

MICHIGAN DEPARTMENT OF CORRECTIONS
MICHIGAN DEPARTMENT OF CORRECTIONS - BUREAU OF HEALTH
CARE SERVICES

PATIENT: LARRY HALE

DATE OF BIRTH: 02/10/1958

DATE: 10/01/2012 2:11 PM

VISIT TYPE: Treatment Plan/Review

Chronic Problems

Axis **Description**

Hyperlipidemia NEC/NOS

Hypertension, essential

CAD, Unspecified

Aneurysm, Abdominal Aorta

Axis I Adult Antisocial Behavior

Medical/Surgical History

Reviewed, no changes.

Allergies

Description

No Known Drug Allergies

Reaction

Clinical Assessment

Axis I and Axis II:

Axis I Adult Antisocial Behavior (V71.01)

Axis II Mental Retardation, Unspec (319)

Axis IV: Moderate

Problems related to:

education

legal system/crime

other

Low IQ

Axis V:

Current GAF: 55 on 10/02/2012.

Treatment Plan

This is the initial plan.

Interpretive Summary:

Mr. Hale is a 54 year-old married Caucasian who denies paternity. He was sentenced to 10 - 15 years for CSC, 3rd degree; ER 2/19/2022, MAX 2/29/2027. He has no known prior convictions or arrests. He was born to married parents and has one sister. He denies being a victim of physical, sexual, or emotional abuse, and reports being reared in a strict household. He quit school in the 10th grade stating he was in regular education classrooms until approximately middle school, when he began receiving special education. He denies the use of alcohol, illegal drugs, or misuse of prescription medications. He has no history of seeking or receiving mental health services.

Mr. Hale appears to be adjusting to being incarcerated, but admits to having a variety of feelings associated with his loss of freedom. He reports to having much support from his wife and step-son, and talks with them frequently over the phone. He signed the voluntary consent for treatment and agrees to attend the group therapies to which he is assigned. He states that he is contesting his sentence via the legal system, but will attend any programming that the team feels is appropriate. He will be enrolled in a Healthy Sexual Boundaries group when a new one begins as the current group(s) is/are at their mid-point and at capacity. His assigned groups include: Interpersonal Skills, Coping in Prison, Reading, Audio Books, and Creative Expressions.

NAME: HALE, LARRY ROBERT

Inmate ID: 844194

D.O.B.: 02/10/1958

MICHIGAN DEPARTMENT OF CORRECTIONS

Problem 1: Other impulse control problem
Goal: Demonstrate control of sexual impulses
Goal in the words of the person served: "My wife and I are fighting my sentence."
Target Date: 09/30/2013

Objective 1

Will state 3 examples of appropriate sexual behavior for 10 consecutive months

Intervention: Healthy Sexual Boundries and Interpersonal Skills groups

Date: 10/02/2012 **Frequency:** weekly **Staff:** Case Manager

Problem 2: Other cognitive deficit
Goal: Demonstrates ability to compensate for learning disability
Goal in the words of the person served: "I want to learn to read better."
Target Date: 09/30/2013

Objective 1

Will determine level of reading and writing ability within 3 months

Intervention: Academic Skills

Date: 10/02/2012 **Frequency:** weekly **Staff:** Case Manager

Objective 2

From baseline, will improve reading ability within 6 months

Intervention: Reading Group; possibly other group therapies

Date: 10/02/2012 **Frequency:** weekly **Staff:** Case Manager

Discharge Planning: Discharge will be planned:

1. When, in the opinion of the treatment team, the prisoner has achieved maximum benefit from the ASRP treatment.
2. When, in the opinion of the treatment team, the prisoner is recognized as inappropriate for continued ASRP placement
3. When the prisoner is transferred for administrative reasons, obtains a parole, or completes his maximum sentence

Relapse Prevention:

Symptoms of illness: Lack of understanding, impaired judgement

Early warning signs of possible stressors: Isolation, feeling overwhelmed, acting out behaviors

Major stressors that could increase risk of relapse: Legal/family issues/health issues

Effective interventions: Supportive intervention; keeping busy

List of substance abuse in the past: None

Plan to avoid relapse if tempted: NA

Medical issues addressed: See medical record

Support system identified: Spouse, step-son, mother, sister, friends!2Panda23

Staff Responsible: R. Hart, DDP/QMRP

Prisoner rights were reviewed on 09/21/2012.

