

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Appeal from Spartanburg County
The Honorable Brian M. Gibbons, Circuit Court Judge
Appellate Case No. 2023-000384

THE STATE,

Petitioner,

vs.

DERRICK BURNSIDE,

Respondent.

SUPPLEMENTAL APPENDIX

DAYNE C. PHILLIPS
SC Bar No. 77712

ALAN WILSON
Attorney General

Price Benowitz LLP
1614 Taylor Street, Ste. D
Columbia, SC 29201
(803) 807-0234

DEBORAH R.J. SHUPE
Senior Assistant Deputy Attorney General

Post Office Box 11549
Columbia, SC 29211
(803) 734-3747

ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

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State of South Carolina
Department of Mental Health

MENTAL HEALTH COMMISSION:

Alison Y. Evans, PsyD, Chair
Sharon L. Wilson, Vice Chair
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Bob Hiott, MEd

INTERIM STATE DIRECTOR

Mark Binkley

Division of Inpatient Services
Forensic Evaluation and Outpatient Services
7901 Farrow Road, Building #6
Columbia, SC 29203
Information: (803) 935-5600

April 5, 2019

Barry Barnette
Solicitor
180 Magnolia Street
Spartanburg, SC 29306

Re: The State of South Carolina vs. Burnside, Derrick
DMH #: 1047-2875
Spartanburg County, Court of General Sessions

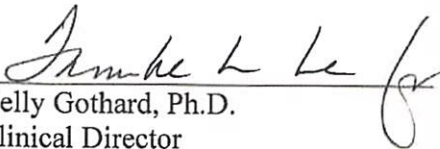
Dear Solicitor Barnette:

In accordance with the court order issued by the Honorable J. Derham Cole, a competency to stand trial evaluation was conducted by the South Carolina Department of Mental Health, pursuant to S.C. Code Ann. § 44-23-410 (1976).

Please see the attached report for the results of this evaluation.

This 11 page document is certified to be the original court-ordered evaluation report issued pursuant to S.C. Code Ann. § 44-23-410 (1976).

4/5/19
Date


Kelly Gothard, Ph.D.
Clinical Director
Forensic Outpatient Services
Department of Mental Health

cc: Ryan Beasley, Attorney at Law, 416 E. North Street, 2nd Fl., Greenville, SC 29601

KG/tl

MISSION STATEMENT

To support the recovery of people with mental illnesses.



**CAPACITY TO STAND TRIAL EVALUATION
FORENSIC EVALUATION SERVICE
SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH (SCDMH)**

DATE OF EVALUATION: March 29, 2019

NAME: Derrick Burnside

SCDMH #: 1047-2875

PRESIDING EXAMINER: Stephanie M. Le, MD
Forensic Psychiatrist

SECOND EXAMINER: Elizabeth Dawn Whetstone, LISW-CP
SCDMH Social Worker

PSYCHIATRIC DIAGNOSES: Posttraumatic Stress Disorder
Unspecified Depressive Disorder
Antisocial Personality Traits

OPINION REGARDING CAPACITY TO STAND TRIAL

Mr. Derrick Burnside currently has the capacity to stand trial.

DISPOSITION

Mr. Burnside was returned to the Spartanburg County Detention Center upon conclusion of this evaluation.

IDENTIFYING INFORMATION

Mr. Derrick Burnside is a 46-year-old African-American male who was seen at the Forensic Evaluation Service pursuant to a court order from the Spartanburg County Court of General Sessions. This court order requests an evaluation of the defendant's competency to stand trial pursuant to State vs. Blair, 275 S.C. 529, 273 S.E. 2d 536 (1981) and S.C. Code Ann. §44-23-410 (1976). The defendant is currently charged with Murder and Possession of a Weapon During the Commission of a Violent Crime. According to the court order, this request was issued for the following reason: "The Defendant has no recollection of the actions he is charged with having committed and does not believe he was in his right state of mind."

