled to the sentencing limitations, if any, set forth in

Defendant's Initials Chief's Initials 

this plea agreement, with regard to those counts to which the defendant has pled; or in the alternative, at the option of the United States, the United States may move the Court to declare this entire plea agreement null and void.

13. **Taxes - Payment and Cooperation**

The defendant agrees to pay all taxes, interest, and penalties found by the Internal Revenue Service to be lawfully owed and due to the United States Treasury for the years 2004 through and including 2006, and to cooperate with and provide to the Internal Revenue Service any documentation necessary for a correct computation of all taxes due and owing for those years, and further agrees that the Court may make this term a condition of any sentence of probation or supervised release. The defendant may avail himself of any administrative and/or court procedures normally available to taxpayers in determining the correct tax due.

16. **Forfeiture of Assets**

The defendant agrees to forfeit to the United States immediately and voluntarily any and all assets and property, or portions thereof, subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, whether in the possession or control of the United States or in the possession or control of the defendant or defendant's nominees. The assets to be forfeited specifically include, but are not limited to, the following:

Money Judgment

a. A forfeiture money judgment in an amount not less than $172 million and not more than $181,810,518.66, the exact amount to be determined by the Court at, or before, sentencing, which sum constitutes proceeds obtained

directly or indirectly as a result of the conspiracy to commit wire fraud charged in Count One. The net proceeds of any asset directly forfeited as property constituting or traceable to proceeds of the offenses charged herein shall be credited in partial satisfaction of the money judgment.

Property Constituting, or Traceable to, Proceeds of Count One

b. The real property, including all improvements thereon and appurtenances thereto, located at:

(1) 1159 Delaney Avenue, Orlando, Florida;

(2) 3801 Carolina Avenue, Richmond, Virginia;

(3) 4905 Research Drive, Huntsville, Alabama;

(4) 102 West Whiting Street, Tampa, Florida; and

(5) The proceeds of the sale of 509 Riverfront Parkway, Chattanooga, Tennessee, currently held in the bankruptcy estate of Winpar Hospitality Chattanooga, LLC, Case No. 07-11908, U.S. Bank. Court, E.D. Tenn.

c. The following vehicles:

(1) 2006 Black Harley Davidson Motorcycle, VIN # 1HD1BWB156Y077592;

(2) 2006 Mercedes Benz CLS 500C Coupe, VIN # WDDDJ75X46A032858; and

(3) 2006 BMW 750Li, VIN # WBAHN83536DT30059

d. Gates Learjet Model 25D, Aircraft Number 4488W;

e. The following promissory notes:

(1) A promissory note in the amount of $3,500,000.00 dated on or about May 7, 2007 between Wellington Capital and Worker's Temporary Staffing, Inc., including payments of $63,000.00 per month; and

(2) A promissory note in the amount of $5,500,000.00 dated on or about May 27, 2007 between Mirabilis Ventures, Inc. and Conrad D. Eigenmann, Jr., including semi-annual payments of at least $100,000.00.

f. The following seized funds:

(1) $253,487.45 in proceeds seized from the trust account of the law firm of Balch Bingham LLP;

(2) $101,393.86 in proceeds seized from the trust account of the law firm of Shutts & Bowen;

(3) $42,419.72 in proceeds seized from the trust account of the law firm of Mateer and Harbert;

(4) $100,000.00 in proceeds seized from the trust account of the law firm of Maher, Guily, Maher PA;

(5) $105,922.96 in proceeds seized from the trust account of the law firm of Martin, Pringle, Oliver, Wallace, & Baur LLP;

(6) $50,000.00 in proceeds seized from the trust account of the law firm of Bieser, Greer & Landis LLP;

(7) $8,518.30 in proceeds seized from the trust account of the law firm of Allen, Dyer, Doppelt, Milbrath & Gilchrist PA;

(8) $25,000.00 in proceeds seized from the trust account of the law firm of Valenti, Hanley & Robinson PLLC;

(9) $10,000.00 in proceeds seized from the trust account of the law firm of Brown, Stone, & Nimeroff LLC;

(10) $21,900.00 in proceeds seized from the trust account of the law firm of Hunt Rudd PA;

(11) $41,029.54 in proceeds seized from the trust account of the law firm of Ford & Harrison PA;

(12) $12,528.51 in proceeds seized from the trust account of the law firm of Broad & Cassel;

(13) $20,754.19 in proceeds seized from the trust account of the law firm of Latham, Shuker, Barker, Eden, & Beaudine LLC; and

(14) $13,100.99 in proceeds seized from Fifth Third Bank Account No. 7440599020 in the name of Soone Business Development.

g. The assets of the following corporations, including but not limited to the below listed lawsuits and/or settlements:

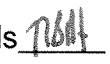
Corporations:

AEM, Inc., d/b/a Mirabilis HR,
AQMI Strategy Corporation,
Hoth Holdings, LLC,
Mirabilis Ventures, Inc.,
Nexia Strategy Corporation,
Presidion Solutions, Inc.,
Professional Benefit Solutions, Inc.,
d/b/a Presidion Solutions VII, Inc.
Quantum Delta Enterprises, Inc.,
d/b/a Siren Resources, Inc.,
Titanium Technologies, Inc.,
f/k/a Titanium Consulting Services, Inc.,
Tenshi Leasing, Inc.
Wellington Capital Group, Inc.

Lawsuits:

Style of case	Location	Case No.
Mirabilis Ventures, Inc. v. Jeffrey Reichel	Broward County, Florida	CACE 07011827
Mirabilis Ventures, Inc, and Nexia Strategy Corp. v. Palaxar Group, LLC, et al.	Orange County, Florida	07-co-13191 (37)
Mirabilis Ventures, Inc. v. Forge Capital Partners, LLC, et al.	Orange County, Florida	07-CA-13828 (33)

Style of case	Location	Case No.
Mirabilis Ventures, Inc. v. J.C. Services, Inc., et al.	U.S.D.C., M.D. Fl.	6:06-cv-1957-Orl-22KRS
AEM, Inc. d/b/a Mirabilis HR v. Sheryl Okken, Progressive Employer Services, LLC, et al.	Brevard County, Florida	05-2007-CA-006526
RKT Constructors, Inc. v. Del Kelley and Robi Roberts	Orange County, Florida	2007-CA-012599-0
Mirabilis Ventures, Inc. v. Stratis Authority, Inc., et al.	Orange County, Florida	07-ca-13826 (37)
Mirabilis Ventures, Inc. v. Premier Servicing, LLC and Robert Konicki	Orange County, Florida	07-ca-33197 (34)
Mirabilis Ventures, Inc. v. Robert Lowder, et al.	Orange County, Florida	2006-CA-005742-0
Kenneth Hendricks, et al. v. Mirabilis Ventures, Inc., et al. (Counterclaim)	U.S.D.C., M.D.Fl.	8:07-cv-661-T17EAJ
Kenneth Hendricks, et al. v. Mirabilis Ventures, Inc., et al. (Counterclaim)	Hillsborough County, Florida	DC-07-014201J
Berman, Kean & Riguera, P.A. v. Mirabilis Ventures, Inc., et al. (Counterclaim)	Broward County, Florida	07-024968 (21)
Anthony T. Sullivan v. AQMI Strategy (Counterclaim)	Orange County, Florida	07-CA-0015981-0
Paysource, Inc. And Robert Sacco v. Mirabilis Ventures, Amodeo, et al. (Counterclaim)	U.S.D.C., S.D. Ohio	3:07cv0129

Defendant's Initials Chief's Initials 

Style of case	Location	Case No.
Prime Acquisition Group, LLC v. Ionic Services, Inc., et al. (Counterclaim)	Palm Beach County, Florida	502007CA02242
Michael Mapes, et al. v. Wellington Capital Group, Inc.	U.S.D.C., D. Neb.	8:07cv77
Briarcliff Village, LLC v. Mirabilis Ventures, Inc.	Clay County, Missouri	07CY-CV09414
William Gregory v. Floyd Road v. Mirabilis Ventures, Inc. (Counterclaim)	Hillsborough County, Florida	07-CA-010780
Coastal Equity Partners, LLC v. Pacific Atlantic Capital Corp., et al. (Counterclaim)	Henrico County, Virginia	CL07-1960
Liberty Property Limited Partnership v. Mirabilis Ventures, Inc., et al. (Counterclaim, settled)	Duval County, Florida	162007CA003642
Tranmere Rovers Football Club v. Mirabilis Ventures, Inc. (Counterclaim, settled)	Liverpool, England	7LV30022
Mark Lang v. Mirabilis Ventures, Inc. (Counterclaim, settled)	Orange County, Florida	48-2007-CA-002929-0
David Chaviers, Norman Chaviers, Kellie Ledbetter and Tom Hancock v. Mirabilis Ventures, Inc. And Frank Amodeo, et al. (Counterclaim, settled)	U.S.D.C., N.D. Ala.	CV-07-0442-cls
Carlton Fields v. Mirabilis Ventures, Inc. (Counterclaim, settled)	Hillsborough County, Florida	07-CC-038145

Defendant's Initials

Chief's Initials

Style of case	Location	Case No.
Brevard County v. RKT Constructors, Inc. (Counterclaim, settled)	Brevard County, Florida	05-2007-CA-12251
Bellsouth v. RKT Constructors, Inc., et al. (Counterclaim, settled)	Orange County, Florida	05-2007-CA-9660-0
Dutko Global Advisors LLC v. AQMI Strategy Corporation (Counterclaim, settled)	Orange County, Florida	48-2007-CA-018164-0
Capital Office Products of Volusia County, Inc., v. Mirabilis Ventures, Inc. (Counterclaim, settled)	Volusia County, Florida	2007-34950 COCI
CDW Corporation, Inc. v. Information Systems, Inc. (Counterclaim, settled)	Cook County, Illinois	2007-L-002446
RKT Constructors, Inc. v. Florida Department of Transportation (Settled)	Broward County, Florida	05-2003-CA-047397
RKT Constructors, Inc. v. Florida Department of Transportation (Settled)	Broward County, Florida	05-2006-CA-060518
Providence Property & Casualty Insurance Co, et al. v. Paradyme, Inc., d/b/a Presidion Solutions VI (settled)	U.S.D.C., E.D. Tx.	4:07-CV-202
Presidion Corporation v. Arrow Creek, Inc., et al.	Palm Beach County, Florida	502006CA001417xxxxMB

h. Any and all property of the following bankruptcy estates, including funds which now constitute or have constituted funds of the estate:

Style of case	Location	Case No.
In Re: Winpar Hospitality Chattanooga, LLC.	U. S. Bankruptcy Court, E.D. Tenn.	07-11908
Sam Hopkins, Trustee v. Todd Pattison and Mirabilis Ventures, Inc.	U. S. Bankruptcy Court, D. Idaho	08-08005-JDP
In Re: Mirabilis Ventures, Inc.	U. S. Bankruptcy Court, M.D. Fl.	6:08-bk-04327-KSJ
In Re: Hoth Holdings, LLC	U. S. Bankruptcy Court, M.D. Fl.	6:08-bk-04328-KSJ
In Re: AEM, Inc.	U. S. Bankruptcy Court, M.D. Fl.	6:08-bk-04681
In Re: North American Communications	U. S. Bankruptcy Court, D. Utah	2:07-bk-24900

Section 981(a)(1)(C) provides for the civil forfeiture of any property, real or personal, which constitutes or is derived from proceeds from any offense constituting "specified unlawful activity" as defined in 18 U.S.C. § 1956(c)(7), or a conspiracy to commit such offenses. 18 U.S.C. § 981(a)(1)(C). A "specified unlawful activity," as defined in 18 U.S.C. § 1956(c)(7), includes offenses listed in 18 U.S.C. § 1961(1) as RICO predicate acts; violations of 18 U.S.C. § 1343 are among the RICO predicate acts. The real and personal properties identified above (including the residential and commercial properties, vehicles, aircraft, seized funds, promissory notes, as well as the corporations and corporate assets) were purchased, or funded, with proceeds from **AMODEO**'s scheme to defraud his clients, as discussed more fully in the factual basis

below, in violation of 18 U.S.C. § 1343. Indeed, with the exception of the disputed alleged commission received by **AMODEO** from Presidion Corporation (see Statement of Facts below), the corporations identified above were funded exclusively with the proceeds of the fraud scheme described below and the scheme was **AMODEO**'s sole source of income. Thus, all of the specific assets identified above are subject to criminal forfeiture under 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), which provides for the criminal forfeiture of any property subject to civil forfeiture.

Although the fraud proceeds were moved through the corporations at the direction of **AMODEO**, those funds remain the proceeds of **AMODEO**'s scheme and are forfeitable in this action by virtue of 21 U.S.C. § 853(c) without regard to the fact that the titled owner may be a corporate entity. Moreover, the corporate entities were not bona fide purchasers for value of the criminal proceeds and, therefore, do not have valid claims, under 21 U.S.C. § 853(n)(6)(B), to the proceeds or assets acquired with the proceeds.

The defendant agrees and consents to the forfeiture of these assets pursuant to any federal criminal, civil, and/or administrative forfeiture action. The defendant also hereby agrees that the forfeiture described herein is not excessive and, in any event, the defendant waives any constitutional claims that the defendant may have that the forfeiture constitutes an excessive fine.

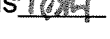
The defendant admits and agrees that the conduct described in the Factual Basis above provides a sufficient factual and statutory basis for the forfeiture of the property sought by the government. Pursuant to the provisions of Rule 32.2(b)(1), the United

Defendant's Initials _____ Chief's Initials _____

States and the defendant request that at the time of accepting this plea agreement, the court make a determination that the government has established the requisite nexus between the property subject to forfeiture and the conspiracy to which defendant is pleading guilty and enter a preliminary order of forfeiture. Pursuant to Rule 32.2(b)(3), the defendant agrees that the preliminary order of forfeiture shall be final as to the defendant at the time it is entered, notwithstanding the requirement that it be made a part of the sentence and be included in the judgment.

The defendant agrees to forfeit all interests in the properties described above and to take whatever steps are necessary to pass clear title to the United States. These steps include, but are not limited to, the surrender of title, the signing of a consent decree of forfeiture, and signing of any other documents necessary to effectuate such transfers. The defendant also agrees to sign any documents necessary to effect an interlocutory sale of any of the assets, if the United States deems such a sale to be necessary to maximize the value recovered from the asset(s).

Defendant further agrees to take all steps necessary to locate property and to pass title to the United States before the defendant's sentencing. To that end, defendant agrees to fully assist the government in the recovery and return to the United States of any assets, or portions thereof, as described above wherever located. The defendant agrees to make a full and complete disclosure of all assets over which defendant exercises control and those which are held or controlled by a nominee. The defendant further agrees to be polygraphed on the issue of assets, if it is deemed necessary by the United States.

Defendant's Initials Chief's Initials 

The United States further asserts that the real property, including all improvements thereon and appurtenances thereto, located at:

(1) 614 Lake Avenue, Orlando, Florida

(2) 709 Euclid Avenue, Orlando, Florida

was purchased with the proceeds of the conspiracy charged in Count One and are subject to forfeiture. The defendant, however, alleges that the properties were purchased with funds which were monies received as a commission from a consulting contract with Presidion Corporation and are not subject to forfeiture. The parties agree that the Court, as soon as practicable after accepting the defendant's guilty plea, shall determine whether the properties were purchased with criminal proceeds.

The defendant agrees that the United States is not limited to forfeiture of the property described above. If the United States determines that any of the specific property of the defendant identified for forfeiture cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third party; has been placed beyond the jurisdiction of the Court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty; then the United States shall, at its option, be entitled to forfeiture of any other property (substitute assets) of the defendant up to the value of any property described above. The defendant also agrees that the United States shall, at its option, be entitled to forfeiture of any property (substitute assets) of the defendant up to the value of money judgment. This Court shall retain jurisdiction to settle any disputes arising from

application of this clause. The defendant agrees that forfeiture of substitute assets as authorized herein shall not be deemed an alteration of the defendant's sentence.

Forfeiture of the defendant's assets shall not be treated as satisfaction of any fine, restitution, cost of imprisonment, or any other penalty this Court may impose upon the defendant in addition to forfeiture.

B. **Standard Terms and Conditions**

1. **Restitution, Special Assessment and Fine**

The defendant understands and agrees that the Court, in addition to or in lieu of any other penalty, shall order the defendant to make restitution to any victim of the offense(s), pursuant to 18 U.S.C. § 3663A, for all offenses described in 18 U.S.C. § 3663A(c)(1) (limited to offenses committed on or after April 24, 1996); and the Court may order the defendant to make restitution to any victim of the offense(s), pursuant to 18 U.S.C. § 3663 (limited to offenses committed on or after November 1, 1987) or § 3579, including restitution as to all counts charged, whether or not the defendant enters a plea of guilty to such counts, and whether or not such counts are dismissed pursuant to this agreement. On each count to which a plea of guilty is entered, the Court shall impose a special assessment, to be payable to the Clerk's Office, United States District Court, and due on date of sentencing. The defendant understands that this agreement imposes no limitation as to fine.

2. **Supervised Release**

The defendant understands that the offense(s) to which the defendant is pleading provide(s) for imposition of a term of supervised release upon release from

imprisonment, and that, if the defendant should violate the conditions of release, the defendant would be subject to a further term of imprisonment.

3. **Sentencing Information**

The United States reserves its right and obligation to report to the Court and the United States Probation Office all information concerning the background, character, and conduct of the defendant, to provide relevant factual information, including the totality of the defendant's criminal activities, if any, not limited to the count(s) to which defendant pleads, to respond to comments made by the defendant or defendant's counsel, and to correct any misstatements or inaccuracies. The United States further reserves its right to make any recommendations it deems appropriate regarding the disposition of this case, subject to any limitations set forth herein, if any.

Pursuant to 18 U.S.C. § 3664(d)(3) and Fed. R. Crim. P. 32(d)(2)(A)(ii), the defendant agrees to complete and submit, upon execution of this plea agreement, an affidavit reflecting the defendant's financial condition. The defendant further agrees, and by the execution of this plea agreement, authorizes the United States Attorney's Office to provide to, and obtain from, the United States Probation Office or any victim named in an order of restitution, or any other source, the financial affidavit, any of the defendant's federal, state, and local tax returns, bank records and any other financial information concerning the defendant, for the purpose of making any recommendations to the Court and for collecting any assessments, fines, restitution, or forfeiture ordered by the Court.

Defendant's Initials _____ Chief's Initials _____

4. **Sentencing Recommendations**

It is understood by the parties that the Court is neither a party to nor bound by this agreement. The Court may accept or reject the agreement, or defer a decision until it has had an opportunity to consider the presentence report prepared by the United States Probation Office. The defendant understands and acknowledges that, although the parties are permitted to make recommendations and present arguments to the Court, the sentence will be determined solely by the Court, with the assistance of the United States Probation Office. Defendant further understands and acknowledges that any discussions between defendant or defendant's attorney and the attorney or other agents for the government regarding any recommendations by the government are not binding on the Court and that, should any recommendations be rejected, defendant will not be permitted to withdraw defendant's plea pursuant to this plea agreement. The government expressly reserves the right to support and defend any decision that the Court may make with regard to the defendant's sentence, whether or not such decision is consistent with the government's recommendations contained herein.

5. **Defendant's Waiver of Right to Appeal and Right to Collaterally Challenge the Sentence**

The defendant agrees that this Court has jurisdiction and authority to impose any sentence up to the statutory maximum and expressly waives the right to appeal defendant's sentence or to challenge it collaterally on any ground, including the ground that the Court erred in determining the applicable guidelines range pursuant to

Defendant's Initials _____ Chief's Initials _____

the United States Sentencing Guidelines, except (a) the ground that the sentence exceeds the defendant's applicable guidelines range as determined by the Court pursuant to the United States Sentencing Guidelines; (b) the ground that the sentence exceeds the statutory maximum penalty; or (c) the ground that the sentence violates the Eighth Amendment to the Constitution; provided, however, that if the government exercises its right to appeal the sentence imposed, as authorized by Title 18, United States Code, Section 3742(b), then the defendant is released from his waiver and may appeal the sentence as authorized by Title 18, United States Code, Section 3742(a).

6. **Middle District of Florida Agreement**

It is further understood that this agreement is limited to the Office of the United States Attorney for the Middle District of Florida and cannot bind other federal, state, or local prosecuting authorities, although this office will bring defendant's cooperation, if any, to the attention of other prosecuting officers or others, if requested.

7. **Filing of Agreement**

This agreement shall be presented to the Court, in open court or in camera, in whole or in part, upon a showing of good cause, and filed in this cause, at the time of defendant's entry of a plea of guilty pursuant hereto.

8. **Voluntariness**

The defendant acknowledges that defendant is entering into this agreement and is pleading guilty freely and voluntarily without reliance upon any discussions between the attorney for the government and the defendant and defendant's attorney and without promise of benefit of any kind (other than the

concessions contained herein), and without threats, force, intimidation, or coercion of any kind. The defendant further acknowledges defendant's understanding of the nature of the offense or offenses to which defendant is pleading guilty and the elements thereof, including the penalties provided by law, and defendant's complete satisfaction with the representation and advice received from defendant's undersigned counsel (if any). The defendant also understands that defendant has the right to plead not guilty or to persist in that plea if it has already been made, and that defendant has the right to be tried by a jury with the assistance of counsel, the right to confront and cross-examine the witnesses against defendant, the right against compulsory self-incrimination, and the right to compulsory process for the attendance of witnesses to testify in defendant's defense; but, by pleading guilty, defendant waives or gives up those rights and there will be no trial. The defendant further understands that if defendant pleads guilty, the Court may ask defendant questions about the offense or offenses to which defendant pleaded, and if defendant answers those questions under oath, on the record, and in the presence of counsel (if any), defendant's answers may later be used against defendant in a prosecution for perjury or false statement. The defendant also understands that defendant will be adjudicated guilty of the offenses to which defendant has pleaded and, if any of such offenses are felonies, may thereby be deprived of certain rights, such as the right to vote, to hold public office, to serve on a jury, or to have possession of firearms.

Defendant's Initials _____ Chief's Initials _____

9. **Factual Basis**

Defendant is pleading guilty because defendant is in fact guilty. The defendant certifies that defendant does hereby admit that the facts set forth below are true, and were this case to go to trial, the United States would be able to prove those specific facts and others beyond a reasonable doubt:

FACTS

I. Introduction

This case involves a web of one public and several private companies, including multiple employee leasing companies, also known as professional employee organizations (PEOs). The responsibilities of the PEOs included, among other duties, the reporting and paying over of the payroll wages and payroll taxes of the worksite employees. AMODEO had operated small businesses prior to the time period of the indictment in this case, and was aware that once Federal Insurance Contributions Act ("FICA") and withholding taxes ("trust fund taxes") are collected they are supposed to be held for and paid over to the Internal Revenue Service. Notwithstanding this knowledge, AMODEO conspired with other members of the conspiracy to divert payroll tax funds paid to the PEOs by the PEO clients and utilize those funds for other purposes.

