

No _____

IN THE
Supreme Court of the United States

Frank L. Amodeo,
Petitioner,

v.

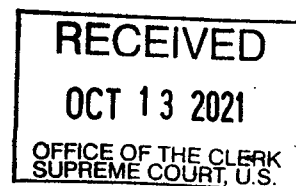
United States of America,
Respondent.

**MOTION TO DIRECT THE CLERK
TO FILE PETITION FOR A
WRIT OF CERTIORARI OUT OF TIME**

**APPLICATION TO THE HONORABLE JUSTICE
CLARENCE THOMAS**

Coralice Diaz-Sampedro, Esq.
Bar #314827
1592 Thornhill Cir, Oviedo, FL 32765
689-837-2740
coralice44@aol.com
Attorney for Applicant/Petitioner
Counsel of Record

October 6, 2021



MOTION TO DIRECT THE CLERK TO FILE A PETITION FOR A WRIT OF CERTIORARI OUT OF TIME

On July 6, 2020, Petitioner, Frank L. Amodeo, filed a timely Pro Se Petition for a Writ of Certiorari.

The Clerk of this Court, returned the petition to Mr. Amodeo on July 12, 2021, alleging that “The time for filing a petition for a Writ of Certiorari is not controlled by the date of an order denying an extension to file a petition for rehearing” (See Exhibit 1). The undersigned attorney was then hired by Petitioner to assist in the filing of his Writ of Certiorari. On August 12, 2021, the undersigned attorney drafted a letter to the Clerk of this Court explaining why Petitioner’s Writ of Certiorari was not out of time (See Exhibit 2). The Clerk of this Court proceeded to again return Petitioner’s Writ of Certiorari with a letter dated August 17, 2021 referring to the reasons stated in its July 12, 2021 letter.

Rule 13.2 of this Honorable Court states that:

“The time to file a petition for a writ of certiorari runs from the date of entry of the judgment or order sought to be reviewed, and not from the issuance date of the mandate (or its equivalent under local practice). But if a petition for re- hearing is timely filed in the lower court by any party, or if the lower court appropriately entertains an untimely petition for rehearing or sua sponte considers rehearing, the time to file the petition for a writ of certiorari for all parties (whether or not they requested rehearing or joined in the petition for rehearing) runs from the date of the denial of rehearing or, if rehearing is granted, the subsequent entry of judgment”.

According to Rule 13.1 Amodeo had 90 days to file his Petition for Certiorari in The Supreme Court. According to this Court's Rule 30.1, "in the computation of any period of time prescribed or allowed by these Rules, by order of the Court, or by an applicable statute, the day of the act, event, or default from which the designated period begins to run is not included." This Court's March 19, 2020 Order extended the deadline to file any petition for a writ of Certiorari to 150 days from the date of the lower court judgment.

Petitioner was granted several extensions to file his Rehearing. The last Motion for Extension of Time to File his Petition for Rehearing was filed on January 25, 2021 (See Exhibit 3). The Court of Appeals for the Eleventh Circuit denied Mr. Amodeo's last Extension of Time to file his Petition for rehearing on February 3, 2021 (See Exhibit 4). Mr. Amodeo's last petition for an extension of time in which to file his Petition for Rehearing was denied thus the time begins to run from the date of the denial of the extension which in turn denies his petition for rehearing.

Amodeo thus had 150 days from the day after the 11th circuit court's denial of his extension of time and denial of Petition for Rehearing (February 3, 2021) up until July 6, 2021 to file his Petition for a Writ of Certiorari. Mr. Amodeo's Petition for a Writ of Certiorari was postmarked by this Court on July 6, 2021 and was therefore timely and in compliance with Rule 13.1, 13.3, 29.2 and 30.1 of this Court.

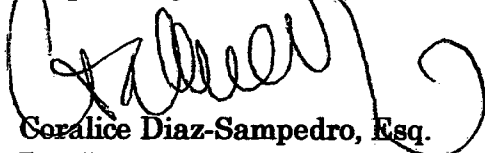
It is important to note that in 2008, the state of Florida declared Frank Louis Amodeo incapacitated and appointed a plenary guardian over his property and person. In re guardianship of Frank Louis Amodeo, 2008-CP-1369 (Ninth Judicial

Circuit for Orange County, Florida 2008). That State of Florida determination was binding on the United States federal courts and federal agencies. See, e.g., 28 U.S.C. §1738 (Full faith and credit); Fed. R. Civ. P. 17 (b)(1). (See Exhibit 5). Amodeo is afflicted with a rapid cycling variant of Bipolar 1 Disorder that includes psychotic features and chronic delusions, and suffers from diabetes, hypertension, obesity, sleep apnea and asthma. At this time, Amodeo's incompetency still stands. (See Exhibit 6).

