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June 26, 2023

Elisa Long, Supervisory Assistant Federal Public Defender  
Federal Public Defender  
Western District of Pennsylvania  
1001 Liberty Avenue, Ste. 1500  
Pittsburgh, PA 15222

Dear Ms. Long:

Re: Addendum to United States v. Robert D. R. Bowers

Records were made available from the prosecution team mostly from June 2023. These records are summarized in Appendix A.

This addendum is very focused and addresses two important themes for Mr. Bowers: his response styles and his psychotic presentation. Each theme will be addressed separately.

**Effort and Response Style**

Daniel A. Martell, Ph.D., ABPP, provided the test data that addressed the level of effort and response style invested by Mr. Bowers in participating in his past and current neuropsychological evaluations.

***Past Evaluation***

Dr. Martell succinctly summarized past test findings related to response styles that were provided to him by the defense team (see page 3 of his report).

Mr. Bowers put forth a valid effort and the test findings are considered to be valid and reliable, based on multiple embedded and free-standing measures of test validity (i.e., Reliable Digit Span, Dot Counting, Green's Word Memory Test, Rey's 15 Items, Test of Memory Malingering, and the forced-choice trial of the California Verbal Learning Test).

***Current Evaluation***

***VIP***

From his own testing on June 12, 2023, Dr. Martell drew the following conclusions (page 6) from the Validity Indicator Profile (VIP):



Tests of Mr. Bowers' effort and performance validity during my examination indicated that he put forth a good effort and was not attempting to manipulate his test results. The resulting battery is considered valid and reliable for interpretation.

In addition, Dr. Martell provided the following conclusions:

Validity Indicator Profile. Both the Nonverbal and Verbal subtests of the VIP were valid and compliant.

The Nonverbal subtest of the Validity Indicator Profile Interpretive Report (assessed on 5-22-23) offered further detail in documenting Mr. Bowers' efforts:

The Slope of his Performance Curve is relatively flat. When the Total Score is high, as it is in this case, a flat Slope indicates that the individual intended to respond correctly and performed well on the more difficult items. This is an indication of good effort throughout the test.

As summarized in this interpretative report, Mr. Bowers "answered most of the items correctly until the item difficulty exceeded his ability."

The findings for the Verbal subtest paralleled those of the Nonverbal subtests. Here is the summary:

Based on the predominant characteristics of this individual's Performance Curve, the best conclusion is that he made a strong effort to answer the items correctly.

### *CVLT-III*

Dr. Martell also reported the results for the Forced-Choice trial of California Verbal Learning Test-III (CVLT-III). They were simply summarized as "valid." In reviewing the CVLT-III Expanded Report (test date of 5-22-23), it is useful to observe that Mr. Bowers scored perfectly (16 of 16 or 100%) on the Forced-Choice trial.

### *PAI*

Mr. Bowers was administered the Personality Assessment Inventory (PAI) by Dr. Martell on 5-22-23. Regarding response styles, Dr. Martell provided the following conclusion: "Mr. Bower's PAI profile was valid, but he adopted a defensive response style, minimizing his problems to some extent and trying to make a good impression." The PAI Clinical Interpretive Report also included the following caution "The clinical profile may underrepresent the extent and degree of any significant findings in certain areas due to the client's reluctance to acknowledge personal problems or failings" (p. 6). It listed potential problems that merit further inquiry, including distrust and suspiciousness.

The PAI Clinical Interpretive Report also addressed the issue of overreporting (e.g., feigning) and provided the following summary statement: "there is no evidence to suggest that the respondent was motivated to portray himself/herself in a more negative or pathological light than the clinical picture would warrant" (p. 6). To elaborate on this point, the two strongest PAI indicators of feigning are comprised of the Negative Impression Scale (NIM) and the Malingering Index (MAL). Mr. Bowers had the lowest possible score on both indicators, with zeros for NIM (p. 2) and MAL (p. 4).

Dr. Martell did interpret the clinical elevation on the Social Detachment subscale (79T) together with problems with social cognition as "associated with either a schizoid or schizotypal personality structure." As further evidence of Mr. Bowers lack of capacity to relate meaningfully to others is observed in extremely low score on the Warmth scale (WRM = 24T).

Regarding Mr. Bowers, Dr. Martell opined that that “there is no test evidence that he is currently suffering from any major mental illness.” This finding may reflect of the use of only a single measure, the PAI, to address psychotic disorders. As underscored in PAI Clinical Interpretive Report, “all available sources of information should be considered prior to establishing final diagnoses” (p. 8).

### **Psychotic Presentation**

Dr. Dietz diagnosed Mr. Bowers schizoid personality disorder based on four inclusion criteria: A2, Almost always chooses solitary activities; A5, Lacks close friends or confidants other than first-degree relatives; A6, Appears indifferent to the praise or criticisms of others. A7, Shows emotional coldness, detachment, or flattened affectivity. Two other criteria appear likely because but were not reported by Mr. Bowers, who “did not want to appear mentally abnormal” (p. 197). They are the following: A1. Neither desires nor enjoys close relationships, including being part of a family and A3. Has little, if any, interest in having sexual experiences with another person.

The core statement centers on the following: *Mr. Bowers did not want to appear mentally abnormal* (emphasis added). This impression was “corroborated by his scores on the Personality Assessment Inventory administered by Dr. Martell” (p. 197). My experience with Mr. Bowers is very different from Dr. Dietz with respect to psychotic symptoms. When asked open-ended questions with no efforts of persuasion, delusional material is readily acknowledged. When Mr. Bowers realizes his presentation could be construed as mentally abnormal he sometimes follows the lead of the forensic examiner. A clear case in point involves his beliefs about salt deficiency. On this point, Dr. Dietz commented, “he seemed to accept my suggestion that it isn’t the salt, but the free time, and acknowledged he doesn’t know how much salt one needs or how it works, as that’s not his ‘area of expertise.’” (p. 193).

Follow-up inquiries may have been helpful in understanding whether Mr. Bowers was expressing delusional material. Mr. Bowers openly acknowledged “demeaning experiences” which potentially could be broached with his attorneys (p. 159); it might be better not to dismiss them (p. 135). It would have been interesting to have a fuller understanding of “golden ratio” in the context of the following (p. 161): “Three and seven are definitely important to God. There’s something important about numbers. There’s something called the Golden Ratio, and it’s in all kinds of stuff. There’s definitely something to numbers.”

The following example raises questions about Mr. Bowers’ ability to think logically and rationally (p. 15 of Dr. Dietz’s notes) assuming that the assessment notes are accurate and relatively complete. “Don’t stop there. Find out what organizations are pushing this, climb the ladder, and find the Jew. 2.5% of the population is showing up like 80% of the time.” 8 of 10 people at the head of porn companies are Jewish. The word Israel means “conflict with God” or it means “argues, struggles, or conflicts with God.” The phrase, “Open borders’ groups and their media allies” in the email is a “dog whistle” to him, and he hopes it was a covert reference to Jews.

**Concluding Thoughts**

The opinions provided in my full forensic report remain the same. Clearly, Dr. Martell's data on response styles further strengthen my conclusions about Mr. Bowers' efforts to cooperate and complete lack of any feigning. It is hopeful that this addendum offers some insights into the differing opinions between Dr. Dietz and myself regarding psychotic presentation. As before, I reserve the right to amend my opinions in light of new findings.

Sincerely,

A handwritten signature in blue ink that reads "Richard Rogers". The signature is written in a cursive, flowing style.

Richard Rogers, Ph.D., ABPP  
Diplomate, Forensic Psychology

**Appendix A**  
**List of Additional Records**