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January 1, 2016

The Honorable Paul Grewal
Department 616
United States District Court, Northern District
Robert F. Peckham Federal Bldg,
280 S 1st Street
San Jose, CA 95113

Re: U.S. v Barnes
James Buchanan Barnes
Case Number: 03-1941JK

Dear Judge Grewal:

Below, you will find the comprehensive psychological report for Mr. James Buchanan Barnes to be referenced in Case # 03-1941JK. I evaluated Mr. Buchanan on [date] using a standardized diagnostic interview, mental state examination, and supplemental clinical assessment tools. Additional reports including archived medical examinations, neuroimaging records, military records, and interviews were used as part of the evaluative process to determine Mr. Barnes' emotional, behavioral and cognitive functioning during the time of his alleged actions, which include the following counts:

1. Collaboration with the enemy
2. Terrorism and Acts of Terrorism Transcending National Boundaries
3. Bombings of Places of Public Use, Government facilities, Public Transportation Systems and Infrastructure Facilities
4. Murder
5. Treason
6. Enlistment to serve against the United States

Sincerely,

Andrea Letamendi, Ph.D.
Licensed Clinical Psychologist
License No. PSY27906

Prosecution Trial Exhibit 1

Sources of Information

Mr. James Buchanan Barnes (the defendant) participated in a 3.5 hour face-to-face psychological interview and battery of tests while in custody at the Federal security facility known as the Vault (location classified). Additional sources of information included medical and psychiatric examinations from military records, neuroimaging reports, and interviews with Natasha Romanoff (AKA Black Widow), Steve Rogers (AKA Captain America), and Samuel Wilson (AKA Falcon).

Purpose of Testing, Informed Consent, and Validity of Examination

The purpose of this psychological assessment is to determine whether Mr. Barnes suffers from an emotional, behavioral or personality disorder and the degree of impact on his functioning. At the time of testing, Mr. James Buchanan Barnes (the defendant) waived client privilege and was thereby informed that his communications would be admissible in court. Mr. Barnes understood the nature and purpose of the legal proceedings against him, including the specific charges and related punishments should he be found guilty, and cooperated with the psychological interview. Results from The Structured Interview of Reported Symptoms (SIRS-2; Appendix A) indicated that the defendant was not malingering (feigning symptoms) through a conscious effort to appear worse or to deceive the interviewer. The examination was therefore deemed to be of acceptable validity.

Forensic Psychiatric Evaluation

Measures Used

- The Structured Interview of Reported Symptoms (SIRS-2) to detect malingering
- Mini-Mental Status Exam (MMSE) to measure cognitive capacity
- Minnesota Multiphasic Personality Inventory-2 (MMPI-2) to assess social and personal maladjustment
- Structured Clinical Interview for the Diagnostic and Statistical Manual 5 (SCID-5) to assess for psychiatric disorders
- UCLA-PTSD Reaction Index (UCLA PTSD RI) - to assess for severity of post-traumatic stress disorder

Identifying Information

Mr. James Buchanan Barnes [AKA "Bucky"] is a white male human born in the U.S. on March 10, 1917. From 1945 to his capture on [date], Mr. Barnes' body has been preserved in a cryogenic stasis when not serving on para-military terrorist missions, thus only aging a few years since his capture during World War II. Based on number of assignments and physical appearance, he is estimated to be 33 years old present day.

Mr. Barnes is charged with the following crimes:

Count 1: Collaboration with the Enemy

James Buchanan Barnes willfully collaborated with HYDRA since his capture in 1945.

Count 2: Terrorism

James Buchanan Barnes willfully committed domestic acts of terrorism by 1) assassinating Nicholas Fury; 2) attempting to publicly kill Captain Steven Rogers, Natasha Romanoff, and Samuel Wilson in downtown Washington, DC, with reckless regard for human life on buses and city streets; 3) Assisting in the launch of the Project Insight Helicarriers.

Count 3: Acts of Terrorism Transcending National Boundaries

James Buchanan Barnes willfully committed acts of terrorism transcending national boundaries by 1) murdering Nicholas Fury 2) assaulting Nicholas Fury, Captain Steven Rogers, Natasha Romanoff, and Samuel Wilson with dangerous weapons; and 3) conspiring to launch the Project Insight Helicarriers.