There were a number of companies directly controlled by AMODEO, including the Sunshine Companies, Professional Benefit Solutions ("PBS"), Paradyme, Inc. ("Paradyme"), Presidion Solutions, Inc. ("PSI"), Quantum Delta Enterprises ("Quantum"), Wellington Capital Group, Inc. ("Wellington") and AQMI Strategy

Defendant's Initials _____ Chief's Initials RGN

Corporation ("AQMI"). AMODEO had varying degrees of control over a number of additional companies involved in the conspiracy, including Mirabilis Ventures, Inc. ("Mirabilis"), as described more fully below.

II. AMODEO's purchase of Sunshine Companies from Presidion Solutions, Inc. (PSI)

PSI is a Michigan-based holding company for several PEOs that during the period from 2001 through 2005 provided comprehensive and integrated resource management services, including payroll services, to small and medium sized companies. Prior to July of 2005, PSI was a wholly owned subsidiary of Presidion Corporation, a publicly traded company, which was later de-listed.

AMODEO did not become involved with PSI until 2004. Prior to his involvement, PSI had already acquired seven (7) PEOs, which made up PSI's "PEO book of business" (i.e. the contracts PSI had with its PEO clients). In or about May 2001, PSI acquired Sunshine Staff Leasing, Sunshine Companies I, II, III, and IV (collectively referred to as the Sunshine Companies). Post-acquisition, these entities did business as Presidion Solutions I, II, II, IV, and V, respectively. PSI acquired Paradyme in or about January 2002, which subsequently did business as Presidion Solutions VI. PSI then acquired certain PEO customer contracts from BST, Inc. in or about June 2002. Lastly, PSI acquired PBS in or about January 2005, which subsequently did business as Presidion Solutions VII. With the acquisitions of the Sunshine Companies, Paradyme and PBS, PSI had at least 2,200 clients and approximately 29,700 worksite employees.

The clients of the PEOs entered into contracts, or service agreements, with PSI (or its subsidiaries). Initially the clients entered into the agreement with the Sunshine Companies; then later on, the clients either entered into an agreement with Paradyme or PBS. According to the contracts signed by the clients when PSI (or its subsidiaries) started providing services to the clients, PSI became the co-employer of its clients' employees and assumed the liabilities and responsibilities for reporting and paying over to the Internal Revenue Service the payroll wages and the payroll taxes of the worksite employees. At the end of a client's payroll cycle, a client would e-mail, fax or mail the number of hours worked by the worksite employee(s) to PSI. After receiving the information, PSI computed the amount of FICA, Medicare (HITS), Withholding Taxes, Worker's Compensation Insurance, and 401K contributions to be added to the clients' bill, along with PSI's administrative fee. PSI would then e-mail, fax or mail this information back to the clients, who would either direct debit, mail or wire the funds to PSI.

Beginning in July 2004, AMODEO began negotiating with the principals of PSI to assist them in the reduction of their corporate debt, which included unpaid payroll taxes totaling at least $13,000,000.00 (including interest, penalties and taxes), which were accrued by the Sunshine Companies. At the time, the parent corporation of PSI, Presidion Corporation, was preparing for an annual audit. In an attempt to have Presidion Corporation appear more profitable as a publicly traded company, PSI wanted the Sunshine Companies' payroll tax liabilities removed from Presidion Corporation's financial statements.

To that end, on October 18, 2004, PSI signed a consulting agreement with AMODEO, as the president of AQMI. The consulting agreement called for AMODEO to provide tax advice to PSI for a non refundable fee in the amount of $150,000.00 and an additional fee of 25% of any tax savings of the company's current payroll tax liability, which at the time, was at least $13,000,000.00 (including interest, penalties and taxes).

AMODEO's plan was to have Wellington, a corporation he controlled, purchase the Sunshine Companies from PSI and thereby relieve PSI's financial statements of the Sunshine Companies' accumulated payroll tax liabilities. On December 1, 2004, AQMI provided a line of credit in the amount of approximately $3,000,000.00 to Wellington. On December 8, 2004, AMODEO, through Wellington agreed to purchase the Sunshine Companies for approximately $500,000.00.

During December 2004, PSI transferred approximately $8.9 million to AQMI. Witnesses for the government who were associated in a management capacity with PSI will testify that they expected AMODEO to use the $8.9 million to remit payments to the Internal Revenue Service in satisfaction of outstanding payroll tax obligations of the Sunshine Companies. AMODEO contends that he and AQMI took the position that for tax purposes all of the funds constituted payment pursuant to the Consulting Agreement. Wellington used a portion of the funds received from AQMI to purchase multiple cashier's checks to complete the purchase of the Sunshine Companies.

AMODEO's purchase of the Sunshine Companies did not include PSI's book of business, which was transferred to Paradyme, a wholly owned subsidiary of PSI. Wellington acquired the Sunshine Companies on or about December 31, 2004 and

subsequently dissolved the Sunshine Companies. Since the purchase of the Sunshine Companies by Wellington, AMODEO caused to be paid approximately $3.2 million to the Internal Revenue Service towards the Sunshine Companies' payroll tax liabilities, which currently totals over $37,000,000.00 (including interest, penalties and taxes).

III. AMODEO's purchase of PSI, Paradyme and PBS

On or about May 18, 2005, AMODEO was again approached by principals of PSI regarding further problems with the company, including a severe shortage of working capital, other liabilities totaling millions of dollars, and potential cancellation of its workers compensation insurance policy. AMODEO and other members of the conspiracy devised a reorganization strategy for the aggregate PSI book of business. In or about July 2005, Wellington, at AMODEO's direction, acquired PSI, and consequently acquired control of PSI's subsidiaries and remaining PEOs, Paradyme and PBS.

Thereafter, between June 2005 and December 2005, AMODEO directed that the payroll taxes collected from the clients not be paid over to the Internal Revenue Service, but instead be used to pay secured creditors (both arm's length third parties and entities AMODEO controlled), critical vendors of PBS and Paradyme, and to purchase commercial and business assets for the benefit of AMODEO and the other co-conspirators. It was Amodeo's "grand plan" to not remit the payroll taxes in order to grow Mirabilis to the point that it could become a publicly trade company. Once that was accomplished, Mirabilis would be able to repay the payroll taxes.

Pursuant to this plan, AMODEO directed that funds PBS should have used to pay payroll taxes instead be transferred from a PSI account maintained at Bank of America (the "Ultimate Master account"), which collected the payroll tax funds from PBS, to a PSI account maintained at First Southern Bank (the "Reserve account"). The funds were later disbursed from the Reserve account at AMODEO's direction for purposes unrelated to the payment of payroll tax liabilities to the IRS. From June 10, 2005 until December 31, 2005, AMODEO caused to be transferred approximately $64,600,000.00 to the Reserve account from the Ultimate Master account for the purpose of rehabilitating PSI's book of business, acquiring other businesses and paying operating expenses, which enabled AMODEO, companies he controlled, and other members of the conspiracy to acquire personal assets, such as real estate and automobiles.

IV. Transfer of Paradyme and PBS business to AEM

In late 2005, negotiations occurred to sell the book of business of Paradyme and PBS to AEM, Inc. ("AEM") effective January 1, 2006. A major purpose of the sale was to shift the apparent responsibility for the payment of the payroll taxes to AEM and its parent company, Mirabilis, a private equity fund, one of the consequences of which was to make it more difficult for the Internal Revenue Service to determine which company was responsible for the payroll taxes. Although the sale was never fully consummated, AEM thereafter had effective operational control over the book of business of Paradyme and PBS. Mirabilis was originally formed by AMODEO in 2004 to buy distressed businesses, and eventually evolved into a business that specialized in acquisitions of

and mergers with other businesses in various industries. By late 2006, Mirabilis had grown to be a conglomerate of approximately 70 companies involved in various industries, including consulting, corporate security, employee leasing and hotel ownership. Although AMODEO was never an officer, director or employee of Mirabilis, he created Mirabilis, brought in the officers to run the company and funded the company with diverted payroll tax funds that should have been paid over to the Internal Revenue Service.

In most instances, AMODEO exercised or attempted to exercise considerable control over both the long term and short term management of the company. For example, during a March 21, 2006 Mirabilis Board of Directors meeting attended by AMODEO, he told the Board that they had a fiduciary obligation to him as the company's sole common stock shareholder and senior secured creditor, recommended various changes to the composition of the Board of Directors that were subsequently implemented by the Board, laid out recommended changes in operational procedures that were also implemented by the Board, and proposed future acquisition strategies which were to be funded by cash infusions which he would supply. The cash infusions made by AMODEO were derived from payroll tax funds. Mirabilis used these funds to fund acquisitions of other businesses, pay substantial salaries and make investments in businesses in which certain members of the conspiracy held separate interests.

In connection with the anticipated January 2006 purchase by AEM of the Paradyme and PBS book of business, a member of the conspiracy signed a hold harmless agreement on behalf of PSI, promising to pay Mirabilis $50,000,000 by

December 31, 2005 in return for Mirabilis' agreement to hold PSI harmless for any subsequent claims against the company, up to a maximum of $70,000,000. This obligation effectively diverted to Mirabilis $50,000,000 of funds owed to the Internal Revenue Service, with the additional advantage of creating a $70,000,000 debt owed by Mirabilis that could be used in negotiating with the Internal Revenue Service for deferment of the payment of the rapidly escalating unpaid trust fund taxes. This was part of and consistent with AMODEO'S overall plan of circumventing the Internal Revenue Service's immediate collection of accrued trust fund tax obligations by transferring collected trust fund taxes from corporation to corporation and concomitantly creating offsetting inter-corporate liabilities that were used to justify nonpayment and to create leverage in ongoing negotiations with the Internal Revenue Service.

In or about January, 2006, AMODEO requested that a legal memorandum be prepared by the outside law firm of general counsel for Mirabilis on the law applicable to the reporting and payment of payroll taxes to the Internal Revenue Service. On February 2, 2006, a final version of the memorandum was submitted to AMODEO regarding the relationship between current trust fund obligations, after acquired funds and willfulness under I.R.C. Section 6672. The memorandum described in detail the legal obligation to hold payroll tax funds for the Internal Revenue Service and specified civil and criminal penalties (including criminal penalties under Section 7202) for failure to follow the applicable law. AMODEO knew that the memorandum had in fact been completed and admits that he received it, but it is his position that he never read it and never requested that anyone summarize its contents to him. AMODEO submitted the

Defendant's Initials _____ Chief's Initials _____

memorandum, still allegedly unread by him, to the general counsel for Mirabilis immediately upon receiving it and directed that a copy be provided to the Mirabilis Board of Directors. AMODEO also personally delivered a copy of the memorandum to the Internal Revenue Service in July 2006.

Although AMODEO is a former attorney and experienced with debtor-creditor law, in failing to read the memorandum or inquire further into its contents, AMODEO deliberately and consciously tried to avoid learning what specific statutes prohibited his conduct and deliberately closed his eyes to what he had every reason to believe was the fact, i.e., that he was legally prohibited from permitting collected trust fund taxes to be used for any purpose other than the transmission in due course to the Internal Revenue Service. Consequently, AMODEO accepts full responsibility for intentionally and willfully violating 26 U.S.C. Section 7202 by failing to remit payroll taxes collected by PBS to the Internal Revenue Service during quarterly periods in 2006 in which AMODEO was in control of PBS, including the first, second and fourth quarters of 2006 referred to in Counts Seven, Eight and Ten of the Indictment.

V. Use of AEM to misappropriate PBS' payroll taxes

During 2006, members of the conspiracy used AEM to misappropriate PBS' payroll taxes. During the 2006 year, the funds intended to pay the payroll taxes for PBS were held in a Bank of America account in the name of AEM along with funds to pay the payroll taxes for AEM, which had its own minuscule book of business. Instead of paying the payroll taxes for PBS, AMODEO and members of the conspiracy directed that funds be transferred from the AEM Bank of America account to an account at SunTrust Bank

in the name of PSI (the "Capital account"). During 2006, approximately $23,750,000.00 was transferred from the AEM Bank of America account to the SunTrust Capital account. After the funds were transferred to the Capital account, the funds were used by AMODEO and members of the conspiracy to purchase, fund, and grow additional businesses.

In addition to the funds transferred to the Capital account during 2006, funds were also directly transferred from the AEM Bank of America account to companies controlled by AMODEO and members of the conspiracy, such as Common Paymaster Corporation ("CPC"), Nexia Strategy Corporation ("Nexia") and Mirabilis, to fund the companies' operations and to acquire other companies. In December 2006, after the receipt of the grand jury subpoenas, AMODEO knowingly permitted payroll taxes collected on a daily basis from the PEO book of business to be used to fund net payroll and health claims of Mirabilis and its affiliates.

VI. Total unpaid payroll taxes

It is the position of the government that AMODEO and other members of the conspiracy knowingly failed to remit to the Internal Revenue Service payroll taxes totaling in excess of $181,000,000. However, AMODEO believes that the figure is no higher than $172,000,000. The exact amount will be determined by the Court at sentencing.

VII. Obstruction of an agency investigation - Count Twenty-Seven

Commencing in early 2005, AMODEO and others were in contact with the Internal Revenue Service concerning the Sunshine Companies' tax liabilities, but

withheld information about PBS' tax liabilities from the Internal Revenue Service until February 2006, by means that included the late filing of Forms 941, at which time PBS' payroll tax liabilities exceeded $100,000,000.

On or about June 26, 2006, a co-conspirator advised an Internal Revenue Service revenue officer that payroll tax money not paid to the Internal Revenue Service was used to purchase two other companies, when, in fact, the money was used to purchase, among other things, several companies, cars, a plane and real estate.

On or about August 29, 2006, AMODEO and members of the conspiracy met to conduct a "mock deposition" of AMODEO to prepare him for a meeting with Internal Revenue Service revenue officers. During a recess in the mock deposition, AMODEO was advised by a co-conspirator that his account might expose them to prosecution for federal offenses. As a result of that conversation, AMODEO subsequently changed his account to conceal material aspects of their activity. This revised version of his account was communicated to Internal Revenue Service representatives by one or more members of the conspiracy, at AMODEO's direction, in an attempt to obstruct and impede the Internal Revenue Service's investigation of PBS.

10. **Entire Agreement**

This plea agreement constitutes the entire agreement between the government and the defendant with respect to the aforementioned guilty plea and no other promises, agreements, or representations exist or have been made to the defendant or defendant's attorney with regard to such guilty plea.

Defendant's Initials _____ Chief's Initials _____

11. **Certification**

The defendant and defendant's counsel certify that this plea agreement has been read in its entirety by (or has been read to) the defendant and that defendant fully understands its terms.

DATED this 22 day of September, 2008.

ROBERT E. O'NEILL
United States Attorney

FRANK L. AMODEO
Defendant

By: _____
I. Randall Gold, AUSA
Deputy Chief, Orlando Division

Harrison T. Slaughter, Jr.
Attorney for Defendant Amodeo

By: _____
Roger Handberg, AUSA
Chief, Orlando Division

Defendant's Initials _____ Chief's Initials _____

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA

-vs- **Case No. 6:08-cr-176-Orl-28GJK**

FRANK L. AMODEO

ACCEPTANCE OF PLEA OF GUILTY AND ADJUDICATION OF GUILT

This case having been considered by the Court on the Report and Recommendation Concerning Plea of Guilty (Doc. No. 33, filed September 23, 2008) and no objection thereto having been filed, it is **ORDERED**

1. The Report and Recommendation of the United States Magistrate Judge (Doc. No. 33) is **ACCEPTED**, **AFFIRMED** and **ADOPTED**.

2. Defendant has knowingly, intelligently and voluntarily entered a plea of guilty to Counts One, Seven, Eight, Ten, Twenty-Seven of the Indictment. Such plea is accepted, and Defendant is adjudicated guilty of Counts One, Seven, Eight, Ten, Twenty-Seven of the Indictment.

3. The Amended Plea Agreement (Doc. No. 38, filed September 24, 2008) is accepted.

DONE and **ORDERED** at Orlando, Florida, this 21 day of May, 2009.

JOHN ANTOON II
United States District Judge

Copies to:
U. S. Magistrate Judge
United States Marshal
United States Attorney
United States Probation Office
United States Pretrial Services Office
Counsel for Defendant
Courtroom Deputy Clerk

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

FILED
2009 JUL -2 PM 5:0
U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDA

UNITED STATES OF AMERICA

-vs-

Case Number: 6:08-CR-176-ORL-28KRS

FRANK L. AMODEO

USM Number: 48883-019

Harrison T. Slaughter, Retained
111 North Orange Avenue, Suite 700
Orlando, Florida 32801
- and-
Kenton V. Sands, Retained
760 White Street
Daytona Beach, Florida 32114

*CORRECTED JUDGMENT IN A CRIMINAL CASE

The defendant pleaded guilty to Counts One, Seven, Eight, Ten, and Twenty-Seven of the Indictment. Accordingly, the court has adjudicated that the defendant is guilty of the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC 371	Conspiracy to Defraud an Agency of the United States, to Commit Wire Fraud and to Obstruct an Agency Proceeding	February 2007	One
26 USC 7202 and 18 USC 2	Failure to Collect and Remit Payroll Taxes	December 2006	Seven, Eight and Ten
18 USC 1505	Obstruction of an Agency Proceeding	August 2006	Twenty-Seven

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.

Counts Two through Six, Nine and Eleven through Twenty-Six of the Indictment are dismissed on the motion of the United States.

IT IS ORDERED that the defendant shall 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 shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Sentence:

5/26/2009

JOHN ANTOON II
UNITED STATES DISTRICT JUDGE

June 2nd, 2009

*Corrected to change the defendant's middle initial from "T" to "L"

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of **270 Months. This term consists of terms of 54 Months on each of Counts, One, Seven, Eight, Ten and Twenty-Seven, all such terms to run consecutive.**

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

By:_____
Deputy U.S. Marshal

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **3 years. This term consists of terms of 3 years on each of Counts, One, Seven, Eight, Ten and Twenty-Seven, all such terms to run concurrent.**

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

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

The defendant shall not illegally possess a controlled substance.

For offenses committed on or after September 13, 1994:

The mandatory drug testing requirements of the Violent Crime Control Act are waived. However, the Court orders the defendant to submit to random drug testing not to exceed 104 tests per year.

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

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervision that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervision in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the 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 five 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 (10) 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 by the probation officer;
11. The defendant shall notify the probation officer within **seventy-two (72) 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;

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.

ADDITIONAL CONDITIONS OF SUPERVISED RELEASE

The defendant shall also comply with the following additional conditions of supervised release:

1. The defendant shall participate in a substance abuse program (outpatient and/or inpatient) and follow the probation officer's instructions regarding the implementation of this court directive. Further, the defendant shall contribute to the costs of these services not to exceed an amount determined reasonable by the Probation Office's Sliding Scale for Substance Abuse Treatment Services. During and upon completion of this program, the defendant is directed to submit to random drug testing.

2. The defendant shall participate in a mental health treatment program (outpatient and/or inpatient) and follow the probation officer's instructions regarding the implementation of this court directive. Further, the defendant shall contribute to the costs of these services not to exceed an amount determined reasonable by the Probation Office's Sliding Scale for Mental Health Treatment Services.

3. The defendant shall be prohibited from incurring new credit charges, opening additional lines of credit, or making an obligation for any major purchases without approval of the Probation Officer. You shall provide the probation officer access to any requested financial information.

4. The defendant shall provide the Probation Officer access to any requested financial information.

5. The defendant shall cooperate in the collection of DNA, as directed by the Probation Officer.

6. The defendant shall cooperate with the Internal Revenue Service regarding all outstanding taxes, interest, and penalties relating to the offense of conviction.

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth in the Schedule of Payments.

Total Assessment	Total Fine	Total Restitution
$500.00	No Fine Imposed	$181,810,518.66

The defendant shall make restitution (including community restitution) to the following payees in the amount listed below. Restitution is payable to the Clerk, U.S. District Court for distribution to the victims.

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 in full prior to the United States receiving payment.

Name of Payee	Total Amount of Loss	Amount of Restitution Ordered	Priority Order or Percentage of Payment
Internal Revenue Service 329 Oak Street Atlanta, Georgia 30303		$181,810,518.66	

SCHEDULE OF PAYMENTS

While in the custody of the Bureau of Prisons, you shall either (1) pay at least $25 quarterly if have a non-Unicor job or (2) pay at least 50 percent of your monthly earnings if working in a Unicor position. Upon release from custody, you are ordered to begin making monthly payments of $200.00 and this payment schedule shall continue until such time as the Court is notified by the defendant, the victim or the government that there has been a material change in your ability to pay.

The defendant shall pay interest on any fine or restitution of more than $2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

*Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.

FORFEITURE

The defendant shall forfeit to the United States those assets previously identified in the Plea Agreement and the Preliminary Orders of Forfeiture at Docket Nos. 46, 49, 75, 106, 123 and Final Orders of Forfeiture at Docket Nos. 76, 98, 105, 121, 122 and the Forfeiture Money Judgment at Docket No. 124.

Appendices Volume 1

Appendix 1.5

2013 State of Florida Psychiatric Evaluation

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT, IN AND FOR ORANGE COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF
Frank Amodeo

PROBATE MENTAL HEALTH DIVISION
CASE NUMBER: 2008-MH-000651-O
DIVISION 1

Dr. R.E. Bollenbye

REPORT OF EXAMINING COMMITTEE

The undersigned, being the committee appointed to examine Frank Amodeo reports that they have examined that person, as directed by the Order Appointing Examining Committee and the report of the comprehensive examination, with evaluations and recommendations, is as follows:

I. GENERAL INFORMATION

Name of Person: Frank Amodeo

Date of Examination: June 29 2007

Date of Birth: 09/01/1961

Residence of Person: 1159 Delaney
Orlando FL 32801

Name and address of Extended Care Facility (if any):

Alleged Incapacity is: Bipolar Disorder - manic

DIAGNOSIS(short summary) Bipolar Disorder Type I - manic

PROGNOSIS (short summary) guarded

RECOMMENDED COURSE OF TREATMENT (short summary) Inpatient Care
@ Psychiatric Treatment of Bipolar Disorder

EXHIBIT A

COPY

RECEIVED #3
JUL 02 2008
BY:

II. EVALUATION OF ALLEGED INCAPACITATED PERSON'S ABILITY TO RETAIN RIGHTS (without limitation)

THE EXAMINING COMMITTEE IS CHARGED WITH DETERMINING WHETHER THE ALLEGED INCAPACITATED PERSON HAS THE ABILITY TO EXERCISE THOSE RIGHTS SPECIFIED IN SECTION 744.3215, FLORIDA GUARDIANSHIP LAW, WITH SPECIFIC ATTENTION TO THOSE RIGHTS ENUMERATED IN THE PETITION TO DETERMINE INCAPACITY.

