

**Arkansas Department of Human Services
Division of Mental Health Services
Arkansas State Hospital**

Forensic Report

IDENTIFYING INFORMATION:

DEFENDANT: Lewis, Arron Michael
DATE OF BIRTH: 1/13/1981 (34 years old)
CHARGES AND DOCKET NUMBERS: CR 14-3928 (ACA 5-10-101, Capital Murder; ACA 5-11-102, Kidnapping; 5-73-103, Possession of Firearms by Certain Persons)
DATE OF ORDER FOR EXAMINATION: 12/4/2014
DATE OF EXAMINATION: 1/20/2015
PLACE OF EXAMINATION: Arkansas State Hospital Forensic Unit
DATE REPORT SUBMITTED: 2/18/2015

REFERRED BY: Circuit Court of Pulaski County, Arkansas, Fourth Division

REFERRAL ISSUES: The Circuit Court of Pulaski County issued an Order for Fitness to Proceed Examination on 12/4/14 to be completed by the Department of Human Services. The court requested opinions on Mr. Lewis' current mental state and any evidence that he is feigning a sign or symptom of mental disease or defect. The court also requested opinions on Mr. Lewis' capacity to understand the proceedings against him and assist effectively in his own defense. If determined fit-to-proceed, the court ordered an opinion as to whether Mr. Lewis may have been suffering from a mental disease or mental defect at the time of the alleged offense that would render him incapable of appreciating the criminality of his conduct or of conforming his conduct to the requirements of the law.

SUMMARY OF OPINIONS:

- 1) At the time of the examination, and based on his reported history and clinical presentation, it is my opinion that Mr. Lewis satisfied criteria for the following DSM-5 diagnosis:

Antisocial Personality Disorder

- 2) It is my opinion that at the time of the examination, Mr. Lewis possessed a basic understanding of the criminal proceedings against him and possessed the capacity to rationally assist and communicate with his attorney regarding his case.
- 3) Mr. Lewis stated that he did not plan to rely on a mental health defense; and, thus, I did not fully assess his mental state at the time of the alleged offenses. It is my opinion that his decision was made knowingly and intelligently given the absence of information to

suggest Mr. Lewis has experienced any symptoms of a mental disease or defect that would serve as the basis for a mental health defense.

NATURE OF THE EXAMINATION:

SOURCES OF INFORMATION:

1. Face-to-face interview of Mr. Lewis by Melissa Dannacher, Psy.D., Licensed Clinical Psychologist, at the Arkansas State Hospital on 1/20/15 for a total of seven hours. A psychology intern was present for training purposes.
2. Administration of the following psychometric tests on 1/20/15:
 - a. Evaluation of Competency to Stand Trial-Revised (ECST-R)
 - b. Test of Memory Malingering (TOMM)
 - c. Partially administered the Wechsler Adult Intelligence Scale-Fourth Edition (WAIS-IV) due to lack of cooperation
3. The following records were available for review prior to the clinical assessment on 1/20/15:
 - a. Case file on CR 14-3928
 - i. Felony Count Information for Arron Lewis and Crystal Lowery
 - ii. Arrest/Disposition Report
 - iii. Supplement Reports
 - iv. Information Sheets & Investigative Case Log
 - v. Accident Report
 - vi. Stolen Vehicle Report
 - vii. CACD Report
 - viii. Jail Reports
 - ix. Affidavits for Warrant of Arrest/Facts Constituting Probable Cause
 - x. Arrest Affidavits
 - xi. Witness Interviews
 - xii. Investigative Reports
 - xiii. Arron Lewis Police Interviews
 - xiv. Arron Lewis News Interview
 - xv. Case Reports & Case Summary
 - xvi. Evidence List & Photographs
 - xvii. State Crime Laboratory Medical Examiner Report for Beverly Carter
 - xviii. Phone/Text Records
 - xix. Other: Receipts, tow letter, storage report, leads/tips, news clippings, motions to seal, warrant returns, etc.
4. A signed consent form was obtained for the Arkansas Department of Corrections (ADC) and records were received on 1/23/15.
5. A signed consent form was obtained for the Bureau of Prisons in Colorado; however, staff indicated they do not have any records for Mr. Lewis.

DISCLOSURE OF PURPOSE AND THE VOLUNTARY, NON-CONFIDENTIAL NATURE OF THE EXAMINATION:

At the beginning of the examination, Mr. Lewis was informed that I am a licensed clinical psychologist. He was informed that I was asked to evaluate his legal knowledge and ability to assist his attorney. Mr. Lewis was also informed that I would be taking written notes and completing a typed report that would be viewed by his attorney, the prosecuting attorney, the judge, and any attendee to a court proceeding in which I may be asked to testify. I also informed him that I may be required to talk about his statements and our discussions in open court during any phase of a trial, including the sentencing phase if he were to be found guilty. He was informed that he possessed the right to refrain from answering any questions that he believed may incriminate him. Mr. Lewis appeared somewhat confused and stated that he was under the impression that the evaluation would be confidential. I reiterated to him that there was no privilege or confidentiality, as the evaluation was ordered by the court. Mr. Lewis stated that he understood the nature and purpose of the evaluation process, and he willingly agreed to participate in the evaluation of his adjudicative fitness.

HISTORY:***SOCIAL/FAMILY HISTORY:***

Mr. Lewis reported that he was born in Ruston, Louisiana, and raised by his biological parents. He indicated that his father is Caucasian and his mother is Mexican. He stated that he was an only child and described his home life as "a bunch of chaos." In fact, Mr. Lewis expressed a great deal of anger toward his family and upbringing. He stated that his birth was a "mistake" and that his mother was often unfaithful to his father. He added that his mother was an "alcoholic." Mr. Lewis indicated that he was six years old when his parents separated, and the divorce was finalized two years later. He stated that he was placed "back and forth" between his parents throughout childhood. He described himself as an "asset" and explained, "Whoever had me, got a check from the other person." He further explained, "When my needs overwhelmed the check, they would have to cut their losses." Mr. Lewis refused to answer questions regarding whether he was sexually abused during childhood. He only stated, "I believe both my parents deserve to die for how they brought me up. They were shit parents." He added that his parents never engaged in activities with him or brought him anywhere.