Provider: Diana Marble NP

Document generated by: R. Hart, DDP

Team members:

R. Scabbo	Unit Chief
D. Buck	Psychologist
P. Matuszak	Psychologist
C. Demler	Case Manager
R. Hart	Case Manager
M. Weber	Case Manager
M. Williams	Case Manager
C. Abbott	Recreational Therapist
J. Turnipseed	Occupational Therapist

NAME: HALE, LARRY ROBERT
Inmate ID: 844194
D.O.B.: 02/10/1958

Forensic Psychological Report

Name: Larry Hale
Date of Birth: 02/10/58
Age: 54 years
Marital Status: Married

Referral Source: Attorney Martin O. Kirk
Test Date(s): 08/30/12
Report Date: 09/10/12
Examiner: Paul Kitchen, Ph.D.
File No.: BC 2819

Mr. Hale was referred for evaluation at the request of his attorney. It was requested that Mr. Hale's capacity to understand and participate in a plea bargain be evaluated. Mr. Hale underwent a psychological evaluation that included the Rorschach, Personality Assessment Inventory (PAI), Wechsler Adult Intelligence Scale – Fourth Edition (WAIS-IV), and Evaluation of Competency to Stand Trial – Revised (ECST-R). He also underwent a mental status examination and clinical interview.

Prior to beginning his evaluation, it was explained to Mr. Hale that the information obtained by this examiner could be presented in open court and that no confidentiality and/or privilege existed in this type of evaluation. He stated that he was aware of the limitations regarding confidentiality and/or privilege and signed informed consent release of information form. Mr. Hale's family also provided this examiner with collateral data for review.

Presenting Problem:

Mr. Hale is currently incarcerated. He was charged with multiple counts of criminal sexual conduct. His initial attorney Pat Parrish was hired by his family and the case was concluded by a plea agreement. Mr. Hale's family states that Mr. Hale was unaware of the consequences or the meaning of the plea bargain and that he firmly believed he was still going to court to fight his case after signing the plea bargain. His family hired a second attorney who suggested that the family contact this examiner in order to determine whether an evaluation of Mr. Hale's awareness or capacity to enter into a plea agreement was valid.

Mr. Hale states that he was arrested in February 2012. He was charged with eight counts of criminal sexual conduct. He states, "I said no plea bargain. The only thing I said was if it came down to it, I wanted the best deal I could. The next thing I know I signed a paper and the next thing I know I got 10 years saying I agreed to the charges."

Clinical Interview:

Mr. Hale reports a good childhood. He states, "I couldn't ask for a better childhood." He states that his parents were together throughout his childhood and denies any alcoholism or substance abuse in the home. He reports being the older of two children and denies any history of physical or sexual abuse.

Mr. Hale did not graduate high school. He states that the highest grade he completed was the ninth or 10th grades. He states that he attended Lakeshore High School. He states that he quit school, "Because I went to work." While in school, he reports being a C-D student and was unsure if he was held back grades. He states that he attended special classes, "Because of my learning; my reading and all that." He reports being suspended one time for fighting. He has never obtained his GED.

Mr. Hale has been married four times. He married for the first time at age 18 and was married for one year. He states that the relationship ended, "Because it was a joke. She was from overseas and wanted to stay here." He has no children from this relationship. He married for the second time at age 20 and was married for two or three years. He states that the relationship ended, "Because she wanted to go her way." He has no children from this relationship. He married for the third time at age 30 or 31 and was married for one or two months. He states that the relationship ended, "Because she was a druggie." He has no children from this relationship. He married for the fourth time at age 32 or 33 and has been married for six years. However, since he is currently 54 years old, he has either been married much longer than he believes or married at a later age than he reports. He does believe this to be a good relationship. He has no children from this relationship.

