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EDDIE JEAN CARR, CHANCERY CLERK

IN THE CHANCERY COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

BY *M. Bear* D.C.

IN RE: RALPH ARNOLD SMITH, JR.

CAUSE NO. M-2015-0086, 0/3

INVOLUNTARY CIVIL OUTPATIENT TREATMENT ORDER

CAME ON BEFORE THE COURT the Petition For Outpatient Treatment Subsequent to an Inpatient Course of Treatment, and for Release with Conditions (hereinafter the "Petition"), filed by Ralph Arnold Smith, Jr. (Dr. Smith) through counsel, and the Court having considered the Petition, finds and orders as follows:

1. On July 31, 2016, The Tulane University School of Medicine, Department of Psychiatry and Behavioral Sciences, in a "Forensic Risk Evaluation" Report issued by D. Clay Kelly, Jr., M.D. and Gina Manguno-Mire, PhD, ABPP, (hereinafter the "Evaluation" or "Report") made the following recommendation and finding:

Based on our evaluation, we recommend that Dr. Smith be conditionally released. Ideally, this would be a renewable outpatient commitment with a specified set of conditions, Dr. Smith would be expected to comply with these conditions. If he did not comply with these conditions, he could be involuntarily rehospitalized.

2. Following the issuance of the Tulane "Forensic Risk Evaluation" Report recommending the release of Dr. Smith with conditions, Dr. Smith filed the instant Petition pursuant to Miss. Code §41-21-99 and §41-21-83.

3. Dr. Kelly and Dr. Mire have also recommended that Dr. Smith participate in a step-down process upon discharge from the Mississippi State Hospital at the Pine Grove Behavioral Health and Addiction Services in Hattiesburg, Mississippi (hereinafter "Pine Grove") prior to release into the community as set out in the Report ."

4. Pursuant to §41-21-99, §41-21-83, and §41-21-74(4), the Court finds that Dr. Mire has provided the following risk assessment in the Evaluation, which the Court adopts:

It is my opinion to a reasonable degree of psychological certainty that Dr. Smith is a moderate to high risk of danger to self or others without psychiatric treatment and the imposition of conditions aimed at risk reduction. With treatment and supervised release based on a specified set of conditions, Dr. Smith presents a low to moderate risk of danger to self or others. Therefore, treatment and supervision reduce Dr. Smith's overall level of risk to a degree that justifies transfer to a less restrictive environment. It does not reduce his overall risk level to zero. Without treatment and a supervised conditional release agreement in place, Dr. Smith would pose a risk to the community that would not justify his release from a secure forensic facility.

There is now a suitable, less restrictive alternative to inpatient commitment at the Mississippi State Hospital at Whitfield. Accordingly, this Court orders that Dr. Smith's involuntary commitment be continued upon the terms and conditions set forth below. This Court retains exclusive jurisdiction to enforce and/or change the terms of Dr. Smith's involuntary civil commitment. Dr. Smith shall be admitted as an inpatient at Pine Grove, for treatment, evaluation and assessment and then transition to their Professional Enhancement/Partial Hospitalization Program ("PEP/PHP"). If Pine Grove is later unable to or declines to transition Dr. Smith to the PEP/PHP, Pine Grove shall retain Dr. Smith in its custody as an inpatient and immediately notify the Court, Dr. Mire and all counsel identified below. Dr. Smith shall be the responsible party to pay for all of the reasonable and necessary inpatient treatment, evaluation, and assessment by Pine Grove.

5. During Dr. Smith's participation in the PEP/PHP program, Dr. Smith will comply with the security protocol and with the treatment recommendations of the Pine Grove staff and treatment providers.

6. Dr. Smith will be fitted with an electronic GPS monitoring device by Correctional Counseling of Mississippi ("Court Watch") prior to leaving the Mississippi State Hospital campus and

shall wear that monitoring device at all times unless and until ordered otherwise by this Court. Dr. Smith is prohibited from travelling to Greenwood, Mississippi.