Mr. Lewis described continued instability throughout childhood and adolescence. He mentioned that his parents owned 20 acres of land and a single mobile home before they divorced. He indicated that the home was "taken away" and he moved with his father to Texas at one point; however, they returned to Arkansas several months later. Mr. Lewis stated that he was eight years old when his father remarried. He described his stepmother as "alright at first." His relationship with his stepmother began to deteriorate when she attempted to "assert herself as an authority figure." He experienced difficulty adjusting to his stepmother's parenting style which was different from his father who was "so laid back." Mr. Lewis recalled living with his grandparents in Tennessee for a period of time in the third grade. His mother then reportedly signed him out of school and brought him to Texas to live with her. Shortly thereafter, his mother returned to Louisiana alone and left Mr. Lewis in the care of her boyfriend. Mr. Lewis reportedly called his father who retrieved him, and they returned to Tennessee. Mr. Lewis indicated that he began displaying behavioral problems around this time. He mentioned that he ran away from home often and his mother was charged with child neglect on one occasion.

Mr. Lewis recalled having “a lot of associates” but no friends during childhood. He stated that he began dating during adolescence but “never defined any as girlfriends” until he was 23. Mr. Lewis indicated that he has two young children from different women. He stated that he moved to Arkansas and married the mother of his second child for several months in 2011. He claimed that they only married because, “I was going on the run,” and his son would have his last name. He added that his wife filed for divorce when Mr. Lewis went to prison, and the court awarded her full custody. Mr. Lewis indicated that he paid child support and attempted to gain visitation rights but claimed that his ex-wife “made me out to be horrible.” Regarding his past romantic relationships, he stated, “Women are ok,” and are simply “part of life.” He further stated, “I’ve never seen a woman that could handle a break up. It’s better to keep things casual.” Mr. Lewis indicated that he married Crystal Lowery in April of 2014; they had known each other for 5-6 months. He stated that he married her in attempts to gain visitation rights with his second son. He believed that the marriage “would look good for the court” because Mrs. Lowery had a child. He stated that he did not have a close relationship with Mrs. Lowery’s daughter or speak to her often. He reported, “Crystal liked to sleep in,” and Mr. Lewis was in charge of waking her daughter up for school. Mr. Lewis smiled and laughed as he explained that he would sometimes throw a glass of water on his step-daughter if she did not wake up within five minutes.

Mr. Lewis denied currently having a relationship with either of his parents and last spoke to them in 2011. He indicated that he contacted his father when his first child was born, but his father declined to visit him. He explained that his mother recently became a “Christian fanatic,” and he finds it overwhelming to be around her because, “She tries to talk to everyone about Jesus.”

EDUCATIONAL AND EMPLOYMENT HISTORY:

Based on his self-reported history, Mr. Lewis experienced a great deal of disruption in educational functioning due to his family instability. Mr. Lewis reported behavioral problems beginning during elementary school, including disrespect toward teachers, which resulted in getting disciplined or “paddled.” He reported he was prescribed Ritalin in fourth grade due to difficulties concentrating in the classroom. Nevertheless, he reported involvement in advanced classes and described his grades as “pretty good” overall. He reportedly “fast-tracked” his high school curriculum and claimed to graduate at the age of 16. He explained that he did so because he “hated” school and wanted to begin working. After high school, Mr. Lewis reported working in a department store call center for 5-6 months. He then worked as a cashier at a gas station, and most recently, a cement plant. He stated that he began working for a cement company in the beginning of 2014; his duties were driving trucks and pouring cement. He was reportedly fired because he refused to drive a truck that was not operating correctly. He stated that the work was easy and paid well. Mr. Lewis indicated that he had a Commercial Driver’s License. He noted that he has never received government financial assistance.

RELEVANT MEDICAL HISTORY:

Mr. Lewis reported that, to his knowledge, there were no medical conditions or complications at birth; and he met all developmental milestones on time. Mr. Lewis mentioned that he suffered from Enuresis until the sixth grade. He has also reportedly suffered from asthma since the age of eight but is unable to afford an inhaler in prison. He stated that he experiences blurry vision at times when he cannot breathe. He also feels his face tingling and sees “tracers” and black spots during asthma attacks.

Mr. Lewis reported multiple injuries during adulthood, mainly during physical altercations. He indicated that at the age of 30, he was "beat near to death" during a robbery in Mexico. He explained that he was hit on the back of the head with a brick and suffered various injuries including a collapsed lung, shipped teeth, broken nose, broken ribs, and internal bleeding. He indicated that he was hospitalized for one day and left the hospital against medical advice because he was "on the run." He stated that most of his injuries healed; however, his ribs are still deformed and he cannot sleep on his stomach. Mr. Lewis reported another serious incident that occurred in 2009 while he was at the federal prison in Terre Haute, Indiana. He stated that he was attacked and stabbed by two other inmates. He reportedly suffered a collapsed lung, severed ear, and multiple lacerations. Mr. Lewis lifted his shirt and showed me multiple scars on the front and back of his body. He added that his ear was reattached and the rest of his injuries healed without complication.

Mr. Lewis reported that his appetite has increased, but he has lost weight since his incarceration. He indicated that he suffers chronic headaches. Mr. Lewis stated that he sleeps approximately five hours per night and has trouble falling asleep. Mr. Lewis presented with his right arm in a sling and stated that his shoulder was recently dislocated.