(NOTE: 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.)

The alleged incapacitated person has the capacity to: (Circle yes or no)

YES	(NO)	make informed decisions regarding his/her right to marry.
YES	(NO)	make informed decisions regarding his/her right to vote.
YES	(NO)	make informed decisions regarding his/her right to personally apply for government benefits.
YES	(NO)	make informed decisions regarding his/her right to have a driver's license or operate a motor vehicle.
YES	(NO)	make informed decisions regarding his/her right to travel.
YES	(NO)	make informed decisions regarding his/her right to seek or retain employment.
YES	(NO)	make informed decisions regarding his/her right to contract.
YES	(NO)	make informed decisions regarding his/her right to sue, or assist in the defense of suits of any nature against him/her.
YES	(NO)	make informed decisions regarding his/her right to manage property or make any gift or disposition of property.
YES	(NO)	make informed decisions in determining his/her residence.
YES	(NO)	make informed decisions regarding his/her right to consent to medical treatment.
YES	(NO)	make informed decisions affecting his/her social environment or other social aspects of his/her life.

III. COMPREHENSIVE EXAMINATION AND ATTENDING PHYSICIAN'S REPORT

Please give the results of the comprehensive examination and the committee members' assessment of information provided by the attending or family physician, if any. Attach extra sheets, if necessary. If the attending or family physicians is available for consultation the committee must consult with the physician.

Physical Examination: 47 year old Ambulatory white male with a history of asthma irregular heart beat and hypertension
P-70 R-17
appear Norm II-XII with no perceptual limits
Mental Health Examination: Affect - full range of emotion - gestures I+G lateralis
47 year old married white male who was casually groomed and dressed. He was alert cooperative and oriented X3. His mood was euphoric. His memory was good. He was hyperverbal and his thought was processed and tended to ramble with grandiose ideas
Functional Assessment: able to do basic activities of daily living but has Bipolar impaired his decision making (Caregiver to brief report)

If any of the three parts of the comprehensive examination were not indicated or could not be accomplished for any reason, the reason for the omission must be explained.

Consultation with Family Physician:

Yes ____ No ✓ If no, why? Unscheduled - Dr Deangelis office excluded request

Assessment of prior clinical history, treatment records, social records, and reports, if any:
He has a long history of hyperactivity and grandiosity. Graduated Law school and practiced law in Georgia with associated of mental illness. He was diagnosed Cyclothymic. Recently treated by Dr Hoberman with Seroquel and Depakote with some improvement.

III. SCOPE OF GUARDIANSHIP

(NOTE: Florida law grants authority to a guardian only in those areas of decision making in which the evidence indicates the person is incapacitated. This allows the individual to retain control over the other aspects of his or her life.)

Please indicate those areas where the person LACKS THE CAPACITY to make informed decisions regarding his/her rights and for which a less restrictive method of protective services is not adequate to protect the person from a substantial risk of harm to his/her personal welfare or financial affairs.
(Circle lacks or has)

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

Specific evidence of the person's incapacity to exercise informed decisions in the

If the committee member has determined that the alleged incapacitated person is incapacitated, the scope of the guardianship services recommended is:

PLENARY LIMITED (Circle One)

The member of the examining committee certifies to have examined the alleged incapacitated person in accordance with the requirements of Section 744.331 of the Florida Guardianship Law, performing the examination necessary to determine which if any, of the rights the petitioner has requested to be removed the allegedly incapacitated person can no longer sufficiently nor adequately exercise. These conclusions, evaluations and recommendations are hereby presented to the Court.

(At least one member of the committee has knowledge of the type of incapacity alleged in the Petition to Determine Incapacity.)

Executed this 30 day of June, 2008

Signature: R E Ballenstine MD

A copy of this report has been served on the Petitioner's Attorney and the Court appointed Attorney for the alleged incapacitated person on June 30, 2008

Deputy Clerk

IN THE CIRCUIT COURT IN AND FOR ORANGE COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF	)	PROBATE MENTAL HEALTH DIVISION
	)	Case Number 2008-MH-000651-O
FRANK AMODEO	)	DIVISION I
	)	

Darlene B. Antonio, Ph.D.
REPORT OF EXAMINING COMMITTEE

The undersigned, being the committee appointed to examine, FRANK AMODEO reports that they have examined that person, as directed by the Order Appointing Examining Committee and the report of the comprehensive examination, with evaluations and recommendations as follows:

I. GENERAL INFORMATION

Name of Person: FRANK AMODEO

Date of Examination: June 26, 2008

Date of Birth: September 1, 1961

Residence of Person: 1159 Delaney, Orlando, FL 32801

Name and address of extended care facility (if any):

Alleged incapacity is: Bipolar Disorder, Type I, current episode Manic with Psychotic Features.

DIAGNOSIS (short summary): Mr. Amodeo presents with symptoms consistent with a Bipolar Disorder and also exhibits an associated Delusion Disorder. His treating psychiatrist, Dr. Krotenberg is also considering a diagnosis of Schizoaffective Disorder.

PROGNOSIS (short summary): Guarded. Mr. Amodeo is reported to be noncompliant with treatment in the past. His delusional beliefs appear to be quite long-standing and ingrained.

RECOMMENDED COURSE OF TREATMENT (short summary): Mr. Amodeo's long-standing, severe symptoms require intensive psychiatric treatment. He reported that his attorney is making arrangements for his admission into an inpatient psychiatric treatment program.

EXHIBIT B COPY #2

FRANK AMODEO 2008-MH-000651-O

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

THE EXAMINING COMMITTEE IS SPECIFICALLY CHARGED WITH DETERMINING WHETHER THE ALLEGED INCAPACITATED PERSON HAS THE ABILITY TO EXERCISE THOSE RIGHTS WHICH THE PETITIONER HAS REQUESTED BE REMOVED IN THE PETITION TO DETERMINE INCAPACITY.

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.

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

FRANK AMODEO 2008-MH-000651-O

III. COMPREHENSIVE EXAMINATION AND ATTENDING PHYSICIAN'S REPORT

Please give the results of the comprehensive examination and the committee members' assessment of information provided by the attending or family physician, if any. Attach extra sheets, if necessary. If the attending or family physician is available for consultation the committee must consult with the physician.

Physical Examination: This examiner defers to the psychiatrist, who is a medical doctor for this part of the evaluation.

Mental Health Examination: Mr. Amodeo was neatly groomed and dressed in business attire at the time of the evaluation. He reported that he graduated from law school and worked for some time as an attorney before he was disbarred and incarcerated on charges of defrauding a client. He also completed two years of a doctoral economic program. Mr. Amodeo reported that he was first diagnosed with Bipolar Disorder in 1995 or 1996 and participated in treatment with a psychiatrist and a therapist from 2000-2003. Mr. Amodeo reported symptoms (e.g. racing thoughts) consistent with a Bipolar Disorder and acknowledged that he often makes impulsive decisions, frequently involving large sums of money. For example, he stated that he once make a decision in 15 minutes to purchase a clothing boutique.

Mr. Amodeo interacted appropriate with this examiner. He was oriented to person, place, time, and date. On the Saint Louis University Mental Status Examination (SLUMS) Mr. Amodeo's score of 27 out of 30 fell in the Normal range and he exhibited only mild attentional problems. Rate of speech was normal. Affect was appropriate to situation. He denied homicidal or suicidal ideation or intent. Form of thought was relevant and coherent at times and at other times disorganized and illogical.

Content of thought was notable for Mr. Amodeo's delusional beliefs. He frankly discussed his plan to establish an empire and become "Emperor of the World" and asserted that "It's not a joke and I've made great strides toward this." Mr. Amodeo explained that he has been planning this since his teenage years. He related that he read a book that "gave me a decision criteria that would let me do it well, as long as I made decisions that are in everyone's best interest." He also stated that when the movie "The Omen" was released that "people thought I was the Antichrist. Since then I prayed every day and decided to see what path God would take me down."

Mr. Amodeo indicated that he has been separated from his wife over the past year due to their frequent conflicts about the "empire stuff" and noted that his wife "hates to hear this." He has recently moved back into the home. Mr. Amodeo reported that he frequently sees "colors and lights" and that he sees stars in the sky "shift and move." He stated that he can "focus" and have an out-of-body experience at will. Mr. Amodeo believes that in the future he will be able to "transmute molecules" and maintained that as a child he was once able to transport himself and a group of friends off of a railroad track to avoid an oncoming train. He believes he will be able to

perform miraculous feats, such as "solidifying or crystallizing the air". He further explained "any miraculous event that is repeatable, so that it is no longer deniable, is enough to trigger people to follow the plan." He gave as an example, miracles performed by Christ that inspired people to follow him.

Mr. Amodeo maintained to this examiner that he has "prophetic visions" that allow him to foresee the outcome of business transactions and his legal situation. He asserted that his attorneys are wrong in their handling of his case and are not "reading the law correctly." He believes that he has a better understanding of the law and that his attorneys should "take an entirely different approach." He sometimes makes plans (e.g. "to hold a press conference and reveal everything") that his attorneys object to. In regard to his current legal difficulties he believes he can see the "final outcome" and that the "U.S. Attorney's office will have to swallow the fact that they made a big mistake and will drop the suit. I will then go on with my plan and have some credibility." He estimated that he will have ten million in assets after his case is concluded and that it will take approximately eleven years to accomplish his goal of establishing his empire. When asked how he would react if things did not turn out well for him, he stated that he believes he will die if the legal issues facing him are not resolved satisfactorily. He asserted "I think this is it for me. I will win this time or end up dead." Initially he visualized his death as an "Elijah fire in the sky event", but his recent problems with high blood pressure have led him to consider that there are "lots of ways it could just be over."

This examiner administered the Minnesota Multiphasic Personality Inventory-2 (MMPI-2) to Mr. Amodeo. The MMPI-2 is currently the most widely used and researched objective personality inventory. The MMPI-2 consists of a series of quantitative scales that can be used to diagnose abnormal behavior. Mr. Amodeo's MMPI-2 profile appears to be valid. On this inventory, Mr. Amodeo's profile suggests delusional beliefs and schizoid personality traits. His profile indicates severe long-term psychological problems.

Functional Assessment: Mr. Amodeo is capable of performing activities of daily living (e.g. personal hygiene, preparing food, dressing).

Consultation with Family Physician:

(Yes) No If not, why?

This examiner consulted with Dr. Jeffrey Danziger (407-679-6400), a psychiatrist, who conducted a forensic psychiatric evaluation of Mr. Amodeo, and with Dr. Jeffrey Kretenberg (407-324-0405), Mr. Amodeo's current treating psychiatrist.

Assessment of prior clinical history, treatment records, social records, and reports, if any:

- May 28, 2008 letter from Dr. Danziger to attorney, Harrison Slaughter, detailing Dr. Danziger's evaluation of Mr. Amodeo
- June 11, 2008 Orlando Sentinel article about Mr. Amodeo and his legal case.
- Portions of Mirabilis Ventures, September 2005 Presentation DVD, featuring Mr. Amodeo as speaker.
- Portions of Amodeo/Evviven Interview on DVD.
- High school newspaper articles provided by Mr. Amodeo, describing how Mr. Amodeo, as student council president, envisioned his high school as a country instead of a school and created "Imperialism Day" as an "unorthodox approach to school spirit."
- Various photographs provided by Mr. Amodeo, including his attendance at a foreign policy meeting with President Bush and high level government and NATO officials.
- Papers detailing Mr. Amodeo's sponsorship and speaking engagement through the "Riga NATO summit 2006 Support Committee".
- Various documents detailing aspects of Mirabilis' acquisition strategies, due diligence and risk analysis for international transactions, etc.
- Records have been requested from Joseph Trim, LMHC who saw Mr. Amodeo in therapy from 2000-2003.
- Draft of Memorandum #24 – Star Wars, prepared by Mr. Amodeo's staff that details his mental health history.

If any of the three parts of the comprehensive examination were not indicated or could not be accomplished for any reason, the reason for the omission must be explained below.

IV. SCOPE OF GUARDIANSHIP.

Florida law grants authority to a guardian only in those areas of decision-making in which the evidence indicates the person is incapacitated. This allows the individual to retain control over the other aspects of his/her life

Please indicate those areas where the person LACKS THE CAPACITY to make informed decisions regarding his/her rights and where a less restrictive method of protective services is not adequate to protect the person from a substantial risk of harm to his/her welfare or financial affairs.

(Check appropriate line)

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

Please list specific evidence of the person's incapacity to exercise informed decisions in the categories previously checked.

On examination, Mr. Amodeo exhibits a fixed delusional belief that he will be "Emperor of the World". He believes that he has special powers and will be able to perform miracles to convince others to support his cause. He has been diagnosed with a Bipolar Disorder and reports symptoms consistent with this disorder. Mr. Amodeo's psychiatric symptoms and delusional beliefs are long-standing, dating back to his teenage years. Mr. Amodeo's delusional beliefs, disorganized thinking, and impulsive, reckless behaviors significantly impair his ability to make informed decisions regarding his medical care, and legal and financial affairs.

If the committee has determined that the alleged incapacitated person is incapacitated, the scope of the guardianship services recommended is: PLENARY (LIMITED)

The members of the examining committee further state that they have each examined the alleged incapacitated person in accordance with the requirements of Section 744.331 of the Florida Statutes, performing the examination necessary to determine which, if any of the rights, which the petitioner has requested be removed, the allegedly incapacitated person can no longer sufficiently nor adequately exercise, and they hereby present to the Court their conclusions, evaluations and recommendations.

At least one member of the committee has knowledge of the type of incapacity alleged in the Petition to Determine Incapacity.

Executed this 30th day of June 2008.

Darlene B. Antonio, Ph.D.
Licensed Psychologist
2700 Westhall Lane, Suite 110, Maitland, FL 32751
407-475-1025

A copy of this report has been served on Petitioner's Attorney and on the Court appointed Attorney for alleged incapacitated person on _____ 20____.

_____
Deputy Clerk

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND FOR
ORANGE COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF
Frank Amodeo

PROBATE MENTAL HEALTH DIVISION
CASE NUMBER: 2008-MH-000651-O
DIVISION 1

Dr. R.E. Ballentine

REPORT OF EXAMINING COMMITTEE

The undersigned, being the committee appointed to examine Frank Amodeo reports that they have examined that person, as directed by the Order Appointing Examining Committee and the report of the comprehensive examination, with evaluations and recommendations, is as follows:

I. GENERAL INFORMATION

Name of Person: Frank Amodeo

Date of Examination: June 29 2008

Date of Birth: 09/01/1961

Residence of Person: 1159 Delaney
Orlando FL 32801

Name and address of Extended Care Facility (if any):

Alleged Incapacity is: Bipolar Disorder - manic

DIAGNOSIS(short summary) Bipolar Disorder Type I manic

PROGNOSIS (short summary) guarded

RECOMMENDED COURSE OF TREATMENT (short summary) Supervisory care
& Psychiatric treatment of Bipolar Disorder

EXHIBIT A

JUL 02 2008

II. EVALUATION OF ALLEGED INCAPACITATED PERSON'S ABILITY TO RETAIN RIGHTS (without limitation)

THE EXAMINING COMMITTEE IS CHARGED WITH DETERMINING WHETHER THE ALLEGED INCAPACITATED PERSON HAS THE ABILITY TO EXERCISE THOSE RIGHTS SPECIFIED IN SECTION 744.3215, FLORIDA GUARDIANSHIP LAW, WITH SPECIFIC ATTENTION TO THOSE RIGHTS ENUMERATED IN THE PETITION TO DETERMINE INCAPACITY.

(NOTE: 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.)

The alleged incapacitated person has the capacity to: (Circle yes or no)

YES	(NO)	make informed decisions regarding his/her right to marry.
YES	(NO)	make informed decisions regarding his/her right to vote.
YES	(NO)	make informed decisions regarding his/her right to personally apply for government benefits.
YES	(NO)	make informed decisions regarding his/her right to have a driver's license or operate a motor vehicle.
YES	(NO)	make informed decisions regarding his/her right to travel.
YES	(NO)	make informed decisions regarding his/her right to seek or retain employment.
YES	(NO)	make informed decisions regarding his/her right to contract.
YES	(NO)	make informed decisions regarding his/her right to sue, or assist in the defense of suits of any nature against him/her.
YES	(NO)	make informed decisions regarding his/her right to manage property or make any gift or disposition of property.
YES	(NO)	make informed decisions in determining his/her residence.
YES	(NO)	make informed decisions regarding his/her right to consent to medical treatment.
YES	(NO)	make informed decisions affecting his/her social environment or other social aspects of his/her life

III. COMPREHENSIVE EXAMINATION AND ATTENDING PHYSICIAN'S REPORT

Please give the results of the comprehensive examination and the committee members' assessment of information provided by the attending or family physician, if any. Attach extra sheets, if necessary. If the attending or family physicians is available for consultation the committee must consult with the physician.

Physical Examination: 47 year-old Ambulatory white male with a history of asthma irregular heart beat and hypertension
P-70 R-17
cranial nerves II-XII within normal limits
extremities: full range of motion - reflexes 1+ bilaterally

Mental Health Examination:
47 year old married white male who was casually groomed and dressed. He was alert cooperative and oriented x3. His mood was euphoric. His memory was good. He was hyperverbal and his thoughts were perseverated and tended to ramble with grandiose thoughts

Functional Assessment:
able to do basic activities of daily living but his Bipolar (Schizoaffective Disorder) impaired his decision making

If any of the three parts of the comprehensive examination were not indicated or could not be accomplished for any reason, the reason for the omission must be explained.

Consultation with Family Physician: _____

Yes ____ No ✓. If no, why? not listed - Dr Dawson's 5/28/14 evaluations reviewed

Assessment of prior clinical history, treatment records, social records, and reports, if any:
He has a long history of hyperactivity and productivity. Graduated from law school and practiced law in Georgia until convicted of mail fraud. Dr Dawson was diagnosed Cyclothymic. Recently treated by Dr Hoskins with Seroquel and Depakote with some improvement.

III. SCOPE OF GUARDIANSHIP

(NOTE: Florida law grants authority to a guardian only in those areas of decision making in which the evidence indicates the person is incapacitated. This allows the individual to retain control over the other aspects of his or her life.)

Please indicate those areas where the person LACKS THE CAPACITY to make informed decisions regarding his/her rights and for which a less restrictive method of protective services is not adequate to protect the person from a substantial risk of harm to his/her personal welfare or financial affairs.
(Circle lacks or has)

LACKS	HAS	Decisions concerning travel or where to live.
LACKS	HAS	Consent to or refusal of medical or other professional care, counseling, treatment or service.
LACKS	HAS	Permitting access to, refusal of access to or consent to release of confidential records and papers.
LACKS	HAS	Control or management of real or personal property or income from any source.
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LACKS	HAS	Decisions concerning education.
LACKS	HAS	Admission to Florida State Hospital or any other public treatment facility on a voluntary basis under the provisions of applicable state law.
LACKS	HAS	Other (list):

Specific evidence of the person's incapacity to exercise informed decisions in the

If the committee member has determined that the alleged incapacitated person is incapacitated, the scope of the guardianship services recommended is:

PLENARY LIMITED (Circle One)

The member of the examining committee certifies to have examined the alleged incapacitated person in accordance with the requirements of Section 744.331 of the Florida Guardianship Law, performing the examination necessary to determine which if any, of the rights the petitioner has requested to be removed the allegedly incapacitated person can no longer sufficiently nor adequately exercise. These conclusions, evaluations and recommendations are hereby presented to the Court.

(At least one member of the committee has knowledge of the type of incapacity alleged in the Petition to Determine Incapacity.)

Executed this 30 day of June, 2008.

Signature: R E Ballentine MD

A copy of this report has been served on the Petitioner's Attorney and the Court appointed Attorney for the alleged incapacitated person on June 30, 2008.

Deputy Clerk

IN THE CIRCUIT COURT IN AND FOR ORANGE COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF	)	PROBATE MENTAL HEALTH DIVISION
	)	Case Number 2008-MH-000651-0
FRANK AMODEO	)	DIVISION 1
	)	

Darlene B. Antonio, Ph.D.

REPORT OF EXAMINING COMMITTEE

The undersigned, being the committee appointed to examine, FRANK AMODEO reports that they have examined that person, as directed by the Order Appointing Examining Committee and the report of the comprehensive examination, with evaluations and recommendations as follows:

I. GENERAL INFORMATION

Name of Person: FRANK AMODEO

Date of Examination: June 26, 2008

Date of Birth: September 1, 1961

Residence of Person: 1159 Delaney, Orlando, FL 32801

Name and address of extended care facility (if any):

Alleged incapacity is: Bipolar Disorder, Type I, current episode Mania with Psychotic Features.

DIAGNOSIS (short summary): Mr. Amodeo presents with symptoms consistent with a Bipolar Disorder and also exhibits an associated Delusion Disorder. His treating psychiatrist, Dr. Krotenberg is also considering a diagnosis of Schizoaffective Disorder.

PROGNOSIS (short summary): Guarded. Mr. Amodeo is reported to be noncompliant with treatment in the past. His delusional beliefs appear to be quite long-standing and ingrained.

RECOMMENDED COURSE OF TREATMENT (short summary): Mr. Amodeo's long-standing, severe symptoms require intensive psychiatric treatment. He reported that his attorney is making arrangements for his admission into an inpatient psychiatric treatment program.

EXHIBIT B

FRANK AMODEO 2008-MH-000651-0

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

THE EXAMINING COMMITTEE IS SPECIFICALLY CHARGED WITH DETERMINING WHETHER THE ALLEGED INCAPACITATED PERSON HAS THE ABILITY TO EXERCISE THOSE RIGHTS WHICH THE PETITIONER HAS REQUESTED BE REMOVED IN THE PETITION TO DETERMINE INCAPACITY.

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.

