



**The Commonwealth of Massachusetts**  
**Executive Office of Health & Human Services**  
**Department of Mental Health**  
**Tewksbury Hospital**  
**Psychiatric Units**  
**365 East Street**  
**Tewksbury, MA 01876-1998**

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Governor

Karyn E. Polito  
Lieutenant Governor

MaryLou Sudders  
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**CONTENTS:** Copy of updated CST report for Bo Shang, Docket #2063CR000558, court date 5/13/21. Thank you

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Presiding Justice  
Woburn District Court  
30 Pleasant St  
Woburn, MA 01801

**Re: Bo Shang - docket #2053CR0558**

May 10, 2021

Your Honor:

Mr. Bo Shang is a 32-year-old (DOB: 6/6/88) man committed to Tewksbury Hospital (TH) as incompetent to stand trial pursuant to M.G.L. c. 123, Section 16(b). In anticipation of the approaching expiration date of his commitment period on 5/14/21, this writer conducted the following §17(a) updated evaluation of competence to stand trial. The evaluation pertains to Mr. Shang's charges of Assault and Battery with a Dangerous Weapon on a Person Over 60 and Assault with a Dangerous Weapon on a Person Over 60. According to the allegations of the offenses, on 6/23/20 Mr. Shang became upset during an argument with his father, swung a knife



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at him, and then poked his father in the arm with a wrench. Mr. Shang is represented by George Ohlson, Esq.

### **Sources of Information**

In order to form an opinion about competence to stand trial, I reviewed the police records, criminal complaint, and other available court records pertaining to Mr. Shang's current charges. I read the §15(a) Competence to Stand Trial Evaluation by Trevor Barese, Ph.D., dated 10/5/20, and the §15(b) Competence to Stand Trial Evaluation by Stephanie Hansen, Psy.D., dated 10/24/20. I reviewed Mr. Shang's TH medical record and consulted on multiple occasions with his treatment team, including attending psychiatrist Leonard Lai, M.D., and psychologist Anthony Giuliano, Ph.D. I spoke to his attorney, Mr. Olson (617-684-5007), on 4/22/21, and I interviewed Mr. Shang on 4/22/21 for 1 hour and 40 minutes.

### **Notification of Limits of Confidentiality**

The interview with Mr. Shang was conducted virtually using HIPAA-compliant videoconference technology due to in-person patient contact restrictions related to COVID-19. Dr. Giuliano was present with Mr. Shang during the interview to monitor his use of the computer. At the outset of my interview with Mr. Shang, I informed him that I was a Designated Forensic Psychologist conducting an evaluation of his competence to stand trial. I explained that I may submit a report to the Court with my opinions, and that the information he shared could be potentially used against him at his criminal trial if he raised a mental health defense. I also told Mr. Shang that I could communicate with his TH treatment team about my opinions, including about his need for psychiatric treatment. I informed him that he did not have to participate in the interview and could answer questions selectively. Finally, I informed him that I was mandated to report any abuse or neglect of a child, a disabled person, or an elder, and that I may report or take other action if I became concerned about any threats of harm to others or self. When asked to do so, Mr. Shang summarized the above notification: "To do another competency evaluation on me. The information is being shared with the judge and is not private... And it is being shared with the treatment team. And I don't have to talk to you." When asked about issues of testimony and mandated reporting, he stated, "If I raise a mental health defense later at trial, the judge may ask you about my mental health. And also you are mandated to report any abuse of myself or other people." Based on his statements, it was my clinical opinion that he had an adequate understanding of the purpose of the interview, its voluntary nature, and the limitations of confidentiality.

### **Background to the Current Evaluation**

According to my review of the collateral records above, Mr. Shang was born in Beijing, China, and moved to Boston, MA, with his family around age 6 or 8. He had few friends when attending school in China, and he continued to have social difficulties after moving to the U.S. He struggled adjusting to a new culture and language, and although his parents enrolled him in athletic activities, Mr. Shang did not enjoy sports. He did well in his classes, but he was isolative and showed signs of anxiety around others. He was accepted to and graduated from Tufts University, but his parents found him to be lonely and unhappy. Following college he had