7. Throughout his treatment at Pine Grove, the following conditions and restrictions will be placed upon Dr. Smith:

- a. Dr. Smith shall have no access to firearms or any weapons or non-approved substances or medications.
- b. Dr. Smith will have no immediate access to bank accounts or to instant cash and will have no use of personal checks. Dr. Smith may have on his person or in his residence no more than \$200 at any one time.
- c. Dr. Smith will have no access to the internet. Dr. Smith will have no access to print media, except as authorized by Pine Grove's staff. Dr. Smith will have no access to a telephone which is not supervised by a member of Pine Grove's staff.
- d. Dr. Smith shall have no contact with the following individuals or organizations: Lee Abraham, Jim Hood or others from the Mississippi Attorney General's Office, Sayed Rafique, Cordarious Robinson, Derrick Lacy, Hiram Eastland, Jr., Chris Lott, Ed Brunini, Dick Cowart, John Horty and Reb McMichael.
- e. Pine Grove shall effectuate and enforce these restrictions as best as is practicable and shall promptly notify the Court, Dr. Mire and the attorneys identified below in the event that any violation of these restrictions by Dr. Smith is suspected to have occurred.

8. Dr. Smith shall be the responsible party to pay for his participation in the PEP/PHP program overseen for him at Pine Grove.

9. Pine Grove shall promptly provide copies of all inpatient and/or PEP/PHP progress reports to the Court, Dr. Mire, and all counsel identified below.

10. If it is determined that Dr. Smith is to be discharged for any reason prior to the successful completion of the PEP/PHP Program, Dr. Leah Claire Bennett will provide this Court and the counsel identified below with seven (7) days written notice of such discharge as set forth in Miss. Code Ann. §41-21-87(2) and Miss. Code Ann. §41-21-74(2). Dr. Bennett will further provide written notice of any planned discharge to the following alleged victim, per Miss. Code Ann. §41-21-87(4):

A. Lee Abraham, Jr., Esq.
P. O. Box 8407
Greenwood, MS 38935-8407.

11. Following successful completion of the Pine Grove PEP/PHP, Dr. Smith will then step-down to the involuntary outpatient, community-based treatment program as recommended by Dr. Kelly and/or Dr. Mire in their Evaluation, and after discharge from the Pine Grove PEP/PHP, Dr. Smith must comply with the following conditions:

- a. Dr. Smith shall live in Jackson, Mississippi with his wife Mary K. Smith, with regular support by a family member appointed by the court who will take primary responsibility for communicating with the Court or its designee. Any changes in Dr. Smith's residence must be approved by the Court prior to a change of residence. Jennifer K. Welch is hereby appointed as the family member who will communicate with the Court-appointed monitor Talya Straughter, and who will assist Mary K. Smith with supervising Dr. Smith.
- b. Dr. Smith shall be fitted with an electronic monitoring device by Correctional Counseling of Mississippi (also known as "Court Watch") at the Mississippi State Hospital, prior to leaving the Mississippi State Hospital Campus and shall wear that monitoring device at all times unless and until ordered otherwise by this Court. Dr. Smith is prohibited from travelling to Greenwood, Mississippi.
- c. To ensure compliance with this Court's Order, Dr. Smith's wife, Mary K. Smith, will supervise Dr. Smith, in conjunction with the Court-appointed family member Jennifer K. Welch. Jennifer K. Welch will supervise Dr. Smith in conjunction with Mary K. Smith.
- d. If Region IX determines that Dr. Smith is eligible for the PACT (Program of Assertive Community Treatment) program, Dr. Smith shall enroll in and participate in the PACT program through Region IX, which is an intensive community-based psychiatric program, and if eligible, Dr. Smith will comply with the terms and conditions of the PACT program.
- e. Talya Straughter will serve as Dr. Smith's Region IX case manager and as Dr. Smith's Court-appointed monitor under this order. Talya Straughter has agreed to serve and is hereby appointed as the Court-appointed monitor of Dr. Smith.
- f. Until further order of the Court, Region IX will perform a combination of home visits and home inspections each week, and shall report its findings to Talya Straughter, Dr. Smith's case manager at Region IX, the forensic risk evaluator, Dr. Mire (or her successor or designee) and the attorneys listed in this order. Dr. Mire (or her designee or successor at Tulane) is hereby appointed by the Court as the independent risk evaluator for Dr. Smith and will conduct/perform the forensic risk evaluations that are directed as provided for in this Order.