LEGAL HISTORY:

Mr. Lewis reported an extensive criminal history. He reported that during adolescence, he was often reprimanded for running away and being truant from school. Mr. Lewis indicated that he was first arrested at the age of 17 for robbing a bank and was sentenced to prison for six years. Shortly after his release, he was arrested again on federal charges regarding "interstate commerce of stolen vehicles." He stated that he was incarcerated at a detention facility in Kansas City. He laughed as he recalled being broadcasted on the news. Upon his release, he fled the state on a stolen motorcycle and was caught in Texas. He reported that he was transferred to the Bureau of Prisons in Colorado for two years. He then violated his parole by absconding back to Louisiana. Mr. Lewis stated that in 2011, he was incarcerated at the Arkansas Department of Corrections on theft charges. He stated that he was released on parole in 2013 and then violated his parole in 2014. He is currently facing charges of Capital Murder, Kidnapping, and Possession of Firearms by Certain Persons.

MENTAL HEALTH TREATMENT HISTORY:

Mr. Lewis mentioned that he was taken to a youth diagnostic center in Tennessee at the age of 12 due to "acting out." He believes he was diagnosed with ADHD and prescribed several different types of medication including Ritalin, Prozac, and lithium. He reported stayed in a residential facility but could not recall how long he was there. When asked what his main difficulties were, he replied, "straight up rebellion." He stated that he has never received outpatient psychiatric treatment.

Mr. Lewis reported that he saw a psychiatrist during his incarceration at the Bureau of Prisons in Colorado, and that he was started on different types of medication for his aggression and impulsivity. He mentioned that he has been prescribed Depakote, Paxil, Risperdal, and Seroquel. He claimed that the psychiatrist was "trying to find the right meds" and that Seroquel was the only thing that worked adequately. He explained that he experiences "rage" when he becomes

upset and requires medication to calm down. He stated that his behavior significantly improved after being placed on Seroquel, and he was better able to think before acting. Mr. Lewis signed a release form for the BOP; however, the Federal Correctional Institution in Colorado did not have any record of Mr. Lewis and stated that he may have been in the state prison system. Mr. Lewis expressed satisfaction with the federal system in general and the treatment he received. Alternatively, he claimed the psychiatrist at ADC is a "quack" who will not provide him the medication he needs. As a result, he received "19 disciplinaries" during his last incarceration at ADC. He mentioned that the psychiatrist only provides him printouts and does not believe in psychiatric medication. He further stated, "This is what I look forward to, a psychiatrist who gives hugs and tells you what to do."

He explained that he experienced "PTSD" due to a prison fight in 2009 during which he was stabbed multiple times and "flat-lined." He added that he was conscious during most of the experience. He explained that he became anxious around others; specifically, when people walk behind him or in close proximity to him. Mr. Lewis denied a history of suicidal ideation or self-harm behavior.

DRUG AND ALCOHOL HISTORY:

Mr. Lewis indicated that he first tried alcohol when he was 16 but did not like it. He explained that he was typically the "designated driver" because he did not drink much. He stated that he may drink up to two beers on occasion. He added that he has tried marijuana several times but did not like it. He stated that used LSD, ecstasy, and methamphetamine during adolescence. He recalled being hospitalized for four days at the age of 16 due to his meth use. He stated that he had not slept for seven days and was severely dehydrated. He added that he lost approximately 40 pounds during that time. Mr. Lewis denied a history of substance use treatment or drug-related arrests. He denied any alcohol or drug use during adulthood, including around the time of his arrest in 2014.

COLLATERAL INFORMATION:

According to records from the Benton County Jail, in 2011, Mr. Lewis received multiple disciplinary write-ups for his behavior. Some of his violations included: passing notes to female inmates; being in possession of metal and other contraband items; blocking the vents; failing to comply with staff orders; defacing jail-issued items. Mr. Lewis also received several disciplinary write-ups for being unsanitary and failing to keep his cell clean. Deputies reportedly found the toilet in his cell to be filled to the top of the water line with feces. According to an incident report, dated 12/4/11, Mr. Lewis required restraints because he would not stop kicking his cell door. He made comments to the deputies such as, "I need to go to the bathroom, never mind I already did." He urinated on himself and claimed to defecate on himself while in a restraint chair. He refused to take a shower after multiple requests, and staff had to physically wash him off and dress him. He also received disciplinary action for sending unauthorized mail correspondence, as he would use other inmates' names as aliases to forward mail across the jail facility. Additionally, he was noted to have a history of smuggling contraband into jail.

According to records from ADC, Mr. Lewis was seen by mental health staff several times in 2011 and 2012 at Grimes Unit. On 12/30/11, he was seen by Natalie Brush-Strode, M.D., who prescribed Celexa "to improve IM coping skills for dealing with frustration." He was diagnosed

with Impulse-Control Disorder, Not Otherwise Specified and Rule Out Antisocial Personality Disorder. Mr. Lewis was then seen by Richard Shawn, M.D., on 5/3/12. Dr. Shawn indicated that Mr. Lewis had been noncompliant with his medication and was “demanding Seroquel.” Dr. Shawn diagnosed “Probable Antisocial Personality Disorder” and discontinued Celexa. He also saw no indication for Seroquel based on his history and clinical presentation. On 8/9/12, Mr. Lewis demanded to be placed on Wellbutrin during another appointment with Dr. Shawn. Mr. Lewis stated that he “gets aggravated when he’s around a lot of people and goes off on them and then if he’s by himself he has problems with that too.” Mr. Lewis was also noted to be “joking and flirting with secretary before he came in to the office and smiling, appeared to be in a very good mood.” Dr. Shawn saw no indication to prescribe an antidepressant. He indicated that Mr. Lewis’ difficulties were more of a “personality issue,” and he was described as “extremely arrogant, narcissistic, he’s very demanding and manipulative.” Dr. Shawn mentioned that Mr. Lewis had received write-ups for suspicions of trading medication and making a shank with other inmates. He also had a history of “cheeking Geodon” according to previous records. During the next appointment on 12/6/12, it was noted that Mr. Lewis had been filing “a lot of grievances for an extended period of time.” During the appointment, Mr. Lewis complained about being housed in the “class four” barracks and demanded to be in a two-man cell, which Dr. Shawn informed him was a classification issue. A previous note was referenced which indicated that the infirmary witnessed Mr. Lewis “purposely dislocating his shoulder out of anger for being cuffed behind his back.” He also received a write-up for “banding together a demonstration” and threatening to have all the inmates file grievances if he was not let out for recreation. Mr. Lewis was diagnosed with Antisocial Personality Disorder, with narcissistic and borderline traits.

