

February 13, 2016

Reference: James Wares, DOB: 10/06/1943

To the Court through Mathew Mayper, Esquire regarding James Wares:

James Wares is a patient of mine whom I have known since 12/13/2012. Mr. Wares has a unique personality as a "funny guy" but has never shown a consistent pattern of negative behavior 'outside of the normal' for any patient including a prostate cancer patient. He was diagnosed with prostate cancer January 9, 2013 with a PIRADS 5/5 score using a 3.0 T MP-MRI scan. He received High Intensity Focused Ultrasound (HIFU) for the cancer outside of the USA (in Cancun, Mexico) due to the fact the procedure had not yet become FDA approved. His procedure was performed under general endotracheal intubation without incident February 23, 2013 at Amerimed Hospital in Cancun, Mexico.

He is now almost 3 years status post treatment with an excellent PSA noted at  $\leq 0.1$  ng/ml consistent with a cure. Prior to the procedure as well as after the procedure, the patient has never had any alarming incidents suggesting mental illness to me or my staff or noted with other physicians who may have seen him periodically in the last few years.

I last saw him the last week of January 2016 when Jimmy and I went to Chianti's for dinner. He drove his car with me as his passenger after I met him at Camelot East (his residence). Other than "Jimmy being Jimmy", his affect was no different than any other patient I would meet in similar circumstance. We went to Chianti's restaurant on Clark road and had a great conversation discussing many topics. He was totally lucid and appropriate all evening. Later that evening I accompanied him back to his residence and received a history lesson on how and where he grew up and the usual difficulties people can have interrupting an education with his commitment to the Military. He is a very proud man while understanding the world is not perfect. I stayed several hours with him as he showed me some of the things that needed to be fixed at his residence. He indicated he would do the necessary changes to make it a better place to live.

I also met him at the Acute Care Psychiatric Ward at SMH Bayside Facility. At the center, I met with a man who seemed bewildered by the system without certainty of why he was really at the facility. I did not get the sense he was in denial as much as confused by a system in place to protect his rights. Clearly, he is a man who does not believe he belongs at the facility and truly wants to live on his own. When I see reports that speak to agitation and uncooperative, we would all be agitated and less than cooperative in similar circumstance and environment. I believe he was combative because he was released from Punta Gorda, Florida (a free man) and now incarcerated without any additional information.

He shows no signs of not taking care of himself and has been a diabetic for years. I think it is very possible he was put on medications without adequate explanation along his journey in life. I do not see Jimmy as a man with a poor prognosis but rather a man where the system possibly failed him. Therefore, he deserves another chance ... a real chance!

There are two sides to every story but locking him away does not seem to be the obvious correct choice to me. As one of his physicians, I would like to see a Forensic Psychiatrist or Psychologist evaluate him from outside of Sarasota. As I am not a Psychiatrist, I may not know the specifics attached to his disease but I do not see a depressed and saddened man in Jimmy. If dementia is the primary disease being targeted, I am not so sure an MRI is the valid tool to judge the presence or absence of the disease. I believe in my heart that Jimmy can be rehabilitated to live a more normal life while on medications deemed appropriate by his caregivers. With that noted, a better solution should be sought other than sending him off to incarceration without privilege.

Remember, this man is from Brooklyn, NY and did not grow up with the same education as those evaluating him. I believe freedom should remain his and the primary objective of any professional committee member evaluating him at the present time. In this situation, I honestly believe there is more to this case, than meets the eye. We are dealing with a human being here not some rabid animal. Therefore, this case should be reviewed carefully by all involved and Jimmy must be capable of being held accountable as every attempt must be to avoid a rush to judgment. Thank you!

Sincerely,

Ronald E. Wheeler, M.D.  
Medical Director of the Diagnostic Center for Disease and High Intensity Focused Ultrasound