

Arkansas Department of Human Services  
Division of Mental Health Services

Forensic's Report

FORENSIC EVALUATION

Defendant's Name: Walker, Barry A.  
Defendant's Hospital Number: 611472  
Date of Referral for Forensic Evaluation: 2-22-00  
Date Forensic Report Submitted: 03/03/2000 15:37  
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JRA REFERRED BY: ~~Judy Hoover, LCSW~~ CCO ACA 5-2-305

SOURCES OF INFORMATION:

JRA This evaluation is based on information which was obtained from the legal file from Sebastian County. The Circuit Court Order for Commitment for Restoration of Competency contains the CR# 99-213. The Incident Report completed by the Fort Smith Police Department, as well as, The Supplementary Report were reviewed. Additional information was obtained from the Social History taken by Ms. Hoover, LCSW. O. Wendell Hall, III, M.D. completed the Psychiatric Examination. Mr. Walker completed a Georgia Court Competency Test- MSH Revision. Additional information was obtained from the legal file, which included a letter from Clayton Mitchell, PhD., reporting on the results on a prior outpatient evaluation conducted with Mr. Walker on February 9, 2000.

Purpose of examination:

Mr. Walker was informed of the evaluator's identities and of the lack of privileged information during a court ordered evaluation. He understood a report would be sent to the court and testimony could be required. He agreed to talk to the evaluator's about his case.

OFFICIAL VERSION OF ALLEGED OFFENSE:

The police offense report notes Mr. Walker has been accused of Sexual Abuse in the First Degree. The report states the victim indicated Mr. Walker had touched her in places that made her feel uncomfortable. The Supplementary Report from the police department also indicates the charge as Sexual Abuse in the First Degree. This report contains the transcript of an interview conducted with Mr. Walker on 2/25/99.

DEFENDANT'S VERSION OF ALLEGED OFFENSE:

During his interview, Mr. Walker reported he was arrested about March 2<sup>nd</sup> or 3<sup>rd</sup> of 1999 in Fort Smith. He stated he was charged with "Sexual Abuse in the First Degree." He defines sexual abuse as "any type of unwanted sexual attention, in this case an underage minor." Mr. Walker reports he made a complete statement to the police, which should be in his file in which he talked about the alleged sexual abuse. During his present evaluation, he stands by the previous statement.

**RELEVANT HISTORY:**

Mr. Walker reported after his arrest and charges of First Degree Sexual Abuse, his license to practice was suspended and he has been recommended for a discharge from the military where he served as a flight surgeon. Consequently, he went into business with a family member nearby and has been working while released on bond. He additionally indicates that he has been participating in a sexual offender's group that meets weekly and he has been participating in this group for nearly a year.

Prior to the current charges, Mr. Walker reports that over the past several years he had been under increasing pressure and stress and his marriage had become so stressful that it has subsequently ended in divorce. He does report he was using a considerable amount of alcohol while not on duty. He does state he has been quite depressed about the course of his life over the past several years. However, he did not discuss or talk about any symptoms which would appear to indicate a depression of psychotic proportions or which would indicate any loss of contact with reality.

Mr. Walker does report he is divorced from his only marriage and reports this was a rather difficult marriage which involved alcohol abuse and physical abuse by his wife. He reports there is no history of any prior psychiatric hospitalization although he has received outpatient treatment from Dr. Pat Chambers for depression.

He has been treated with medication for depression. He does report most of his depression over the past several years has been related to life's situations and his difficulty in coping with them. He reports a sleep disturbance and stated he was prescribed the medications Effexor and Serzone and these medications seem to help a lot.

Mr. Walker has a MD degree and has been practicing as a physician up until the time of his arrest on the current charges. As previously noted, he reported his license had been suspended and he has also been relieved of duty from his post in the military.

Mr. Walker reports that his earliest use of alcohol began at about the age of 19. However, he reported it was several years before he began to frequently use alcohol. And it was only within the last several years that he would consider he had been abusing alcohol. He has not been involved in any treatment program either as an inpatient or an outpatient, nor has he been involved in any substance abuse treatment program. He reports he does not abuse any prescription medications or any other kinds of drugs. He also does not report any withdrawal symptoms associated with alcohol abuse.

Mr. Walker reports he had been living with family members and working while out on bond on the current charges until recently. He stated he was referred to Dr. Mitchell in Fort Smith for an outpatient evaluation and saw him in the beginning of February. After his meeting with Dr. Mitchell, where he reported they discussed at length his thoughts of suicide and his current state of mind, Dr. Mitchell reported to the court Mr. Walker lacked fitness to proceed and was diagnosed as a Depressive Disorder NOS. Mr. Walker states the next day he was told to report to Fort Smith and when he did so an emergency hearing was held in which his bond was revoked and he was incarcerated. He stated that he was initially held in isolation as a suicide risk for several days. He was subsequently then moved to the general population and said he spent some 13-14 days in jail.



Mr. Walker was admitted here on 02-22-00 in the early afternoon. He was noted to be cooperative with the evaluation procedures throughout. He provided a report that he had been working as a family physician for approximately two years having practiced in both Missouri and Clinton, AR, before returning to Fort Smith. He did report he was treated as an outpatient for depression in the past. Although he reported he had been placed on suicide watch in the jail, he denied any suicidal ideation and reported he was a weekend drinker for about 2-3 years before he was arrested.