- g. Dr. Smith will have no access to firearms or any weapons, or to any non-approved medications or substances. "Court Watch" will conduct a home study prior to Dr. Smith's discharge from Pine Grove to ensure that there are no weapons or non-approved substances in Dr. Smith's home. Any weapons or non-approved substances found in Dr. Smith's home, possession, custody or control may be confiscated by the "Court Watch" caseworker and shall be reported to this Court, the forensic risk evaluator and the attorneys identified below.
- h. Dr. Smith will have no immediate access to bank accounts, to cash over \$200.00, and will have no use of personal checks. This will be monitored by Mary K. Smith and overseen by the Court-appointed family member Jennifer K. Welch. Dr. Smith and Mary K. Smith's financial records and funds related to shared expenses may be reviewed at any time by the Court appointed family member, by the Court appointed monitor Talya Straughter, and by the Court-appointed forensic risk evaluator, Dr. Mire.
- i. Talya Straughter will review Dr. Smith's compliance with psychiatric treatment, will ensure that he is attending medical and psychological appointments, and that he is complying with the conditions imposed by the Court, including Dr. Smith's participation in all programs through Region IX. Talya Straughter, as the Court-appointed monitor, shall file a written report with this Court and the attorneys listed in this Order on or before the 15th day of every month and shall immediately report any non-compliance by Dr. Smith to the Court and the attorneys listed in this Order. The Court-appointed forensic risk evaluator, Dr. Mire (or her designee or successor), will also be provided with a copy of Talya Straughter's report for review, and will be provided with all of the information on which Talya Straughter's report is based, specifically to include reports from Court Watch, information from family members, and Dr. Smith's clinical treatment/health records.
- j. Dr. Smith will have no access to the internet and no access to print media, except as specifically approved in advance and in writing by the Court-appointed monitor and filed with the Court. Dr. Smith will have no unsupervised access to the telephone. This includes cell phones, internet phones or any method or medium of voice transmission. This will be supervised by the Court-appointed family member (Jennifer K. Welch), by Mary K. Smith, and overseen by the independent court monitor through regular home visits. Print media and print subscriptions, along with any home-based computer access, will also be monitored by the Court appointed monitor Talya Straughter. The internet browser history on any computers, electronic notepads and other devices in Dr. Smith's home capable of browsing the internet shall not be erased or deleted during the term of this Order.
- k. Dr. Smith shall comply with outpatient psychiatric treatment with a long-acting, injectable antipsychotic (currently Abilify, Maitena). Dr. Smith shall comply with the treatment directives from his providers, and with all regular laboratory monitoring studies, which should include random monitoring for non-approved substances as ordered by his treating psychiatrist. Dr. Smith shall be seen at least monthly for the first 12 months and thereafter as indicated by his psychiatrist. Copies of all reports will be provided to the independent forensic risk evaluator, Dr. Mire, or her successor or designee, and all attorneys listed below. Dr. Smith's psychiatrist will be provided with a

copy of this Order, and the psychiatrist will immediately report noncompliance with treatment (such as missed visits, rescheduled appointments, any changes in medication, and results of laboratory studies) to the court appointed monitor, Talya Straughter, Dr. Mire, the Court and the attorneys listed below.