STATEMENT OF NONCONFIDENTIALITY

Prior to participating in the evaluation, the defendant was warned regarding the limitations of confidentiality. The defendant was informed that the evaluation was court

ordered and was not for the purpose of providing treatment. The defendant was informed that the evaluators were employed by the South Carolina Department of Mental Health and were not paid by his attorney or the solicitor. The defendant was informed that after the evaluation a report would be submitted to his attorney, the solicitor, and the judge in this case. The defendant was also informed that the evaluators could be called to court to testify at a hearing related to his capacity to stand trial. Mr. Burnside expressed understanding of this information and voluntarily agreed to participate in the evaluation.

SOURCES OF INFORMATION

1. An order from the Spartanburg County Court of General Sessions requesting this evaluation dated December 7, 2018.
2. Spartanburg County Seventh Judicial Circuit Public Index, The State of South Carolina versus Derrick Burnside, Case # 2018A4210202869 dated July 31, 2018.
3. Spartanburg County Seventh Judicial Circuit Public Index, The State of South Carolina versus Derrick Burnside, Case # 2018A4210202870 dated July 31, 2018.
4. Indictment for Murder and Possession of a Firearm During the Commission of a Violent Crime dated August 24, 2018.
5. Arrest warrant 2018A4210202869 for Murder/Murder dated July 22, 2018.
6. Arrest warrant 2018A4210202870 for Weapons/Possess Weapon during violent crime, if not also sentenced to life without parole or death dated July 22, 2018.
7. Arrest warrant 2018A4210202871 for Weapons/Possession of Firearm or Ammunition by person convicted of violent felony dated July 22, 2018.
8. City of Wellford Incident Report dated July 22, 2018.
9. Incident Report Supplemental dated July 23, 2018.
10. City of Wellford Victim's Assistance Program Victim Information/Notification Form for Ms. Latonya Richards dated July 23, 2018.
11. City of Wellford Victim's Assistance Program Victim Information/Notification Form for Ms. Shelia Richards dated July 23, 2018.
12. South Carolina Law Enforcement Division (SLED) Forensic Services Laboratory Report dated September 17, 2018.
13. Solicitor's Office Deputy Report for Incident 18071248 dated July 22, 2018.
14. Supplemental Narrative by Investigator Cheeks dated July 22, 2018.
15. Supplemental Narrative by Investigator Guest dated July 22, 2018.
16. Supplemental Narrative by Forensic Officer S. Nix dated July 22, 2018.
17. Supplemental Narrative by Investigator M. Bennett dated July 22, 2018.
18. Supplemental Narrative by Sargent J.W. Guffey
19. Supplemental Narrative by Sargent Mironenko
20. Supplemental Narrative by Sargent J. Lawson dated July 22, 2018.
21. Supplemental Narrative by Forensic Officer C. Stokes dated July 23, 2018.
22. Supplemental Narrative by B. Letterman – Computer Forensic Report
23. Supplemental Narrative by Forensic Officer C. Stepp dated July 27, 2018.
24. Supplemental Narrative by Forensic Officer L. Graham dated July 22, 2018.