On 10/3/14, Mr. Lewis was transferred from the Pulaski County Jail to the Ouachita River Correctional Unit. He received a psychiatric evaluation by Raymond Molden, M.D., on 10/6/14, as he was on precautions in jail after being identified as “potentially volatile reactive personality.” During the evaluation, however, Mr. Lewis appeared to have euthymic affect and was described as “calm and collected.” He reported having difficulty with authority during previous incarcerations but appeared to be in no distress. Dr. Molden noted that he did not observe any symptoms that would warrant psychomarcological intervention. Mr. Lewis was again diagnosed with Antisocial Personality Disorder.

FORENSIC EXAMINATION:

OFFICIAL ACCOUNT OF THE OFFENSE:

Information obtained from the Affidavit for Warrant of Arrest for Arron M. Lewis, Facts Constituting Probable Cause:

- “1. On September 25, 2014, deputies responded to 14202 Old River Drive in Scott, Arkansas, in reference to a report of a missing person. Dep. T. Purifoy arrived and made contact with Carl Carter. Carl Carter stated that his wife, Beverly Carter, is a realtor with Crye-Leike Real Estate and called him around 1730 hours informing him that she was going to show this house to an unknown person. Carl Carter stated that he became worried around 2100 hours when his wife still had not returned home and would not answer his calls. Carl Carter then came to this residence where he found Beverly Carter’s 2014 Cadillac SRX still parked in the driveway, with her purse inside. Carl Carter stated that he found the door to the residence open and went inside to look for his wife, but could not find her. Carl Carter stated he immediately knew something was wrong and

- contacted the Sheriff's Office. Carter said he believed his wife was last wearing a black sleeveless shirt and red shorts. Neighbors stated that they observed an unknown white male in a black car at the residence with Carter. Based on this information the Investigations Division was notified and responded to the scene.
2. Investigators conducted an exigent circumstances ping through AT&T for Beverly Carter's cell phone number of 501-944-1559. Investigators reviewed the data and determined that Beverly Carter's cell phone pinged twice in the area north of Steel Bend Road and south of Smarty Jones Drive at 1822 hours.
 3. On September 27, 2014, Investigators determined through Beverly Carter's phone records that she placed a phone call at approximately 1558 hours to phone number 914-206-1776 for approximately fifteen minutes and forty five seconds.
 4. Investigators determined that the phone number 914-206-1776 returned to a company called "TextMe, Inc." TextMe, Inc. is texting and phone application that provides smartphone users with free text and voice message, assigning them a unique phone number.
 5. An exigent circumstances request was placed with TextMe, Inc. And they provided a report detailing that the actual cell phone number assigned to (914) 206-1776 was in fact (501) 687-3833 belonging to a Crystal Lowery of 165 Randall Drive in Jacksonville, AR. Further research into Beverly Carter's phone records revealed that she and/or the person using (501) 687-3833 communicated via text messaging numerous times however the text message content had been deleted from the victim's cell records only leaving a record of the data transaction. Investigators also determined that Crystal Lowery and her husband, Aaron Lewis, have a black 2014 Ford Fusion registered to them.
 6. On September 28, 2014, Pulaski County Sheriff's Office Investigators conducted surveillance on the residence of Crystal Lowery and Aaron Lewis (165 Randall Drive, Jacksonville, AR) where they observed Lewis who did fit the description of the male the neighbors had seen. Aaron Lewis was then observed getting into the black Ford Fusion and driving away. Aaron Lewis drove approximately three miles before he was involved in a single vehicle accident in which he suffered minor injuries. While working the accident scene, Investigators found in Aaron Lewis's possession was the phone (501-687-3833) registered to Crystal Lowery and which was used to communicate with Beverly Carter. Lewis was taken to the hospital for his injuries, but fled after being taken to have a CT scan. Aaron Lewis fled the hospital on foot and his whereabouts are unknown at this time.
 7. On September 28, 2014, Investigators executed a Search Warrant on the 2014 Ford Fusion Lewis was driving. Investigators found duct tape, a baseball bat, and rope in the vehicle.
 8. On September 28, 2014, Investigators executed a Search Warrant at 165 Randall Drive (Lowery and Lewis' residence) where they located Beverly Carter's missing iPhone. The iPhone SIM card had been removed so that it could not be tracked, but was positively identified as Carter's phone. Carter's whereabouts are still unknown."

Arkansas Arrest/Disposition Report for Aaron Lewis, dated 9/30/14:

"Above suspect confessed to the kidnapping of Beverly Carter, but refused to provide us with her location. Suspect and victim telephone records were able to be traced to a certain area off of Hwy 5 in Pulaski County. A search of the area revealed the deceased victim in a shallow grave bound

by duct tape.”

Mr. Lewis was charged with Capital Murder and Kidnapping. Additionally, several firearms were found at Mr. Lewis’ residence and he was charged with Possession of Firearms by Certain Persons.

DEFENDANT’S ACCOUNT OF THE OFFENSES:

During the evaluation on 1/20/15, Mr. Lewis stated that he was not interested in pursuing an acquittal by reason of mental disease or mental defect. Mr. Lewis’ attorney also advised that they did not intend to rely on this defense and advised against Mr. Lewis providing his account of the alleged offenses. Mr. Lewis’ waiver of this portion of the evaluation appeared to be a knowing and intelligent decision due to the lack of evidence to suggest that Mr. Lewis has experienced symptoms of a mental disease or defect. Therefore, I did not proceed with a full evaluation or inquiry of his mental state at the time of the offenses. Although Mr. Lewis provided information about the events on the day of the alleged offenses, his account was not included in this report based on his repeated assertions that he did not wish to rely on the defense, as well as the absence of any signs or symptoms of a mental disease or defect that would lead to substantial impairment in his psycholegal capacities.