CONCLUSION

For the foregoing reasons, Applicant, through the undersigned attorney respectfully requests that this Court grant this motion and direct the clerk to file Petitioner's 'Petition for a Writ of Certiorari' postmarked on July 6th, 2021.

Respectfully Submitted,



Coralice Diaz-Sampedro, Esq.
Bar #314827

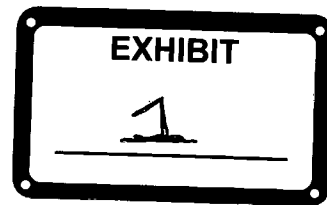
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689-837-2740

coralice44@aol.com

Attorney for Applicant/Petitioner
Counsel of Record

October 6, 2021

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**



July 12, 2021

Frank L. Amodeo
#48883-019
776 N. Orange Ave.
Apt. 5109
Orlando, FL 32801

RE: Amodeo v. United States
USCA11 No. 15-15280

Dear Mr. Amodeo:

The above-entitled petition for a writ of certiorari was postmarked July 6, 2021 and received July 8, 2021. The papers are returned for the following reason(s):

The petition is out-of-time. The date of the lower court judgment or order denying a timely petition for rehearing was January 22, 2020. Therefore, the petition was due on or before June 20, 2020. Rules 13.1, 29.2 and 30.1. When the time to file a petition for a writ of certiorari in a civil case (habeas action included) has expired, the Court no longer has the power to review the petition.

An otherwise untimely petition being filed by an inmate confined in an institution may not be docketed unless it was timely deposited in the institution's internal mail system and is accompanied by a notarized statement or declaration setting forth the date of deposit in the institution's internal mail system and stating that first class postage has been prepaid. Rule 29.2. The petition may not be filed until the required affidavit or declaration is received.

The time for filing a petition for a writ of certiorari is not controlled by the date of an order denying an extension to file a petition for rehearing.

Sincerely,
Scott S. Harris, Clerk
By:

Susan Frimpong
(202) 479-3039

Enclosures

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CDS LAW

August 12, 2021

SENT VIA PRIORITY MAIL EXPRESS USPS:

Supreme Court of the United States
Clerk's Office
1 First Street, NE
Washington, DC 20543

RE: AMODEO V. UNITED STATES
USCA11 No. 15-15280

To the Clerk of the Supreme Court:

The undersigned attorney is the legal representative of Frank Amodeo. My client is in receipt of your correspondence dated July 12, 2021. My client's Petition for Certiorari was according to the prior mentioned communication out of time according to Rule 13.1, 29.2 and 30.1 of the Supreme Court Rules.

We respectfully defer. Rule 13.2 of the Supreme Court states that:

"The time to file a petition for a writ of certiorari runs from the date of entry of the judgment or order sought to be reviewed, and not from the issuance date of the mandate (or its equivalent under local practice). But if a petition for rehearing is timely filed in the lower court by any party, or if the lower court appropriately entertains an untimely petition for rehearing or sua sponte considers rehearing, the time to file the petition for a writ of certiorari for all parties (whether or not they requested rehearing or joined in the petition for rehearing) runs from the date of the denial of rehearing or, if rehearing is granted, the subsequent entry of judgment".

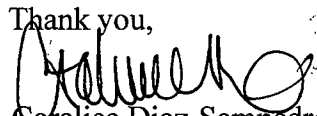
Enclosed please find evidence of Frank Amodeo's last Motion for Extension of Time to File his Petition for Rehearing filed on January 25, 2021 (Exhibit A) and the Court of Appeals for the Eleventh Circuit denial of Amodeo's Extension of Time to file his Petition for rehearing issued on February 3, 2021 (Exhibit B). Mr. Amodeo was not given the right to file his Petition for Rehearing thus the time begins to run from the date of the denial of the extension which in turn denies his petition for rehearing.