25. Supplemental Report by M. Roman dated July 31, 2018.
26. Supplemental Narrative by Forensic Officer S. Horton dated July 22, 2018.
27. Vehicle Information Sheets
28. Property Information Sheets
29. National Crime Information Center (NCIC) report for the defendant dated August 1, 2018 and December 12, 2018.
30. Checklist for Magistrate and Municipal Judges signed by the defendant dated July 24, 2018.
31. Information Regarding Your Rights signed by Mr. Derrick Burnside dated July 24, 2018.
32. State of South Carolina, County of Spartanburg Request for Discovery dated December 18, 2018.
33. Incident Report for DUI, 1st offense dated July 22, 2018.
34. South Carolina Traffic Collision Report Form dated July 22, 2018.
35. Uniform Traffic Ticket, State of South Carolina versus Derrick Burnside for DUI; .08 but less than .16; 1st offense dated July 22, 2018.
36. Ten-year driver record for Mr. Derrick Burside
37. Handwritten notes
38. In car audio of DUI – unable to view
39. Body camera footage by Sargent Mironenko dated July 22, 2018.
40. Body camera footage by Officer Biggs dated July 22, 2018.
41. Spartanburg County Sheriff's Office Digital Evidence Forensic Examination Report
42. Sentence Sheet dated May 21, 2013.
43. Indictment for Violation of Court Order of Protection dated May 3, 2013.
44. Indictment for Criminal Domestic Violence 2nd offense dated May 3, 2013.
45. Sentence Sheet dated August 25, 1998.
46. Indictment for Larceny (two) dated August Term 1998.
47. Indictment for Burglary dated August Term 1998.
48. Duncan Municipal Court Disposition Sheet – Violation: Trespass After Notice – Trial date September 13, 2012.
49. Duncan Municipal Court Disposition Sheet – Violation: Criminal Domestic Violence – Trial date September 13, 2012.
50. The State of South Carolina versus Derrick Burnside Case Information dated August 17, 2001.
51. Gunshot Residue Analysis Information Form dated July 22, 2018.
52. Photographs of the Defendant and his Property
53. Crime Scene Photographs at Phresh Thredz
54. Spartanburg County Sheriff's Department Property Reports dated July 22, 2018; July 23, 2018; July 24, 2018; July 26, 2018; July 31, 2018; and August 8, 2018.
55. State of South Carolina Search Warrant, Affidavit, and Return dated July 22, 2018.
56. State of South Carolina Search Warrant, Affidavit, and Return dated July 24, 2018.
57. Crime Scene Photographs on Irby Road
58. Photographs of the defendant's Chevy Silverado

59. Spartanburg Medical Center Autopsy Report dated July 23, 2018.
60. SLED Laboratory Forensic Services Request dated July 22, 2018.
61. Spartanburg County Coroner Case Report dated July 22, 2018.
62. Incident Details Report, Incident # FF18072200031301 dated July 22, 2018.
63. Incident Details Report, Incident # LS18072200111025 dated July 22, 2018.
64. Incident Details Report, Incident # LS18072200111026 dated July 22, 2018.
65. Incident Details Report, Incident # LS18072200111064 dated July 22, 2018.
66. Incident Details Report, Incident # LS18072200111089 dated July 22, 2018.
67. Incident Details Report, Incident # LT18072200031666 dated July 22, 2018.
68. Incident Details Report, Incident # MM18072200029153 dated July 22, 2018.
69. Autopsy photographs of Ms. Latonya Richards
70. 911 Audio recording with Ms. Michelle Miller (defendant's sister)
71. 911 Audio recording with Mr. Durian Brown (witness)
72. Medical records from the Spartanburg County Detention Center dated July 24, 2018 to March 8, 2019.
73. SCDMH Forensic Evaluation Service social work assessment conducted by Ms. Beth Bluemle, LMSW on March 13, 2019 with information gathered from the defendant's mother, Ms. Sandra Burnside.
74. A one-hour and twenty-five minute clinical forensic interview on March 29, 2019.

We have requested medical records from Spartanburg Regional Medical Center. These records were not available at the time of the submission of this report.

We reserve the right to alter our opinion should further information become available.

CLINICAL AND PSYCHIATRIC HISTORY

Mr. Burnside was escorted to the evaluation center by detention center officers. He reported that it is "kind of depressing" at the detention center. He reported that he is housed in general population and has three roommates. He gets on well with his roommates and the other inmates. The defendant described a typical day as follows: He wakes to take his morning medication, then lies down until 11 o'clock, as this medication causes significant gastrointestinal distress. As a result, he is unable to eat breakfast. After getting out of bed, he walks around in the open area for his recreation. He eats lunch at noon and spends the rest of his day watching television, reading the Bible, or reading books. After dinner, he "lays around and reads." Mr. Burnside falls asleep at 11:30 PM. The defendant reported that he attends to his hygiene daily and visits with his mother, sister, and brother who make time to see him regularly. He uses the money they put on his canteen account for snacks and hygiene products.