CLINICAL EVALUATION:

Mr. Lewis is a 34-year-old, married/separated, male of Mexican and Caucasian ethnicity. He appeared to be of average height and weight. Mr. Lewis was dressed in standard jail-issued attire and evidenced adequate hygiene. He presented with his right arm in a sling. Due to concerns about Mr. Lewis’ history of impulsivity and aggression, he was initially seated alone inside the interview room and I spoke to him from outside of the room. Mr. Lewis was clearly dissatisfied with this arrangement and asked why I could not meet with him inside the room. I informed him that I was instructed not to do so due to his reported threats. Mr. Lewis stated that he had not made any threats to harm anyone while at the hospital and stated, “Tell them to put me back in restraints. What am I going to do in restraints?” Mr. Lewis also mentioned that his attorney planned to be at the hospital to speak to him after the evaluation and asked me to call him before we began. I called Mr. Lewis’ attorney who indicated he could not be present due to a family emergency, and I related this information to Mr. Lewis. After speaking to Mr. Lewis for a few minutes, I decided to conduct the evaluation in the room with him. He remained in arm and leg restraints, and two deputies were seated on each side of him for the entirety of the evaluation.

Mr. Lewis’ eye contact was consistent and intense throughout the evaluation. His psychomotor behavior was unremarkable. His speech was normal in rate and tone; however, the volume of his speech increased at times when he was agitated. During the history interview, Mr. Lewis appeared to enjoy recounting personal information and elaborated on his responses. He expressed anger at times but remained cooperative and respectful for the first couple hours of the evaluation. After a 30 minute lunch break, Mr. Lewis appeared to be significantly agitated. I began asking him standard cognitive orientation questions; however, he displayed increasing agitation. When asked to state the date, he replied, “Freaking Tuesday the 20th” and then mumbled, “Backstabbing bitch ass lawyer who has me being evaluated.” He further stated, “The real me is, I don’t give a fuck.” When asked what the year was, he sarcastically stated, “1842.” I asked him to state the actual year and he said “2015.” He then stated, “My birthday was seven

days ago and I can't even be trusted to use a plastic fucking fork. I'm in a box with a red button. I really wanna push it." Staff did not provide Mr. Lewis with a fork to eat his lunch for safety reasons and it was clear that he was upset about this. He was also referring to the panic "button" and laughed when he stated that he wanted to push it. At times, Mr. Lewis responded well when I made firm requests for him to cooperate or when I redirected him to another topic. Nevertheless, he remained agitated on the fitness assessment and the results are discussed below. Mr. Lewis evidenced no attentional or memory difficulties, and appeared to be of at least Average intelligence based on vocabulary and syntax. He did not exhibit any gross signs or symptoms of cognitive or intellectual deficit during the evaluation. Given the significance of the criminal case surrounding this evaluation; however, I attempted to administer the Wechsler Adult Intelligence Scale-Fourth Edition (WAIS-IV) to obtain a more thorough assessment of his cognitive abilities. However, Mr. Lewis' overt lack of effort invalidated the testing; his performance is discussed in detail below.

In terms of his mental health history, Mr. Lewis reported that he was taken to a youth diagnostic center at the age of 12 due to behavioral problems. He added that he was prescribed Ritalin during childhood for difficulties concentrating in the classroom. Mr. Lewis did not report any further psychiatric treatment until he was in prison. He stated that he was placed on antipsychotic medication to manage his impulsivity and aggression, and collateral information appears to support this claim. Mr. Lewis denied any current symptoms of mental illness or a history of suicidal ideation. Although he made some self-defeating statements regarding his legal case, he appears to have realistic thoughts about the possible outcomes in his case. Furthermore, he stated he has never attempted to hurt himself and does not believe he will do so. Mr. Lewis' thought processes were generally logical and goal-directed throughout the evaluation and not indicative of a mental illness outside of his pervasive criminality.

PSYCHOLOGICAL TESTING:

Test of Memory Malingering (TOMM)

Mr. Lewis was administered the Test of Memory Malingering (TOMM) to determine whether his performance on the Wechsler Adult Intelligence Scale-Fourth Edition (WAIS-IV) might be affected by poor effort or feigned impairment. The TOMM consists of three trials (Trial 1, Trial 2, and Retention). The manual indicates that scores below 45 should raise concerns about decreased effort and malingering, as even cognitively impaired subjects (e.g., dementia patients) rarely score below 45 on Trial 2 or Retention and most normal subjects are able to obtain perfect scores. Mr. Lewis obtained perfect scores (50/50) on trials 1 and 2 of the TOMM. While he appeared euthymic, he also made provocative statements and required frequent redirection. Some of his statements were benign, such as, "This test is easy." However, some of his statements were overt attempts to provoke a reaction. He made several inappropriate comments and sexual references about the picture items. Mr. Lewis' performance did not reflect any obvious attempt to appear cognitively impaired, and his numerical scores indicated that he would be expected to put forth adequate effort on standardized testing (e.g., intelligence testing). Nevertheless, his numerous inappropriate and provocative statements, as well as his need to be redirected frequently, were indications that he was not taking the task seriously.