Count 4: Bombings of Places of Public use, Government facilities, Public Transportation Systems and Infrastructure Facilities

James Buchanan Barnes willfully used 1) firearms and explosives on US Route 29, expanding onto the city streets of Washington, DC; 2) used explosives on the airfield of the Triskelion; and 3) the attempted terrorist actions resulted in the destruction of the Triskelion.

Count 5: Murder

James Buchanan Barnes willfully killed: 1) Nicholas Fury; 2) 10 SHIELD airman; 3) three US soldiers in Berlin as a field test on November 5, 1954; 4) an entire UN Diplomatic Negotiation Team in Cairo on January 11, 1955; 5) NATO General James Keller on May 14, 1955; 6) British Ambassador Dalton Graines in Madripoor on January 1, 1956; 7) French Defense Minister Jacques Dupuy on April 1, 1956; 8) Algerian Peace Conference Envoy in Paris on May 12, 1956; US Colonel Jefferson Hart in Mexico City on February 17, 1957; and US Senator Harry Baxtor on March 12, 1973.

Count 6: Treason

James Buchanan Barnes willfully levied war against the United States by participating in air piracy of the Project Insight Helicarriers to be used against the United States.

Count 7: Rebellion or Insurrection

James Buchanan Barnes willfully engaged in rebellion against the United States in the mutiny and air piracy of the Project Insight conspiracy.

Count 8: Enlistment to Serve Against the United States

James Buchanan Barnes willfully served in armed hostility against the United States in the mutiny and air piracy of the Project Insight conspiracy.

Social History

Mr. Barnes was born in Brooklyn, New York in 1917 to father George M. Barnes and mother Winnifred C. Barnes. In his late teens, Mr. Barnes lost his father, a U.S. Army soldier, at an early age to pre-World War II training. In 1942, Mr. Barnes joined the Army and trained at Camp McCoy, Wisconsin. He was quickly acculturated and “fit” into the military community, rising to the rank of Sergeant ahead of many of his peers. Records from the camp demonstrate that Mr. Barnes received a great deal of respect, which positively impacted his self-esteem and social value. He was considered by many to be charming and likable.

Mr. Barnes was a childhood friend with Steve Rogers, who at the time was physically below average, but would later become Captain America. Throughout their early twenties, Mr. Barnes and Mr. Rogers were, by many accounts, close friends and insisted on working together when Rogers enlisted. When Rogers’ mother died unexpectedly from a medical illness, Mr. Barnes gave his oath that he would be there for Mr. Rogers “til the end of the line, pal.”

Between 1942 to 1945, Mr. Barnes was considered a highly competent and well-liked soldier. After he was captured by the Russian military in 1945, few reports are available regarding his social functioning, mainly due to the classification of his missions as well as his long periods in cryogenic stasis between assignments. The violent, antisocial nature of his actions during this 70-year period strongly indicate a chronically socially deviant lifestyle with few close relationships.

Educational History

School records show normal to slightly above average academic functioning during Mr. Barnes’ enrollment in primary and secondary school. Mr. Barnes averaged A’s and B’s on report cards, and school behavioral records are unremarkable - no academic suspensions or expulsions. Mr. Barnes completed high school through grade 10, though standardized achievement tests from academic and military records demonstrate that his skills and knowledge are equivalent to high-school graduate norms. Intelligence testing administered to Barnes during enlistment (March, 1940) yielded a Total IQ Score of 109 with equivalent subscores in the verbal and performance subdomains. Using military norms, Mr. Barnes is therefore slightly above average intelligence (see Appendix B, Wechsler Adult Intelligence Scale, WAIS-I). Though he has not been re-tested, this is the best estimate of Mr. Barnes’ current intelligence.