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several jobs (e.g., an investment firm, a start-up company) and enrolled in several schools for further education, but each of these endeavors were relatively short-term, and he dropped out of a computer science post-baccalaureate program in January 2017 related to his anxiety, poor time management skills, headaches, and distractibility. Around this time he was diagnosed with Attention Deficit Hyperactivity Disorder (ADHD) and prescribed Adderall; subsequent clinical assessments identified symptoms consistent with Asperger's Disorder and Autism Spectrum Disorder. His parents eventually began to express concerns that Mr. Shang was abusing his Adderall prescription. By 2018 he began experiencing severe insomnia, and he purchased additional prescription medications online to treat his condition. Later in 2018 he reportedly had a psychotic break related to sleep deprivation and anxiety; he was evaluated in an emergency department (ED) and found to have amphetamines, benzodiazepines, and fentanyl in his system. He was subsequently admitted for inpatient treatment as he believed that a group of computer scientists were playing a prank on him, and he required chemical restraints due to agitation and disorganization. In 2019, as described in Dr. Hansen's §15(b) report,

"Mr. Shang's MGH psychiatrist stopped prescribing the defendant Adderall for a period. However, the defendant stopped seeing the psychiatrist later that year. Around October 2019, the defendant reportedly started exhibiting paranoid and psychotic behaviors (talking to himself; hearing voices; thinking that his electric devices were hacked; taking pictures or videos of things he thought were suspicious; and that he was a victim of a conspiracy). He reported that he was being hacked to the police, FBI, and White House, as well as various computer companies (i.e. google, Twitch, Amazon). He began to believe his house was unsafe, that he wanted to seek asylum in other countries, and suspected his parents were involved in the conspiracy. In December 2019, he felt that his home was no longer safe and asked his mother to take him to China. While in China, he believed his parents had kidnapped him and wrote to the US Embassy in China for help. He reportedly began to crave drugs but could not find any in China. He then returned to the US after 12 days. In January 2020, he wrote a note on a gaming website that said he would end his life that night. A person noticed the post and called Burlington Police. He was taken to the ED at Lahey and then transferred to Arbor HRI Hospital. During this admission, it was felt that his psychotic symptoms were substance induced and he was prescribed risperidone. He was discharged with recommendations to attend a substance abuse program and see a psychiatrist; however, he did not follow through upon discharge. Over the next few months, the defendant's parents confiscated several bags of Adderall and Zolpidem pills to include on the day of the index offense."

Following Mr. Shang's arraignment on the current charges (his first lifetime arrest), he failed to report to his probation officer; it was later determined that he had flown to London. He returned to the U.S., however, and was picked up by the police on 7/24/20. His attorney reported that he had received bizarre text messages from Mr. Shang and requested an evaluation of his client's competency, and Mr. Shang was subsequently committed to the Dr. Solomon Carter Fuller Mental Health Center (SCF) pursuant to § 15(b) for further evaluation of his competency-related abilities as well as criminal responsibility. The SCF forensic evaluator opined that Mr. Shang presented with a Substance-Induced Psychotic Disorder but was no longer overtly psychotic, was competent to proceed, and was no longer in need of further hospitalization. Mr. Shang discharged from SCF at the conclusion of the evaluation period, and the Court then released him

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to the community with pretrial conditions that included drug and alcohol screening. Mr. Shang soon after returned to live in his parents' home, and he allegedly missed numerous court-ordered drug screens and was returned a screen positive for alcohol and amphetamines. Also, as noted in Dr. Hansen's report,

"Upon return to his parent's home, the Burlington Police received emails that were forwarded by the streaming company Twitch that were sent by Mr. Shang. The defendant sent Twitch a picture of his Order of Pretrial Conditions of Release with 12 orange pills scattered on top of the order which police believed were Adderall. He also sent Twitch several emails that mentioned Pokimane [the name of one of the top female streamers on Twitch] such as 'sorry had to murder pokimane' and 'my retard I know you're horny and trapped (I get random bitches at least horny but not trapped although sometimes trapped all the time...) but my solution is the most efficient path to slaughtering a pokimane.' Twitch noted that the defendant has been fixated on this female streamer and a review of these emails includes sexually explicit language regarding pokimane. In addition, the defendant sent emails in which he threatens Jeff Benzo's children ('Bezos I know you have 4 kids I suggest fleeing to North Korea) and created an email alias to impersonate being a Twitch employee."

Dr. Hansen's report also indicates that Mr. Shang's attorney reported that Mr. Shang sent him many bizarre text messages and emails around this time. Communications included:

A picture of the first page of US Constitution, with the words "We The People" crossed out with the words "retard pedophiles" added.