Mr. Hale reports working in detailing and factory jobs. He states that the longest job he held was for more than six years and that he was mostly laid off from his jobs. He denies being fired. He states that he last worked several years prior to this evaluation. He denies any history of military service.

Mr. Hale reports a history of heart problems. He reports being prescribed nitroglycerin and high blood pressure medication. He reports being hospitalized overnight for heart problems in December 2011. He denies any psychiatric hospitalization or history of counseling.

Mr. Hale denies any current use of alcohol. He states he last used alcohol in 1991 or 1992. When asked to quantify his alcohol use, he reports a history of drinking one or two drinks, once per month. He denies any blackouts or work-related problems as a result of alcohol use. Mr. Hale denies any history or current use of illegal drugs and also denies any history of substance abuse treatment.

Mr. Hale is currently incarcerated. However, he denies any prior involvement with the legal authorities. He also denies any history of involvement with Protective Services.

Mr. Hale reports a good relationship with family members and neighbors. He also reports a good relationship with friends. When questioned specifically about sociability, Mr.

Hale reports being a sociable individual. During his evaluation, Mr. Hale's interaction with this examiner was pleasant and cooperative.

Mental Status:

Mr. Hale demonstrates an adequate contact with reality and reports a good level of self-esteem. His motor activity was normal, he appears to be dependent on others for many of his basic needs, and he demonstrates somewhat limited levels of insight. His mental activity during the evaluation was spontaneous and well organized. Mr. Hale denies any history of hallucinations, delusions, persecutions, obsessions, or unusual powers. He also denies that others control his thoughts. When questioned about suicide, Mr. Hale denies any history of suicidal ideation or suicide attempts. His emotional reaction during the evaluation was generally friendly.

Mr. Hale was oriented to person, place, and time. He was unable to recall three objects when asked to recall them three minutes later. He was aware of the current president but was unaware of recent presidents. When asked to name five large cities, he named four cities and one state. He was unaware of current famous people and was also unaware of current events. Mr. Hale demonstrates limited levels of abstract reasoning but was able to differentiate similarities and differences in familiar objects. His common judgment appears to be adequate.

Mr. Hale was interviewed at the Jackson Correctional Facility. He is of average height and build and his posture and gait were normal. He was adequately mannered and his clothing and hygiene were appropriate for the situation. Mr. Hale appeared to be attentive throughout his evaluation and rapport was reasonably established with this individual.

Test Results:

Rorschach

Mr. Hale was somewhat guarded in his approach to this task. A more psychodynamic evaluation of his responses would suggest some problems with issues of power, control, and authority. This may reflect difficulties responding appropriately to authority figures or may indicate discomfort with being appropriately authoritative. He appears to have significant problems with issues of intimacy and/or interpersonal closeness. He also appears to be an extremely emotionally immature individual.

Personality Assessment Inventory

Because of the possibility that Mr. Hale had difficulty reading, this test was read to him. Examination of his validity scale scores suggests that he was reasonably consistent in his responses to items of similar content. With respect to positive impression management, his profile suggests an individual who tends to portray himself as being free of common shortcomings and as being reluctant to acknowledge minor faults. However, this does not appear to reach a level at which his profile must be considered invalid. As a result, his profile will be interpreted.

Mr. Hale's clinical profile suggests an individual who is reporting a great deal of distress. He appears to have concerns about his physical functioning. He believes that his life has been disrupted by a variety of physical problems. He believes that his life has been

compromised by numerous and varied physical problems and appears to be concerned about his physical or health status.

Mr. Hale also reports experiencing a high level of anxiety and tension. He is plagued by worry to the point where he may have difficulty concentrating. He also reports some difficulties consistent with depression. However, his depressive symptoms appear to be related more to physiological rather than emotional issues.

Mr. Hale reports his thinking as confused and easily distracted. He has difficulty concentrating. He also reports some problems associated with elevated and variable mood.