Military History

Mr. Barnes enlisted in the Army in 1942 during World War II. His enlistment examinations are unremarkable - records show slightly above average scores in both physical and intelligence tests. However, Mr. Barnes underwent extensive and extraordinarily rapid training and demonstrated a higher than average level of physical and intellectual competence as a

soldier in the 107th infantry. According to his military evaluations, Barnes was acknowledged by superiors as having a noteworthy level of teammanship, tenacity and ambition, qualities that eventually led to his rise up the ranks. His willingness to engage in high-risk military tasks was seen by the military as indicative of a venturesome, sensation-seeking personality, as well as a strong allegiance to the U.S. Army. According to his superiors, he was “extremely devoted, loyal, headstrong, patriotic, and had a strong moral center.” During 1943, he was captured by HYDRA, the centuries-old terrorist-paramilitary organization with one of its strongest incarnations during the rise of Nazi Germany. He remained a Prisoner of War, during which he underwent abuse and experimental torture until he was rescued by Steve Rogers AKA Captain America. Mr. Barnes thereafter was recruited in the special fighting unit called the Howling Commandos. Subsequent combat missions against HYDRA and villains such as the Red Skull proved to be successful and Barnes and Rogers developed a strong, unmatched level of loyalty and comradery.

Mr. Barnes was severely injured by an explosive and subsequent fall from a high-speed train in 1945 during a battle with HYDRA, Army records note that Mr. Barnes was missing in action. However, international records recovered from HYDRA and Soviet forces over the last decade reveal significant military activity on the part of Mr. Barnes from 1945 to present day as an assassin under the cryptonym the “Winter Soldier.” Over the course of 70 years, Mr. Barnes engaged in countless covert missions assassinating high-profile leaders and service members of the Allied allegiance. There are documented periods during this time in which Mr. Barnes is missing in action, deviating from his assassin assignments. His whereabouts during those periods are unknown. When asked to recall those periods, he states that he “does not remember.”

Substance Use History

Mr. Barnes reported recreational use of alcohol during World War II and had denied taking any substances immediately prior to the interview. Mr. Barnes denied a history of illicit drug use. When asked specifically about use of dissociative drugs and hallucinogens, Mr. Barnes denied willful use of these substances. He reported that he was injected with multiple compounds while a prisoner under HYDRA scientist Arnim Zola during World War II, and immediately after his capture by Soviet forces (initially with an unnamed dissociative anesthetic at the time of his capture and recovery) as well as during his service as a HYDRA assassin.

Legal History

No history of legal issues prior to HYDRA capture in 1945. The espionage world thought the Winter Soldier was a “ghost.” It was not until his capture and the release of the SHIELD database that we knew the scope of Mr. Barnes’ activities as an assassin from the Cold War to 2014. Mr. Barnes killed the following individuals: 1) Nicholas Fury; 2) 19 SHIELD airman; 3) three US soldiers in Berlin as a field test on November 5, 1954; 4) an entire UN Diplomatic Negotiation Team in Cairo on January 11, 1955; 5) NATO General James Keller on May 14, 1955; 6) British Ambassador Dalton Graines in Madripoor on January 1, 1956; 7) French Defense Minister Jacques Dupuy on April 1, 1956; 8) Algerian Peace Conference Envoy in Paris on May 12, 1956; US Colonel Jefferson Hart in Mexico City on February 17, 1957; and US Senator Harry Baxton on March 12, 1973.

Past Psychiatric History

Mr. Barnes denied a childhood history of psychiatric treatment or hospitalizations. Medical records from his hospital visits up through his early adulthood show routine examinations and treatments for minor athletic injuries. No evidence or records are found that indicate early history of head trauma or intracranial injury. In addition, results from examinations during his enlistment show an unremarkable psychiatric history; at the time he joined the U.S. Military in 1942, Mr. Barnes was deemed mentally fit for service.

Following his time as a Prisoner of War (POW) under HYDRA, Mr. Barnes was re-assessed by the military Army and was subsequently deemed mentally fit for service. Records from his post-POW evaluation indicate that Mr. Barnes denied any thoughts of self-harm or suicidality, exhibited neither a depressed nor agitated mood, and did not report any delusional beliefs about his role related to the U.S. Army or HYDRA. His superiors corroborated these findings with statements that Mr. Barnes appeared to “maintain his patriotism and strong moral center.” According to this evaluation, the physiological experimentation he was subjected to did not appear to impact his psychological functioning. Shortly after his rescue, Mr. Barnes confidently and convincingly committed his allegiance to the U.S. Army. He was immediately promoted to a special unit to serve alongside Captain America. It should be noted that, at the time of this testing (mid 1940’s), research surrounding combat-related post-traumatic stress was quite limited, as the condition was widely referred to as “Shell-Shock” at the time and only minimally resembled the psychiatric characterization of current-day PTSD. Thus, his post-POW testing may be considered somewhat unreliable in ascertaining his mental state/psychiatric functioning.