- i. Dr. Doug Byrd, M.D. of Jackson Psychiatry Group conducted an intake assessment with Dr. Smith on September 27, 2016. Dr. Byrd has accepted Dr. Smith as a patient at Jackson Psychiatry Group, and will be Dr. Smith's treating psychiatrist. Dr. Byrd has agreed to work in conjunction with Heath Gordon, PhD, who will be Dr. Smith's treating psychologist (www.jacksonpsychiatrygroup.com) and to provide copies of Dr. Smith's health records, charting and data to the appointed forensic risk evaluator, Dr. Mire (or her designee/successor).
- m. Heath Gordon, PhD of Jackson, Mississippi has agreed to provide clinical psychology treatment for Dr. Smith. Dr. Gordon focuses his practice on adult clinical neuropsychology and geropsychology: (www.heathgordonphd.com). The Court directs that all assessments and treatment information prepared by Dr. Gordon will be provided to the Court-appointed forensic risk evaluator, Dr. Mire, or her designee or successor, and all attorneys listed below.
- n. Dr. Smith shall comply with the clinical treatment schedule recommended and provided by Dr. Byrd and[/or] Dr. Gordon and the parties acknowledge that neither Dr. Kelly nor Dr. Mire are treating caregivers of Dr. Smith and that their prospective responsibility herein is as provided by this Order. Dr. Mire or her designee/successor (forensic psychologist/psychiatrist) shall by this Order be entitled to obtain any and all medical, clinical or evaluative records, including monitoring records/data generated by other [physicians or psychologists] that in her discretion are necessary in order to conduct the periodic independent risk evaluations required by the Court.
- o. Dr. Smith shall not take any medications or supplements that have not been preapproved in writing by his treating physician or psychiatrist, including but not limited to testosterone, precursor hormones and nutraceuticals. This will be monitored by regular laboratory monitoring administered by Court Watch and/or by Region IX, and reviewed by Dr. Smith's treating psychiatrist.
- p. Dr. Smith shall have no contact with the following individuals or organizations: Lee Abraham, Jim Hood and others from the Mississippi Attorney General's Office, Sayed Rafique, Cordarious Robinson, Derrick Lacy, Hiram Eastland Jr., Chris Lott, Ed Brunini, Dick Cowart, John Horty, and Reb McMichael.
- q. Dr. Smith shall not travel to Greenwood, Mississippi, as set out above for the electronic monitoring restriction. Dr. Smith shall not be allowed to travel out of state without permission of the court, or without permission from the Court-appointed forensic evaluator (Dr. Mire). For example, if Dr. Smith wishes to visit with his son Dr. Arnold B. Smith in Arkansas, or with Dr. Smith's brother, sister, or son in Florida, Dr. Smith shall first obtain written approval from Dr. Mire or from the Court. A written travel request should be submitted to the Court-appointed monitor (Talya Straughter) providing the dates of travel requested, the means of travel (car, plane, etc.), the name of the

individual accompanying Dr. Smith, the purpose of the travel, and local contact information (telephone/address of destination).

- r. The Court directs that an independent forensic risk evaluation shall be conducted by Dr. Mire (or her designee or successor) no more than 30 days but no less than 7 days prior to Dr. Smith's discharge from Pine Grove. Pine Grove will facilitate Dr. Mire's on-site evaluation. Dr. Mire (or her designee or successor) will conduct monthly risk assessments within the first six months after discharge from Pine Grove, and at three month intervals thereafter within the first year following discharge. If Dr. Smith were to be psychiatrically rehospitalized, an independent risk evaluation must be completed by Dr. Mire within 48 hours of re-hospitalization. These evaluations shall simultaneously be submitted to the Court and be provided to the attorneys listed below. The parties acknowledge that Dr. Mire has agreed to conduct the independent forensic risk assessments of Dr. Smith for only the period of time provided for in this subparagraph and not thereafter. Successive year(s) commitments of Dr. Mire or Tulane, if any, will be negotiated separately by the parties directly with her, or her successor at Tulane, but must ultimately be approved by the Court. With the approval of this Court, the parties alternatively have the prerogative beyond the first year to propose a substitute forensic psychologist/psychiatrist to assume the duties of Dr. Mire as otherwise assigned to her under this Order.
- s. After one year of successful involuntary commitment to outpatient treatment, a forensic risk evaluation will be performed every six months thereafter until it is determined that it is no longer necessary by Dr. Mire or her/a successor/designee and approved by the Court. Dr. Mire, as the Court appointed independent forensic risk evaluator, or her successor, will provide, upon request, all correspondence, all reporting, and all exchanges of any data regarding Dr. Smith with all attorneys listed below, and the Court. Dr. Mire or her designee or successor with the Tulane School of Medicine or any successor psychologist subsequently appointed by the Court will provide the Court and counsel with status updates on Dr. Smith's need for continued outpatient treatment and monitoring.