Yes	No	
X		Make informed decisions regarding his/her right to marry.
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X		Make informed decisions in determining his/her residence.
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X		Make informed decisions affecting his/her social environment or other social aspects of his/her life.

FRANK AMODEO 2008-MH-000651-0

III. COMPREHENSIVE EXAMINATION AND ATTENDING PHYSICIAN'S REPORT

Please give the results of the comprehensive examination and the committee members' assessment of information provided by the attending or family physician, if any. Attach extra sheets, if necessary. If the attending or family physician is available for consultation the committee must consult with the physician.

Physical Examination: This examiner defers to the psychiatrist, who is a medical doctor for this part of the evaluation.

Mental Health Examination: Mr. Amodeo was neatly groomed and dressed in business attire at the time of the evaluation. He reported that he graduated from law school and worked for some time as an attorney before he was disbarred and incarcerated on charges of defrauding a client. He also completed two years of a doctoral economic program. Mr. Amodeo reported that he was first diagnosed with Bipolar Disorder in 1995 or 1996 and participated in treatment with a psychiatrist and a therapist from 2000-2003. Mr. Amodeo reported symptoms (e.g. racing thoughts) consistent with a Bipolar Disorder and acknowledged that he often makes impulsive decisions, frequently involving large sums of money. For example, he stated that he once make a decision in 15 minutes to purchase a clothing boutique.

Mr. Amodeo interacted appropriate with this examiner. He was oriented to person, place, time, and date. On the Saint Louis University Mental Status Examination (SLUMS) Mr. Amodeo's score of 27 out of 30 fell in the Normal range and he exhibited only mild attentional problems. Rate of speech was normal. Affect was appropriate to situation. He denied homicidal or suicidal ideation or intent. Form of thought was relevant and coherent at times and at other times disorganized and illogical.

Content of thought was notable for Mr. Amodeo's delusional beliefs. He frankly discussed his plan to establish an empire and become "Emperor of the World" and asserted that "It's not a joke and I've made great strides toward this." Mr. Amodeo explained that he has been planning this since his teenage years. He related that he read a book that "gave me a decision criteria that would let me do it well, as long as I made decisions that are in everyone's best interest." He also stated that when the movie "The Omen" was released that "people thought I was the Antichrist. Since then I prayed every day and decided to see what path God would take me down."

Mr. Amodeo indicated that he has been separated from his wife over the past year due to their frequent conflicts about the "empire stuff" and noted that his wife "hates to hear this." He has recently moved back into the home. Mr. Amodeo reported that he frequently sees "colors and lights" and that he sees stars in the sky "shift and move." He stated that he can "focus" and have an out-of-body experience at will. Mr. Amodeo believes that in the future he will be able to "transmute molecules" and maintained that as a child he was once able to transport himself and a group of friends off of a railroad track to avoid an oncoming train. He believes he will be able to

perform miraculous feats, such as "solidifying or crystallizing the air". He further explained "any miraculous event that is repeatable, so that it is no longer deniable, is enough to trigger people to follow the plan." He gave as an example, miracles performed by Christ that inspired people to follow him.

Mr. Amodeo maintained to this examiner that he has "prophetic visions" that allow him to foresee the outcome of business transactions and his legal situation. He asserted that his attorneys are wrong in their handling of his case and are not "reading the law correctly." He believes that he has a better understanding of the law and that his attorneys should "take an entirely different approach." He sometimes makes plans (e.g. "to hold a press conference and reveal everything") that his attorneys object to. In regard to his current legal difficulties he believes he can see the "final outcome" and that the "U.S. Attorney's office will have to swallow the fact that they made a big mistake and will drop the suit. I will then go on with my plan and have some credibility." He estimated that he will have ten million in assets after his case is concluded and that it will take approximately eleven years to accomplish his goal of establishing his empire. When asked how he would react if things did not turn out well for him, he stated that he believes he will die if the legal issues facing him are not resolved satisfactorily. He asserted "I think this is it for me. I will win this time or end up dead." Initially he visualized his death as an "Elijah fire in the sky event" but his recent problems with high blood pressure have led him to consider that there are "lots of ways it could just be over."

This examiner administered the Minnesota Multiphasic Personality Inventory-2 (MMPI-2) to Mr. Amodeo. The MMPI-2 is currently the most widely used and researched objective personality inventory. The MMPI-2 consists of a series of quantitative scales that can be used to diagnose abnormal behavior. Mr. Amodeo's MMPI-2 profile appears to be valid. On this inventory, Mr. Amodeo's profile suggests delusional beliefs and schizoid personality traits. His profile indicates severe long-term psychological problems.

Functional Assessment: Mr. Amodeo is capable of performing activities of daily living (e.g. personal hygiene, preparing food, dressing).

Consultation with Family Physician:

(Yes) No If not, why?

This examiner consulted with Dr. Jeffrey Danziger (407-679-6400), a psychiatrist, who conducted a forensic psychiatric evaluation of Mr. Amodeo, and with Dr. Jeffrey Krotenberg (407-324-0405), Mr. Amodeo's current treating psychiatrist.

FRANK AMODEO 2008-MH-000651-0

Assessment of prior clinical history, treatment records, social records, and reports, if any:

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- June 11, 2008 Orlando Sentinel article about Mr. Amodeo and his legal case.
- Portions of Mirabilis Ventures, September 2005 Presentation DVD, featuring Mr. Amodeo as speaker.
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- High school newspaper articles provided by Mr. Amodeo, describing how Mr. Amodeo, as student council president, envisioned his high school as a country instead of a school and created "Imperialism Day" as an "unorthodox approach to school spirit."
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- Various documents detailing aspects of Mirabilis' acquisition strategies, due diligence and risk analysis for international transactions, etc.
- Records have been requested from Joseph Trim, LMHC who saw Mr. Amodeo in therapy from 2000-2003.
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If any of the three parts of the comprehensive examination were not indicated or could not be accomplished for any reason, the reason for the omission must be explained below.

FRANK AMODEO : 2008-MH-000651-0

IV. SCOPE OF GUARDIANSHIP.

Florida law grants authority to a guardian only in those areas of decision-making in which the evidence indicates the person is incapacitated. This allows the individual to retain control over the other aspects of his/her life.

Please indicate those areas where the person LACKS THE CAPACITY to make informed decisions regarding his/her rights and where a less restrictive method of protective services is not adequate to protect the person from a substantial risk of harm to his/her welfare or financial affairs.

(Check appropriate line)

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

FRANK AMODEO 2008-MH-000651-0

Please list specific evidence of the person's incapacity to exercise informed decisions in the categories previously checked.

On examination, Mr. Amodeo exhibits a fixed delusional belief that he will be "Emperor of the World". He believes that he has special powers and will be able to perform miracles to convince others to support his cause. He has been diagnosed with a Bipolar Disorder and reports symptoms consistent with this disorder. Mr. Amodeo's psychiatric symptoms and delusional beliefs are long-standing, dating back to his teenage years. Mr. Amodeo's delusional beliefs, disorganized thinking, and impulsive, reckless behaviors significantly impair his ability to make informed decisions regarding his medical care, and legal and financial affairs.

If the committee has determined that the alleged incapacitated person is incapacitated, the scope of the guardianship services recommended is: PLENARY (LIMITED)

The members of the examining committee further state that they have each examined the alleged incapacitated person in accordance with the requirements of Section 744.331 of the Florida Statutes, performing the examination necessary to determine which, if any of the rights, which the petitioner has requested be removed, the allegedly incapacitated person can no longer sufficiently nor adequately exercise, and they hereby present to the Court their conclusions, evaluations and recommendations.

At least one member of the committee has knowledge of the type of incapacity alleged in the Petition to Determine Incapacity.

Executed this 30th day of June 2008.

Darlene B. Antonio, Ph.D.

Darlene B. Antonio, Ph.D.,
Licensed Psychologist
2700 Westhall Lane, Suite 110, Maitland, FL 32751
407-475-1025

A copy of this report has been served on Petitioner's Attorney and on the Court appointed Attorney for alleged incapacitated person on_____ 20____.

_____
Deputy Clerk

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL
CIRCUIT IN AND FOR ORANGE COUNTY, FLORIDA
PROBATE DIVISION

FILED IN OPEN COURT 6-9-15
By Clerk, Cir. Ct., Orange Co., FL
D.C.

IN RE: GUARDIANSHIP OF
FRANK AMODEO
_____/

2008-CP-001369

ORDER APPOINTING GUARDIAN

THIS CAUSE having come before this Court on the Petition for Appointment of Successor Guardian for the Ward, Frank Amodeo (the "Ward"), who is represented by counsel in these proceedings and it appearing to the court that the Ward is an incapacitated adult in need of a limited guardian of the person and property. The court having jurisdiction and being fully advised;

It is ORDERED AND ADJUDGED that:

1. Charles Rahn is qualified to serve and is hereby appointed as limited guardian of the person and property of Frank Amodeo.

2. The nature of the Ward's incapacity is that he suffers from Bipolar Disorder, Type 1, most recent episode manic, moderate.

3. The powers and duties of the Guardian are:

(_x_) to make and enter into contracts;
(_x_) to consent to or refuse medical or other professional care, counseling, treatment or service;
(_x_) to control, dispose or manage real or personal property, businesses, or income from any source;
(_x_) to initiate, defend or settle lawsuits; and
(_x_) to pay or collect debts.

4. The Guardian shall exercise only the rights that the Court has found the Ward incapable of exercising on his own behalf, as outlined herein above. Said rights are hereby removed from the Ward and specifically delegated to the Guardian.

5. Upon taking the prescribed oath, filing designation of resident agent and acceptance and entering into a bond in the amount of NO NE _____ payable to

the Governor of the State of Florida and to all successors in office conditioned on the faithful performance of all duties by the guardian, letters of guardianship shall be issued.

6. The Court is not aware whether the Ward, prior to incapacity, has executed any valid advance directive under Chapter 765, Florida Statutes. If any such advance directive exists, the guardian shall exercise no authority over a health care surrogate until further order of this Court.

DONE AND ORDERED in Chambers in Orlando, Orange County, Florida this _____day of June, 2015.

FOR: ~~HONORABLE JOSE R. RODRIGUEZ~~
Circuit Court Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that conformed copies have been furnished on this 9th day of June, 2015, to the following:

MYRA P. NICHOLSON
PINONICHOLSON, PLLC
189 SOUTH ORANGE AVE., STE. 1650
ORLANDO, FL 32806
myra@pinonicholsonlaw.com

CHARLES RAHN
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bhorwitz@vaticlaw.com

Frank Amodeo, #48883-019
FCI Coleman Low
P.O. Box 1031
Coleman, Florida 33521

~~Judicial Assistant~~/Attorney

		Magistrate Judge Gregory Kelly as to Frank L. Amodeo. See Doc. No. 251. Signed by Magistrate Judge Gregory J. Kelly on 8/8/2016. (PAB) (Entered: 08/08/2016)
08/16/2016	255	NOTICE of non receipt re 251 Order on Motion for Miscellaneous Relief and notice of intent to file a motion for reconsideration by Frank L. Amodeo. (CLB) (Entered: 08/16/2016)
08/22/2016	256	MOTION for Reconsideration re 251 Order on Motion for Miscellaneous Relief by Frank L. Amodeo. (CLB) (Entered: 08/22/2016)
09/01/2016	257	**ORDER denying 256 Motion for Reconsideration as to Frank L. Amodeo (1). Signed by Judge John Antoon II on 9/1/2016. (SMW)** (Entered: 09/01/2016)
09/07/2016	258	Amended NOTICE OF APPEAL by Frank L. Amodeo re 257 Order on Motion for Reconsideration Filing fee not paid. (CLB) (Entered: 09/07/2016)
09/07/2016	259	TRANSMITTAL of initial appeal package as to Frank L. Amodeo to USCA consisting of copies of notice of appeal, docket sheet, order/judgment being appealed, and motion, if applicable to USCA re 258 Notice of Appeal. (CLB) (Entered: 09/07/2016)
09/15/2016		USCA Case Number as to Frank L. Amodeo. USCA Number: 16-15867-F for 258 Notice of Appeal filed by Frank L. Amodeo. (JEV) (Entered: 09/15/2016)
11/22/2016	260	MOTION for miscellaneous relief, specifically for an Order directing the Clerk to provide certified copies of sentencing exhibits and the affidavits of any victim by Charles T. Rahn as to Frank L. Amodeo. (JET) (Entered: 11/28/2016)
11/22/2016	261	MOTION for miscellaneous relief, specifically for Judge Antoon to Recuse Himself under 28 U.S.C. 144(a) and 455(a) by Charles T. Rahn as to Frank L. Amodeo. (JET) (Entered: 11/28/2016)
11/30/2016	262	**ORDER denying 260 Motion for An Order Directing the Clerk to Provide Certified Copies of the Sentencing Exhibits and the Affidavits of Any Victims as to Frank L. Amodeo (1); denying 261 Motion for Judge Antoon to Recuse Himself as to Frank L. Amodeo (1). Signed by Judge John Antoon II on 11/30/2016. (AJM)** (Entered: 11/30/2016)
12/12/2016	263	MOTION for Reconsideration re 262 Order on Motion for Miscellaneous Relief by Charles T. Rahn as to Frank L. Amodeo. (AKJ) Modified on 12/15/2016 (LMM). (Entered: 12/14/2016)
12/15/2016	264	**ORDER denying 263 Motion for Reconsideration. Signed by Judge John Antoon II on 12/15/2016. (BRS)** (Entered: 12/15/2016)
08/10/2017	265	Pursuant to F.R.A.P. 11(c), the Clerk of the District Court for the Middle District of Florida certifies that the record is complete for purposes of this appeal re: 227 Notice of Appeal as to Frank L. Amodeo. The following documents will be forwarded in paper format upon the request for the record on appeal by the USCA in addition to the electronic record. Volume of exhibits: Sentencing Exhibits/CD'S. USCA number: 15-12643-FF. (JEV) (Entered: 08/10/2017)
02/26/2018	266	MOTION to Vacate under 28 U.S.C. 2255 (titled, "Petition for Writ of Coram Nobis"). (SPM) Modified on 3/5/2018 (JET). Related civil 2255 case 6:18-CV-316-ORL-28KRS. Modified on 3/5/2018 (JET). (Entered: 02/26/2018)
02/26/2018	267	MOTION to Appoint Counsel by Charles T. Rahn as to Frank L. Amodeo. (Attachments: # 1 Exhibit)(JET) Motions referred to Magistrate Judge Gregory J. Kelly. (Entered: 02/26/2018)
02/26/2018	268	MOTION for Recusal of The Honorable John Antoon II by Charles T. Rahn as to Frank

		L. Amodeo. (JET) Modified on 3/5/2018 (JET). THIS DOCUMENT HAS BEEN REMOVED AND IS NOW PART OF THE RELATED 2255 CASE 6:18-CV-316-ORL-28KRS. (Entered: 02/26/2018)
02/26/2018	269	AFFIDAVIT by Charles T. Rahn as to Frank L. Amodeo (JET) Modified on 3/5/2018 (JET). THIS DOCUMENT HAS BEEN REMOVED AND IS NOW PART OF THE RELATED 2255 CIVIL CASE 6:18-CV-316-ORL-28KRS. (Entered: 02/26/2018)
02/26/2018	270	APPENDIX by Charles Rahn Filed Separately. Master Appendix Volume 1,2, and 3 (JET) (Additional attachment(s) added on 2/27/2018: # 1 Appendix 2, # 2 Appendix 3) (AKJ). (Entered: 02/26/2018)
02/27/2018	271	Case as to Frank L. Amodeo reassigned to Magistrate Judge Karla R. Spaulding. New case number: 6:08-cr-176-Orl-28KRS. Magistrate Judge Gregory J. Kelly no longer assigned to the case. (MAA) Motions referred to Magistrate Judge Karla R. Spaulding. (Entered: 02/27/2018)
03/06/2018		TRANSMITTAL to USCA forwarding One Volume of Exhibits re 258 Notice of Appeal as to Frank L. Amodeo USCA number: 15-12643-FF. (RDO) (Entered: 03/06/2018)
03/09/2018	272	RESPONSE in Opposition by USA as to Frank L. Amodeo re 266 MOTION to Vacate under 28 U.S.C. 2255 (related civil case 6:18-cv-316-Orl-28KRS) (Attachments: # 1 Exhibit A)(Cream, Anita) Modified on 3/12/2018 (SPM).(THIS DOCUMENT HAS BEEN ADDED TO RELATED CIVIL CASE.) (Entered: 03/09/2018)
03/13/2018		ACKNOWLEDGMENT by USCA of receiving One Volume of Sentencing Exhibits on 3/9/18 re 258 Notice of Appeal. USCA number: 15-12643-FF. (SPM) (Entered: 03/13/2018)
03/20/2018	274	OBJECTION to Re-characterization and MOTION for miscellaneous relief, specifically to Reverse Unilateral Decision by Charles T. Rahn (also filed in 6:18-cv-316-Orl-28KRS at Doc. No. 7) (SPM) Modified on 4/2/2018 (AKJ). (Entered: 03/23/2018)
03/20/2018	275	MOTION for miscellaneous relief, specifically to Reverse the Clerk's Re-characterization of Frank Amodeo's Pleadings by Charles T. Rahn as to Frank L. Amodeo. (also filed in 6:18-cv-316-Orl-28KRS at Doc. No. 8) (SPM) Modified on 4/2/2018 (AKJ). (Entered: 03/23/2018)
03/23/2018	273	**ORDER AND DIRECTION TO THE CLERK re 267 MOTION to Appoint Counsel filed by Charles T. Rahn. The Clerk of Court is directed to file this motion in the related civil case, Case No. 6:18-cv-316-Orl-28KRS, and terminate the motion in the present case. Signed by Magistrate Judge Karla R. Spaulding on 3/23/2018. (ECJ)** (Entered: 03/23/2018)
03/26/2018	276	MOTION for miscellaneous relief, specifically for The Honorable Judge Antoon's Disqualification and Notice of 28 USC 144(a) Affidavit by Charles T. Rahn as to Frank L. Amodeo. (SPM) (Entered: 03/27/2018)
03/26/2018	277	AFFIDAVIT of Mr. Charles Rahn as to Frank L. Amodeo (SPM) (Entered: 03/27/2018)
03/26/2018	278	MOTION for miscellaneous relief, specifically to Permit Post-Judgment, Pre-Completion Amendment of Frank L. Amodeo's 2255 Motion, Under Federal Civil Procedure Rules 15 and 60, Based on New Retroactively Applicable Supreme Court Rules by Charles T. Rahn as to Frank L. Amodeo. (Exhibit 1 referenced on page 7 not submitted.) (SPM) (Entered: 03/27/2018)
03/26/2018	279	MOTION for miscellaneous relief, specifically under Local Rule 2.03(d) to permit next friend pro se filing by Charles T. Rahn as to Frank L. Amodeo. (Attachments: # 1 Exhibit 1)(SPM) (Entered: 03/27/2018)

		L. Amodeo. (JET) Modified on 3/5/2018 (JET). THIS DOCUMENT HAS BEEN REMOVED AND IS NOW PART OF THE RELATED 2255 CASE 6:18-CV-316-ORL-28KRS. (Entered: 02/26/2018)
02/26/2018	269	AFFIDAVIT by Charles T. Rahn as to Frank L. Amodeo (JET) Modified on 3/5/2018 (JET). THIS DOCUMENT HAS BEEN REMOVED AND IS NOW PART OF THE RELATED 2255 CIVIL CASE 6:18-CV-316-ORL-28KRS. (Entered: 02/26/2018)
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03/23/2018	273	**ORDER AND DIRECTION TO THE CLERK re 267 MOTION to Appoint Counsel filed by Charles T. Rahn. The Clerk of Court is directed to file this motion in the related civil case, Case No. 6:18-cv-316-Orl-28KRS, and terminate the motion in the present case. Signed by Magistrate Judge Karla R. Spaulding on 3/23/2018. (ECJ)** (Entered: 03/23/2018)
03/26/2018	276	MOTION for miscellaneous relief, specifically for The Honorable Judge Antoon's Disqualification and Notice of 28 USC 144(a) Affidavit by Charles T. Rahn as to Frank L. Amodeo. (SPM) (Entered: 03/27/2018)
03/26/2018	277	AFFIDAVIT of Mr. Charles Rahn as to Frank L. Amodeo (SPM) (Entered: 03/27/2018)
03/26/2018	278	MOTION for miscellaneous relief, specifically to Permit Post-Judgment, Pre-Completion Amendment of Frank L. Amodeo's 2255 Motion, Under Federal Civil Procedure Rules 15 and 60, Based on New Retroactively Applicable Supreme Court Rules by Charles T. Rahn as to Frank L. Amodeo. (Exhibit 1 referenced on page 7 not submitted.) (SPM) (Entered: 03/27/2018)
03/26/2018	279	MOTION for miscellaneous relief, specifically under Local Rule 2.03(d) to permit next friend pro se filing by Charles T. Rahn as to Frank L. Amodeo. (Attachments: # 1 Exhibit 1)(SPM) (Entered: 03/27/2018)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

FRANK LOUIS AMODEO,

Petitioner,

v.

Case No: 6:18-cv-316-Orl-28KRS
6:08-cr-176-Orl-28GJK

UNITED STATES OF AMERICA,

Respondent.
_____/

ORDER

Petitioner Frank Louis Amodeo ("Amodeo" or "Petitioner") initiated this action on February 26, 2018 by filing a pleading entitled "Petition for Writ of *Coram Nobis* to Correct Jurisdictionally Defective Forfeiture Order" ("Petition") in Criminal Case Number 6:08-cr-176-Orl-28GJK (Cr. Doc. 266; Doc. 1).[1] The Government filed a response to the pleading on March 9, 2018 (Cr. Doc. 272), and Amodeo filed a reply (Doc. 14-1).[2]

Upon review, the Court construed the Petition as a motion to vacate under 28 U.S.C. § 2255, and the instant civil action was opened (Doc. 1). Amodeo objected to the classification of his pleading as a § 2255 motion, and he moved the Court to construe it as

[1] Docket entries in 6:08-cr-176 will be cited as (Cr. Doc.). Docket entries in the instant civil action will be cited as (Doc.).

[2] Amodeo's reply was attached to his motion seeking an extension of time to file a reply and permission to exceed the page limit (Doc. 14). Because the Court considered Amodeo's reply when reviewing his petition, the motions for extension of time and leave to exceed the page limit will be denied as moot.

a petition for writ of error *coram nobis* (Doc. 7; Doc. 8). Subsequently, Amodeo filed two motions to recuse the undersigned (Doc. 2; Doc. Doc. 10); a motion for the appointment of counsel (Doc. 9); a motion to amend his 28 U.S.C. § 2255 motion (Doc. 12); and a motion under Local Rule 2.03(d) to permit next friend pro se filing (Doc. 13).