"Here's the summary: are any of you, the judge, the da, any applicable policing systems participating in the cover up of a massively complex criminal network in twitch(and elsewhere) or do I and constitutionally compliant people have reasonable rights to the 1st amendment."

"The events leading up to the allegations was my setup; it does not meet the beyond reasonable doubt standard nor the NGRI standard because there's no logical incentive to repeat or escalate same or similar tactics in an effort to obtain reasonable access to 1st amendment for twitch."

"Id like all future conversations to be recorded via 2 party consent."

"Is me being criminally harassed (stalking, sharing of personal information for reason to harass, cyber attacks/terror ) on twitch reasonable to be considered in this case? Because the rationale was to exercise 1st amendment since I detected drastic/full failure to uphold the 14th by the police etc."

"What about my statement that I was attempting to bring a group of stalkers/harassers to court whom I attempted to call the police, FBI, and contacted the white house about but they were too much work to deal with, as the rationale for my actions the day of the alleged incidence?"

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When Mr. Shang was again before the court on 9/1/20, his attorney again raised concerns about competency, and a §15(a) evaluation was ordered. The court clinician opined that Mr. Shang lacked the abilities relevant to competency but was not appropriate for further hospitalization. Mr. Shang was allowed to remain in the community, but additional concerns followed. As noted above, he did not adhere with the pretrial conditions of release. In addition, on 9/8/20 he wrote an online post on Twitch that contained bizarre, disorganized, and threatening statements. He was arrested on a warrant and transported to court on 10/5/20 whereupon his attorney again expressed concerns related to his client's competency, particularly Mr. Shang's insistence that his attorney appeal the judge's order of pretrial conditions. Another §15(a) evaluation followed, and during the assessment Mr. Shang said he wanted to take his case to a "higher court" because his attorney would not appeal the conditions of his release (despite education by counsel as to why the judge's order could not be appealed). Mr. Shang was then ordered to TH pursuant to §15(b) for further evaluation of competence to stand trial.

**Course of Hospitalization**

*Initial §15(b) evaluation period:* Upon admission to TH on 10/5/20, Mr. Shang endorsed and appeared preoccupied by paranoid delusions (e.g., being stalked and harassed on the internet), and he reported that he heard voices at times but denied that they were command hallucinations. He told his treating psychiatrist, Dr. Lai, that he did not comply with his pre-trial urine screens because he felt they were not as important as investigating who was stalking him. He agreed to Dr. Lai's recommendation for antipsychotic and other psychiatric medications, and for the first couple weeks of the evaluation period he spent most of his time in his room resting in his bed and utilizing his electronic devices. Dr. Hansen's §15(b) report indicates that on 10/18/20 Mr. Shang posted a YouTube video about Pokimane with the caption, "Exercise Your 2nd Amendment Rights by Shooting/Kill Pokimane to Defend the Security of a Free State." As the evaluation period continued, Mr. Shang asked to be prescribed Adderall or Ativan, and he presented with poor insight about his past abuse of prescription medications (e.g., Mr. Shang told Dr. Lai that he did not think he was inappropriately dosing himself with the pills he bought online without a prescription), and he presented with behaviors that appeared to be intended to gain access to these or other medications (e.g., demanding that he be sent to the ED for severe pain despite not presenting in any distress). He otherwise exhibited good behavioral control with no incidents of threatening or assaultive behaviors, remained adherent with his psychiatric medication (despite expressing a lack of need for the medications), and engaged with treatment team members, including participating in a meeting with his family.

During his interviews with the forensic evaluator, Dr. Hansen, Mr. Shang also reported some delusional beliefs related to being stalked online. As noted in Dr. Hansen's report,

"Specifically, he believes that he has been stalked online by two Twitch employees since 2018 and referred to the stalking as 'torture.' When confronted about the emails/texts he sent to his attorney and Twitch, he had difficulties providing a rational response and often stated that the emails and other statements were simply 'a Twitch joke' or a means of 'bringing the stalkers to daylight.' Mr. Shang reported that these Twitch employees are still

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stalking him by prank calling him. He also believes that they know what he is doing and where he is because 'I've used the internet since being here [at TH].'"