12. Dr. Smith will at all times be treated as a patient, and as required by law, will be treated just like any other person who is subject to the civil commitment process and will be treated like any other person who is eligible for release and outpatient treatment. This order shall not govern or restrict the authority of the Circuit Court of Leflore County regarding handling of any criminal charges against Dr. Smith.

13. Any alleged non-compliance by Dr. Smith with the conditions of this Court-ordered outpatient treatment order will be governed by the outpatient treatment process that applies to any

other person who is subjected to the civil commitment process, as set out in Miss. Code §41-21-74, including §41-21-74(2).

14. Dr. Smith will be responsible for paying the reasonable expenses for the following: (1) monitoring and treatment-related expenses, including Court Watch, (2) any outpatient labs and testing, (3) all outpatient [or inpatient] treatment expenses incurred at Pine Grove, (4) court costs, and (5) the expenses of Dr. Mire (Tulane School of Medicine), or her successor/designee for the services required by the Court in this order, as well as any other reasonable and necessary expenses and costs associated with this outpatient treatment order, including the expense of securing approval from the necessary state authorities to extend her practice privileges in Mississippi, and costs associated with any reasonable travel, lodging and sustenance expenses required of her in compliance with the obligations of this Order.

15. Neither Dr. Mire and/or Dr. Kelly, nor their successors or designees, nor any employee of Tulane School of Medicine or their successors or designees are considered to be, and are not, medical caregivers/providers to Dr. Smith and they will at all times be considered the appointees of the Court for the purposes herein expressed and no physician/patient or psychologist/patient relationship will be construed by virtue of the performance of Dr. Mire (or her designee or successor) with the expectations of her under this Order. Any and all expense or costs of Dr. Kelly, Dr. Mire, or their designees or successors, shall be paid by Dr. Smith's attorney, William Bell, within 20 days of being invoiced. The obligations and expectations of Dr. Kelly and Dr. Mire under this Order are exclusive and are subsumed by any other role or participation that she/they may have had in any way prior hereto. The parties hereby agree to waive any claim of "conflict of interest" by virtue of the current request that she participate in the continued monitoring of Dr. Smith for the Court, and the State of Mississippi acknowledges that Dr. Mire's assistance as provided for herein, will not be considered an ethical conflict from any other forensic work that she may have currently or prospectively have for the State of

Mississippi. Further, the State of Mississippi agrees to promptly pay and is hereby directed to discharge any and all current outstanding invoices submitted by Dr. Mire, Dr. Kelly or Tulane in connection with their work in this matter.

16. The persons identified above who have agreed to provide supervision of Dr. Smith have indicated by their signatures below that they consent to the jurisdiction of this Court, and that they accept the duties with which they are charged hereunder.

17. The attorneys to be notified as set forth above are William C. Bell, Benny M. "Mac" May and Harold Pizzetta.

18. Dr. Smith will be apprised of the restrictions and conditions for release to outpatient treatment. Dr. Smith agrees to abide by these restrictions and conditions to the best of his ability. Nothing in this Order is an admission of the propriety or necessity of any of the restrictions and/or conditions in this Order.

19. The following persons, by affixing their respective signatures to this Order, acknowledge that the court has assigned certain tasks to each person in this Order: Mary K. Smith, Jennifer Welch, Talya Straughter, Gina Manguno-Mire, Ph.D., Heath Gordon, Ph.D., and Douglas W. Byrd, M.D. These persons agree to perform the tasks that are assigned to each of them by the Court. This agreement is not to be construed as an admission of the propriety or necessity of any of the restrictions and/or other conditions in this Order.