For the reasons set forth below, Amodeo's motion to reclassify the Petition is granted to the extent that the Court will construe the pleading as a petition for writ of error *coram nobis*. However, the Petition will be denied. Amodeo's motions for the disqualification of the undersigned are also denied, and Amodeo's remaining motions are denied as moot.

I. Background and Procedural History

On September 22, 2008, Amodeo pleaded guilty, pursuant to a plea agreement, to conspiracy, failure to collect and remit payroll taxes, and obstruction of an agency proceeding (Cr. Doc. 23; Cr. Doc. 38). He agreed to a money judgement of between $172,000,000 and $181,810,518.66 and to the forfeiture of several real properties, vehicles, a Lear jet, financial accounts, and the assets of eleven companies (Cr. Doc. 38 at 10-13). Amodeo was also ordered to serve a total of 270 months in prison (Cr. Doc. 140).

Between October 2, 2008 and May 13, 2009, the Court entered preliminary orders of forfeiture as to Amodeo's assets and companies (Cr. Doc. Nos. 46, 49, 75, 106). At Amodeo's May 26, 2009 sentencing hearing, the Court ordered that Amodeo "shall forfeit to the United States those assets previously identified in the plea agreement, the preliminary order of forfeiture, docket 75, and the final order of forfeiture, 76 that are subject to forfeiture" (Cr. Doc. 148 at 61). Thereafter, the Court clarified that the other

preliminary orders of forfeiture "will all be reflected in the judgment" (*Id.* at 65). The Court entered a written final order of forfeiture as to seven companies and other assets on November 10, 2009 (Cr. Doc. 177).[3] Amodeo appealed the final written order of forfeiture, but the Eleventh Circuit dismissed his appeal for lack of jurisdiction:

> The district court's October 2, 2008, preliminary order of forfeiture fully and finally resolved all of Frank Amodeo's interests in the properties referenced in the November 18, 2009 final forfeiture order. *See* 21 U.S.C. § 853; Fed. R. Crim. P. 32.2; *United States v. Petrie*, 302 F.3d 1280, 1284 (11th Cir. 2002). Accordingly, Amodeo lacks standing to challenge the November 18, 2009 order, and this Court lacks jurisdiction over his appeal from that order. Amodeo's motion for appointment of counsel is DENIED as moot.

(Cr. Doc. 190). Subsequently, the United States moved to vacate the final order of forfeiture against two of Amodeo's companies (Nexia and AQMI) because of ongoing litigation against them (Cr. Doc. 207, filed February 6, 2014). The Court granted the motion on March 11, 2014 (Cr. Doc. 208).

On March 24, 2014, Amodeo filed a motion for reconsideration of the order vacating the final order of forfeiture against Nexia and AQMI (Cr. Doc. 209). Amodeo urged that: (1) this Court had no jurisdictional basis to modify the forfeiture order; (2) his guardian should have been joined in the government's motion to vacate; (3) the vacatur

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[3] These appear to be the forfeiture orders at issue in Amodeo's latest pleading. However, Preliminary Orders of Forfeiture were entered on October 2, 2008 (Cr. Doc. 46), October 14, 2008 (Cr. Doc. 49), April 14, 2009 (Cr. Doc. 75), and May 13, 2009 (Cr. Doc. 106). Final Orders of Forfeiture as to certain assets were entered April 14, 2009 (Cr. Doc. 76), May 6, 2009 (Cr. Doc. 98),May 13, 2009 (Cr. Doc. 105), July 13, 2009 (Cr. Doc. 143), October 7, 2009 (Amended)(Cr. Doc. 158), November 18, 2009 (Cr. Doc. 177), February 17, 2011 (Cr. Doc. 198).

rendered his criminal judgment non-final, allowing him to renew his motions to withdraw his guilty plea and for appointment of counsel; (4) the vacatur demonstrated that the Government had breached the plea agreement because Amodeo did not agree to the initial forfeiture of AQMI; and (5) the United States Attorney had an ethical duty to withdraw from further representation (*Id.*).

The Court denied Amodeo's motion to reconsider, noting that, just as Amodeo lacked standing to challenge the final order of forfeiture, he also lacked standing to challenge the partial vacation of the order (Cr. Doc. 215). Amodeo appealed (Cr. Doc. 227), and the appeal is pending.

II. Analysis

In his instant Petition, Amodeo raises a completely different claim than was raised in his earlier § 2255 motions and on direct appeal. He now asserts that this Court lacked jurisdiction to enter its November 18, 2009 written order of final forfeiture because the preliminary order "and the text of the earlier pleadings that generated the order never made mention of any forfeiture of the shares of stock or ownership of the corporations" (Doc. 1 at 5). Amodeo asserts:

> Very few things in law are clear, but clearly the language in the Final Order of Forfeiture is materially different than in the Preliminary Order of Forfeiture. This court had no authority or power or jurisdiction to make those alterations.

(*Id.* at 6). Amodeo's assertions are based upon a preliminary order of forfeiture directing the forfeiture of *inter alia* the "assets of" several corporations (Cr. Doc. 46 at 3), whereas the final written order of forfeiture included "the corporate stock and assets" (Cr. Doc.

177). Amodeo urges that "shares" in a corporation are not assets of a corporation and were not contemplated in the preliminary orders of forfeiture (Doc. 1 at 5). He asserts that he did not raise this claim on direct appeal because "his medication-exacerbated mental incapacity prevented him from elucidating this court's jurisdictional error or how his mental incapacity affected him." (*Id.* at 2).

a. This claim cannot be raised in a 28 U.S.C. § 2255 motion

Amodeo contends that the Petition should not have been converted to a § 2255 motion because such motion cannot be used to challenge a forfeiture order (Doc. 7; Doc. 8). Indeed, a petitioner's challenge to the forfeiture of his assets is outside the scope of a § 2255 proceeding, which only provides an avenue to challenge custody under a federal criminal conviction or sentence. *Saldana v. United States*, 273 F. App'x 842, 844 (11th Cir. 2008); *United States v. Banguera*, 62 F.3d 393 (5th Cir. 2008) ("Because [the petitioner] is challenging only the forfeiture of assets, which does not go to the validity of his conviction or sentence, his claim is not cognizable under § 2255."). Accordingly, the Court will grant Amodeo's motion (Doc. 8) to treat the Petition as a petition for writ of error *coram nobis*.

b. Amodeo is not entitled to relief under 28 U.S.C. § 1651

In *United States v. Morgan*, 346 U.S. 502 (1954), the Supreme Court held that the All Writs Act, 28 U.S.C. § 1651(a), authorizes federal courts to grant *coram nobis* relief from a conviction for "errors 'of the most fundamental character'" where the petitioner is no longer in custody and therefore has no remedy under 28 U.S.C. § 2255, and where adverse collateral consequences from the conviction remain. *Id.* at 512. "The writ of error *coram*

nobis is an extraordinary remedy of last resort available only in compelling circumstances where necessary to achieve justice." *United States v. Mills*, 221 F.3d 1201, 1203 (11th Cir. 2000). Otherwise, the remedy "would prolong litigation once concluded, thus thwarting society's compelling interest in the finality of criminal convictions." *Moody v. United States*, 874 F.2d 1575, 1576-77 (11th Cir. 1989) (citing *Morgan*, 346 U.S. at 511). Even assuming that an incarcerated prisoner can petition for a writ of error *coram nobis* to attack a forfeiture order, Amodeo is not entitled to relief for several reasons.

First, the doctrine of laches bars relief. The challenged final written order of forfeiture issued on November 18, 2009 (Cr. Doc. 177), but Amodeo waited almost nine years to file the instant Petition. The burden is on a petitioner, not the government, to show "sound reasons" for the delay in raising his claim. *See Morgan*, 346 U.S. at 512; *United States v. Pearl*, 288 F. App'x 651, 653 (11th Cir. 2008) ("district court may consider *coram nobis* petitions only where the petitioner presents sound reasons for failing to seek relief earlier"). Other than asserting that he suffers from a "mental incapacity," Amodeo does not explain why he waited so long to file his current petition. Amodeo's alleged mental incompetency during his criminal proceedings was addressed by the Eleventh Circuit Court of Appeals on August 30, 2010 and found to be meritless:

> Amodeo's claim that the district court failed to make a competency determination plainly is belied by the record. Notwithstanding the stipulation by both Amodeo and the government that he was competent, the district court heard testimony from one of Amodeo's treating doctors about his treatment in the year leading up to the plea agreement; and this doctor opined that Amodeo was competent under the federal standard. And, at the plea hearing, after engaging in lengthy colloquies directly with Amodeo about his mental

> state, his comprehension of the charges against him, the details of the plea agreement, and the legal consequences of the guilty plea, the district court determined specifically that Amodeo was competent to enter into the plea agreement. Therefore, Amodeo's competency argument is without support in the record.

(Cr. Doc. 194). Given that Amodeo was competent during his criminal proceedings, he has not presented a "sound reason" for his delay in attacking the November 18, 2009 written forfeiture order. Therefore, Amodeo's Petition is dismissed under the doctrine of laches. *See United States v. Mosavi*, 138 F.3d 1365, 1366 (11th Cir. 1998) ("A writ of *error coram nobis* is a limited remedy of last resort, and this remedy is unavailable given that the defendant could have raised these issues on direct criminal appeal and failed to do so.").

Next, Amodeo's argument that this Court lacked jurisdiction to enter a written judgment due to a small discrepancy between the preliminary orders of forfeiture and the November 18, 2009 written order of forfeiture is unavailing. This is not a situation in which the district court completely omitted the order of forfeiture in the oral sentence and judgment. *See United States v. Pease*, 331 F.3d 809, 813 (11th Cir. 2003) (recognizing that it is mandatory for a district court to include the order of forfeiture in the sentence), *superseded and overruled by statute*, 2009 amendment to Fed. R. Crim. P. 32.2(b)(4)(B) (providing that even a district court's complete failure to "include the forfeiture order, directly or by reference, in the judgment, . . . may be corrected at any time[.]"). To the contrary, at Amodeo's May 26, 2009 sentencing, the Court ordered that the final judgment was to reflect the preliminary orders of forfeiture entered at docket entries 46, 49, 75, and

106 (Cr. Doc. 148 at 5, 61, 64-65). Generally, "[w]hen a sentence pronounced orally and unambiguously conflicts with the written order of judgment, the oral pronouncement governs." *United States v. Bates*, 213 F.3d 1336, 1340 (11th Cir. 2000). The Court's jurisdiction was not implicated by the slight discrepancy between the oral and written judgments; rather, the Court's oral pronouncement of Amodeo's sentence unambiguously provided the terms of the forfeiture order, and controls over the written judgment. *See United States v. German*, 212 F. App'x 932 (11th Cir. 2006).

Finally, Amodeo has not demonstrated that the writ is "necessary to achieve justice." As urged by Respondent, even if the portion of the November 18, 2009 written order authorizing the forfeiture of his stock is invalid, "Amodeo does not explain what value he lost by virtue of the final order of forfeiture for the corporations (or his alleged stock), which he concedes had been lawfully stripped of any and all assets, including lawsuits by the preliminary order of forfeiture to which he indisputably consented." (Cr. Doc. 272). If Amodeo argues that the stock has value and that it was erroneously forfeited, the Government would simply move to forfeit the stock to satisfy the outstanding money judgment against him. *See* 21 U.S.C. § 853(p) (authorizing the forfeiture of a criminal defendant's substitute property to satisfy a judgment); 28 U.S.C. § 2461(c) (making criminal forfeiture available in every case that the criminal forfeiture statute does not reach but for which civil forfeiture is legally authorized).

In light of the above, the petition for writ of error *coram nobis* is denied.

c. Amodeo's motions for disqualification are denied

In the litigation resulting from Amodeo's criminal convictions, he has filed at least eight motions to recuse the undersigned (Cr. Doc. 250; Cr. Doc. 261; Cr. Doc. 276; Doc. 2; Doc. 10; No. 6:12-cv-641 (docket entries 19, 114, 146)). Pursuant to 28 U.S.C. § 144:

> Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.
>
> The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists, and shall be filed not less than ten days before the beginning of the term at which the proceeding is to be heard, or good cause shall be shown for failure to file it within such time. A party may file only one such affidavit in any case. It shall be accompanied by a certificate of counsel of record stating that it is made in good faith.

28 U.S.C. § 144 (2016). Likewise, 28 U.S.C. § 455 provides in relevant part that a federal judge must disqualify himself if his "impartiality might reasonably be questioned," or if he "has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding." 28 U.S.C. § 455(a), (b)(1) (2016). The test under § 455(a) is "whether an objective, disinterested, lay observer fully informed of the facts on which recusal was sought would entertain a significant doubt about the judge's impartiality." *United States v. Chandler*, 996 F.2d 1073 (11th Cir. 1993). Furthermore, for disqualification to be warranted under 28 U.S.C. § 455, a "judge's bias must be personal and extrajudicial; it must derive from something other than that which the judge learned by participating in the case." *McWhorter v. City of Birmingham*, 906 F.2d 674, 678 (11th Cir. 1990) (citing *Jaffe v. Grant*, 793 F.2d 1182, 1188 (11th Cir. 1986)).

Consequently, generally, "a judge's rulings in the same or a related case may not serve as the basis for a recusal motion." *Id.* An exception to this rule "is the situation in which 'such pervasive bias and prejudice is shown by otherwise judicial conduct as would constitute bias against a party.'" *Jaffe*, 793 F.2d at 1189 (quoting *United States v. Phillips*, 664 F.2d 971, 1002–03 (5th Cir. 1981)).

The bases of Amodeo's motion seemingly stem from the Court's alleged: (1) personal prejudice against Amodeo; (2) prejudice against the mentally ill; and (3) bias in favor of the government (Doc. 2 at 1). To support his allegations, Amodeo points to instances of unfavorable rulings (Doc. 10). Adverse rulings against Amodeo do not evidence such bias that recusal is required. *Byrne v. Nezhat*, 261 F.3d 1075, 1103 (11th Cir. 2001) (concluding "adverse rulings alone do not provide a party with a basis for holding that the court's impartiality is in doubt."), *abrogated on other grounds by Douglas Asphalt Co. v. QORE, Inc.*, 657 F.3d 1146 (11th Cir. 2011).

A reasonable person, fully informed of the facts, would not question the impartiality of the undersigned or any other District or Magistrate Judge in the Middle District of Florida. Finally, Amodeo has not demonstrated that the Court has a personal bias or prejudice against him or personal knowledge of disputed evidentiary facts concerning this proceeding.

ACCORDINGLY, it is hereby

ORDERED:

1. Frank L. Amodeo's objection to the characterization of his motion as brought under 28 U.S.C. § 2255 (Doc. 7) is **SUSTAINED** and his motion to construe the Petition as a petition for writ of error *coram nobis* (Doc. 8) is **GRANTED**.

2. The petition for writ of error *coram nobis* (Doc. 1) is **DISMISSED** with prejudice under the doctrine of laches or, alternatively, **DENIED**. The **Clerk of Court** is directed to file a copy of this Order in case number 6:08-cr-176-JA-KRS and to terminate the motions pending at docket entries 266, 274, and 275 in that case.

3. Amodeo's Motion for Recusal (Doc. 2) and Motion for Disqualification (Doc. 10) are **DENIED**.

4. Amodeo's motion to appoint counsel (Doc. 9), motion to amend (Doc. 12), motion to permit next friend pro se filing (Doc. 13), and motion for extension of time and permission to exceed the page limit (Doc. 14) are **DENIED** as moot.

5. The **Clerk** shall terminate any additional pending motions, close this case, and enter judgment accordingly.

DONE and **ORDERED** in Orlando, Florida on May 25, 2018.

JOHN ANTOON II
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties
SA: OrlP-4

FILED
2018 JUL -2 PM 2:55
US DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDA

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

United States of America,
plaintiff,

v. Case No. 6:08-cr-0176-Orl-JA-KRS

Frank Louis Amodeo,
respondent.
_____/

NOTICE OF APPEAL

Charles Rahn,
State-Appointed Guardian and Next Friend for Frank Louis Amodeo
4589 Southfield Avenue
Orlando, Florida 32812
(407) 383-3405

Notice of Appeal

Frank Amodeo through his State of Florida guardian and next friend Charles Rahn provides this notice of intent to appeal several district court orders including Docket Numbers 273, 280, and 282.

1. Among the issues to be raised on appeal is whether the district court had the authority to recharacterize Mr. Amodeo's petition for a writ of coram nobis as a §2255, particularly since the motion did not challenge Mr. Amodeo's conviction or sentence, but rather whether the district court had the authority to forfeit property not included in the indictment, plea agreement, or preliminary forfeiture order. See *Honeycutt v. United States*, 137 S.Ct. 1626 (2017).

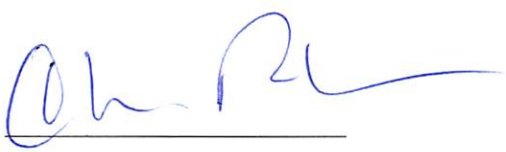
2. If the court was authorized to recharacterize the coram nobis petition to a §2255 motion, then does the miscarriage of justice doctrine apply to allow Mr. Amodeo's actual innocence claims to be heard. Among those claims are Mr. Amodeo's freestanding factual innocence claim based on new evidence, and two statutory interpretation claims are based on *Marinello v. United States*, No. 16-1144 (March 21, 2018)(require a nexus between an obstructive act and the investigation interfered with) and *Mathis v. United States*, 136 S.Ct. 2243 (2016)(clarifying the

proper method for interpreting a criminal statute containing alternative means for violating a statute).

3. The district court refused to appoint an attorney to assist with presentation of the case. Should the district court have appointed an attorney to assist in developing and presenting the case. See *Schmid v. McCauley*, 825 F.3d 348 (7th Cir. 2016); *Ford v. Haley*, 195 F.3d 603, 624 (11th Cir. 1999).

4. District Judge John Antoon II did not disqualify himself. Even though he has made a series of anomalous rulings that were unsupported by the record, such as claiming that Mr. Amodeo did not attempt to inform him of his illness. Yet, the record shows Mr. Amodeo's attempts as early as October 2009.

Respectfully submitted on this 30th day of June 2018 by:



Charles Rahn,
State-Appointed Guardian and Next Friend for Frank Louis Amodeo
4589 Southfield Avenue
Orlando, Florida 32812
(407) 383-3405

CERTIFICATE OF SERVICE

A copy of this Motion was sent via First Class U.S. Mail to the United States District Court, Middle District of Florida, Orlando Division, Office of the Clerk at 401 West Central Street, Orlando, Florida 32801.

A copy of this Motion was sent via First Class U.S. Mail to the United States of America via its attorney of record at 400 W. Washington Street, Suite 3100, Orlando, Florida 32801.

Charles Rahn,

State-Appointed Guardian and Next Friend for Frank Louis Amodeo

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

2019 MAR 14 AM 11:15

United States of America,
respondent,

versus

Case No.: 6:08-cr-0176-Orl-JA-GJS

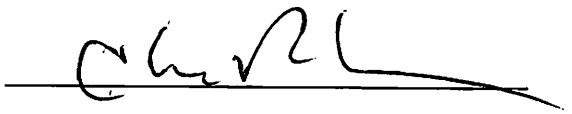
Frank Louis Amodeo,
petitioner,

_____/

NOTICE OF APPEAL FOR DOCKET NUMBER 290

Frank Louis Amodeo through his guardian, Charles Rahn, files this notice of intent to appeal this court's March 1, 2019 order. Mr. Rahn recognizes Mr. Amodeo should have counsel, and a motion is pending to appoint counsel to assist with this notice of appeal and in forma pauperis application, but to be safe and to not miss a deadline, Mr. Rahn submits this notice of intent to appeal among other things this court's refusal to correct its clear error of law regarding the application of the doctrine of laches to a writ of coram nobis challenging subject-matter jurisdiction.

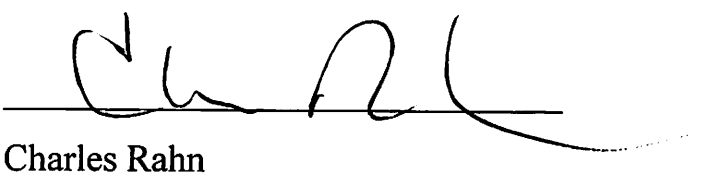
Respectfully submitted on this 14th day of March, 2019, by:



Charles Rahn
State appointed Guardian for Frank Louis Amodeo
4589 Southfield Avenue
Orlando, Florida 32812
470-373-3405

CERTIFICATE OF SERVICE

I hereby by certify that a copy of this notice of intent to appeal has been sent to the United States Attorney's office via US mail at the same time as filed in this court on this 14th day of March, 2019.



Charles Rahn

General Docket
United States Court of Appeals for the Eleventh Circuit

Court of Appeals Docket #: 18-12845 **Docketed:** 07/06/2018
Nature of Suit: 2510 Prisoner Petition-Vacate Sentence **Termed:** 11/30/2020
Frank Amodeo v. USA
Appeal From: Middle District of Florida
Fee Status: IFP Granted

Case Type Information:
1) U.S. Civil - Prisoner
2) Motion to Vacate
3) -

Originating Court Information:
District: 113A-6 : 6:18-cv-00316-JA-KRS **Lead:** 6:08-cr-00176-JA-KRS-1
Civil Proceeding: John Antoon, II, Senior U.S. District Court Judge
Secondary Judge: Karla R. Spaulding, U.S. Magistrate Judge
Date Filed: 02/26/2018
Date NOA Filed:
07/02/2018

Prior Cases:

09-12937	**Date Filed:** 08/06/2008	**Date Disposed:** 02/02/2010	**Disposition:** -
09-15255	**Date Filed:** 08/06/2008	**Date Disposed:** 01/29/2010	**Disposition:** -
10-10517	**Date Filed:** 02/05/2010	**Date Disposed:** 04/29/2010	**Disposition:** Dismissed

Current Cases:

	Lead	Member	Start	End
Consolidated				
	15-12643	16-15867	11/22/2016	
	15-12643	18-12845	12/10/2019	
	18-12845	19-10960	12/10/2019	
Related				
	15-12643	09-16170	12/10/2009	
	15-12643	15-15280	11/27/2015	
	15-12643	16-10268	01/25/2016	
	15-12643	16-11728	04/18/2016	
	15-12643	18-11335	03/30/2018	
	15-12643	18-13066	07/23/2018	
	18-12845	20-11324	04/06/2020	
	19-10960	20-11324	04/06/2020	

FRANK L. AMODEO	Petitioner - Appellant	Brian Horwitz Direct: 407-373-9690 [COR LD NTC Retained] Vatic Law Firm: 407-373-9690 5019 SAINT DENIS CT BELLE ISLE, FL 32812 Shannon Alexis Ligon Direct: 888-779-7426 [COR LD NTC Retained] Ligon Law Group LLC dba PrettySMART Law 100 BISCAYNE BLVD STE 1114 MIAMI, FL 33132 Charles T. Rahn [NTC Not Applicable] Firm: 407-383-3405 4589 SOUTHFIELD AVE ORLANDO, FL 32812
versus		
UNITED STATES OF AMERICA	Respondent - Appellee	Linda Julin McNamara Direct: 813-274-6000

[COR LD NTC US Attorney]
U.S. Attorney's Office
Firm: 813-274-6000
400 N TAMPA ST STE 3200
TAMPA, FL 33602

U.S. Attorney Service - Middle District of Florida
[COR NTC US Attorney]
U.S. Attorney's Office
Firm: 813-274-6000
400 N TAMPA ST STE 3200
TAMPA, FL 33602

FRANK L. AMODEO, Petitioner - Appellant, versus UNITED STATES OF AMERICA, Respondent - Appellee.