Following his second capture in 1945, Mr. Barnes was subjected to imprisonment and subsequent neurological experimentation by HYDRA scientist Arnim Zola. With the objective of turning Barnes into “the new fist of HYDRA,” Mr. Zola performed intensive, invasive and torturous neuropsychological procedures on Mr. Barnes that ultimately led to his blind

devotion to HYDRA, willingness to follow destructive and immoral orders, and complete loss of memory for any events prior to his near-death accident. In addition, after Barnes completed each HYDRA mission, it was reported that his doctors would have his “mind wiped” through invasive procedures to ensure he remained “memory-free and emotionless towards those he killed.” Between these assignments he was subjected to injections in order to elicit a cryogenic stasis so that he would not age or function during these periods. When reflecting on those periods of cryogenesis, Mr. Barnes stated, “I guess you could say that I was sleeping, but I would probably say that I wasn’t even alive—I wasn’t human, I was a weapon, no different than a gun or a bomb. I was left there until they needed me again.”

According to documents recovered from HYDRA records, Mr. Barnes was noted to have a “breakdown” in 2014 following his second encounter with Steve Rogers AKA Captain America in Washington, DC. Mr. Barnes was said to have been acting “violent and erratic” toward HYDRA doctors. Mr. Barnes recalls that he was beginning to recollect memories from World War II, including his initial traumatic fall and loss of arm, as well as the torture he was subjected to by Mr. Zola. Mr. Barnes then received a high intensity dose of HYDRA’s Memory Suppressing Machine (MSM), an apparatus that has not been approved by the FDA as a safe and ethical Neurological Device. The MSM operates quite similarly to electroconvulsive therapy (ECT), though with much more intense electrical currents and more invasive neurotranscranial wiring to “burn out” meaningful memories from the patient’s brain. Average humans are not likely to survive MSM treatments, though individuals with superior strength like Mr. Barnes (due to the outcome of his first POW experience with HYDRA and subsequent experimentation) are able to survive multiple treatments. Much like ECT, MSM results in memory loss; it is unknown how long the actual effects are. (See detailed engineering plans for the MSM in exhibit 434A, provided by Ant-Man).

Though no standardized psychiatric examinations were performed on Mr. Barnes during his work with Alexander Pierce (HYDRA leader and Project Insight developer), several individuals who knew Mr. Barnes prior to his work with Pierce identified him as having changed drastically. Steve Rogers reported that Mr. Barnes, “was a completely different person...ruthless, cold, and strangely detached.” When he confronted him on the S.H.I.E.L.D. helicarrier, Rogers as Captain America stated to Mr. Barnes that his actions (as the Winter Soldier) would be responsible for a countless number of deaths: “People are going to die...I can’t let that happen. Please don’t make me do this.” Mr. Barnes was seemingly emotionally unresponsive and unmoved by these pleas, according to Mr. Steve Rogers. He continued to physically brutally attack Mr. Rogers with concurrent statements of his intent to kill him. It wasn’t until Mr. Rogers stated, “I’m with you until the end of the line,” Mr. Barnes seemingly remembered the identity of Mr. Rogers as well as his own, and reversed course.

Family Psychiatric History

Mr. Barnes denied a family history of psychiatric illness, hospitalizations, or inpatient treatment. To his knowledge, his biological parents (now deceased) as well as four siblings had not suffered from severe mental illness nor have taken psychotropic medication during their lifetime. He suspects that his biological mother may “have been depressed with grief” following the death of his father (her husband) shortly before Mr. Barnes enlisted in the army.

Past Medical History

During 1943, Mr. Barnes was captured by HYDRA and remained a Prisoner of War, during which he underwent severe abuse and experimental torture on the part of Arnim Zola until he was rescued by Steve Rogers AKA Captain America. Though the extent of the abuse is unknown, Mr. Barnes medical records from the U.S. Army indicate extensive bruising, internal bleeding, and minor broken bones. According to records in 1944, Mr. Barnes achieved full recovery of these physical injuries. However, in 1945 Mr. Barnes lost his arm in combat, though his body was preserved in frozen ice when it was recovered, thus allowing for a functional bionic replacement designed by HYDRA. The bionic arm was created to give Mr. Barnes superior super-human strength and was proven to be a successful operation. From 1945 to 2014, Mr. Barnes has experienced multiple induced episodes of cryogenic suspension, which have extended his lifespan significantly but may have potential irreparable damage to his body. Due to the limited research surrounding this bio-technology, it is unclear whether extreme exposure to the cryoprotectants will have long-lasting physiological or neurological effects. Neuroimaging reports recovered from HYDRA reveal a normal brain scan with no apparent abnormalities.