Mr. Hale's self-concept appears to be somewhat poorly established. He is uncertain about major life issues or goals. His self-esteem is fragile and vulnerable to slights or oversights by others. His interpersonal style seems characterized as having a strong need to be accepted by others. His need for acceptance may dominate his interactions with others and will he will be seen as being too caring, trusting, and supportive for his own good. He reports being an extremely meek and unassertive individual who has difficulty standing up for himself. He denies any thoughts of self-harm.

Wechsler Adult Intelligence Scale – Fourth Edition

Subtest Scale scores

Block Design	06	Arithmetic	04
Similarities	03	Symbol Search	07
Digit Span	05	Visual Puzzles	05
Matrix Reasoning	03	Information	03
Vocabulary	04	Coding	03

<u>Composite Scores</u>	<u>Standard Score</u>	<u>Percentile</u>	<u>Classification</u>
Verbal Comprehension	61	<01	Mentally Deficient
Perceptual Reasoning	69	02	Mentally Deficient
Working Memory	69	02	Mentally Deficient
Processing Speed	74	04	Borderline
Full Scale IQ	62	01	Mentally Deficient

Mr. Hale's performance on the WAIS-IV indicates an intellectual ability within the mentally deficient range. When compared with other adults, Mr. Hale's profile indicates no areas of specific strength. All 10 of his subtests were scored at one or more standard deviations below the mean and should be considered specific areas of weakness. His lowest scores were noted on the Similarities, Information, Matrix Reasoning, and Coding subtests (scaled score = 3; 1st percentile). Low scores on these measures would suggest poor abstract reasoning skills as well as limited ability to retain information facts. Limited visual spatial reasoning skills as well as limited short-term visual reasoning are also likely.

When comparing Mr. Hale's performance on each individual subtest with each other, no areas of relative strength or weakness were noted. It should be noted that *specific* strengths and weaknesses are comparisons between an individual and his/her age-appropriate group norms, whereas *relative* strengths and weaknesses are comparisons between an individual's own performance on each individual subtest.

Examination of Mr. Hale's Composite Scale scores indicates no areas of relative strength or weakness. This would tend to contraindicate the presence of any specific learning disability other than his limited intellectual capacity.

Evaluation of Competency to Stand Trial – Revised

Mr. Hale's performance on this measure indicates that Mr. Hale has a very concrete perception on the roles and responsibilities of the leading actors in the judicial process. He has a concrete perception of his defense counsel and states that his counsel's job is to, "Verify the truth" and, "To get me through it. He has to prove I didn't do it."

He does state that he felt comfortable with his attorney originally but that later on, "He kept throwing a plea bargain at me and I said I didn't want it." Mr. Hale further stated that he did not agree to the plea bargain but that he admits that he signed a copy of the plea agreement. When asked why, he states, "Because he (attorney) asked me and I thought I was doing something right. I had my trust in him." When asked why he did not read the document that he was asked to sign, Mr. Hale states, "I can't read at all."

Mr. Hale also appears to have a reasonably adequate but somewhat concrete perception of the role and responsibility of the judge in his case. He had limited awareness of the role of the prosecuting attorney but was aware that he was supposed to have no contact with the prosecuting attorney. Mr. Hale was aware that he was charged with eight counts of criminal sexual conduct.

Mr. Hale was asked to explain what a plea bargain was. He states, "I don't know." He appeared to have a very limited awareness of the plea bargaining process.

Mr. Hale was not asked about the likely outcome of his case since he is currently incarcerated. This examiner was aware of no data that would suggest that Mr. Hale was psychotic or had significant behavioral problems demonstrated during his court appearances.

Record Review:

This examiner was provided with numerous documents pertaining to the case at hand by Mr. Hale's family members. These documents primarily involve transcripts of portions of the hearings. Unfortunately, these were of little value since they tended to focus more on the testimony of the alleged victims rather than demonstrating Mr. Hale's behavior or responses during the hearings.

Collateral Interview:

Mr. Hale's daughter-in-law was also interviewed. She states, "The court isn't listening to us when we tell them he has cognitive issues and reading issues." She states that the

court, "Offered Larry a plea deal. Larry trusted his attorney. He always told us he was innocent and he wanted to fight this."