The defendant reported that he is prescribed venlafaxine (Effexor[®], an antidepressant). Although it causes "upset stomach," he is complaint with this mediation each day. He feels that it helps with his depressed mood. He admitted to feeling "depressed and anxious" every day. He frequently has thoughts of not wanting to be alive; however, he denied plans or intent to harm himself. He reported one past suicidal gesture where he had a gun beside him. Mr. Burnside reported that he was "going to kill myself but the

trooper stopped me.” He denied thoughts of harming others. He endorsed good appetite, except after taking his medication. He reported poor sleep due to frequent nightmares about his “ex and what happened.” He wakes frequently during the night and believes that he gets three hours of sleep each night. As a result, his energy has been low. Mr. Burnside reported that he is hopeful for the future and thinking about his children helps to keep him going.

He reported anxiety when he thinks about his son and “not wanting him to go through what I had to go through.” He also worries about himself. Since the time of the alleged incident, Mr. Burnside reported that he experiences “black outs” when someone angers him. He feels paranoid “about dying.” He reported that his sleep, anxiety, and depression have worsened since that time. He avoids watching television shows where gunfire is present.

Mr. Burnside reported that he experiences hearing the voice of his “ex-fiancé.” He also hears the voice a friend. He was unable to describe exactly what they say. The defendant reported that he “sometimes feels Godly” as he “thinks of something before it happens.” He denied that he receives messages from the television or radio. He is religious and his beliefs are within cultural norms.

The defendant denied past inpatient psychiatric treatment. He stated that he tried to admit himself to Charter Rivers and Spartanburg Regional but was turned away and told he “was okay.” He reported that he attended outpatient mental health treatment in Spartanburg, but was only seen once. He was not assigned a diagnosis. He was not prescribed psychiatric medications.

REVIEW OF AVAILABLE RECORDS

According to medical records from the Spartanburg County Detention Center, he is prescribed venlafaxine (an antidepressant).

ALCOHOL AND SUBSTANCE USE HISTORY

Mr. Burnside denied past tobacco and illicit drug use. He denied prescription misuse. He reported that he started drinking alcohol when he was 23 years old and last used in July 2018. He drank two to three times per week and had one glass of wine or one shot of liquor. He denied that his use caused legal, social, occupational, or financial problems for him. According to records, the defendant has a history of an arrest for DUI and Open Container. This is consistent with problematic drinking behavior. However, we do not have enough evidence to support an Alcohol Use Disorder diagnosis, at this time. He denied past substance abuse treatment.

MEDICAL HISTORY

The defendant reported a history of hypertension (high blood pressure). He was in a car accident in 1991 where he sustained a head injury and lost consciousness. He was observed overnight in the hospital prior to being discharged to home.

FAMILY HISTORY

His mother, Ms. Sandra Burnside is a retired Certified Nursing Assistant (CNA). The defendant's father, Mr. Marvin Burnside is a carpenter. He and his father have little contact and do not have a good relationship. Mr. Burnside reported that one of his maternal cousins was depressed and committed suicide by shooting himself.

SOCIAL HISTORY

Mr. Burnside was born in Manhattan, New York and raised in the Bronx. His family moved to South Carolina in 1991. He spent time in Spartanburg and Greenville, South Carolina after moving. He periodically lived with his maternal aunt back in New York over the years. He reported that his mother was his primary care giver. He got along well with her but always had a difficult relationship with his father. He is the oldest of three children. Mr. Burnside reported that he was sexually abused when he was 10 years old while at camp. He was staying with a host family. He did not report the abuse. According to collateral information from the defendant's mother, Mr. Burnside's father exposed him to a sexual encounter with a woman when he was 13 years old. His family was never investigated by DSS and he was not removed from the home or placed in foster care. He remembers hearing his mother's boyfriend strike her when they argued.

The defendant graduated from Byrnes High School with a diploma. He was an "A' student" and was in regular classes. He did not fail or repeat grades. He denied past suspensions and expulsions. He denied getting into fights and skipping school. He denied other behaviors associated with a Conduct Disorder.

He worked in manufacturing plants and helped his father with his carpentry business. He worked as a forklift operator in a warehouse. Just prior to his arrest, he owned a clothing store, a vehicle restoration business, and he worked as a dock coordinator at BMW®. His longest employment was "at the airport as a booth attendant." He denied past difficulty with employers. He has never received disability benefits and did not serve in the military.

Mr. Burnside has never been married. He has four children with four different women. He reported that he has a good relationship with all of his children. The defendant was living in his own home at the time of the arrest. He reported that he has been arrested once in the past for Criminal Domestic Violence.