07/06/2018	21 pg, 2.97 MB	HABEAS APPEAL DOCKETED. Notice of appeal filed by Appellant Frank L. Amodeo on 07/02/2018 Appellant brief due 40 days from 07/06/2018. Fee Status: IFP Granted. No hearings to be transcribed. [Entered: 07/09/2018 01:52 PM]
07/31/2018	1 pg, 14.8 KB	NOTICE OF CIP FILING DEFICIENCY to Charles T Rahn for Frank L. Amodeo. You are receiving this notice because you have not completed the Web-Based Stock Ticker Symbol CIP via the court's public web-page and have not filed the CIP. Failure to comply with 11th Cir. Rules 26.1-1 through 26.1-4 may result in dismissal of the case or appeal under 11th Cir. R. 42-1(b), return of deficient documents without action, or other sanctions on counsel, the party, or both. [Entered: 07/31/2018 09:54 AM]
08/07/2018		***DOCKETED IN ERROR***Appellant's Certificate of Interested Persons and Corporate Disclosure Statement filed by Appellant Frank L. Amodeo.--[Edited 08/15/2018 by JKM] Not a party in this appeal [Entered: 08/15/2018 08:33 AM]
08/07/2018	1 pg, 12.75 KB	RETURNED UNFILED: Certificate of Interested Persons filed by Charles T Rahn for Frank L. Amodeo is returned unfiled because you are not a party in this appeal. [Entered: 08/15/2018 08:58 AM]
08/15/2018		Jurisdiction: FRAP 4 motion pending in district court as to Appellant Frank L. Amodeo DE #: Doc. 18 [Entered: 08/15/2018 02:04 PM]
08/17/2018	1 pg, 62.1 KB	APPEARANCE of Counsel Form filed by Linda Julin McNamara for United States (ECF: Linda McNamara) [Entered: 08/17/2018 04:48 PM]
08/22/2018	36 pg, 216.89 KB	Certificate of Interested Persons and Corporate Disclosure Statement filed by Attorney Linda Julin McNamara for Appellee USA. On the same day the CIP is served, the party filing it must also complete the court's web-based stock ticker symbol certificate at the link here http://www.ca11.uscourts.gov/web-based-cip or on the court's website. See 11th Cir. R. 26.1-2(b). (ECF: Linda McNamara) [Entered: 08/22/2018 02:05 PM]
01/28/2019	2 pg, 160.57 KB	USDC order on limited remand as to Appellant Frank L. Amodeo filed on 01/24/2019. Docket Entry 25. [Entered: 01/28/2019 12:32 PM]
03/18/2019	2 pg, 233.89 KB	Notice of filing: Waiting on Court's determination... as to Appellant Frank L. Amodeo. [Entered: 04/03/2019 11:27 AM]
04/26/2019	4 pg, 93.75 KB	ORDER: On its own motion, the court has determined that Mr. Rahn has 30 days from the issuance of this order to obtain counsel who is authorized to practice before this Court. That attorney must file an appearance and an amended notice of appeal, signed by the attorney on Mr. Amodeo's behalf, in this Court within 30 days of the issuance of this order. Failure to comply with this order will result in dismissal. In addition, we sua sponte DISMISS this appeal, in part, for lack of jurisdiction... (see order for remainder of text) GBT and AJ [Entered: 04/26/2019 10:12 AM]
05/17/2019	1 pg, 285.57 KB	APPEARANCE of Counsel Form filed by Brian Horwitz for Charles Rahn Charles T Rahn for Frank L. Amodeo. [18-12845] (ECF: Brian Horwitz) [Entered: 05/17/2019 11:14 AM]
05/21/2019	15 pg, 157.79 KB	[18-12845]*MOTION for appointment of counsel filed by Brian Horwitz for Frank L. Amodeo pursuant to court order dated 04/26/2019. Opposition to Motion is Unknown. [8778734-1]*--[Edited 05/24/2019 by RAV] (ECF: Brian Horwitz) [Entered: 05/21/2019 12:26 PM]
07/31/2019	2 pg, 84.13 KB	ORDER: Charles Rahn's motion to appoint counsel for Frank Amodeo is GRANTED. Counsel shall be appointed by separate order. [8778734-2]. GBT [Entered: 07/31/2019 12:39 PM]
08/15/2019	3 pg, 56.98 KB	ORDER: Appellant's motion for appointment of counsel having been granted by order dated July 31, 2019, the Court hereby appoints the following attorney as counsel for appellant: Anne F. Borghetti, Esq., 12211 49th Street, #1, Clearwater, FL 33762, (727) 502-0300. CRW [Entered: 08/15/2019 01:09 PM]
08/15/2019	2 pg, 18.84 KB	CJA appointment issued by this court to Attorney Anne Frances Borghetti for Appellant Frank L. Amodeo. [Entered: 08/15/2019 01:10 PM]
08/29/2019	1 pg, 495.43 KB	APPEARANCE of Counsel Form filed by Anne Frances Borghetti for Frank L. Amodeo. [18-12845] (ECF: Anne Borghetti) [Entered: 08/29/2019 02:55 PM]
09/05/2019	4 pg, 173.5 KB	Certificate of Interested Persons and Corporate Disclosure Statement filed by Attorney Anne Frances Borghetti for Appellant Frank L. Amodeo. On the same day the CIP is served, the party filing it must also complete the court's web-based stock ticker symbol certificate at the link here http://www.ca11.uscourts.gov/web-based-cip or on the court's website. See 11th Cir. R. 26.1-2(b). [18-12845] (ECF: Anne Borghetti) [Entered: 09/05/2019 11:42 AM]
09/05/2019	1 pg, 15.51 KB	The Transcript Order Form has not been filed as to Appellant Frank L. Amodeo. The appellant is hereby notified that upon expiration of 14 days from this date, this appeal will be dismissed by the clerk without further notice unless the default has been corrected. [Entered: 09/05/2019 12:38 PM]
09/05/2019	1 pg, 573.05 KB	TRANSCRIPT INFORMATION FORM SUBMITTED by Attorney Anne Frances Borghetti for Appellant Frank L. Amodeo. All necessary transcript(s) are on file. [18-12845] (ECF: Anne Borghetti) [Entered: 09/05/2019 05:13 PM]

09/06/2019	1 pg, 654.2 KB	TRANSCRIPT INFORMATION form filed by Attorney Anne Frances Borghetti for Appellant Frank L. Amodeo. All necessary transcript(s) are on file. [Entered: 09/06/2019 10:32 AM]
09/06/2019	2 pg, 17.97 KB	Briefing Notice issued to Appellant Frank L. Amodeo. The appellant's brief is due on or before 09/24/2019. The appendix is due no later than 7 days from the filing of the appellant's brief. [Entered: 09/06/2019 10:33 AM]
09/23/2019	7 pg, 150.51 KB	*MOTION for extension of time to file appellant's brief to 12/23/2019 filed by Frank L. Amodeo. Motion is Unopposed. [8886553-1]* [18-12845] (ECF: Anne Borghetti) [Entered: 09/21/2019 02:34 PM]
09/24/2019	2 pg, 30.51 KB	ORDER: Motion for extension to file appellant brief filed by Appellant Frank L. Amodeo is GRANTED. [8886553-2] Appellants brief due on 12/23/2019. AJ [Entered: 09/24/2019 03:08 PM]
12/10/2019	3 pg, 40.49 KB	ORDER: Motion for appointment of counsel filed by Appellant Frank L. Amodeo is DENIED as MOOT. [8902303-2] in 19-10960; On its own motion, the court consolidates appeals 18-12845 and 19-10960. Amodeo's consolidated initial brief is due January 23, 2020 WHP [18-12845, 19-10960] [Entered: 12/10/2019 05:09 PM]
01/23/2020	9 pg, 204.56 KB	*TIME SENSITIVE MOTION for extension of time to file appellant's brief to 04/22/2020 filed by Frank L. Amodeo. Motion is Unopposed. [8989311-1]* [18-12845] (ECF: Anne Borghetti) [Entered: 01/23/2020 09:55 AM]
01/27/2020	1 pg, 53.95 KB	ORDER: Motion for extension to file appellant brief filed by Appellant Frank L. Amodeo is GRANTED. [8989311-2] in 18-12845, Motion for extension to file appellant brief filed by Appellant Frank L. Amodeo is GRANTED. [8989337-2] in 19-10960 Appellants brief due on 04/22/2020. AJ [18-12845, 19-10960] [Entered: 01/27/2020 02:51 PM]
04/03/2020	9 pg, 206.5 KB	*MOTION for extension of time to file appellant's brief to 05/26/2020 filed by Frank L. Amodeo. Motion is Unopposed. [9053149-1]* [18-12845] (ECF: Anne Borghetti) [Entered: 04/03/2020 02:36 PM]
04/10/2020	1 pg, 83.93 KB	ORDER: Appellant's motion for an extension of time to file his initial brief is GRANTED. Appellant's brief is due May 26, 2020, with the appendix due (7) days thereafter. [9053149-2] [9053153-2] AJ [18-12845, 19-10960] [Entered: 04/10/2020 03:44 PM]
05/26/2020	9 pg, 208.16 KB	*TIME SENSITIVE MOTION for extension of time to file appellant's brief to 07/27/2020 filed by Frank L. Amodeo. Motion is Unopposed. [9094885-1]* [18-12845] (ECF: Anne Borghetti) [Entered: 05/25/2020 09:59 PM]
05/29/2020	1 pg, 19.78 KB	ORDER: Motion for extension to file appellant brief filed by Appellant Frank L. Amodeo is GRANTED. [9094885-2] in 18-12845, Motion for extension to file appellant brief filed by Appellant Frank L. Amodeo is GRANTED. [9094886-2] in 19-10960 Appellants brief due on 07/27/2020. AJ [18-12845, 19-10960] [Entered: 05/29/2020 12:52 PM]
06/12/2020	2 pg, 7.39 KB	ORDER: Accordingly, Ms. Borghetti is directed to file amended notices of appeal on Appellant's behalf within twenty-one (21) days of the date of this Order. Should no amended notices of appeal be filed, the Clerk is directed to dismiss these appeals for want of prosecution. SEE ORDER FOR COMPLETE TEXT. KCN [18-12845, 19-10960] [Entered: 06/12/2020 02:45 PM]
07/06/2020	7 pg, 196.84 KB	Amended Notice of Appeal as to the Consolidated Cases No. 18-12845 and 19-10960 filed by Attorney Anne Frances Borghetti for Appellant Frank L. Amodeo. [18-12845] (ECF: Anne Borghetti) [Entered: 07/03/2020 06:28 PM]
07/28/2020	32 pg, 366.71 KB	Appellant's brief filed by Frank L. Amodeo. [18-12845] (ECF: Anne Borghetti) [Entered: 07/28/2020 12:07 AM]
08/03/2020	380 pg, 6.37 MB	Appendix filed [1 VOLUMES] by Appellant Frank L. Amodeo. [18-12845] (ECF: Anne Borghetti) [Entered: 08/02/2020 09:41 PM]
08/03/2020	1 pg, 49.59 KB	Certificate of Readiness filed as to Appellant Frank L. Amodeo in 19-10960, 18-12845. [19-10960, 18-12845] [Entered: 08/07/2020 12:59 PM]
08/03/2020		Record on Appeal filed. Exhibit Envelope - 1 Volume of Exhibits: Five discs labeled Exhibit 55, 59, 60, 61, 62 located at DE #117. [19-10960, 18-12845] [Entered: 08/07/2020 01:00 PM]
08/06/2020		Received paper copies of EBrief filed by Appellant Frank L. Amodeo in 18-12845, 19-10960. [18-12845, 19-10960] [Entered: 08/07/2020 12:03 PM]
08/20/2020		Over the phone extension granted by clerk as to Attorney Linda Julin McNamara for Appellee USA. Appellee's Brief due on 09/24/2020 as to Appellee United States of America.. [Entered: 08/20/2020 01:21 PM]
08/27/2020	40 pg, 177.75 KB	***Docketing Error***Appellee's Brief filed by Appellee USA. [18-12845]--[Edited 08/27/2020 by JC] (ECF: Linda McNamara) [Entered: 08/27/2020 11:44 AM]
08/27/2020	40 pg, 177.95 KB	Appellee's Brief filed by Appellee USA. [18-12845] (ECF: Linda McNamara) [Entered: 08/27/2020 12:33 PM]

08/31/2020	69 pg, 1.69 MB	Supplemental Appendix [1 VOLUMES] filed by Appellee USA. [18-12845] (ECF: Linda McNamara) [Entered: 08/31/2020 11:13 AM]
08/31/2020		Received paper copies of EBrief filed by Appellee USA in 18-12845, 19-10960. [18-12845, 19-10960] [Entered: 09/01/2020 10:39 AM]
09/02/2020		Notice of deficient Appendix filed by Anne Frances Borghetti for Frank L. Amodeo in 18-12845. The required paper copies have not been received. Please promptly submit the paper copies OR file with this court a Notice of Inability to Submit Paper Copies due to COVID-19. [18-12845, 19-10960] [Entered: 09/02/2020 03:45 PM]
09/04/2020		Received paper copies of EAppendix filed by Appellee USA. 1 VOLUMES - 2 COPIES [Entered: 09/08/2020 03:05 PM]
09/11/2020		Received paper copies of EAppendix filed by Appellant Frank L. Amodeo in 18-12845, 19-10960. 1 VOLUMES - 2 COPIES [18-12845, 19-10960] [Entered: 09/15/2020 09:25 AM]
11/30/2020	4 pg, 33.47 KB	Opinion issued by court as to Appellant Frank L. Amodeo in 18-12845, 19-10960. Decision: Affirmed. Opinion type: Non-Published. Opinion method: Per Curiam. The opinion is also available through the Court's Opinions page at this link http://www.ca11.uscourts.gov/opinions. [18-12845, 19-10960] [Entered: 11/30/2020 02:06 PM]
11/30/2020	1 pg, 9.15 KB	Judgment entered as to Appellant Frank L. Amodeo in 18-12845, 19-10960. [18-12845, 19-10960] [Entered: 11/30/2020 02:10 PM]
12/16/2020	7 pg, 195.48 KB	*MOTION to withdraw as counsel filed by Attorney Anne Frances Borghetti for Appellant Frank L. Amodeo. Opposition to Motion is Unknown [9262559-1]* [18-12845] (ECF: Anne Borghetti) [Entered: 12/16/2020 03:28 PM]
12/21/2020	10 pg, 1.09 MB	*MOTION for extension of time to file request for rehearing to 01/21/2021 filed by Appellant Frank L. Amodeo. Opposition to Motion is Unknown [9266786-1]* [Entered: 12/22/2020 12:25 PM]
12/23/2020	1 pg, 4.43 KB	ORDER: Appellant's motion for extension to file response to counsel's motion to withdraw and motion for extension to file petition for rehearing is GRANTED. Appellant's response is due January 21, 2021. Appellant's petition for rehearing is due February 22, 2021. ENTERED FOR THE COURT - BY DIRECTION. [9266786-2] [9265731-2] (See attached order for complete text) [18-12845, 19-10960] [Entered: 12/23/2020 03:43 PM]
01/20/2021	8 pg, 115.65 KB	RESPONSE to Motion to withdraw as counsel filed by Attorney Anne Frances Borghetti for Appellant Frank L. Amodeo [9262559-2] filed by Attorney Brian Horwitz for Appellant Frank L. Amodeo. [18-12845] (ECF: Brian Horwitz) [Entered: 01/20/2021 09:46 AM]
02/03/2021	6 pg, 32.67 KB	*MOTION to file substitution of counsel filed by Appellant Frank L. Amodeo. Motion is Unopposed [9300422-1]* [Entered: 02/03/2021 05:08 PM]
02/05/2021	1 pg, 4.3 KB	ORDER: Appellant's appointed counsel's "Motion to Withdraw as Counsel for the Appellant" is GRANTED. Appellant's retained counsel's "Motion to Substitute Counsel" is GRANTED. Any petition for rehearing is due May 1, 2021. ENTERED FOR THE COURT - BY DIRECTION. [9300422-2] [9300346-2] [9262559-2] [9262563-2] (See attached order for complete text) [18-12845, 19-10960] [Entered: 02/05/2021 09:54 AM]
04/22/2021	6 pg, 124.98 KB	*MOTION for extension of time to file request for rehearing to 05/27/2021 filed by Frank L. Amodeo. Motion is Unopposed. [9366766-1]* [18-12845] (ECF: Shannon Ligon) [Entered: 04/22/2021 12:08 PM]
04/23/2021	1 pg, 49.9 KB	ORDER: Appellant's motion for an extension of time to file petition for rehearing is GRANTED. Appellant's petition for rehearing is due June 7, 2021. ENTERED FOR THE COURT - BY DIRECTION. [9366766-2] [9367116-2] (See attached order for complete text) [18-12845, 19-10960] [Entered: 04/23/2021 02:59 PM]
05/18/2021	1 pg, 227.87 KB	APPEARANCE of Counsel Form filed by Shannon Alexis Ligon for Frank L. Amodeo. [18-12845] (ECF: Shannon Ligon) [Entered: 05/18/2021 02:43 PM]
05/18/2021	7 pg, 170.23 KB	*MOTION for extension of time to file request for rehearing to 08/31/2021 filed by Frank L. Amodeo. Opposing Counsel takes no Position. [9389095-1]* [18-12845] (ECF: Shannon Ligon) [Entered: 05/18/2021 03:14 PM]
05/19/2021	1 pg, 49.1 KB	ORDER: Appellant's motion for an extension of time to file petition for rehearing is DENIED. ENTERED FOR THE COURT - BY DIRECTION. [9389095-2] [9389101-2] (See attached order for complete text) [18-12845, 19-10960] [Entered: 05/19/2021 10:05 AM]
06/07/2021	50 pg, 2.95 MB	*MOTION for excess words/pages filed by Frank L. Amodeo. Opposing Counsel takes no Position. [9404437-1]* [18-12845] (ECF: Shannon Ligon) [Entered: 06/07/2021 09:04 PM]
06/07/2021		***SEE COURT ORDER DATED 6-15-2021***Petition for rehearing en banc (with panel rehearing) filed by Appellant Frank L. Amodeo. [18-12845]--[Edited 06/15/2021 by TLS] (ECF: Shannon Ligon) [Entered: 06/07/2021 09:11 PM]
06/15/2021		ORDER: "Appellant's Motion for Permission to Exceed Page Limit" is DENIED. Within 14 days after the

	1 pg, 70.62 KB	date of this order, Appellant may file a petition for rehearing that complies with the Court's rules. See Fed. R. App. P. 35(b)(2). ENTERED FOR THE COURT - BY DIRECTION. [9404437-2] (See attached order for complete text) [18-12845, 19-10960] [Entered: 06/15/2021 02:35 PM]
06/17/2021	38 pg, 6.03 MB	Petition for rehearing en banc (with panel rehearing) filed by Appellant Frank L. Amodeo. [18-12845] (ECF: Shannon Ligon) [Entered: 06/17/2021 03:56 PM]
07/26/2021	2 pg, 132.69 KB	ORDER: The Petition(s) for Rehearing are DENIED and no Judge in regular active service on the Court having requested that the Court be polled, the Petition(s) for Rehearing En Banc filed by Appellant Frank L. Amodeo are DENIED. [9444478-1] [Entered: 07/26/2021 02:12 PM]
08/11/2021	2 pg, 650.4 KB	Mandate issued as to Appellant Frank L. Amodeo in 18-12845, 19-10960. [18-12845, 19-10960] [Entered: 08/11/2021 12:53 PM]
08/12/2021	1 pg, 84.15 KB	RECORD RETURNED. One Envelope of Exhibits returned to District Court. [Entered: 08/12/2021 03:13 PM]
09/24/2021	5 pg, 898.68 KB	Extension for filing certiorari GRANTED by U.S. Supreme Court as to Appellant Frank L. Amodeo in 18-12845, 19-10960. [18-12845, 19-10960] [Entered: 09/24/2021 01:15 PM]

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11/03/2021 12:22:29			
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Description:	Docket Report (filtered)	**Search Criteria:**	18-12845
Billable Pages:	5	**Cost:**	0.50

General Docket
United States Court of Appeals for the Eleventh Circuit

Court of Appeals Docket #: 19-10960
USA v. Frank Amodeo
Appeal From: Middle District of Florida
Fee Status: IFP Granted

Docketed: 03/15/2019
Termed: 11/30/2020

Case Type Information:
1) Criminal
2) Post-Conviction
3) -

Originating Court Information:
District: 113A-6 : 6:08-cr-00176-JA-KRS-1
Court Reporter: Unknown Reporter
Sentencing Judge: John Antoon, II, Senior U.S. District Court Judge
Date Filed: 08/06/2008
Date NOA Filed:
03/14/2019

Prior Cases:

10-10517	**Date Filed:** 02/05/2010	**Date Disposed:** 04/29/2010	**Disposition:** Dismissed
15-12643	**Date Filed:** 06/12/2015	**Date Disposed:** 02/21/2019	**Disposition:** Dismissed
16-15867	**Date Filed:** 09/07/2016	**Date Disposed:** 02/21/2019	**Disposition:** Dismissed

Current Cases:

	Lead	Member	Start	End
Consolidated				
	15-12643	16-15867	11/22/2016	
	15-12643	18-12845	12/10/2019	
	18-12845	19-10960	12/10/2019	
Related				
	15-12643	09-16170	12/10/2009	
	15-12643	15-15280	11/27/2015	
	15-12643	16-10268	01/25/2016	
	15-12643	16-11728	04/18/2016	
	15-12643	18-11335	03/30/2018	
	15-12643	18-13066	07/23/2018	
	18-12845	20-11324	04/06/2020	
	19-10960	20-11324	04/06/2020	

UNITED STATES OF AMERICA	Plaintiff - Appellee	Linda Julin McNamara Direct: 813-274-6000 [COR LD NTC US Attorney] U.S. Attorney's Office Firm: 813-274-6000 400 N TAMPA ST STE 3200 TAMPA, FL 33602 U.S. Attorney Service - Middle District of Florida [COR NTC US Attorney] U.S. Attorney's Office Firm: 813-274-6000 400 N TAMPA ST STE 3200 TAMPA, FL 33602
versus		
FRANK L. AMODEO (Federal Prisoner: 48883-019)	Defendant - Appellant	Frank L. Amodeo Direct: 407-492-4948 [NTC Not Applicable] 522 S HUNT CLUB BLVD #228 APOPKA, FL 32703 Shannon Alexis Ligon Direct: 888-779-7426 [COR NTC Retained]

Ligon Law Group LLC dba PrettySMART Law
100 BISCAYNE BLVD STE 1114
MIAMI, FL 33132

UNITED STATES OF AMERICA, Plaintiff - Appellee, versus FRANK L. AMODEO, Defendant - Appellant.

