

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA,	:	Case No. 1:15-cr-1
	:	
vs.	:	Judge Timothy S. Black
	:	
MICHAEL R. HOYT,	:	
	:	
Defendant.	:	

**ORDER FOR RELEASE**

This criminal case is before the Court pursuant to 18 U.S.C. § 4243. Accordingly, the Court held a hearing on November 24, 2015 to determine whether Defendant Michael R. Hoyt should be released from custody.

**I. BACKGROUND**

On November 6, 2014, Defendant was charged with one count of threatening to murder a United States official in violation of 18 U.S.C. § 115(a)(1)(B) and (b)(4). (Doc. 1).<sup>1</sup>

On December 10, 2014, the Court granted defense counsel's motion for a psychiatric examination pursuant to 18 U.S.C. §§ 4241 and 4242. (Doc. 8). Thereafter, on April 2, 2015, Shawn E. Channell, Ph.D., ABPP, Forensic Psychologist, Federal Medical Center, U.S. Bureau of Prisons, Devens, Massachusetts, authored a comprehensive report based on that examination ("the Forensic Report"). (Doc. 15).<sup>2</sup>

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<sup>1</sup> Specifically, Defendant was accused of threatening to murder John Boehner, who, at that time, was the Speaker of the United States House of Representatives. *Id.*

Dr. Channell concluded that Defendant was competent to stand trial. (Doc. 15.) Dr. Channell also determined that at the time of the alleged offense, the Defendant was experiencing a manic episode with psychotic features. (*Id.*) Defendant's behaviors and statements were grossly disorganized, erratic, and delusional. (*Id.*) As a result, the Defendant was unable to appreciate the nature and quality and the wrongfulness of his acts at the time of the alleged offenses. (*Id.*)

The case proceeded to a bench trial on July 13, 2015. (*See* July 13, 2015 Minute Entry and Notation Order). Based on the parties' stipulations and the conclusions in the Forensic Report, the Court found Defendant not guilty only by reason of insanity. (Doc. 28).

Upon that finding, and as required by federal law, the Court ordered a psychiatric examination to determine Defendant's level of dangerousness, should he be released. *See* 18 U.S.C. § 4243(a). On November 18, 2015, Kristina P. Lloyd, Psy.D., Forensic Psychologist, and Joshua Lapin, M.A., Psychology Intern, both of the Federal Medical Center, U.S. Bureau of Prisons, Butner, North Carolina, authored a report based on that examination (the "Forensic Evaluation"). (Doc. 34). After considering various factors, including Defendant's history, prior psychopathology, insight into his mental illness, active symptoms, personal support, and stressors, the Federal Medical Center professionals concluded that "Mr. Hoyt's unconditional release to the community would

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<sup>2</sup> The Forensic Report consists of an eleven-page report as to Defendant's competency to stand trial and a seven-page addendum as to Defendant's mental state at the time of the offense. (*Id.*) The addendum is to be read in conjunction with the report. (*Id.*) The Forensic Report was co-authored by Chelsea L. Brieman, M.S., Predoctoral Psychology Intern. (*Id.*)

not pose a substantial risk of bodily injury to another person or serious damage to the property of another.” (*Id.*) (emphasis in original). This conclusion was also supported by a specially convened “Risk Panel” comprised of a Forensic Psychologist and the Deputy Chief of Psychological Services at FMC Butner. (*Id.*)

Upon completion of the Forensic Evaluation, on November 24, 2015 (essentially a year since Mr. Hoyt had been placed in the custody of the United States), the Court held a hearing pursuant to 18 U.S.C. § 4243(c). Defendant presented the testimony of Dr. Lloyd, Forensic Psychologist, Mr. Lapin, M.A., Psychology Intern, Robert Cantlon, Licensed Social Worker, Defendant’s father, Michael Hoyt, and Defendant Hoyt.