Current Medications

Extra-Strength Advil for Migraine Headaches.

Allergies

Bee stings.

Mental Status Examination

At the date of his interview, Mr. Barnes appeared well-groomed, with appropriate dress and good hygiene. He maintained eye contact and was generally cooperative with the examiner. In addition, Mr. Barnes’ activity and behavior during the examination were unremarkable; he did not exhibit psychomotor retardation or agitated compulsive movements. He did not

appear defensive or hostile in any way. He had a limited mood range in that he seemed withdrawn and morose. Affect was blunted but not flat. Speech rate, volume, and fluency were within normal ranges. Mr. Barnes did not present with rapid thoughts or flight of ideas. His insight is limited in that he is aware of his symptoms but somewhat less aware of his external realities. He appears to have full abilities in terms of assessing social situations correctly and responding appropriately; similarly he is deemed capable of making and carrying out plans.

Mr. Barnes was administered the Mini Mental State Examination (MMSE) as a screening for cognitive impairment. He scored a 28 out of 30 (normal limits) on the measure (see Appendix C for a copy of full examination). A summary of his results is below:

Orientation: Able to identify the time, date, season, facility and city.

Registration: Able to recall simple words immediately after hearing them.

Attention and Calculation: Able to count backwards in intervals.

Delayed recall: Able to recall simple words after several minutes.

Language: Able to follow a simple three-stage command.

Visual construction: Able to copy a simple geometric figure.

Personality and Social Functioning

Mr. Barnes was provided a Minnesota Multiphasic Personality Inventory -2 (MMPI-2), a self-report, objectively scaled measure that assesses social and personal maladjustment. His responses on the validity scales indicated that the examinee was not malingering or “faking bad” and that the profile is valid for interpretation (see full results of his profile in Appendix D). Scores on all subscales were within normal ranges with the exception of subscales 2 (Depression) and 7 (Psychasthenia) which indicate elevated levels of hopelessness and dissatisfaction with self, as well as anxiety, obsessions and compulsions. However, scores on subscale 4 (psychopathic deviate), subscale 6 (paranoia) and 8 (psychosis) were within normal ranges, ruling out possible severe mental illness such as those characterized by delusions, hallucinations, disordered thought and schizophrenia.

Diagnostic Interview

Mr. Barnes was provided a clinician-administered diagnostic interview using the Structured Clinical Interview for DSM 5 (SCID-5)- Clinician Version, which includes the following diagnostic areas: Schizophrenia and Psychotic Disorders, Bipolar and Related Disorders, Depressive Disorders, Anxiety Disorders, Obsessive-Compulsive and Related Disorders, Trauma and Stressor Related Disorders, Somatic Disorders, Substance Use and Addictive Disorders, and Dissociative Disorders. For the complete responses to each item, please see Appendix E.

Mr. Barnes denied a presence of any active delusions (e.g., strongly fixed irrational belief) or hallucinations, disorganized thinking or abnormal motor behavior that would indicate a psychotic disorder. Upon reflecting on his actions in 2014, Mr. Barnes believes that he was not acting under a delusion or strongly held belief.

Though he can recall distinct periods of low mood and excessive guilt, some as recently as within the last month, Mr. Barnes does not present with a depressive disorder. He denied current suicidality and has never attempted suicide or experienced hospitalization for severe suicidality. However, he recalls “feeling like I was already dead” over the last decade prior to undergoing cryogenic stasis and after recovering from cryogenic episodes.