Wechsler Adult Intelligence Scale-Fourth Edition (WAIS-IV)

I attempted to administer the WAIS-IV to Mr. Lewis in an effort to measure his level of general intellectual functioning; however, he was volitionally non-cooperative during the testing which grossly invalidated any scores that I may have obtained. While I administered the first two subtests without any overt problems, his performance was significantly lower than expected which raised suspicions about the effort he was putting forth. During the third subtest, Mr. Lewis made several provocative statements which required redirection to the task (e.g., "Hey, if I get tickets to my execution, do you want to come?"). While he answered questions 1-16 correctly, he suddenly began providing the wrong answers. The manner in which he was responding was suggestive of deliberately incorrect guessing. For example, he would state two answers, one of which was right, and then smiled as he picked the wrong answer. After he met the discontinue criteria, we moved on to a task of vocabulary where he continued to provide questionable responses. Initially, he appeared to be cooperative; although, he required prompting for more information because his responses were flippant. For example, when asked for the definition of a "glove" Mr. Lewis stated, "It's what acquitted OJ." It was clear that he knew the answer but required further inquiry to provide the generic definition. Additionally, one of his responses was a sexual reference, but he was able to provide an adequate answer when I prompted him to do so. Mr. Lewis began performing similarly to the previous subtest, as he provided incorrect or proximate definitions of a word. When I told him that I suspected he knew the definition, he would often state the correct answer. He then began stating "I don't know" for many of the items but would add a statement that made it clear he knew the answer. For example, he stated that he did not know what "encumber" meant but added, "I think people use it to refer to me and my presence." Mr. Lewis then became significantly agitated and stated that the test was "ridiculous" and he could "ace" it if he wanted to. He also referred to his intentional lack of effort on the previous subtest. I informed Mr. Lewis that I was going to have to terminate the testing because he admitted that he was intentionally answering incorrectly. Mr. Lewis then stated, "No you're not going to say I'm not cooperating. Come on. Let's go. Keep going." Because he was becoming agitated and insisted that we keep going, I administered one more subtest and then informed him that we had finished testing. Furthermore, I did not administer enough subtests to obtain a full scale IQ score due to his variable performance and effort which grossly invalidated the test. Nevertheless, I do not have any significant concerns about Mr. Lewis' intellectual capacity.

OPINION ON THE CURRENT MENTAL CONDITION OF MR. LEWIS:

Based on the available records and observation, it is my opinion that Mr. Lewis satisfies criteria for the following DSM-5 diagnosis:

Antisocial Personality Disorder

A diagnosis of Antisocial Personality Disorder is warranted in light of Mr. Lewis' history of pervasive criminality and early-onset disregard for social norms and rules. This diagnosis is fitting when an individual displays a persistent disregard for and violation of the rights of others since the age of 15 and as indicated by evidence of at least three symptom criteria. Additionally, there must be evidence of conduct problems before the age of 15. Mr. Lewis reported behavioral problems beginning in elementary school. He stated that he was taken to a youth center at the age of 12 due to "acting out" and "rebellion." He added that he often ran away from home and was truant from school. Mr. Lewis has an lengthy history of legal offenses and incarcerations. He stated that he was first arrested around the age of 17 for robbing a bank. He has several theft-

related charges and a history of involvement in various state and federal prison systems. In fact, he was on parole in 2014 when he allegedly committed the current offense and was returned to ADC custody. According to collateral information from ADC, Mr. Lewis has received multiple disciplinary write-ups for violations including the following: being in possession of metal and other contraband items; failing to comply with staff orders; being unsanitary; illegal mail correspondence; physical aggression toward deputies. He is currently being charged with Capital Murder, Kidnapping, and Possession of Firearms by Certain Persons. Although he has been seen by mental health staff during his incarcerations, he has been consistently diagnosed with Antisocial Personality Disorder. He has also been described by his previous psychiatrist as demanding, manipulative, and narcissistic. As a result of his recurrent incarcerations, Mr. Lewis has not been able to maintain consistent, full-time employment. Based on Mr. Lewis' failure to conform to social norms and lawful behaviors, reckless disregard for the safety of others, and consistent irresponsibility, he satisfies criteria for a DSM-5 diagnosis of Antisocial Personality Disorder. While Mr. Lewis does not satisfy full criteria for another personality disorder, there are prominent narcissistic features associated with his Antisocial Personality Disorder. Specifically, his arrogant attitude and sense of entitlement has been documented by treatment staff in prison. Furthermore, his statements during the evaluation reflected a grandiose sense of self and a need for excessive admiration.

Mr. Lewis denied a history of psychiatric treatment aside from previously receiving psychotropic medication to manage his impulsivity and aggression in prison. Consistent with his report, Mr. Lewis did not appear to be experiencing any symptoms of a psychiatric disorder at the time of the evaluation. In fact, he was generally euthymic during the evaluation and had no difficulties communicating. While he reported some hypervigilance as a result from a previous traumatic experience (i.e., life-threatening prison fight), he did not endorse any other symptoms associated with a diagnosis of PTSD (i.e., intrusion symptoms, avoidance behavior, and distorted cognitions). While he expressed some self-defeating motivation associated with his legal case (i.e., demanding the death penalty over life in prison), his statements do not appear to be out of proportion to the gravity of his legal situation (i.e., a defendant facing a Capital Murder charge). Additionally, he denied a history of suicidal ideation or intent. Although Mr. Lewis expressed significant anger surrounding his legal case and toward his attorney, he was able to answer most of the questions on the fitness measure adequately. Despite his self-reported history of attentional difficulties during childhood, he showed no difficulties in attention or concentration during the over seven hour evaluation with me. Likewise, Mr. Lewis' vocabulary and conversational abilities reflected intact cognition and intelligence. Therefore, I uncovered no evidence to suggest or warrant consideration of additional DSM-5 diagnoses. Outside of symptoms associated with personality pathology, no other diagnostic considerations appeared justified.

EVALUATION OF FITNESS TO PROCEED:

In light of the facts available to me, Mr. Lewis currently possesses an adequate rational and factual understanding of the proceedings against him, and his ability to rationally assist in his own defense is intact.