Dr. Hansen opined that Mr. Shang presented with symptoms consistent with Unspecified Schizophrenia Spectrum and Other Psychotic Disorder given observations of psychotic symptoms which had continued past a period of substance abuse and intoxication. In the context of his symptoms, she further opined, Mr. Shang exhibited deficits in some of the abilities relevant to competence to stand trial. Dr. Hansen noted that Mr. Shang presented with generally adequate factual knowledge about his case and the trial process but exhibited significant deficits in his rational understanding of the legal proceedings, ability to consult with his attorney, and make informed and rational decisions regarding his case. Mr. Shang, as examples, made illogical connections between his current court case and his belief that others were stalking him, and he questioned why his attorney was not pursuing a motion for the case to be dismissed despite education. Given his risk for harm to others associated with his mental illness as evidenced by his online threats, Dr. Hansen and Mr. Shang's treatment team recommended inpatient commitment.

Between the completion of the evaluation period and the date of Mr. Shang's commitment hearing, a couple notable events occurred. First, Mr. Shang complained of "seizures" and reported to staff that he had fallen several times. The falls were not witnessed by others, but he reporting having had bumped his head during one of the falls. His treatment team found no evidence of seizures and conducted ongoing assessments in an effort to determine the etiology of Mr. Shang's reported falls. Second, on 11/12/20 Mr. Shang attempted to elope from the unit as a staff member was coming in through the doorway. When Dr. Lai later asked Mr. Shang about the reasons for his attempted elopement, Mr. Shang said he attempted to leave the unit because he wanted to look for another lawyer. When Dr. Lai asked where he was going to find a lawyer and where he was going to live, Mr. Shang said he did not know. In addition to these notable events, the treatment team communicated with Mr. Shang's parents, who attended several treatment team meetings. During these communications, Mr. Shang's father expressed a wish for the hospital to recommend to the court that Mr. Shang be released home but mandated to participate in outpatient treatment, saying that he believed that his son had "learned a lesson." On 11/20/20, Mr. Shang was committed to TH pursuant to §16(b); the court also authorized a §8B treatment plan.

*Mr. Shang's course during §16(b) commitment period:* During the first month of his commitment, Mr. Shang did not present with any substantive changes in presentation. He was agreeable to starting an oral antipsychotic medication (Invega) and was generally cooperative when meeting with staff, but he exhibited little emotional expression and spontaneity in response. When asked about his mental illness, Mr. Shang reported that he had not experienced any symptoms in over two years. He also said that he did not understand why his providers, his parents, or the court were concerned about his use of non-prescribed amphetamines because, in his view, they improved his mood. He also asked similar questions over different meetings about why he needed to be in the hospital and when his discharge was expected. Dr. Lai observed that Mr. Shang "show[ed] no change yet in his mental status and insight" since the initial evaluation period.

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On 12/20/20, Mr. Shang reported to staff that he had fallen in his room and may have hit his chin on furniture; staff observed that Mr. Shang had two parallel one-inch lacerations on his chin and that his shirt was covered with blood. The fall was not observed by others. Mr. Shang reported that he could not recall the fall, and he said he could not remember how he sustained his injuries. He was sent to an outside hospital for further evaluation and received sutures on his chin and inside his mouth, and upon return to the hospital Mr. Shang was placed on continuous observation status (CO; one-to-one observation by staff 24-hours a day).

Mr. Shang remained on CO throughout the remainder of the commitment period. He experienced no further falls, and his team remained unclear about the circumstances of the 12/20/20 fall or its etiology. Mr. Shang engaged in some period neck rubbing/pinching behavior, but he was redirectable when staff intervened. He did not report ongoing delusional beliefs, and Mr. Shang told his team that he did not believe he was being stalked or harassed while using his devices online. There were no reports about hallucinations or other abnormal perceptual experiences. He received visits from his family (in person and virtual, depending on the hospital's COVID protocols at the time), but staff observed that Mr. Shang largely "said very little" when interacting with his parents. His parents encouraged his participation in treatment "in the hopes of coming home as soon as possible." His parents expressed the view that Mr. Shang appeared "worse" in the hospital than he did previously, and they questioned whether he was depressed given that he talked so little. They required education about the commitment process in response to their requests that their son be discharged home prior to the conclusion of the commitment period. Mr. Shang himself continued to state that he felt "eligible for discharge" and felt no different whether taking medications or not. He remained adherent with medications but stated that he did not believe he required them. He met with staff as requested but spoke minimally during these interactions. For instance, Dr. Lai noted on 4/13/21, "Gave brief vague responses to questions like how he spent his time yesterday – 'watching YouTube,' 'food videos,' 'food and destination videos,' 'food in Iran.' He was not able or willing to elaborate further." A week later Dr. Lai documented similar observations: Mr. Shang's "answers to what he had been doing since our last meeting was 'nothing,'" and when asked why he had not provided an accurate report about his group attendance, Mr. Shang only said, "Timing." Dr. Lai's note continues, "For the rest of the meeting, Mr. Shang did not answer any further questions nor did he say anything."