**CLINICAL EVALUATION:**

Mr. Walker was seen by O. Wendell Hall, III, MD, for a psychiatric evaluation upon admission to the hospital. During his evaluation he was able to report the circumstances of his admission to the hospital. Mr. Walker did say during a prior outpatient evaluation, he had reported he was not taking his anti-depressant medication and thought that he might need to restart that medication. He also did discuss suicide, but said he did not say he was actively suicidal. When seen in the hospital, his anti-depressant medication has been restarted and was continued while he was seen in the hospital.

Mr. Walker was able to report during the psychiatric evaluation he was charged with First-Degree Sexual Abuse and that he had been arrested about March 2. He had been out on bond and was participating in the sexual offender's group prior to his being picked up and incarcerated. ~~Mr. Walker~~ stated he had no history of prior psychiatric hospitalizations although he did report some outpatient treatment by Dr. Chambers in Fort Smith. He does state there is no family history of psychiatric disorder. He does not report any family history of drug abuse, but does report there may be a family relative who has problems with alcohol abuse. JKA

In talking about his marriage, Mr. Walker reported he was divorced from his wife after a relatively stormy marital relationship. During his examination, Dr. Hall noted Mr. Walker was alert and well aware of his surroundings. His speech was clear and understandable, his attitude was friendly and cooperative. Mr. Walker displayed no unusual psychomotor behavior or bizarre behavior whatsoever. His thought processes appeared to be coherent, goal-directed and he showed no sign of any underlying thought disorder. He did not report any homicidal ideation or intent. Mr. Walker denied any current suicidal ideation or intent although he did say he had some thoughts about suicide over the past year or so because his marriage had been so difficult. He did not report any unusual experiences, hallucinations, or any thoughts which could be considered delusional or bizarre.

Mr. Walker's mood was described as fairly good at present, although he did manifest a considerable amount of realistic concern about the charges that he faces and possible legal outcomes. Dr. Hall noted Mr. Walker's affective responses seem to be in the average range and appropriate to content. Mr. Walker's judgment was intact. He had no difficulty distinguishing right from wrong in his judgment in usual social situations. He appeared to have some insight into his personal problems and a considerable amount of insight into his current legal situation and the choices he faced. Dr. Hall noted Mr. Walker was well oriented, understood where he was, understood the lack of privileged information during an evaluation and seemed capable of understanding this. His intellectual functioning was estimated to be in the superior range based on his educational history, his English usage, and his vocabulary during the mental status interview.

Mr. Walker showed no deficit in either short term or long term recall. He was able to report historical information in a logical and sequential fashion. He was able to learn new information without difficulty and retain it for several minutes. He did not have any difficulty performing calculations, his attention and concentration did not appear to be impaired.

Dr. Hall's provisional diagnosis was to rule out a psychosis on Axis I and alcohol abuse, as well as, depressive disorder unspecified.

Mr. Walker was seen on 02/28 and 02/29 to complete a Georgia Court Competency Test and staffing. His responses to the Georgia Court Competency Test-MSH Revision indicate he currently possesses adequate general legal knowledge and a knowledge of the courtroom. He also has a good understanding of legal proceedings. Mr. Walker states his attorney is Mr. Ron Fields whom he hired last year to represent him. He had his attorney's phone number immediately available, although he could not recall it from memory.

He understands the nature of the current charges against him, stating he has been charged with, "Sexual Abuse, First Degree." Mr. Walker is aware of the seriousness of the charge and said should he be found guilty as charged, he could receive a sentence of 10 years. He is capable of discussing his behavior prior to and at the time of the alleged crime and further reports he can do so with his attorney. As he noted previously, he made a statement to the police which he said he can discuss with his attorney. Thus, in the examiner's opinion, Mr. Walker possesses adequate information on his charges and also has the ability to communicate with his attorney about his case. He earned a score of 100 on the Georgia Court Test which is in the range of presumed passing scores of between 70-100.

The results of the current evaluation do not offer indications of the presence of a major mental illness. There are indications of current distress and Mr. Walker reports a history of depressive symptoms prior to his arrest on the current charges. He also provides a history of intermittent alcohol abuse. Historically he has no history of treatment for a prior psychiatric illness other than his outpatient treatment for depressive symptoms. He has no prior legal history.

**MENTAL CONDITION:**

DMS4 Diagnosis

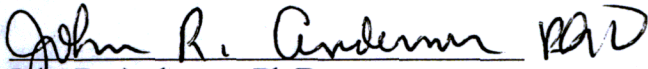
Axis I	Depressive Disorder, NOS. Alcohol abuse.
Axis II	No diagnosis.



**LEGAL QUESTIONS:**

In the examiner's opinion, Mr. Walker is currently able to understand both rationally and factually the legal proceedings against him. Further, he has the capacity to assist in his own defense. Thus, it is the examiner's opinion and recommendation to the Court, Mr. Walker be found competent to stand trial.

Additionally, it is the examiner's opinion, Mr. Walker was not mentally ill at the time of the alleged offense. Therefore, he did not lack the capacity to appreciate the criminality of his conduct and did not lack the capacity to conform his conduct to the requirements of the law by reason of a mental disease or defect.

  
John R. Anderson, Ph.D.  
Forensic Staff Psychologist