03/15/2019	6 pg, 422.58 KB	CRIMINAL APPEAL DOCKETED. Notice of appeal filed by Appellant Frank L. Amodeo on 03/14/2019. Fee Status: IFP Granted. USDC motion pending: Motion to appoint counsel; Motion to proceed IFP filed on 03/14/2019. [Entered: 03/18/2019 10:07 AM]
03/18/2019	2 pg, 49.75 KB	USDC order granting IFP as to Appellant Frank L. Amodeo was filed on 12/18/2009. Docket Entry 181. [Entered: 03/18/2019 10:15 AM]
03/28/2019	1 pg, 62.43 KB	APPEARANCE of Counsel Form filed by Linda Julin McNamara for United States [19-10960] (ECF: Linda McNamara) [Entered: 03/28/2019 09:45 AM]
04/05/2019	1 pg, 12.91 KB	NOTICE OF CIP FILING DEFICIENCY to Frank L. Amodeo. You are receiving this notice because you have not completed the Certificate of Interested Persons (CIP). Failure to comply with 11th Cir. Rules 26.1-1 through 26.1-4 may result in dismissal of the case or appeal under 11th Cir. R. 42-1(b), return of deficient documents without action, or other sanctions on counsel, the party, or both. [Entered: 04/05/2019 04:09 PM]
04/08/2019	1 pg, 15.21 KB	The Transcript Order Form has not been filed as to Appellant Frank L. Amodeo. The appellant is hereby notified that upon expiration of 14 days from this date, this appeal will be dismissed by the clerk without further notice unless the default has been corrected. [Entered: 04/08/2019 10:59 AM]
04/08/2019	4 pg, 388.91 KB	*NOTICE of Appeal construed notice to this court filed by Appellant Frank L. Amodeo. Opposition to Motion is Unknown [8740561-1]* --[Edited 07/12/2019 by DSY to reflect pleading doesn't need to be pending as motion] [Entered: 04/09/2019 10:10 AM]
04/09/2019	2 pg, 65.61 KB	USDC order Denying appointment of counsel as to Appellant Frank L. Amodeo was filed on 03/26/2019. Docket Entry 297. [Entered: 04/09/2019 10:28 AM]
04/09/2019	2 pg, 65.61 KB	USDC order denying COA as to Appellant Frank L. Amodeo was filed on 03/26/2019. Docket Entry 297. [Entered: 04/09/2019 10:29 AM]
04/09/2019		***ERRONEOUSLY DOCKETED*** USDC order denying IFP as to Appellant Frank L. Amodeo was filed on 03/26/2019. Docket Entry 297. --[Edited 08/15/2019 by DSY] [Entered: 04/09/2019 10:33 AM]
04/15/2019		NOTICE OF CIP FILING DEFICIENCY to Linda Julin McNamara for USA and U.S. Attorney Service - Middle District of Florida for USA. You are receiving this notice because you have not completed the Web-Based Stock Ticker Symbol CIP via the court's public web-page and have not filed the CIP via the electronic filing system (CM/ECF). Failure to comply with 11th Cir. Rules 26.1-1 through 26.1-4 may result in dismissal of the case or appeal under 11th Cir. R. 42-1(b), return of deficient documents without action, or other sanctions on counsel, the party, or both. [Entered: 04/15/2019 03:28 PM]
04/22/2019	10 pg, 407.72 KB	*MOTION for summary remand as to this appeal filed by Charles Rahn on behalf of Appellant Frank L. Amodeo. Opposition to Motion is Unknown [8752341-1]* [Entered: 04/22/2019 03:32 PM]
04/26/2019	10 pg, 572.77 KB	*Corrected Motion for summary remand [8752341-2] filed by Charles Rahn on behalf of Appellant Frank L. Amodeo.* [Entered: 04/26/2019 03:50 PM]
05/03/2019	36 pg, 222.94 KB	Certificate of Interested Persons and Corporate Disclosure Statement filed by Attorney Linda Julin McNamara for Appellee USA. On the same day the CIP is served, the party filing it must also complete the court's web-based stock ticker symbol certificate at the link here http://www.ca11.uscourts.gov/web-based-cip or on the court's website. See 11th Cir. R. 26.1-2(b). [19-10960] (ECF: Linda McNamara) [Entered: 05/03/2019 09:36 AM]
05/03/2019	43 pg, 251.74 KB	MOTION to dismiss for lack of jurisdiction [8752341-2] and RESPONSE to motion for summary remand filed by Appellee USA. Opposition to Motion is Unknown. [8763539-1] [19-10960] --[Edited 05/03/2019 by DSY to reflect proper relief] (ECF: Linda McNamara) [Entered: 05/03/2019 11:56 AM]
05/14/2019	1 pg, 14.79 KB	This APPELLANT has been notified that upon expiration of fourteen (14) days from this date, this appeal will be dismissed by the clerk without further notice unless the required filing fee has been received or a motion to proceed on appeal in forma pauperis is filed in this Court. The appellant is being served with this letter. [Entered: 05/14/2019 04:58 PM]
05/15/2019	40 pg, 314.93 KB	United States' Notice of Filing Amended Certificates of Service filed by Attorney Linda Julin McNamara for Appellee USA. [19-10960] (ECF: Linda McNamara) [Entered: 05/15/2019 01:40 PM]
05/28/2019	1 pg, 303.5 KB	APPEARANCE of Counsel Form filed by Brian Horwitz for Charles Rahn, State-Appointed Guardian for Appellant [19-10960] (ECF: Brian Horwitz) [Entered: 05/28/2019 03:15 PM]
05/28/2019	4 pg, 79.73 KB	*MOTION for extension of time to file a motion to proceed In Forma Pauperis to 06/28/2019 filed by Frank L. Amodeo. Opposition to Motion is Unknown. [8784166-1]* [19-10960] (ECF: Brian Horwitz) [Entered: 05/28/2019 04:35 PM]
06/04/2019	1 pg, 15.24 KB	The Transcript Order Form has not been filed as to Appellant Frank L. Amodeo. The appellant is hereby notified that upon expiration of 14 days from this date, this appeal will be dismissed by the clerk without further notice unless the default has been corrected. [Entered: 06/04/2019 03:56 PM]

06/17/2019	2 pg, 23.51 KB	ORDER: Motion for extension of time to file IFP motion filed by Appellant Frank L. Amodeo is GRANTED. [8784166-2] IFP motion due on 06/28/2019. BCG [Entered: 06/17/2019 03:20 PM]
06/17/2019	1 pg, 344 KB	TRANSCRIPT INFORMATION FORM SUBMITTED by Attorney Brian Horwitz for Appellant Frank L. Amodeo. No transcript is required for appeal purposes. [19-10960] (ECF: Brian Horwitz) [Entered: 06/17/2019 03:39 PM]
06/21/2019	3 pg, 72.62 KB	*MOTION to proceed IFP filed by Frank L. Amodeo. Opposition to Motion is Unknown. [8806328-1]* [19-10960] (ECF: Brian Horwitz) [Entered: 06/21/2019 10:01 AM]
09/24/2019	4 pg, 506.66 KB	ORDER: Mr. Rahn's motion for a limited remand is DENIED as unnecessary because the district court retains jurisdiction over the motion to appoint counsel. The district court is therefore DIRECTED to rule on the objections to the magistrate judge's order. Mr. Rahn is hereby DIRECTED to take certain actions within 30 days of the district court's order on the motion to appoint counsel. [8752341-2]; Motion to proceed in forma pauperis filed by Appellant Frank L. Amodeo is DENIED as UNNECESSARY. [8806328-2]; The government's motion to dismiss this appeal, in part, to the extent it challenges the magistrate judge's denial of the motion to appoint counsel, is GRANTED. [8763539-2] GBT, SM and ELB [Entered: 09/24/2019 11:48 AM]
10/09/2019	11 pg, 538.53 KB	*MOTION for appointment of counsel filed by Frank L. Amodeo. Opposition to Motion is Unknown. [8902303-1]* [19-10960] (ECF: Brian Horwitz) [Entered: 10/09/2019 10:11 AM]
11/08/2019	2 pg, 68.1 KB	USDC order Granting appointment of counsel as to Appellant Frank L. Amodeo was filed on 06/04/2019. Docket Entry 306. Added Attorney Attorney(s) Donna Lee Elm, Rosemary Cakmis for party(s) Appellant Frank L. Amodeo, in case 19-10960.Counsel terminated: Attorney Brian Horwitz for Appellant Frank L. Amodeo in 19-10960. [Entered: 11/08/2019 10:31 AM]
12/05/2019	1 pg, 26.49 KB	APPEARANCE of Counsel Form filed by Rosemary Cakmis for Frank L. Amodeo. [19-10960] (ECF: Rosemary Cakmis) [Entered: 12/05/2019 04:30 PM]
12/06/2019	3 pg, 287.29 KB	Certificate of Interested Persons and Corporate Disclosure Statement filed by Attorney Rosemary Cakmis for Appellant Frank L. Amodeo. On the same day the CIP is served, the party filing it must also complete the court's web-based stock ticker symbol certificate at the link here http://www.ca11.uscourts.gov/web-based-cip or on the court's website. See 11th Cir. R. 26.1-2(b). [19-10960] (ECF: Rosemary Cakmis) [Entered: 12/06/2019 04:49 PM]
12/10/2019	3 pg, 40.49 KB	ORDER: Motion for appointment of counsel filed by Appellant Frank L. Amodeo is DENIED as MOOT. [8902303-2] in 19-10960; On its own motion, the court consolidates appeals 18-12845 and 19-10960. Amodeo's consolidated initial brief is due January 23, 2020 WHP [18-12845, 19-10960] [Entered: 12/10/2019 05:09 PM]
12/11/2019		Removed from case: Attorney Rosemary Cakmis for Appellant Frank L. Amodeo in 19-10960. [Entered: 12/11/2019 09:53 AM]
01/23/2020	1 pg, 503.83 KB	APPEARANCE of Counsel Form filed by Anne Frances Borghetti for Frank L. Amodeo. [19-10960] (ECF: Anne Borghetti) [Entered: 01/23/2020 10:07 AM]
01/23/2020	9 pg, 204.56 KB	*TIME SENSITIVE MOTION for extension of time to file appellant's brief to 04/22/2020 filed by Frank L. Amodeo. Motion is Unopposed. [8989337-1]* [19-10960] (ECF: Anne Borghetti) [Entered: 01/23/2020 10:10 AM]
01/24/2020		Removed from case: Attorney Donna Lee Elm for Appellant Frank L. Amodeo in 19-10960. [Entered: 01/24/2020 12:40 PM]
01/27/2020	1 pg, 53.95 KB	ORDER: Motion for extension to file appellant brief filed by Appellant Frank L. Amodeo is GRANTED. [8989311-2] in 18-12845, Motion for extension to file appellant brief filed by Appellant Frank L. Amodeo is GRANTED. [8989337-2] in 19-10960 Appellants brief due on 04/22/2020. AJ [18-12845, 19-10960] [Entered: 01/27/2020 02:51 PM]
04/03/2020	9 pg, 206.5 KB	*MOTION for extension of time to file appellant's brief to 05/26/2020 filed by Frank L. Amodeo. Motion is Unopposed. [9053153-1]* [19-10960] (ECF: Anne Borghetti) [Entered: 04/03/2020 02:38 PM]
04/10/2020	1 pg, 83.93 KB	ORDER: Appellant's motion for an extension of time to file his initial brief is GRANTED. Appellant's brief is due May 26, 2020, with the appendix due (7) days thereafter. [9053149-2] [9053153-2] AJ [18-12845, 19-10960] [Entered: 04/10/2020 03:44 PM]
05/26/2020	9 pg, 208.16 KB	*TIME SENSITIVE MOTION for extension of time to file appellant's brief to 07/27/2020 filed by Frank L. Amodeo. Motion is Unopposed. [9094886-1]* [19-10960] (ECF: Anne Borghetti) [Entered: 05/25/2020 10:01 PM]
05/29/2020	1 pg, 19.78 KB	ORDER: Motion for extension to file appellant brief filed by Appellant Frank L. Amodeo is GRANTED. [9094885-2] in 18-12845, Motion for extension to file appellant brief filed by Appellant Frank L. Amodeo is GRANTED. [9094886-2] in 19-10960 Appellants brief due on 07/27/2020. AJ [18-12845, 19-10960] [Entered: 05/29/2020 12:52 PM]
06/12/2020		ORDER: Accordingly, Ms. Borghetti is directed to file amended notices of appeal on Appellant's behalf

	2 pg, 7.39 KB	within twenty-one (21) days of the date of this Order. Should no amended notices of appeal be filed, the Clerk is directed to dismiss these appeals for want of prosecution. SEE ORDER FOR COMPLETE TEXT. KCN [18-12845, 19-10960] [Entered: 06/12/2020 02:45 PM]
07/06/2020	7 pg, 196.84 KB	Amended Notice of Appeal as to the Consolidated Cases No. 18-12845 and 19-10960 filed by Attorney Anne Frances Borghetti for Appellant Frank L. Amodeo. [19-10960] (ECF: Anne Borghetti) [Entered: 07/03/2020 06:29 PM]
07/28/2020	32 pg, 366.71 KB	Appellant's brief filed by Frank L. Amodeo. [19-10960] (ECF: Anne Borghetti) [Entered: 07/28/2020 12:07 AM]
08/03/2020	380 pg, 6.37 MB	Appendix filed [1 VOLUMES] by Appellant Frank L. Amodeo. [19-10960] (ECF: Anne Borghetti) [Entered: 08/02/2020 09:46 PM]
08/03/2020	1 pg, 49.59 KB	Certificate of Readiness filed as to Appellant Frank L. Amodeo in 19-10960, 18-12845. [19-10960, 18-12845] [Entered: 08/07/2020 12:59 PM]
08/03/2020		Record on Appeal filed. Exhibit Envelope - 1 Volume of Exhibits: Five discs labeled Exhibit 55, 59, 60, 61, 62 located at DE #117. [19-10960, 18-12845] [Entered: 08/07/2020 01:00 PM]
08/06/2020		Received paper copies of EBrief filed by Appellant Frank L. Amodeo in 18-12845, 19-10960. [18-12845, 19-10960] [Entered: 08/07/2020 12:03 PM]
08/20/2020		Over the phone extension granted by clerk as to Attorney Linda Julin McNamara for Appellee USA. Appellee's Brief due on 09/24/2020 as to Appellee United States of America.. [Entered: 08/20/2020 01:21 PM]
08/27/2020	40 pg, 177.76 KB	***Docketing Error***Appellee's Brief filed by Appellee USA. [19-10960]--[Edited 08/27/2020 by JC] (ECF: Linda McNamara) [Entered: 08/27/2020 11:52 AM]
08/27/2020	40 pg, 177.95 KB	Appellee's Brief filed by Appellee USA. [19-10960] (ECF: Linda McNamara) [Entered: 08/27/2020 12:34 PM]
08/31/2020	69 pg, 1.69 MB	Supplemental Appendix [1 VOLUMES] filed by Appellee USA. [19-10960] (ECF: Linda McNamara) [Entered: 08/31/2020 11:23 AM]
08/31/2020		Received paper copies of EBrief filed by Appellee USA in 18-12845, 19-10960. [18-12845, 19-10960] [Entered: 09/01/2020 10:39 AM]
09/02/2020		Notice of deficient Appendix filed by Anne Frances Borghetti for Frank L. Amodeo in 18-12845. The required paper copies have not been received. Please promptly submit the paper copies OR file with this court a Notice of Inability to Submit Paper Copies due to COVID-19. [18-12845, 19-10960] [Entered: 09/02/2020 03:45 PM]
09/04/2020		Received paper copies of EAppendix filed by Appellee USA. 1 VOLUMES - 2 COPIES [Entered: 09/08/2020 03:06 PM]
09/11/2020		Received paper copies of EAppendix filed by Appellant Frank L. Amodeo in 18-12845, 19-10960. 1 VOLUMES - 2 COPIES [18-12845, 19-10960] [Entered: 09/15/2020 09:25 AM]
11/30/2020	4 pg, 33.47 KB	Opinion issued by court as to Appellant Frank L. Amodeo in 18-12845, 19-10960. Decision: Affirmed. Opinion type: Non-Published. Opinion method: Per Curiam. The opinion is also available through the Court's Opinions page at this link http://www.ca11.uscourts.gov/opinions. [18-12845, 19-10960] [Entered: 11/30/2020 02:06 PM]
11/30/2020	1 pg, 9.15 KB	Judgment entered as to Appellant Frank L. Amodeo in 18-12845, 19-10960. [18-12845, 19-10960] [Entered: 11/30/2020 02:10 PM]
12/16/2020	7 pg, 195.48 KB	*MOTION to withdraw as counsel filed by Attorney Anne Frances Borghetti for Appellant Frank L. Amodeo. Opposition to Motion is Unknown [9262563-1]* [19-10960] (ECF: Anne Borghetti) [Entered: 12/16/2020 03:29 PM]
12/21/2020	10 pg, 1.35 MB	*MOTION for extension of time to file request for rehearing to 01/21/2021 filed by Frank L. Amodeo. Motion is Unopposed. [9265731-1]* [19-10960] (ECF: Frank Amodeo) [Entered: 12/21/2020 02:55 PM]
12/23/2020	1 pg, 4.43 KB	ORDER: Appellant's motion for extension to file response to counsel's motion to withdraw and motion for extension to file petition for rehearing is GRANTED. Appellant's response is due January 21, 2021. Appellant's petition for rehearing is due February 22, 2021. ENTERED FOR THE COURT - BY DIRECTION. [9266786-2] [9265731-2] (See attached order for complete text) [18-12845, 19-10960] [Entered: 12/23/2020 03:43 PM]
02/02/2021	1 pg, 697.27 KB	APPEARANCE of Counsel Form filed by Shannon A. Ligon, Esquire - represent Frank L. Amodeo, movant-appellant. Frank L. Amodeo. [19-10960] (ECF: Shannon Ligon) [Entered: 02/02/2021 03:49 PM]
02/03/2021	6 pg, 154.48 KB	*MOTION to file substitution of counsel filed by Frank L. Amodeo. Motion is Unopposed. [9300346-1]* [19-10960] (ECF: Shannon Ligon) [Entered: 02/03/2021 04:06 PM]

02/05/2021	1 pg, 4.3 KB	ORDER: Appellant's appointed counsel's "Motion to Withdraw as Counsel for the Appellant" is GRANTED. Appellant's retained counsel's "Motion to Substitute Counsel" is GRANTED. Any petition for rehearing is due May 1, 2021. ENTERED FOR THE COURT - BY DIRECTION. [9300422-2] [9300346-2] [9262559-2] [9262563-2] (See attached order for complete text) [18-12845, 19-10960] [Entered: 02/05/2021 09:54 AM]
04/22/2021	6 pg, 124.98 KB	*MOTION for extension of time to file request for rehearing to 05/27/2021 filed by Frank L. Amodeo. Motion is Unopposed. [9367116-1]* [19-10960] (ECF: Shannon Ligon) [Entered: 04/22/2021 02:56 PM]
04/23/2021	1 pg, 49.9 KB	ORDER: Appellant's motion for an extension of time to file petition for rehearing is GRANTED. Appellant's petition for rehearing is due June 7, 2021. ENTERED FOR THE COURT - BY DIRECTION. [9366766-2] [9367116-2] (See attached order for complete text) [18-12845, 19-10960] [Entered: 04/23/2021 02:59 PM]
05/18/2021	7 pg, 170.23 KB	*MOTION for extension of time to file request for rehearing to 08/31/2021 filed by Frank L. Amodeo. Opposing Counsel takes no Position. [9389101-1]* [19-10960] (ECF: Shannon Ligon) [Entered: 05/18/2021 03:16 PM]
05/19/2021	1 pg, 49.1 KB	ORDER: Appellant's motion for an extension of time to file petition for rehearing is DENIED. ENTERED FOR THE COURT - BY DIRECTION. [9389095-2] [9389101-2] (See attached order for complete text) [18-12845, 19-10960] [Entered: 05/19/2021 10:05 AM]
06/07/2021	50 pg, 2.95 MB	*MOTION for excess words/pages filed by Frank L. Amodeo. Opposing Counsel takes no Position. [9404440-1]* [19-10960] (ECF: Shannon Ligon) [Entered: 06/07/2021 09:08 PM]
06/07/2021	43 pg, 2.79 MB	Petition for rehearing en banc (with panel rehearing) filed by Appellant Frank L. Amodeo. [19-10960] (ECF: Shannon Ligon) [Entered: 06/07/2021 09:10 PM]
06/15/2021	1 pg, 70.62 KB	ORDER: "Appellant's Motion for Permission to Exceed Page Limit" is DENIED. Within 14 days after the date of this order, Appellant may file a petition for rehearing that complies with the Court's rules. See Fed. R. App. P. 35(b)(2). ENTERED FOR THE COURT - BY DIRECTION. [9404437-2] (See attached order for complete text) [18-12845, 19-10960] [Entered: 06/15/2021 02:35 PM]
06/17/2021	38 pg, 6.03 MB	Petition for rehearing en banc (with panel rehearing) filed by Appellant Frank L. Amodeo. [19-10960] (ECF: Shannon Ligon) [Entered: 06/17/2021 03:58 PM]
07/26/2021	2 pg, 132.41 KB	ORDER: The Petition(s) for Rehearing are DENIED and no Judge in regular active service on the Court having requested that the Court be polled, the Petition(s) for Rehearing En Banc filed by Appellant Frank L. Amodeo are DENIED. [9444488-1] [Entered: 07/26/2021 02:16 PM]
08/11/2021	2 pg, 650.4 KB	Mandate issued as to Appellant Frank L. Amodeo in 18-12845, 19-10960. [18-12845, 19-10960] [Entered: 08/11/2021 12:53 PM]
09/24/2021	5 pg, 898.68 KB	Extension for filing certiorari GRANTED by U.S. Supreme Court as to Appellant Frank L. Amodeo in 18-12845, 19-10960. [18-12845, 19-10960] [Entered: 09/24/2021 01:15 PM]

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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. FRANK L. AMODEO, Defendant.	Case Number 6:08-CR-176-ORL-28LRH

MONDAY, JANUARY 13, 2020; 11:25 A.M.
STATUS CONFERENCE
BEFORE THE HONORABLE JOHN ANTOON II
UNITED STATES DISTRICT JUDGE

APPEARANCES:

GOVERNMENT COUNSEL:
Maria Guzman

DEFENSE COUNSEL:
Rosemary Cakmis

Brian Horwitz
(Attorney for guardian)

Official Court Reporter:
K. Stanford

Proceedings recorded by mechanical stenography.
Transcript produced by computer.