A review of the defendant's NCIC report revealed the following past arrests and convictions:

1. August 6, 1993 – Petty Larceny (Dismissed); Criminal Domestic Violence (convicted)
2. February 8, 1994 – Criminal Domestic Violence
3. August 6, 1997 – Burglary (non-violent) 2nd degree (convicted); Grand Larceny, value greater than \$1,000 but less than \$5,000 (convicted), two counts
4. May 31, 1998 – Driving Under Suspension (convicted)
5. September 29, 1998 – Driving Under Suspension (convicted); Giving False Information (convicted)
6. August 19, 1999 – Driving without a License (convicted)
7. August 17, 2001 – Harassment (convicted)
8. August 7, 2012 – Entering Premises After Warning (convicted)
9. January 2, 2013 – Criminal Domestic Violence 2nd offense (convicted)
10. June 13, 2013 – Criminal Domestic Violence 2nd offense (convicted)
11. July 30, 2014 – Uninsured Motor Vehicle Fee Violation (nolle prossed); Open Container of Beer/Wine (convicted)
12. July 22, 2018 – Murder; Possession of a Weapon During Violent Crime; Possess Firearm by Convicted Felon; DUI

MENTAL STATUS EXAMINATION

Mr. Burnside presented to the evaluation appropriately dressed in detention center attire. He was reasonably well groomed with appropriate hygiene. He made good eye contact. No abnormal movements were noted. His speech was fluent and clear with normal volume when he spoke. He had a linear and goal directed thought process. He was cooperative with the evaluation and answered questions appropriately. He was alert and oriented to person, place, time, and situation. He had an average fund of knowledge. He was able to name the current president and two past presidents. When asked to subtract 67 cents from one dollar, he stated, "23 cents." The defendant was able to repeat three words presented to him and recall two after a period of distraction with hints. He was able to recall significant past personal information and we find no evidence of clinically significant long- or short-term memory impairment.

Mr. Burnside performed well on a test of concentration. He was able to place similar objects into abstract categories and interpret common idioms. His judgment to a hypothetical situation was fair. If he were in a crowded theater and smelled smoke, he stated, "I guess I would leave." The defendant described his mood as "depressed" and he was observed to have a sad affect (observed expression of mood) at times during the interview. He denied current suicidal or homicidal ideations. He denied current auditory or visual hallucinations, and he did not appear to be responding to internal distractions. He did not voice fixed, false beliefs (i.e. delusions).

DIAGNOSTIC IMPRESSION

He reported experiencing distressing flashbacks about a past traumatic experience, yet reported that he has difficulty remembering certain aspects of the event. He has had nightmares and poor sleep since that time. He reported depressed mood and difficulty experiencing positive emotions. Mr. Burnside reported that he experiences dissociative symptoms. According to the medical record, he experiences irritability regularly and complained of an exaggerated startle response. He admitted to avoidance of reminders of the event. These symptoms have been present for roughly eight months. Mr. Burnside meets the criteria for Posttraumatic Stress Disorder (PTSD).

Mr. Burnside reported depressed mood that is present every day. He reported poor sleep and low energy. He endorsed frequent thoughts of death, although no suicidal plans. He meets the criteria for an Unspecified Depressive Disorder. It is likely that his mood symptoms are related to the diagnosis of PTSD.

We were unable to find evidence of a Conduct Disorder prior to the age of 15; however, he has displayed a pervasive pattern of disregard for and violation of the rights of others since adolescence and young adulthood. He repeatedly engages in behaviors that are grounds for arrest. He acts out violently and impulsively. He displays a historical pattern of irritability and aggressiveness, physically assaulting others. When discussing past misbehaviors, he displays no remorse. The defendant meets the criteria for Antisocial Personality Traits.

CONCLUSION REGARDING CAPACITY TO STAND TRIAL

The S.C. Code Ann. §44-23-410 states a defendant lacks capacity to stand trial if that defendant "lacks the capacity to understand the proceedings against him or to assist in his own defense as a result of a lack of mental capacity"

Mr. Burnside required education on certain topics (see below) but he was able to retain the information presented to him. He stated that he could ask his attorney questions about his case, courtroom officials, and courtroom procedures.