According to Rule 13.1 Amodeo had 90 days to file his Petition for Certiorari in Supreme Court. This Court's March 19, 2020 Order extended the deadline to file any petition for a writ of Certiorari to 150 days from the date of the lower court judgment. According to this Court's Rule 30.1, "in the computation of any period of time prescribed or allowed by these Rules, by order of the Court, or by an applicable statute, the day of the act, event, or default from which the designated period begins to run is not included."

Amodeo had 150 days from the day after the 11th circuit court's denial of his extension of time and denial of Petition for Rehearing (February 3, 2021) up until July 6, 2021 to file his Petition for a Writ of Certiorari. Mr. Amodeo's Petition for a Writ of Certiorari was postmarked on July 6, 2021 and was therefore timely and in compliance with Rule 13.1, 13.3, 29.2 and 30.1 of this Court.

We are therefore re-filing the Petition for a Writ of Certiorari along with this letter.

Thank you,



Coralice Diaz-Sampedro, Esq., LL.M
Supreme Court Bar #314827
Tel: 407-760-6572
cdiaz@floridatriallawyers.com
111 N. Orange Ave. Suite 800
Orlando, FL 32801

**IN THE UNITED STATES
COURT OF APPEALS FOR
THE ELEVENTH CIRCUIT**

No. 15-15280

Frank Louis Amodeo

Appellant

vs.

United States of America

Appellee

Appeal From the United States District
Court for the Middle District of
Florida; Case No. 6:12-cv-0641-Orl-JA-LRH

**Amended Motion To Extend Time To Submit
A Petition For Rehearing And Rehearing En Banc**

/s/Aaron Carter Bates
Aaron Carter Bates
Florida Bar # 11749
The Bates Law Firm
111 N. Orange Avenue,
Ste. 800
Orlando, FL 32801
(407) 476-0620
acbates@fltriallawyers.com

Appeal No. 15-15280

Amodeo v. United States

CERTIFICATE OF INTERESTED PERSONS

Frank Amodeo	Appellant
The Honorable John Antoon II	U.S. District Judge
The Honorable Leslie R. Hoffman	U.S. Magistrate Judge
Linda McNamara, Esquire	Asst. U.S. Attorney
Brian Horwitz, Esquire	Attorney for State Guardian
Charles Rahn	State-Appointed Guardian

Appeal No. 15-15280

Amodeo v. United States

Frank Amodeo, through undersigned counsel, seeks a 21-day extension of time to submit a petition for rehearing.

Initially, the State of Florida has declared Mr. Amodeo incapacitated and incapable of representing himself. Federal Courts adopts that finding Federal Rules of Civil Procedure 17(b); see 28 U.S.C. §1738. In addition, thereto, Mr. Amodeo's severe mental illness prevents him from effective self-representation under-circumstances exacerbated by the COVID-19 pandemic.

Mr. Amodeo's guardian approached the undersigned's firm, just recently, to represent Mr. Amodeo. Only this week has the undersigned firm cleared the COVID-19 protocol, and its attorney received the appropriate vaccinations to allow them to move forward with representing Mr. Amodeo, who is in the most vulnerable of COVID risk categories (multiple comorbidities all of which went untreated during his imprisonment). *See 2017 State of Florida Capacity Evaluation Report* (BOP Statements 5, 9, and 11).

Undersigned counsel request an extension of 21 days to submit a Petition for Rehearing, so as to allow counsel adequate time to raise several substantial and meritorious issues:

1. The panel overlooked that two of Mr. Amodeo's § 2255 motions (6:11-cv-1850 and 6:12-0641) were both simultaneously before the district court. This circuit's (and virtually all federal circuits) provide that when two § 2255 motions are before the district court at the same time, one should be construed as motion to amend the other. In sum, Amodeo's factual circumstances are more closely associate with these precedents, than the *Mederos v. United States*, 218 F.3d 1252 (11th Cir. 2000) referenced by the panel.
2. The panel reaches a conclusion concerning Mr. Amodeo's capacity, which runs afoul if not only the factual record, but also governing authority. At the time the § 2255 were due, he lacked the legal capacity to file any action, his filings are nullities. *In re Guardianship Frank Amodeo*, 2008-cp-1369 (Ninth Judicial Circuit Orange County, Florida 2008). Moreover, on two occasions (2013 and 2017), an evaluation of Mr. Amodeo established he remained incapable of most life functions – including filing pleadings-a medical position the United States (Bureau of Prisons) agreed with. It is inexplicable how, the United States finds Mr. Amodeo incapable on one eye, while the other eye wistfully ignores the incapacity in this proceeding. Finally, it is worth noting that the medical records show the government improper treatment of Mr.