Mr. Barnes reported multiple traumatic events over the course of his lifetime, citing his father’s death as the first time he felt “attacked with grief.” However, he found he was able to recover from the loss due to his friend Mr. Steve Rogers. During his military training, he suffered few injuries though often reflected on the risks he would ultimately take as a soldier in World War II. Mr. Barnes cites his capture in 1943 by HYDRA as his first significant psychological trauma, revealing that he thought he would die even though he held faith in the U.S. Army. He names the excessive torture and experimentation during that time, though is unable to recover the details of those incidents. While he can recall being rescued by Steve Rogers AKA Captain America, he has few memories of his traumatic responses or recovery at the time. He is unable to report whether he experienced flashbacks, nightmares, or intrusive thoughts of those events. Similarly, Mr. Barnes is able to recall subsequent trauma related to his second capture by HYDRA and is able to piece together some memories related to his arm replacement, his torture and the use of the Memory Suppressing Machine (MSM). Mr. Barnes currently experiences significant intrusive symptoms (e.g., recurrent, involuntary and distressing memories of the experimentation and torture), persistent “avoidance” of triggers (e.g., changing his appearance, isolating himself and avoiding any stimuli related to S.H.I.E.L.D. and HYDRA), and a marked change in arousal and reactivity (e.g., feeling anxious, often on edge and “jumpy”). Additionally, Mr. Barnes reports a significant change in his cognition and mood after escaping from HYDRA, characterized by extreme negativity associated with governmental bodies, distorted beliefs in authority figures and a state of helplessness. These symptoms cause Mr. Barnes significant distress and interfere with his functioning in the form of social and interpersonal isolation, chronic

ailments and pain, and overall lower quality of life. Scores on the UCLA PTSD Reaction Index (UCLA PTSD RI; see Appendix F) yield scores that indicate moderate to severe PTSD.

Mr. Barnes identifies with multiple disruptions and discontinuities in the normal integration of consciousness (i.e. cryogenic stasis), memory (i.e., Memory Suppressing Machine), and identity (i.e., psychological debasement, isolation, and abuse that led to the Winter Soldier persona). A primary dissociative disorder has been ruled out given the following information: Mr. Barnes denied the existence of multiple distinct personalities (i.e. Dissociative Identity Disorder) and believes that he is “Bucky, James Buchanan Barnes” rather than “The Winter Soldier.” He does not believe that “The Winter Soldier” *lives* in his mind or is a separate personality who can emerge at anytime. Mr. Barnes presents with a pervasive inability to recall important personal information (e.g., childhood friends, military service) that cannot be attributed to age-related ordinary forgetfulness and that causes significant distress, such as anxiety and preoccupation about past events, uncertainty about his own actions and excessive guilt about his responsibility for his actions “while I was brainwashed.” It is likely that Mr. Barnes’ physiological trauma during memory suppression and cryogenic suspension led to significant amnesia, and that his wanderings during some HYDRA deployments were indicative of incidents of amnesia accompanied with dissociative fugue.

Mr. Barnes was not assessed for an intellectual ability or any other neurodevelopmental disorders (e.g., Learning Disability, Autism, etc.) given his above average intelligence test results and achievement records.

DSM-5 Diagnoses at Time of Instant Offenses Dissociative Amnesia, Generalized Type

Current DSM-5 Diagnoses
Post-Traumatic Stress Disorder
Dissociative Amnesia, Generalized Type

Summary of offenses and Mr. Barnes Account of Instant Offenses

Criminal Responsibility Opinion

1. Does the Defendant suffer from a mental disease, defect or disorder at present?

Mr. Barnes meets criteria for a psychiatric disorder. According to his mental state examination, Mr. Barnes appears to have intact abilities in terms of assessing social situations accurately and responding appropriately; as such, he is fully capable of understanding the gravity of the criminal proceedings against him; similarly, he is deemed capable of making and carrying out plans.

2. If so, what is your diagnosis, and what are his symptoms?

Mr. Barnes has experienced serious physical and psychological trauma and continues to be distressed by the memories of these traumas. His physical and his psychological personhood have been attacked and violated, and as such, he has experienced profound changes in his world-view and ideology. His primary diagnosis is PTSD with accompanied Dissociative Amnesia. (See section under Diagnostic Interview for comprehensive details regarding his PTSD symptomatology.)

3. Is it probable that the Defendant suffered from a mental disease, defect, or disorder at the time(s) the acts were committed?

Yes, it is probable that Mr. Barnes was inflicted with a dissociative disorder, namely, Dissociative Amnesia, Generalized, a rare condition that sometimes follows severe torture or invasive medical procedures, characterized by memory lapses and the inability to recall very meaningful or important autobiographical experiences.