IT IS THEREFORE ORDERED AND ADJUDGED that there is a less restrictive alternative to involuntary inpatient treatment, and, pursuant to §41-21-83 and §41-21-74(4), the Court hereby orders that Dr. Smith shall be discharged from the Mississippi State Hospital and committed to Pine Grove, as set out above. Upon completion of the Pine Grove PEP/PHP, Dr. Smith will then be discharged from Pine Grove for outpatient community-based treatment as set out above. Dr. Smith is hereby placed on an

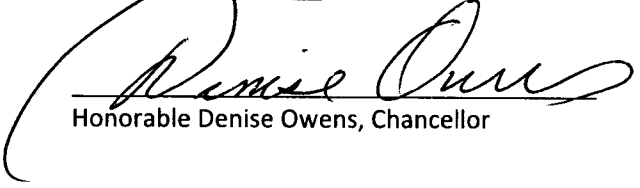
involuntary outpatient civil commitment by this Court on the terms and conditions that are set out in this Order.

IT IS FURTHER ORDERED AND ADJUDGED this court will conduct a formal status conference and review in October of 2017 for the court to consider the status of Dr. Smith's condition and treatment, as well as terms and conditions of any renewal of this Outpatient Treatment Order.

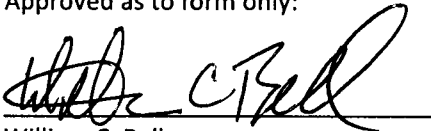
IT IS FURTHER ORDERED AND ADJUDGED that the subpoenas *duces tecum* issued September 19, 2016 to The Administrators of the Tulane Educational Fund, and to the Mississippi State Hospital are withdrawn and dismissed without prejudice.

Dr. Smith is hereby ordered to comply with all of this Court's conditions as set out in this Order.

So Ordered and Adjudged, this 3rd day of November, 2016.

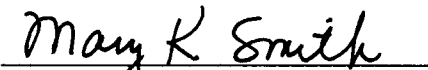

Honorable Denise Owens, Chancellor

Approved as to form only:

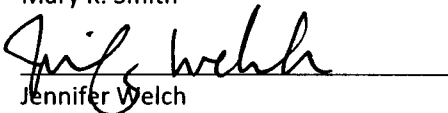


William C. Bell
Bell Law Firm, PLLC
443 BNorthpark Dr.
Ridgeland, MS 39157
601-956-0360
Attorney for Ralph Arnold Smith, Jr.

Approved and agreed as set out above in paragraph 19:



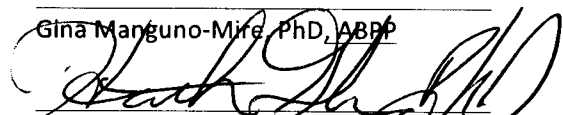
Mary K. Smith

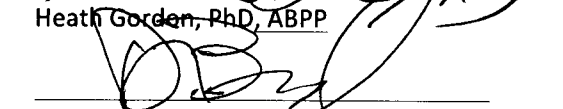



Jennifer Welch



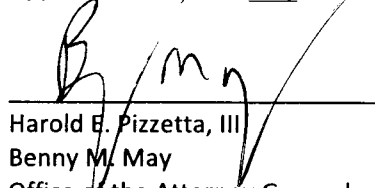
Talya Straughter

Gina Manguno-Mire, PhD, ABPP


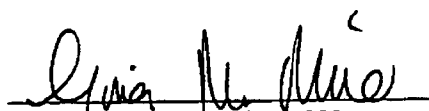
Heath Gordon, PhD, ABPP


Douglas W. Byrd, M.D.


Approved as to form only:



Harold E. Pizzetta, III
Benny M. May
Office of the Attorney General
P.O. Box 220
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Attorneys for the State of Mississippi, the Department of Mental Health and James G.
Chastain, Director, Mississippi State Hospital


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