Information regarding Mr. Lewis' fitness to proceed was obtained via clinical interview and the administration of the Evaluation of Competency to Stand Trial- Revised (ECST-R) on 1/20/15. The ECST-R is a standardized interview designed to assess the psycholegal domains relevant to

the legal standard for competency to stand trial (*Dusky v. United States*, 1960): (1) Consult with Counsel; (2) Factual Understanding of the Courtroom Proceedings; (3) Rational Understanding of the Courtroom Proceedings. *In Mr. Lewis' case, his agitation and oppositional attitude while answering questions about his case interfered with my ability to score his responses.*

Mr. Lewis expressed a highly negative view of his attorney and stated that his attorney is "not doing what I want." His main complaint about his attorney was that he is not providing pertinent information to his co-defendant's counsel. During the assessment, Mr. Lewis spoke a great deal about intentions to exonerate his co-defendant, and he claimed to have proof of her innocence. He further stated, "The only person helping me is the media." Additionally, Mr. Lewis was upset that his attorney requested the order for a mental health evaluation above his wishes and reiterated that he did not wish to rely on a mental health defense. Mr. Lewis expressed immature and irrational expectations of his attorney (i.e., "to do what I say"). Consistent with his personality pathology, Mr. Lewis' statements suggested that he enjoys receiving publicly regarding his case, and many of his strategies (e.g., firing his attorney in court) may be viewed as ploys to gain further attention. He rambled off-topic a great deal and generally only answered questions that provided him the opportunity to discuss his concerns. For example, he stated that he would be better able to assist his attorney if he were provided access to his iphone, which is in police custody. He then made pejorative statements about the victim in his case. For example, he stated, "It'll be a real shocker when everyone hears what the good girl did." He went on to discuss his history of infidelity and sexual encounters with women he has met online. I continuously attempted to redirect Mr. Lewis which required me to abandon certain questions that he was not cooperative in answering. He remained extremely focused on maintaining his wife's innocence and stated, "I really don't care about my own case." When asked how he would handle potential disagreements with his attorney in the future, Mr. Lewis stated that he was going to "fire him." Nevertheless, Mr. Lewis appeared to begin to calm down at this point, as he laughed and smiled while relating information. Again, he provided more irrelevant information and indicated that he has been described by the media as "promiscuous." He appeared to be proud of this and stated, "Yeah, that's me." He laughed as he stated that he recently contracted a sexually transmitted disease as a result of his promiscuity and appeared to be attempting to evoke a reaction from me. Overall, some of Mr. Lewis' complaints appeared logical (i.e., being upset that a mental health evaluation was ordered despite his objections); however, the manner in which he tends to handle disagreements is reflective of the pervasive impulsivity and narcissism associated with his severe personality pathology. Nevertheless, he does not display symptoms of a mental disease or defect that would preclude his capacity to work with his attorney effectively if he so chooses.

Overall, Mr. Lewis evidenced an adequate level of factual understanding of criminal proceedings based on his responses. While he displayed a defiant attitude and needed a great deal of prompting for more information, it was clear that he understood the roles of the participants in courtroom proceedings (i.e., judge, jury, defense attorney, and prosecutor). For example, when asked what the judge's role is, he stated, "Do whatever the prosecutor tells him to. The judge is a rubber stamp for the prosecutor." While this type of response is typical of many defendants, I asked Mr. Lewis to provide a generic response and he replied that the judge is "supposed to be fair." When asked what the role of a defense attorney is, he stated, "Sell me out." Again, he was becoming agitated and discussed that his attorney did not have true intentions to defend him;

rather, he claimed his attorney is only interested in receiving publicity. Mr. Lewis indicated that the role of the prosecutor is to “yell, hang him” and to prove that Mr. Lewis “deserves to die.” He then went on to say that his case is “the biggest case in the state,” and, “They’re making money off selling me out.” Regarding the role of the jury, Mr. Lewis expressed concerns that he will not have a fair trial.” When I asked him if he believed the jury would be biased, he became irate and asked if I was using higher level words (i.e., “biased”) to test his intelligence. I assured him that I was simply trying to get his views on what he expects during the court proceedings. He then claimed that he has been repeatedly maltreated by the deputies in prison. He mockingly stated that if I believed he would receive a fair trial, “then we don’t need to be talking.” Mr. Lewis was well aware of his legal charges and the evidence in his case. He also understood the possible outcomes in his case as “pleading” down to life in prison or receiving the death penalty. He claimed to prefer the death penalty over life in a state prison. His current performance, coupled with his history of criminal prosecutions and lack of prior concerns regarding his adjudicative knowledge, support my opinion that he possessed intact factual understanding of the legal proceedings and charges against him.

Mr. Lewis’ Rational Understanding of the Courtroom Proceedings was also intact. In fact, he was the most cooperative during this section and answered all of the questions adequately. He stated that he would not be willing to testify in court or accept a plea bargain. He indicated that the best outcome in his case would be “death penalty or Johnnie Cochran would knock on my door and ask to represent me.” Alternatively, the worst outcome in his case would be to spend the rest of his life in prison. When asked if he has experienced anything strange or unusual in the courtroom, he said that he attempted to speak to the judge during his last court hearing but was told he could not speak aloud during court proceedings. He denied a history of disruptive behavior in court. In fact, he stated that he is generally cooperative and “never gave anyone any problems.” Mr. Lewis did not express any delusional thoughts about his attorney or proceeding to court. Mr. Lewis’ history of involvement with the criminal justice system and his statements reflect intact knowledge of the nuances of criminal proceedings, and what to expect during a bench or jury trial.