Amodeo exacerbated his incapacity – at the very time his filings were inadequately submitted.

In sum, the panel overlooks the governing law that provides Mr. Amodeo's incapacity is a per se rehearing will present several meritorious issues.

3. Finally, Mr. Amodeo raised in each of his § 2255 motions a claim of factual innocence, that is, he lacked the request *mens rea* for guilt. Controlling authority provides such a claim cannot be procedurally default or time barred. Yet, neither district court nor the panel addressed the merits of Mr. Amodeo's innocence claim; despite eyewitness statements, audio-video recordings, polygraph examinations, medical experts' opinions, and substantial financial and business records.

Undersigned counsel spoke to counsel for the United States who objects to the relief sought herein.

CONCLUSION

The undersigned respectfully requests 21 days to obtain an adequate understanding of Mr. Amodeo's case and Petition for Rehearing, a brief extension the government opposed.

Respectfully submitted this 25th day of January 2021 by:

/s/Aaron Carter Bates
Aaron Carter Bates
Florida Bar # 11749
The Bates Law Firm
111 N. Orange Avenue,
Ste. 800
Orlando, FL 32801
(407) 476-0620
acbates@fltriallawyers.com

CERTIFICATE OF SERVICE

I hereby certify that on January 25, 2021, I electronically filed the forgoing Amended Motion To Extend Time To Submit A Petition For Rehearing and Rehearing En Banc with the Clerk of Court by using the CM/ECF system, which will send a notice of electronic filing to the United States Attorney's Office.

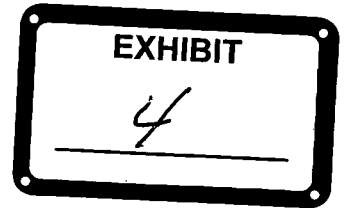
Also, a copy was sent to Brian Horwitz, Esquire by email, who is the attorney for Charles Rahn the state-appointed guardian for Frank Amodeo.

/s/Aaron Carter Bates
Aaron Carter Bates
Florida Bar # 11749
The Bates Law Firm
111 N. Orange Avenue,
Ste. 800
Orlando, FL 32801
(407) 476-0620
acbates@fltriallawyers.com

CERTIFICATE OF COMPLIANCE WITH RULE 32(g)

The undersigned certifies that, pursuant to 11th Cir. R. 28-1, this motion complies with the type-volume limitation of and Federal Rule of Appellate Procedure 27(d)(2) because it contains 1140 words, excluding the parts exempted by Rule 32(f). Microsoft Word software was used to count the words in the foregoing Motion. This Motion, likewise, complies with the typeface requirements of Rule 32(a)(5) and the typestyle requirements of Rule 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word in 14 point, Times New Roman font.

/s/Aaron Carter Bates
Aaron Carter Bates
Florida Bar # 11749
The Bates Law Firm
111 N. Orange Avenue,
Ste. 800
Orlando, FL 32801
(407) 476-0620
acbates@fltriallawyers.com



IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 15-15280-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

ORDER:

Appellant's motion for an extension of time up to and including February 16, 2021 in which to file his petition for rehearing is DENIED.

DAVID J. SMITH
Clerk of the United States Court of
Appeals for the Eleventh Circuit

ENTERED FOR THE COURT - BY DIRECTION

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL
CIRCUIT IN AND FOR ORANGE COUNTY, FLORIDA
PROBATE DIVISION

IN RE: GUARDIANSHIP OF
FRANK AMODEO

2008-CP-001369

FILED IN OPEN COURT
Clerk, Div. Clerk Orange
6-9-15
[Signature]

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;