**Current Mental Status**

Mr. Shang was present on the Webex link prior to the planned start time of the interview. He greeted this writer cordially and listened as I explained the purpose of the evaluation and the limitations to confidentiality. As the interview progressed, he explained that he understood that Dr. Lai "thought [he] needed treatment" but countered, "I don't think I should have been hospitalized." He held that he should have been discharged to the community and could have completed any treatment on an outpatient basis. He did not provide much explanation about why he did not adhere with outpatient treatment when previously given the chance beyond saying, "I forgot." He also presented with poor insight into the nature of his psychiatric symptoms prior to his TH admission. He stated, for instance, that he knew he had been diagnosed with "psychosis" but that he did not know why he had been given such a diagnosis. I asked about potential symptoms as identified in his medical record, but he denied ever experiencing these, including delusions or hallucinations. When asked more specifically about some of the things he had stated



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in the past (e.g., about employees on Twitch stalking him), he stated that people had been sending him emails and calling him because "they wanted [him] to work on some project for them." He added, "I was making bots, and they wanted me to make bots for them." I also asked him specifically about some of the communications he had made related to Pokimane; at first he denied doing this ("I wasn't making any comments on it.") and when I pressed him further about this, he did not engage in the discussion. For example, he stated, "I don't remember what happened," and when I asked him about the YouTube videos apparently posted by him, he said he did not post the video or that Dr. Hansen may have misquoted him.

Although Mr. Shang had minimal insight into his past psychiatric symptoms and his need for treatment, he did not present with active delusions and hallucinations as noted in earlier TH records. He stated that the people at Twitch were no longer communicating with him because he had been "ignoring them." He did not report any current worries related to his activities on Twitch, and he did not express concern about this organization as he had at the time of Dr. Hansen's evaluation. He noted that he continues to use the internet but said he was not being followed or monitored by Twitch. Regarding the other concerning communications he previously made, he would not discuss them or stated they were misquotes, but he also did not present with any current thoughts or obsessions about the prior targets. He did not report having any thoughts of harm to others, and he described the previous alleged threatening communications to Jeff Bezos and Pokimane as either misquotes or as not actually made by him. He did not report any thoughts of self-harm, and he said he desired to leave the hospital and return to his parents' home. Mr. Shang presented with reality-based thought content. He did not appear to be responding to internal stimuli and did not appear distracted during the interview.

Although he did not present with active delusions, Mr. Shang presented with some signs of reduced behavior consistent with notes in the medical record. He sat generally still in his chair throughout the duration of the interview, including when I muted the audio for about five minutes in order to take an incoming call from his attorney. His observed emotional state was generally inexpressive, and he did not display any animation (either in the direction of sadness or happiness) or exhibit any substantial bodily movement. In comparison with reports in the medical record that his quantity of speech was minimal or impoverished, however, this writer observed that Mr. Shang generally provided sufficient responses to most questions in the assessment (though as noted above he spoke minimally about certain topics, especially those related to his mental health).

**Criteria for Determining Competence to Stand Trial**

In Commonwealth of Massachusetts courts, a defendant is found competent to stand trial if he has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding, and he has a rational as well as a factual understanding of the proceedings against him (*Commonwealth v. Vailles*, 1971).

**Data Regarding Competence to Stand Trial**

Mr. Shang's abilities relevant to competency to stand trial were assessed through a semi-structured interview.