Mr. Lewis made additional statements and claims regarding his legal case throughout the evaluation. He claimed that his confession to police was coerced and that he was interrogated by police for 12 hours. He added that eight hours of the interrogation tapes have been suppressed and/or condensed. He claimed that during the interrogation, “They were beating the shit out of me,” and that his face was “smashed into the wall in the bathroom.” He further claimed that he was “yelling for help” and asked for his lawyer repeatedly. Mr. Lewis stated that he was planning to terminate his attorney in December because he has only met with him once for a total of 15-20 minutes, and he feels as though his attorney is not putting forth adequate effort to defend him. He added that his attorney was “stupid for ordering an Act III eval.” Mr. Lewis has a copy of his discovery file and is well aware of the evidence in his case (i.e., police transcripts, investigators notes, phone/text records, etc.). He expressed justifications/explanations for anything that may be incriminating. Alternatively, he mentioned several times throughout the evaluation that he was seeking the death penalty and even compared it to “assisted suicide.” Despite making some self-defeating statements, he maintained that he was not planning on hurting himself and stated, “I’m, going to see this all the way through.” At the end of the evaluation, Mr. Lewis mentioned that the media “is the only thing that keeps me from being

attacked,” as he reportedly receives threats from the officers in prison. He also indicated that his case “must be a big deal” to everyone at the hospital, as it was on national news and for “three months strong.” He appears to enjoy any amount of attention that he gains from the media which exacerbates his narcissistic tendencies.

In summary, Mr. Lewis possessed an adequate understanding of the roles of various courtroom participants, the basic courtroom proceedings, and relevant legal procedures. He expressed an understanding of the nature of his charges and possible outcomes in his case. While he expressed a great deal of dissatisfaction and disagreement with his attorney, he appears to be knowledgeable about his options to remedy this (i.e., requesting new representation). Mr. Lewis’ main concern is that his case is being suspended until the completion of the mental health evaluation; and it is likely that some of his frustration with his attorney will be resolved once he is able to proceed. He is generally able to be pacified and redirected after voicing his frustrations. While he became agitated several times throughout the evaluation, at no point did he become physically aggressive, and it did not impair his ability to complete the evaluation, with the exception of the intelligence testing. Nevertheless, any defiance or oppositional behavior that he displays is volitional and reflective of his personality pathology and sense of entitlement, rather than symptoms of any mental disease or defect. Furthermore, consistent with his self-report, he did not appear to be experiencing any psychiatric symptoms or intellectual deficits that would impair his fitness-related abilities. Based on his responses to the ECST-R, observations during the clinical interview, and his apparently unproblematic history of criminal prosecutions across his adulthood; it is my opinion that Mr. Lewis possessed an adequate rational and factual understanding of the proceedings against him and the ability to provide reasonably rational assistance in his own defense.

OPINION ON MR. LEWIS’ MENTAL STATE AT THE TIME OF THE ALLEGED OFFENSES:

CR 14-3928 (Capital Murder; Kidnapping; Possession of Firearms by Certain Persons):

Mr. Lewis elected not to cooperate in the evaluation of his mental state at the time of the offenses and denied the offenses of kidnapping and murder. He understood he would need to admit guilt to, or accept guilt for, the alleged conduct in order to pursue an acquittal by reason of mental disease or defect, and he stated that he was unwilling to do so. He maintained that he does not suffer from symptoms of a mental illness, only difficulties controlling his anger. Given an assumption of fitness based on the results of the ECST-R and clinical observations, Mr. Lewis’ decision not to cooperate with an evaluation of his mental state at the time of the alleged offenses would appear to be knowing and intelligent. Based on my opinion that he is capable of adequately understanding the proceedings against him and working with his attorney effectively if he so chooses, it is my opinion that Mr. Lewis made a voluntary, knowing, and intelligent waiver of the evaluation of his mental status at the time of the offenses.

Mr. Lewis’ decision seemed self-protective and reasonable given the absence of information to suggest that he has experienced any substantially impairing symptoms of a mental disease or mental defect which would have produced a lack of capacity to appreciate that kidnapping and murder, as well as possessing firearms as a felon, was criminal in nature or that would have impaired his capacity to prevent himself from engaging in such conduct. Mr. Lewis stated that he

if he so chooses, it is my opinion that Mr. Lewis made a voluntary, knowing, and intelligent waiver of the evaluation of his mental status at the time of the offenses.

Mr. Lewis' decision seemed self-protective and reasonable given the absence of information to suggest that he has experienced any substantially impairing symptoms of a mental disease or mental defect which would have produced a lack of capacity to appreciate that kidnapping and murder, as well as possessing firearms as a felon, was criminal in nature or that would have impaired his capacity to prevent himself from engaging in such conduct. Mr. Lewis stated that he was placed on psychotropic medication for his behavioral problems during childhood, and for his impulsivity during adulthood; however, there is no evidence to suggest that he has ever exhibited symptoms of a mood or psychotic disturbance. In fact, Mr. Lewis reported that he has persistent difficulty controlling his anger and obeying authority. His impulsivity, defiance, anger, and aggression were all well documented symptoms that had been present long before the alleged offense. It is my opinion that Mr. Lewis likely experienced symptoms of his personality pathology around the time he allegedly committed these offenses but that his behavior was not due to symptoms of a mental disease or defect. Furthermore, there was nothing in Lewis' report or records reflecting evidence that he was experiencing symptoms of a substantially impairing mental disease or defect (e.g., psychosis or intellectual disability) at the time of the alleged offenses.

Respectfully Submitted,



Melissa Dannacher, Psy.D.

UAMS Assistant Clinical Professor, Department of Psychiatry

Arkansas State Hospital

Licensed Clinical Psychologist (14-18P)



**Division of Behavioral
Health Services**

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February 18, 2015

Honorable Herbert Wright
401 West Markham, Room 440
Little Rock, AR 72201

RE: Aaron Michael Lewis
AR. Code Section: 5-2-305
Examination Date: 01/20/2015
Pulaski Co. Docket No: 14-3928

Dear Judge Wright:

The above named individual was ordered for a forensic evaluation through the Pulaski County Circuit Court. Attached you will find the completed forensic report performed at the Arkansas State Hospital Forensic Services.

If you have any questions or concerns, please call me at {501} 251-6618.

Sincerely,

A handwritten signature in black ink, appearing to read "Jamillah Goodman". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Jamillah Goodman
Administrative Support, Forensic Services

cc: John Johnson, Prosecuting Attorney
James Hensley, Defense Attorney
Billy Burris, Forensic Services Program Coordinator
Pulaski County Circuit Clerk