P R O C E E D I N G S

THE COURTROOM DEPUTY: This is in the matter of the United States of America versus Frank Amodeo, Case Number 6:08-Criminal-176-Orlando-28LRH.

Will counsel please state your name for the record.

MS. GUZMAN: Good afternoon, Your Honor. I'm Maria Guzman on behalf of the government.

MS. CAKMIS: Rosemary Cakmis.

MR. HORWITZ: Brian Horwitz for guardian -- state-appointed guardian Charles Rahn.

THE COURT: Okay. Please be seated.

It's always nice to have counsel assist with problems, but I have -- can't tell you how delighted I am to see Ms. Guzman and Ms. Cakmis here today, not shortchanging you, but your role is different, and I've heard from you before on this, and I think we need some fresh ideas, and I'm hoping that we can try to unravel this gnarled nest of motions and filings that have gone on for so long.

I might also add that it's quite ironic that Mr. Horwitz represents Mr. Rahn, who is the guardian of Mr. Amodeo, because Mr. Amodeo has been found not competent to participate here; whereas, he's known throughout the -- not just the Middle District, but districts in Florida, and my guess is probably districts around the country for his quality assistance of prisoners and filing papers, but that's neither

here nor there, just an observation.

Let me start off by asking Ms. Cakmis, what is the scope of your representation here?

MS. CAKMIS: As of today, Your Honor, we are technically no longer representing Mr. Amodeo. We were appointed for an appeal. As it turns out, he had another appeal pending with the same issues, so the Eleventh Circuit consolidated the two appeals. Anne Marie Borghetti is a CJA lawyer who was appointed for the other appeal. And when the Court consolidated the two appeals, it specifically took me off and let her have both of them. That was the extent of our representation, because we previously had been appointed under the omnibus order for Section 404 of the First Step Act. We filed a notice of satisfaction under the First Step Act, Section 404, and that essentially terminated our representation.

My understanding is that Mr. Amodeo wants us to represent him on compassionate release. A compassionate release motion is not currently pending before the Court. But should the Court appoint our office for the compassionate release, we would file such motion when it's appropriate. At this point there's questions about exhaustion of administrative remedies, the timing of the warden's denial. That can all be sorted out by counsel once we're appointed.

We have been appointed in a number of other

compassionate release cases recently. And I -- that would be our position as of today.

THE COURT: Okay. Well, that's helpful. That's a start. I look at it as a ball, a fishing line where there's been a -- the reel is filed and we have to find the end of it, and that's the end of the line.

You, Mr. Horwitz, don't represent him for compassionate release, right?

MR. HORWITZ: That's correct, Your Honor.

THE COURT: So you're of no help, because you can't file a motion, you say.

MR. HORWITZ: I was able -- I filed a motion on behalf of Charles Rahn, because Charles Rahn is not an attorney and couldn't file something on behalf of his ward. But that's correct, I do not represent --

THE COURT: And Mr. Rahn is not filing a motion through you?

MR. HORWITZ: If no one else is appointed, I suppose we could.

THE COURT: You were listening to what Ms. Cakmis said, right?

MR. HORWITZ: No, I understand that. And at this juncture, it was our understanding that Ms. Cakmis either was going to be working on this motion or would be -- was either previously appointed to it or would be in the future.

Mr. Rahn doesn't have the resources to have me do this.

THE COURT: To file the motion to get the public defender appointed?

MR. HORWITZ: Well, I mean that's -- I believe that's what we started with was we were attempting to file a motion.

THE COURT: Well, wait a minute. What --

MR. HORWITZ: In fact, the document that I filed was related to the First Step Act.

So yes, if we needed to file a motion to have counsel appointed for the compassionate release motion, I could file a motion and have counsel appointed, yes.

THE COURT: You would file a motion for compassionate release and then ask that counsel be appointed to go forward with it?

MR. HORWITZ: Honestly from a financial perspective, I would prefer -- and from an experiential perspective, I would prefer and suggest that someone that has some experience with dealing with compassionate release motions be appointed to do the filing itself or to determine if the filing is appropriate.

THE COURT: I'm going to give you two a chance to talk for a second before I hear from -- Ms. Cakmis, would you talk to Mr. Horwitz, please?

MS. CAKMIS: Yes, sir.

(Pause in proceedings.)

MS. CAKMIS: Your Honor, I believe Mr. Amodeo, Mr. Horwitz, and myself, are all in agreement that if the Court deems it fit, the best course of action would be to appoint the Federal Defender to represent Mr. Amodeo on the compassionate release. We have a number of these motions that we've been appointed --

THE COURT: But do you need something filed first?

MS. CAKMIS: No, sir.

THE COURT: Okay. You're appointed.

MS. CAKMIS: Thank you.

THE COURT: Now, would you advise the Court, Ms. Cakmis, as to whether I should permit Mr. Donovan Davis to continue to make -- to file papers in this proceeding?

MS. CAKMIS: As to the compassionate release?

THE COURT: To anything.

MS. CAKMIS: Your Honor --

THE COURT: Well, maybe that's not fair.

To compassionate release, I'll leave it at that.

MS. CAKMIS: -- as to compassionate release, now that counsel has been appointed, nothing pro se, whether through Mr. Davis, Mr. Amodeo, or Mr. Rahn, should be accepted by the Court as to compassionate release.

THE COURT: Ms. Guzman, do you agree with that?

MS. GUZMAN: I absolutely agree, Your Honor.

THE COURT: One minute, please.

(Pause in proceedings.)

THE COURT: Okay. Ms. Guzman, is there anything else that you need to bring to my attention?

MS. GUZMAN: No, Your Honor. We believe -- the government believes that, as the Court has already done, the Federal Public Defender's Office should be appointed to represent Mr. Amodeo's interest with regards to the compassionate release portion of the First Step Act.

And we agree that more correspondence from Mr. Davis would only muddy the issues, confuse the issues before the Court and probably make the position and the job of the Federal Public Defender's Office all the more difficult.

Mr. Donovan -- Mr. Davis, himself, in one of his pleadings that I think filed with the Court asked for the Court to appoint counsel. So the Court has appointed counsel, they have appointed the Federal Defender's Office, and I think that's where it ends so that they can do their job.

THE COURT: Okay.

Anything else I need to address, Ms. Cakmis?

MS. CAKMIS: No, Your Honor.

THE COURT: Mr. Horwitz?

MR. HORWITZ: The one thing that I would request -- and I don't know if this is correct for today, but one of my jobs as -- and I'm sorry -- one of my jobs as attorney for the

state-appointed guardian is to file an annual report with the state court. And one of the components of that annual report is supposed to be Mr. Amodeo's medical records.

I have been unable to get the prison to release those medical records to me. So I don't know if Ms. Cakmis or someone else needs to order -- ask for an order to be issued ordering the Bureau of Prisons to release Mr. --

THE COURT: No, I don't think that would be in her purview.

MR. HORWITZ: Okay.

THE COURT: Do you?

MS. CAKMIS: I would ask the Bureau of Prisons to release the medical records to me.

THE COURT: To you, yeah.

MS. CAKMIS: We have forms for that. Once they are released to me, HIPAA prohibits me from disbursing them.

THE COURT: Yeah. You need to work with the Bureau of Prisons to get that, if he's the guardian. And I don't know what the administrative procedure is there, but I don't have jurisdiction to order her, Ms. Cakmis, to do that at this point.

MR. HORWITZ: Okay. And I wasn't -- that's fine. I just had issues with the BOP in the past trying to get them, so --

THE COURT: Yeah. Well --

MR. HORWITZ: If there's -- if Ms. Cakmis has a procedure that works, and then we can figure out --

THE COURT: It's like a lot of entities, government and otherwise, it depends on the person you reach when you're trying to contact --

MR. HORWITZ: I would a hundred percent agree, Your Honor.

MS. CAKMIS: I think it's possible also for Mr. Amodeo to waive -- and I'm not sure about how his capacity factors in, but he could waive the confidentiality.

THE COURT: Mr. Rahn could waive it for him, yeah.

MR. HORWITZ: Mr. Rahn would have to sign the waiver. Anyway, we can do that.

THE COURT: Okay.

MR. HORWITZ: Thank you, Your Honor.

THE COURT: Okay. Well, I'm happy to have counsel on board in this case, and I am looking forward to resolving some of the pending issues.

I'm not going to strike the filings that Mr. Davis has made. I think they've been discussed enough in the papers and here today that they should remain in the file. But I do order, and I'll reduce this to writing, that he not file any more papers in this case and that any papers he does file be stricken. Okay?

MS. CAKMIS: Thank you, Your Honor.

MR. HORWITZ: Thank you, Your Honor.

THE COURT: Thanks a lot.

MS. GUZMAN: Thank you, Your Honor.

THE COURT: Have a good day.

(Adjourned at 11:38 a.m.)

* * * * * *

Certificate of Official Reporter

I certify that the foregoing is a correct transcript of the record of proceedings held in the above-entitled matter.

s/Koretta Stanford
Official Court Reporter
United States District Court
Middle District of Florida Date: 2/23/2020

No_____

IN THE

Supreme Court of the United States

Frank L. Amodeo,
Petitioner,

v.

United States of America,
Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit

APPLICATION FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE PETITION FOR WRIT OF CERTIORARI

APPLICATION TO THE HONORABLE JUSTICE CLARENCE THOMAS

Coralice Diaz-Sampedro, Esq.
Bar #314827
111 N. Orange Ave. Ste.800
Orlando, FL 32801
407-760-6572
Attorney for Applicant/Petitioner
Counsel of Record

August 25, 2021

APPLICATION FOR AN EXTENSION OF TIME

Pursuant to Rule 13.5 of the Rules of this Court, Applicant Frank L. Amodeo hereby requests a 60-day extension of time within which to file a petition for a writ of certiorari up to and including Tuesday, November 23, 2021.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The opinion for which review is sought is *USA v. Frank A modeo, Case* No. 19-10960, consolidated with case No.18-12845 (November 30, 2020) (attached as Exhibit 1). The United States Court of Appeals for the 11th Circuit denied Applicant's motion for rehearing or modification on July 26, 2021 (attached as Exhibit 2).

JURISDICTION

This Court will have jurisdiction over any timely filed petition for certiorari in this case pursuant to 28 U.S.C. § 1254(1). Under Rules 13.1, 13.3, and 30.1 of the Rules of this Court, the petition for a writ of certiorari is due to be filed on or before September 24, 2021. In accordance with Rule 13.5, this application is being filed more than 10 days in advance of the filing date for the petition for a writ of certiorari.

REASONS JUSTIFYING AN EXTENSION OF TIME

Applicant respectfully requests a 60-day extension of time within which to file a petition for a writ of certiorari seeking review of the decision of the United States Court of Appeals for the 11th Circuit in this case, up to and including November 23, 2021.

The extension of time is necessary because of the press of other client business. For example, in the coming months, several overlapping commitments representing other clients in the United States Court of Appeals for the 11th Circuit, including various Appellate Briefs and replies. Counsel currently has to work on the following: USA v. John Cao, Case No.21-10643, appellate brief due on August 30, 2021; USA v. Frank Amodeo, Case No. 21-11872, appellate brief due on September 21, 2021, Michael Watson v. USA, Case No. 20-14698, appellate brief due on October 22, 2021.

The extension of time is also necessary because the subject of this petition for certiorari comes from two cases which were consolidated by the Eleventh Circuit Court of Appeals. For the foregoing reason, counsel has to review and study both cases in order to provide effective assistance of counsel on this matter and needs the additional time to thoroughly review the voluminous number documentation, pleadings and orders in cases No. 19-10960 and No.18-12845.

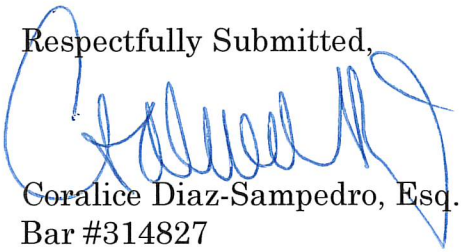
A 60-day extension for the Applicant would allow counsel the necessary amount of time to effectively contribute to all open matters including Applicant's petition as well as other client business abroad.

Counsel for Petitioner intends to ask this Court to grant review on the question of whether a coram nobis petition based upon a retroactive change in law is subject to the doctrine of latches.

CONCLUSION

For the foregoing reasons, Applicant respectfully requests that this Court grant an extension of 60 days, up to and including November 23, 2021, within which to file a petition for a writ of certiorari in this Court.

Respectfully Submitted,



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Attorney for Applicant/Petitioner

August 25, 2021

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

July 26, 2021

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 19-10960-AA
Case Style: USA v. Frank Amodeo
District Court Docket No: 6:08-cr-00176-JA-KRS-1

The enclosed order has been entered on petition(s) for rehearing.

See Rule 41, Federal Rules of Appellate Procedure, and Eleventh Circuit Rule 41-1 for information regarding issuance and stay of mandate.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: T. L. Searcy, AA/lt
Phone #: (404) 335-6180

REHG-1 Ltr Order Petition Rehearing

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 18-12845-AA ; 19-10960 -AA

FRANK L. AMODEO,

Petitioner - Appellant,

versus

UNITED STATES OF AMERICA,

Respondent - Appellee.

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

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

BEFORE: WILLIAM PRYOR, Chief Judge, NEWSOM and ANDERSON, Circuit Judges

PER CURIAM:

The Petition for Rehearing En Banc is DENIED, no judge in regular active service on the Court having requested that the Court be polled on rehearing en banc. (FRAP 35) The Petition for Panel Rehearing is also denied. (FRAP 40)

ORD-46

EXHIBIT 2

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

Nos. 18-12845, 19-10960
Non-Argument Calendar

D.C. Docket Nos. 6:18-cv-00316-JA-KRS; 6:08-cr-00176-JA-KRS-1

FRANK L. AMODEO,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

Appeals from the United States District Court
for the Middle District of Florida

(November 30, 2020)

Before WILLIAM PRYOR, Chief Judge, NEWSOM and ANDERSON, Circuit Judges.

PER CURIAM:

Frank Amodeo, a federal prisoner, appeals the denial of his motions to appoint counsel and for relief from the judgment. Amodeo sought the assistance of counsel to litigate a petition for writ of error coram nobis in which he challenged an order of forfeiture entered more than eight years earlier in a criminal proceeding. The district court dismissed Amodeo's petition as barred by laches and then denied his related motion to appoint counsel as moot. Later, the district court ruled that Amodeo failed to present an adequate reason to justify relief from the judgment. *See* Fed. R. Civ. P. 60(b). Amodeo has abandoned any challenge that he could have made to the dismissal of his petition by raising in his initial brief only arguments about the denial of appointed counsel. *See Sapuppo v. Allstate Floridian Ins. Co.*, 739 F.3d 678, 680 (11th Cir. 2014). We affirm.

We review the denial of appointed counsel and relief from a judgment for abuse of discretion. *See United States v. Webb*, 565 F.3d 789, 793 (11th Cir. 2009) (counsel); *Lugo v. Sec'y, Fla. Dep't of Corr.*, 750 F.3d 1198, 1207 (11th Cir. 2014) (relief from judgment). Under that standard, "we affirm unless we determine that the district court applied an incorrect legal standard, failed to follow proper procedures in making the relevant determination, or made findings of fact that are clearly erroneous." *Lugo*, 750 F.3d at 1207. We can affirm for any reason supported by the record. *United States v. Al-Arian*, 514 F.3d 1184, 1189 (11th Cir. 2008).

The district court did not abuse its discretion by denying Amodeo's motions for appointed counsel and for relief from that judgment. Amodeo had "no constitutional right to coram nobis counsel," *Toles v. Jones*, 888 F.2d 95, 99 (11th Cir. 1989), nor did "the interests of justice or due process" require the district court to appoint him counsel, *Schultz v. Wainwright*, 701 F.2d 900, 901 (11th Cir. 1983); 18 U.S.C. § 3006A(a)(1). The Rules of Civil Procedure provide only for the appointment of a legal guardian, which Amodeo has already. *See* Fed. R. Civ. P. 17(c). Amodeo also was not entitled to the appointment of counsel by statute because he did not "seek[] relief under section 2241, 2254, or 2255 of title 28." 18 U.S.C. § 3006A(a)(2). It would have been futile to appoint counsel to pursue a petition that Amodeo does not dispute is barred by laches. And Amodeo identified no extraordinary circumstance that merited relief from an order denying him appointed counsel more than eight months earlier. *See Lugo*, 750 F.3d at 1210; *see also* Fed. R. Civ. P. 60(c)(1) (requiring a Rule 60 motion be "made within a reasonable time").

We **AFFIRM** the denial of Amodeo's motions for counsel and for postjudgment relief.

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
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November 30, 2020

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 18-12845-AA ; 19-10960 -AA
Case Style: Frank Amodeo v. USA
District Court Docket No: 6:18-cv-00316-JA-KRS
Secondary Case Number: 6:08-cr-00176-JA-KRS-1

This Court requires all counsel to file documents electronically using the Electronic Case Files ("ECF") system, unless exempted for good cause. Non-incarcerated pro se parties are permitted to use the ECF system by registering for an account at www.pacer.gov. Information and training materials related to electronic filing, are available at www.ca11.uscourts.gov. Enclosed is a copy of the court's decision filed today in this appeal. Judgment has this day been entered pursuant to FRAP 36. The court's mandate will issue at a later date in accordance with FRAP 41(b).

The time for filing a petition for rehearing is governed by 11th Cir. R. 40-3, and the time for filing a petition for rehearing en banc is governed by 11th Cir. R. 35-2. Except as otherwise provided by FRAP 25(a) for inmate filings, a petition for rehearing or for rehearing en banc is timely only if received in the clerk's office within the time specified in the rules. Costs are governed by FRAP 39 and 11th Cir.R. 39-1. The timing, format, and content of a motion for attorney's fees and an objection thereto is governed by 11th Cir. R. 39-2 and 39-3.

Please note that a petition for rehearing en banc must include in the Certificate of Interested Persons a complete list of all persons and entities listed on all certificates previously filed by any party in the appeal. See 11th Cir. R. 26.1-1. In addition, a copy of the opinion sought to be reheard must be included in any petition for rehearing or petition for rehearing en banc. See 11th Cir. R. 35-5(k) and 40-1 .

Counsel appointed under the Criminal Justice Act (CJA) must submit a voucher claiming compensation for time spent on the appeal no later than 60 days after either issuance of mandate or filing with the U.S. Supreme Court of a petition for writ of certiorari (whichever is later) via the eVoucher system. Please contact the CJA Team at (404) 335-6167 or cja_evoucher@ca11.uscourts.gov for questions regarding CJA vouchers or the eVoucher system.

For questions concerning the issuance of the decision of this court, please call the number referenced in the signature block below. For all other questions, please call T. L. Searcy, AA at (404) 335-6180.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Jeff R. Patch
Phone #: 404-335-6151

OPIN-1 Ntc of Issuance of Opinion

Filing # 124302311 E-Filed 04/05/2021 11:46:14 AM

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL
CIRCUIT IN AND FOR ORANGE COUNTY, FLORIDA
PROBATE DIVISION

IN RE: GUARDIANSHIP OF
FRANK AMODEO

CASE NO. 48-2008-CP-001369-O

_____/

ORDER APPOINTING CO-GUARDIANS

THIS CAUSE, came to be heard upon the Guardian, Charles Rahn's, Motion for Appointment of additional co-guardians for the Ward, Frank Amodeo (the "Ward"). The Court, having jurisdiction and being fully advised.

It is ORDERED AND ADJUDGED that:

1. Deborah Milotte and Paul Rene, Jr. are qualified to serve and are hereby appointed as limited Co-Guardians, along with the current guardian Charles Rahn, of the person and property of Frank Amodeo.
2. In the event of a dispute among the guardians, the decision will be made by majority rule. The co-guardians must confer, in good faith, with one another prior to making decisions.
3. The powers and duties of the Co-Guardians are the same as those set forth in the June 9, 2015 Order appointing Charles Rahn as Guardian of the Ward, except as set forth herein.
4. No bond is due and payable to the Governor of the State of Florida and to all successors in office conditioned on the faithful performance of all duties by the guardian. Letters of Guardianship will issue forthwith.

5. The Court is not aware whether the Ward, prior to incapacity, has executed any valid DNR or advance directive under Chapter 765, Florida Statutes. If any such DNR or advance directive exits, the Co-Guardians shall exercise no authority over a health care surrogate until further order of this Court. Further, the Co-Guardians may not execute a DNR or advance directive without an Order from this Court.

DONE AND ORDERED in chambers in Orlando, Orange County, Florida this 5th day of April, 2021.

eSigned by Leticia Marques 04/05/2021 10:49:03 9IbIMGZL

Leticia J. Marques
Circuit Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by submission to the Court's ECF system to all counsel of record on this ___ day of April, 2021.