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*Understanding of Charges, Verdicts, and Penalties.* Mr. Shang stated that he was alleged to have "grabbed a knife and swung it" at his father and to have "poked [his] father with a crescent wrench." He stated that he had been charged with "Assault and Battery with a Dangerous Weapon" as a result of these allegations. Mr. Shang evidenced an understanding of the potential verdicts and potential outcomes. For instance, he understood that if found guilty he could be sentenced; when asked about the maximum penalty on his charge, he replied, "I think it is five years." He also was aware of the verdict of "not guilty by reason of insanity" (NGRI) as he indicated that he and his attorney had discussed this defense in the past. Although he needed some education about certain aspects of the verdict (e.g., the potential outcomes), Mr. Shang evidenced an ability to integrate this information by his use of it later in the interview (as discussed below). Mr. Shang also provided a basic definition of a plea bargain: "It's a deal you strike with the DA" in which a defendant will "plead guilty" and potentially receive a "reduced sentence."

*Understanding of Trial Participants and Process.* Mr. Shang was aware of the major trial participants and their roles. He was aware that the judge had a neutral role in the proceedings and was responsible for making major decisions. He knew that the defendant had the right to be tried by a judge or jury. Regarding the prosecutor, Mr. Shang stated, "The prosecution would have to try to make a case." He stated that prosecutors presented "the evidence that is available" against the defendant. When asked to identify potential evidence in his case, Mr. Shang stated that there was "no" evidence. He added, "They don't even have a witness." As I explored these claims further, Mr. Shang stated that he had spoken to his father often since his arrest and had learned that his father was disinterested in testifying against him and did not want Mr. Shang to be prosecuted. Although Mr. Shang's report was consistent with some information I had learned about his parents, I could not corroborate his report and so educated him that the prosecution could still move forward in the case against him. I then attempted to explore his understanding of other potential evidence, such as statements contained in the police report. He allowed that the police report included statements made at the time of the offense, including by himself, but he claimed that the police report was not strong because he had been "misquoted" at the time. Based on his assessment of the evidence, Mr. Shang stated that the case against him was "very weak."

Although Mr. Shang initially described the case against him as "very weak," with further discussion he showed more openness to the possibility that he could be found guilty on his charges. For example, he allowed that the judge could view the evidence differently. When asked how he would feel if his attorney told him that there was other case-relevant information which strengthened the case against him, Mr. Shang stated, "I'd listen to my attorney's advice." He stated that he would also adjust his thinking about defense strategy based on information his attorney told him related to evidence or the prosecutor's case. Overall, Mr. Shang allowed that he "could be found guilty" even though he held the chance of that was "slim."

*Ability to Assist Counsel in Preparing and Implementing a Defense.* Mr. Shang named his attorney and described Mr. Ohlson as a "good lawyer." He stated he had not talked to his attorney for at least several months since a prior "status review," but he stated that he believed his attorney was doing "the necessary stuff" to assist him. When asked if he had any concerns about his attorney, Mr. Shang noted that Mr. Ohlson was a "free lawyer" and therefore "his motivation to help is limited." When I asked him to explain further, he stated that he had

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previously asked Mr. Ohlson to "file an appeal" about the court's order of certain "pretrial conditions." Mr. Shang explained that he had "wanted to appeal" the order because he believed the "random drug screens" and "no alcohol" requirements were "too restrictive." Mr. Shang reported, however, that Mr. Ohlson had told him that he "couldn't do it." Mr. Shang continued, "He said he would need to hire another lawyer to do it... he just said he wouldn't do it." I asked Mr. Shang what he believed now related to his wish to appeal the order of pretrial conditions, and Mr. Shang stated that he would now "live with" any pretrial conditions ordered by the court. He stated that he would accept feedback if his attorney told him that such conditions could not be appealed and comply with them as ordered by the court. He stated that he believed he could meet such pretrial conditions, including the conditions that had been previously imposed (e.g., abstaining from drug and alcohol use, adhering with drug testing, and taking psychiatric medications that were prescribed by providers).