## **II. STANDARD OF REVIEW**

Title 18 of the United States Code, Section 4243, establishes the procedures for the treatment of criminal defendants who have been found not guilty only by reason of insanity. Following the entry of such a verdict, the Court is required to commit the defendant to a “suitable facility” for a psychiatric or psychological evaluation. 18 U.S.C. § 4243(a), (b). The Court must then hold a hearing to determine whether the defendant can satisfy his burden to prove by clear and convincing evidence that his release would not create a substantial risk of bodily injury to another person or serious damage to property of another due to a present mental disease or defect. 18 U.S.C. § 4243(d), (e).

Section 4243(e) provides that if the Court fails to find that the defendant has met his burden, the Court shall commit the defendant to the custody of the Attorney General. 18 U.S.C. § 4243(e). If the Court finds, however, that the defendant has satisfied his burden by showing that his release does not pose a substantial risk of bodily injury to



another person or serious damage to another's property, then the Court must order the defendant's unconditional release. *See United States v. Baker*, 155 F.3d 392, 395 (4th Cir. 1998); *see also United States v. Livesay*, 600 F.3d 1248, 1251 (10th Cir. 2010); *United States v. Stewart*, 452 F.3d 266, 270 (3d Cir. 2006).

### III. ANALYSIS

Here, the authors of the Forensic Evaluation have determined that while Defendant's original behavior was threatening, "he is currently treated [successfully] with medication," and the Risk Panel has concluded that Defendant's "unconditional release to the community would not pose a substantial risk of bodily injury to another person or serious damage to the property of another." (Doc. 34). The Government does not contest the findings of the Forensic Evaluation; indeed both parties stipulate to the contents of the Forensic Evaluation.

Accordingly, having conducted an extensive hearing, and upon careful review of the Forensic Evaluation, the prior psychological evaluations performed at FMC Devens (captured in the Forensic Report), and the testimony of Dr. Lloyd, and Messrs. Lapin, Cantlon, Hoyt, Sr., and Hoyt, the Court finds and concludes that **Defendant has demonstrated by clear and convincing evidence that his release would not present a substantial risk of bodily injury to another person or serious damage to the property of another due to a present mental disease or defect.**

**Accordingly, as required by law, Defendant shall be and is hereby RELEASED from custody.**

The Court recognizes the potential risks Defendant may pose if he does not continue to adhere to the treatment regimen prescribed by mental health professionals. Consequently, at the hearing, the Court questioned Robert Cantlon, Licensed Social Worker, and Defendant's father to ascertain how they will assist Defendant. Based on their assurances that they will monitor and assist in Defendant's treatment, the Court is further satisfied that Defendant's release will not pose any threat to the community.<sup>3</sup>

The Court notes that the responsibility accepted by these individuals is considerable. And yet surely it is far preferable that a person suffering from mental illness, in remission and under proper medication, be cared for by his family and community medical professionals, rather than be warehoused in prison.

#### IV. CONCLUSION

Accordingly, for the foregoing reasons:

- (1) Defendant Michael R. Hoyt shall be released immediately from custody;
- (2) The Clerk shall immediately provide copies of this Order to the United States Marshal Service and the Federal Medical Center in Butner, NC.

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<sup>3</sup> Upon release, Defendant will live with his father and shall seek treatment through the auspices of [REDACTED] forensic case management team. Defendant will keep regular contact with his case manager, who shall meet with Mr. Hoyt both at the agency and in his residence. [REDACTED] will link Mr. Hoyt with the services of a psychiatrist who shall prescribe appropriate medication [REDACTED]. Defendant will remain medicine compliant and will not consume any alcohol ever. Defendant will participate in individual counseling with a [REDACTED] therapist and in its Bipolar Support Group (and his family will participate in Bipolar Support groups too). Defendant will take advantage of employment services provided by [REDACTED] (upon referral from [REDACTED]). And Defendant will have daily contact with his family members who are eager to strengthen his support system and to intervene if necessary.

**IT IS SO ORDERED.**

Date: November 24, 2015



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Timothy S. Black  
United States District Judge