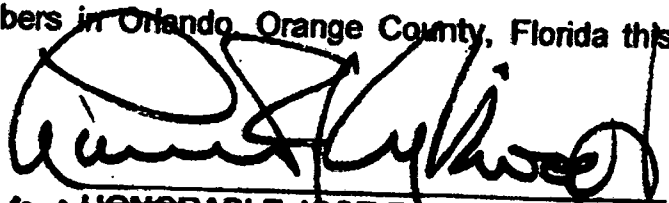
It is ORDERED AND ADJUDGED that:

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:
 - (☒) to make and enter into contracts;
 - (☒) to consent to or refuse medical or other professional care, counseling, treatment or service;
 - (☒) to control, dispose or manage real or personal property, businesses, or income from any source;
 - (☒) to initiate, defend or settle lawsuits; and
 - (☒) 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 NONE 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

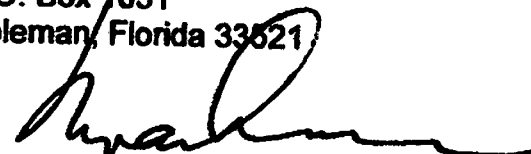
I HEREBY CERTIFY that conformed copies have been furnished on this 9th day of June, 2015, to the following:

MYRA P. NICHOLSON
PINONICHOLSON, PLLC
189 SOUTH ORANGE AVE., STE. 1650
ORLANDO, FL 32806
myra@pinonicholsonlaw.com

CHARLES RAHN
4589 SOUTHFIELD AVENUE
ORLANDO, FL 328012

BRIAN D. HORWITZ
VATIC LAW
3236 LAKE GEORGE COVE DR.
ORLANDO, FL 32812
bhorwitz@vaticlaw.com

Frank Amodeo, #48883-019
FCI Coleman Low
P.O. Box 1031
Coleman, Florida 33621


Judicial Assistant/Attorney

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 Mr. Amodeo's motion to vacate, set aside, or correct his sentence to be untimely 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

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

- | | | |
|---------------|---------------|--|
| <u> </u> | <u> X </u> | Make informed decisions regarding his/her right to marry. |
| <u> X </u> | <u> </u> | Make informed decisions regarding his/her right to vote. |
| <u> X </u> | <u> </u> | Make informed decisions regarding his/her right to personally apply for government benefits. |
| <u> </u> | <u> X </u> | Make informed decisions regarding his/her right to have a driver's license or operate a motor vehicle. |
| <u> </u> | <u> X </u> | Make informed decisions regarding his/her right to travel. |
| <u> X </u> | <u> </u> | Make informed decisions regarding his/her right to seek or retain employment. |
| <u> </u> | <u> X </u> | Make informed decisions regarding his/her right to contract. |
| <u> </u> | <u> X </u> | Make informed decisions regarding his/her right to sue, or assist in the defense of suits of any nature against him/her. |
| <u> </u> | <u> X </u> | Make informed decisions regarding his/her right to manage property or make any gift or disposition of property. |
| <u> X </u> | <u> </u> | Make informed decisions in determining his/her residence. |
| <u> </u> | <u> X </u> | Make informed decisions regarding his/her right to consent to medical treatment. |
| <u> X </u> | <u> </u> | Make informed decisions affecting his/her social environment or other social aspects of his/her life. |

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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

- | | | |
|---------------|---------------|---|
| <u> X </u> | <u> </u> | Decisions concerning travel or where to live. |
| <u> X </u> | <u> </u> | Consent to or refusal of medical or other professional care, counseling, treatment or service. |
| <u> X </u> | <u> </u> | Permitting access to, refusal of access to or consent to release of confidential records and papers. |
| <u> X </u> | <u> </u> | Control or management of real or personal property or income from any source. |
| <u> X </u> | <u> </u> | Management of a business. |
| <u> X </u> | <u> </u> | Acting as a member of a partnership. |
| <u> X </u> | <u> </u> | Making contracts. |
| <u> X </u> | <u> </u> | Payment or collection of debts. |
| <u> X </u> | <u> </u> | Making gifts. |
| <u> X </u> | <u> </u> | Initiation, defense or settlement of lawsuits. |
| <u> X </u> | <u> </u> | Execution of a will or waiving the provisions of an existing will. |
| <u> </u> | <u> X </u> | Decisions concerning education. |
| <u> X </u> | <u> </u> | 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.
Licensed Psychologist

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**Additional material
from this filing is
available in the
Clerk's Office.**