Mr. Shang did not share any other concerns about his attorney, nor did he bring up during the interview any of the previously reported communications he had sent his attorney as described in Dr. Hansen's report. Throughout the interview, Mr. Shang did not make any irrational statements about his attorney or other paranoid sounding statements. As noted in the mental status section above, he stated he no longer believed that he was being followed or stalked by people on Twitch. As he did not bring them up independently during the interview, I asked Mr. Shang specifically about some of the emails and text messages that he had reportedly sent to his attorney in the past. Throughout this discussion, Mr. Shang allowed that he had previously sent some messages which he now vaguely described as inappropriate, but he was not willing to engage in much further discussion about them. He stated, however, that he no longer was seeking to communicate such messages to his attorney. For example, I asked him about the messages he had sent to his attorney regarding the Bill of Rights and the Constitution, and he described those messages as "basically drunk texts." He appear disinterested in speaking about these messages, but when I probed further he replied, "I think I was trying to make a protest of something, of what was going on." He did not clarify but stated that he did not have similar protests presently. Later in the interview I again returned to some of the messages he had sent to his attorney related to his fears that he had been stalked. Mr. Shang explained that people on Twitch had previously stalked him but stated that this was no longer occurring and that his prior concerns were unrelated to his criminal case. Overall, he was not preoccupied with these prior delusional statements, did not connect them to his case, and did not appear concerned about them in the present.

*Ability To Make Relevant Decisions Autonomously.* As noted above, Mr. Shang identified the case against him as "very weak," and he stated that, at this point, he had a preferred defense strategy. His statements about this strategy appeared to be based on reasonable views about his case and not influenced by delusional thinking, and he also showed an understanding of the potential risks and benefits to this strategy. As also noted above, however, he stated that he was open to speaking further to his attorney about the case prior to making a final decision about defense strategy. He stated that he would "listen to [his] attorney" about the strength of the prosecution's case against him and potential defense options. He noted that he would converse with Mr. Ohlson about the "best course of action" and that he would potentially "agree with him." As we talked about the potential defense strategies in general, Mr. Shang was able to discuss each of these and consider their risks and benefits. For example, Mr. Shang stated that if

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a defendant pled not guilty, there would be a trial in which the prosecution would present evidence against the defendant. He understood that the defendant could testify in self-defense to "provid[e] evidence into the court," and he was also aware that "there is also a cross examination by the lawyer [referring to the prosecutor]." When asked about potentially testifying in his case, Mr. Shang identified some potential benefits but also stated that there was a risk of being "exposed by the prosecution," and he stated that he would therefore "listen to [his] lawyer" about this decision. As another example, this writer discussed the NGRI defense with Mr. Shang. As noted above, I had educated Mr. Shang about some elements of the NGRI defense earlier in the interview, and he later identified some potential disadvantages to this defense (e.g., potential hospitalization). He noted, however, that he had not discussed this defense recently with his attorney and therefore wanted to speak to Mr. Ohlson further before making decisions about an NGRI plea.

**Clinical Opinion Regarding Competence to Stand Trial**

Mr. Shang is charged with Assault and Battery with a Dangerous Weapon on a Person Over 60 and Assault with a Dangerous Weapon on a Person Over 60. These offenses allegedly occurred on 6/23/20, and shortly following his arrest Mr. Shang was ordered to SCF for an evaluation of competency to stand trial. The SCF forensic evaluator opined that Mr. Shang's psychotic symptoms had resolved and that he was competent to proceed, and Mr. Shang returned to the community with court-ordered conditions of release. He did not comply with these conditions, however, and his attorney reported ongoing concerns related to Mr. Shang's competency. On 10/5/20 Mr. Shang was ordered to TH pursuant to §15(b) for further evaluation of competency. The §15(b) evaluator, Dr. Hansen, opined that Mr. Shang's psychotic symptoms were impairing his abilities relevant to competency, and Mr. Shang was subsequently committed to TH as incompetent to stand trial pursuant to §16(b); a court authorized treatment plan was also ordered at that time. Since his commitment to the hospital, Mr. Shang has adhered with psychiatric medication, and his delusional beliefs have improved. Specifically, Mr. Shang stopped reporting the paranoid beliefs related to his activities on Twitch, and he has not presented with any other persecutory ideas. In contrast to the improvement in his delusions, he has demonstrated a reduction in emotional expression, speech, and engagement with others.