4. If so, what would have been the probable nature of the mental disease, defect, or disorder and what would the Defendant’s probable symptoms have been at the time(s) the acts in question were committed?

Symptoms include: A complete disconnection from one’s thoughts, feelings, memories, or sense of identity; sudden unexpected shift in moods; intense confusion and anxiety; and extreme identity confusion, e.g., acting in a way that is remarkably different than the individual’s typical behavior.

5.a. At the time of the commission of the acts in question, did the Defendant have the ability to understand the nature of quality of his acts?

Based on the details of his mission and subsequent reports listing his orders, it's highly likely that Mr. Barnes was fully aware of the nature of his acts and understood that his actions were criminal (specifically: illegal and wrong). Though he has lapses in memory and reports problems retrieving autobiographical events, he is able to recover a sufficient amount and able to report on his mental state at the time of the act, as well as his ability to "be triggered" by other persons [e.g., Steve Rogers AKA Captain America] to recall his own *identity at the time of his offenses*.

Recalling his own identity is key, as it evidences a retrieval of autobiographical events previously blocked or disrupted as a consequence of intense emotional activity. It could be stated that his willingness to follow HYDRA's orders may stem from further trauma avoidance.

Let's rule out various types of amnesia to be clear:

Mr. Barnes' amnesia does not appear to be the induced by psychosis, nor are his amnesiac episodes substance-induced blackouts (e.g., alcohol-induced) in which his amnesia would be due to an organic cause and would likely be associated with brain damage and clearer episodes of total memory loss. Furthermore, his amnesia is not evidenced by any structural defect or organic pathology (such as traumatic brain injury) based on MRI or PET scans. Cases of dissociative amnesia like the type Mr. Barnes suffers from, are consistent with a "hazy" and "patchy" recollection, not a complete loss of personhood. In this view, his dissociative amnesia represents a *compartmentalization* in that it reflects a retrieval deficit that prevents the volitional recall of stored information, but not total memory loss.

Thus, Mr. Barnes is "present" at the time of his offenses as he is easily "brought in" to awareness based on multiple accounts.

It is my professional opinion that Mr. Barnes had the ability to comprehend that his actions were offenses against the United States moments of full personhood as "Bucky."

5.b. At the time of the commission of the act(s) in question, did the Defendant have capacity to predict the natural consequences of his acts?

Yes, Mr. Steve Rogers indicated Mr. Barnes knew the nature and quality of his actions, e.g. he understood his acts were murderous, being informed by Mr. Rogers, "People are going to die." Additionally, Mr. Barnes was given orders with specifics about the nature of the consequences of those orders, e.g., pursue and assassinate Nick Fury, Captain America, Black Widow. It is in my opinion likely that Mr. Barnes was aware of the objectives of Project Insight given his orders from Alexander Pierce [Mr. Barnes acknowledges receiving and reviewing orders].

5.c. At the time of the commission of the acts(s) in question, did the Defendant have the capacity to distinguish right from wrong?

At the time of his act(s) in question, it is determined that Mr. Barnes had the capacity to distinguish right from wrong and therefore was fully capable of understanding the criminality /wrongfulness of his actions. According to CPT Steve Rogers' account during the exchange: "I'm not going to fight you, you're my friend." Mr. Barnes responds, "You're my mission" twice, while in visible distress, indicative of internal turmoil/conflict, further suggesting he's aware of his duty to exterminate CPT Rogers despite an obvious acknowledgment of the connection (e.g., former friend and colleague). The detachment/dissociation experienced by Mr. Barnes is likely self-imposed as a protective device to avoid additional trauma or emotional intensity of trauma. Mr. Barnes, in other words, is present as "Bucky" despite the apparent refusal to integrate his identity.

5.d-f. At the time of the commission of the act(s) in question, did the Defendant have the capacity to make a plan of action? Did the Defendant have the capacity to act in a purposeful, goal-directed way and/or execute a plan of action? Did the Defendant have the capacity to act in a considerate, calculating, controlled way? Did the Defendant have the capacity to understand and consider the lawful rights of others?

Testing shows that Mr. Barnes has current intact cognitive capacity related to executive functioning (e.g., orientation to self, place and future). At the time of the commission of the act(s) in question, Mr. Barnes evidenced cognitive capacity when he expressed a plan and willfulness to execute orders.