Mr. Hale's daughter-in-law states that her father-in-law did agree to the plea deal but believes that he did not understand what he was agreeing to. She states, "He went home after the plea and said he was going to court. His wife told him he was going to prison and he said he wanted to fight this."

Discussion:

Mr. Hale is currently incarcerated after being charged with eight counts of criminal sexual conduct and signing a plea agreement regarding his charges. Mr. Hale and his family state that he was not aware of what he was signing.

Mr. Hale reports an unremarkable childhood. He states that he attended special education classes due to learning and reading problems and that he never graduated high school. He has never obtained his GED. He reports being in a stable marital relationship at this time. He reports working in factory in manual labor jobs. He reports a history of heart problems and is prescribed medications for this issue. He denies any psychiatric hospitalization or history of counseling. He denies any substance abuse issues.

Mr. Hale's psychological profile suggests an individual who tends to be emotionally immature. He reports a great deal of emotional distress at this time. He also reports physical health problems. He appears to be experiencing a high degree of anxiety at this time but this would be expected in light of his current incarceration. He does appear to have some confusion in his thinking. He tends to be a somewhat meek and unassertive individual who has difficulty standing up for himself. He is likely to be passive in his interactions with appropriate authority figures. He has a strong need for acceptance by others and is likely to be too caring, trusting, and supportive for his own good.

Mr. Hale's intellectual capacity suggests a limited cognitive functioning. He demonstrates an intellectual ability within the mentally deficient range (Full Scale IQ = 62; 1st percentile). He appears to have significant problems with abstract reasoning or his ability to retain information facts. His responses to The Evaluation of Competency to Stand Trial protocol suggest a very concrete and limited perception of the roles and responsibilities of the leading actors in the judicial process. He has a limited capacity to understand the complexities of a plea bargain.

Mr. Hale's overall profile would suggest an individual who has extremely limited cognitive capacities, especially related to more higher-order reasoning issues such as abstract reasoning skills. He appears to have a limited reading ability. When combined with his meek and passive personality style and his strong need to be caring and trusting of others, especially those in authority, this could lead to him being willing to sign a document such as a plea agreement without reading it or being aware of what the document actually intended.

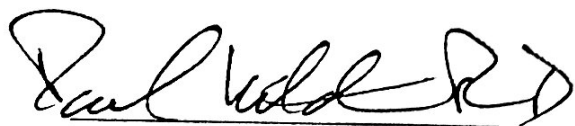
When engaged in forensic psychological evaluations, and examiner should always be cognizant of the potential for malingering or some other kind of impression management on the part of the individual being evaluated. In this particular case, this examiner

believes that Mr. Hale demonstrated an open and honest approach to the testing environment and to the interview at hand. No indication of malingering or impression management was noted as a result of Mr. Hale's behavior or approach to the tests administered.

It should be noted that this examiner was asked to evaluate Mr. Hale's capacity to understand and enter into a plea agreement and that nothing in this evaluation should be construed as a statement concerning Mr. Hale's guilt or innocence regarding the charges that led to his arrest and subsequent incarceration.

In conclusion, this examiner believes that the preponderance of evidence available to this examiner strongly suggest that Mr. Hale may not have been cognizant of the content of the document he was signing when he signed the plea agreement. This is based on his limited intellectual capacity, poor abstract reasoning, information from his psychological test data that suggests that his thinking is confused and that he may have difficulty concentrating, and the fact that he tends to be extremely meek and passive and has a strong need to please others, especially those he believes as being authority figures. This examiner was not provided copies of Mr. Hale's academic records, transcripts of his statements during any hearings, or even a copy of the plea agreement that Mr. Hale signed. However, there certainly is a strong suggestion that Mr. Hale did not fully understand what he was signing when he did sign the plea agreement. Whether this raises a question worthy of appeal is a legal issue and is beyond the purview of this examiner's professional experience.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Paul Kitchen', with a stylized flourish at the end.

Paul Kitchen; Ph.D.