Mr. Shang is presently diagnosed with Other Specified Schizophrenia Spectrum and other Psychotic Disorder, and I am in agreement with this diagnosis; an alternative diagnosis for further consideration/rule-out is Schizophrenia. In the context of the improvement in his paranoia and the remission of his delusions, Mr. Shang presented with important gains in the abilities relevant to competency. His factual abilities have been assessed as generally stable since his arrest and were again intact during this evaluation. He demonstrated an adequate understanding of the charges, potential verdicts and outcomes, and trial participants. He required some education about a few aspects of the proceedings, such as about certain elements of an NGRI defense, but he was amenable to education, able to retain such information, and use it later in the interview to make decisions about his case. More noticeably during the current assessment as compared to his last competency evaluation was the improvement in Mr. Shang's ability to rationally participate in the proceedings and make reasonable decisions about his case. Mr. Shang did not report active delusional beliefs related to being stalked by employees at Twitch and has not been recently sharing such concerns with his attorney or others. He allowed that he

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had made such communications in the past and has poor insight into his psychiatric acuity at that time, but he did not persevere on such beliefs at present. Mr. Shang also appeared more receptive to engaging with his attorney than he may have been in the past. Although he held a strong view about his case and the likelihood of certain outcomes, he was open to feedback about other potential alternatives or considerations. He was also open to talking to and receiving advice from his attorney to learn more about his case and potential aspects that he might be overlooking, and he stated that he would speak to his attorney prior to making firm decisions about defense strategy. He presented as willing to converse about potentially different views about the case and accept new data. Overall, Mr. Shang made reasonable decisions about various aspects of the legal proceedings and about his case specifically.

Although Mr. Shang exhibited improvements in his abilities relevant to competency in the context of the reduction in his psychotic delusions, this writer was also concerned about other competency-related impairments in the context of the diminished emotional expression and engagement with others as was identified in his medical record and spoken about by his treatment team. During his interview with this writer, however, Mr. Shang was able to engage in a meaningful prolonged discussion about his case. Although he did not want to discuss certain topics (e.g., his prior delusions and psychotic symptoms) he otherwise answered questions about his case and about potential avenues forward. He was open to engaging in a back-and-forth dialogue, and he allowed this writer to probe further about certain topics that he only discussed minimally at first. He discussed his version of the allegations and presented as willing and able to speak to his attorney about this more fully.

Overall, it was my clinical opinion that Mr. Shang presented with the abilities relevant to competence to stand trial. In this writer's opinion, he presented with a factual and rational understanding of the proceedings, presented with capacities relevant to rationally assisting his attorney, and evidenced coherent and logical reasoning around potential scenarios that may arise in his case. He did not endorse the delusional beliefs and other psychotic symptoms that were previously noted to interfere with his understanding about and ability to assist in his case, and he engaged in the evaluation in a focused, relevant, and reality-based manner. Overall, the concerns observed at the time of his prior §15(b) evaluation are not currently present. Mr. Shang's competency related improvements since his earlier evaluation appear to be associated with his inpatient commitment that has included sobriety from substances and treatment with psychiatric medication. As described in the next section below, his treatment team will be seeking further hospitalization. It should be noted, however, that in the event Mr. Shang discontinues his psychiatric medication or resumes substances in the future, his competence-related abilities could again potentially become compromised.

**Need for Further Care and Treatment**

Mr. Shang is a 32-year-old man presently committed to TH as incompetent to stand trial pursuant to §16(b) with a commitment expiration date of 5/14/21. During this commitment period, Mr. Shang's delusions and disorganized thought process (which are known as "positive" symptoms of Schizophrenia-related illnesses) have improved. He continues to present, however, with reduced emotional expression and speech (which are referred to as "negative" symptoms). Given his ongoing symptoms, his lack of insight into his illness, and his lack of adherence to outpatient

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treatment when previously in the community, the team is concerned about his potential for symptom relapse if discharged at this time and his associated risk for violence, especially as he would be returning to his parents' home if released by the court, which is where the alleged offenses occurred. Given the team's opinion that Mr. Shang meets criteria for further inpatient commitment, the hospital will be seeking Mr. Shang's return to TH for a period of continued hospitalization. Therefore, on the date of Mr. Shang's status hearing (5/13/21), should the Court find Mr. Shang competent to stand trial, the hospital will be submitting a §12 petition with the intention of seeking Mr. Shang's commitment to the facility pursuant to §§7&8.

Should the Court have questions about the hospital's intention to seek psychiatric recommitment, Mr. Shang's inpatient treatment team (psychiatrist Dr. Lai and psychologist Dr. Giuliano) can be contacted directly at 978-851-7321 for further information. Should the Court have additional questions about Mr. Shang's competence-related abilities, I can be reached at 774-420-3136.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jeffrey Burl', is written over a horizontal line.

Jeffrey Burl, Ph.D.

Designated Forensic Psychologist