

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

ATICHA JITTAPHOL,

Defendant

CRIMINAL No. 21-cr-10270-MLW

**GOVERNMENT’S RESPONSE TO COURT ORDER
REGARDING DISCHARGE SUMMARY**

The government submits this response to the Court’s April 8, 2022, Order to consult with Probation and state its position concerning the admission into evidence of the Behavioral Health Network (BHN) Hope Center Services Discharge Summary for the defendant dated January 3, 2022 (the “Discharge Summary”). The undersigned AUSA and U.S. Probation Officer Taylor Wertz conferred by phone today, April 11, 2022, and now jointly request that the Court admit the discharge summary into evidence. As grounds therefore, the government and Probation state the following:

1. The Discharge Summary is relevant to the allegation of noncompliance set forth in Exhibit 2 at page 2 (D.21), namely: “On December 27, 2021, the defendant discharged from inpatient treatment without notifying her U.S. Probation Officer . . . In light of the defendant’s discharge from treatment against Behavioral Health Network’s clinical recommendation, the probation office directed the defendant to reengage in long-term inpatient treatment services.” The defendant admits that she did not participate in long-term inpatient treatment services as directed by Probation.

2. The Discharge Summary supplements information contained in admitted Exhibits 7 (Pretrial Services Chronological Record Report) and 12 (BHN Hope Center Services and Treatment Report). Specifically, the Discharge Summary states on page 3:

Objective: Aticha will work with aftercare specialists to discuss her aftercare plan, which will be determined by her treatment progress. Depending on the progress, Aticha will complete referrals for further programming or complete IOP [intensive outpatient program] referrals.

Comments: Ms. Jittaphol met with aftercare staff, however declined long-term residential and IOP.

Ms. Jittaphol refused to complete referrals and stated that she only wants to return home.

This information supports the statement by BHN Hope Center staff member Colleen Fenton to USPO Maureen Curran on January 4, 2022, that “I feel like the only aspect of programming that Aticha did not comply with was with an aftercare plan. She refused both long term treatment as well as IOP, despite counseling recommendations as well as the recommendations of our aftercare counselor.” Exhibit 7 at page 24.

It is also consistent with the December 23, 2021, treatment progress note by a BHN Hope Center counselor that she “Met with Aticha and she reports she is going home Monday 12/27/21. Aftercare services were offered and she declined all offers.” Exhibit 12 at page 17.

Read together, the Discharge Summary and Exhibits 7 and 12 make clear that BHN Hope Center counselors and aftercare specialists recommended—based on their clinical supervision of the defendant’s treatment progress—that the defendant participate in an aftercare program. The documents also make clear that staff members communicated their aftercare recommendation directly to the defendant prior to her self-discharge on December 27, 2021, and that the defendant refused to follow their clinical recommendation.

3. As stated in her recent filing with the Court (D.73), the defendant no longer objects to the admission of the Discharge Summary into evidence.

Respectfully submitted,

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United States Attorney

By: /s/ Kelly Begg Lawrence
KELLY BEGG LAWRENCE
Assistant United States Attorney

ALYSSA TOCHKA
Special Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Kelly Begg Lawrence
Kelly Begg Lawrence
Assistant United States Attorney

Date: April 11, 2022