The defendant was aware of the charges against him and the alleged acts that resulted in the charges against him. He stated that the charges were felonies and that they were serious. Mr. Burnside reported that he could get "life in jail or death penalty" if convicted of these charges.

Mr. Burnside identified his attorney as "Ryan Beasley". He reported meeting with his attorney prior to the evaluation "several times" and trusts that his case is being handled appropriately. He stated that his lawyer's job was "to try to raise down my charges...help for me" and that he was on his side. When asked if he would keep secrets from his attorney, he stated, "No."

The defendant stated that the solicitor's job was "to find me *guilty*" and that he was "against" him. When asked if he would speak to the solicitor without his lawyer present, he stated, "No."

He reported that the job of the judge was to "figure out who is guilty or innocent...how much time you get...dismiss people who are loud." He understood the neutral role of the judge. He understood the judge's role in sentencing.

The defendant was able to state that there are twelve jurors on a jury. He understood that all 12 have to agree for a *guilty* or *not guilty* verdict. He reported that a *guilty* verdict would result in sentencing and a *not guilty* verdict would result in being released from custody.

Mr. Burnside was able to state the pleas of *guilty* and *not guilty* and correctly defined them both. He was able to accurately describe the concept of a plea bargain. He understood that he did not have to accept a plea bargain. He understood that if he pleaded *guilty*, he would be giving up his right to a trial and receiving a sentence. He required education about the proceedings following entering a *not guilty* plea. After education, he understood that he would go to trial after entering a *not guilty* plea. He displayed some difficulty retaining this information but understood that he should consult with his attorney if he had questions about entering a *not guilty* plea.

Mr. Burnside was able to correctly solve a hypothetical problem involving the courtroom. For example, if someone were lying about him in court, he would tell his attorney. He understood the importance of appropriate courtroom behavior and understood that if he were to be disruptive in court, he would get an additional charge. He understood the importance of telling the truth under oath and that there could be consequences for lying under oath; he understood the term *perjury*.

He was able to describe the role of evidence and witnesses in his case. He was able to describe the role of evidence and witnesses in a hypothetical situation presented to him. He understood the requirements involved in probation.

He understood the concept of testifying in court. He thought that he could be forced to testify, but understood his right to refuse after education. He stated that he would speak with his attorney if he had questions about wanting to testify in the future. He stated that if he were to testify that he could be asked questions by the solicitor, judge, and his attorney. He reported that he did not know if he would get a fair trial, as he has not been through something like this before. His hope for the case is "it all goes away...I want to go to some kind of counselor for some help."

In summary, it is our opinion that the defendant understands the proceedings against him and is able to assist his defense attorney in the preparation of a defense should he choose to do so. Therefore it is our opinion that Mr. Derrick Burnside has the capacity to stand trial pursuant to State vs. Blair, 275 S.C. 529, 273 S.E. 2d 536 (1981) and S.C. Code Ann. §44-23-410 (1976).



Stephanie M. Le, MD
Forensic Psychiatrist

Psychiatric Evaluation
Derrick Burnside
Date of Birth: 2/6/73
Date of Evaluation: 6/4/19
Place of Evaluation: Spartanburg County Detention Center
Date of Report: 8/24/19

Identifying Information: Derrick Burnside is a 46-year-old male charged with the Murder of Latanya Richards in Spartanburg County, alleged to have occurred on 7/22/18. He was also charged with Possession of a Weapon, Possession of a Weapon by a Convicted felon and DUI.

Statement of Nonconfidentiality: Mr. Burnside understood the undersigned is an agent of his attorney and that all communications would be shared and potentially used in his upcoming legal proceedings.

Sources of Information:

Autopsy 7/23/18 performed by David Wren, MD
SLED Toxicology for victim
Coroner's report Eric Turner 7/22/18
Incident Details report
Crime Scene Photos
Autopsy Photos
Incident Report DUI, 1st 7/22/18
Traffic Ticket
RAP Sheet
Incident report Murder 7/22/18
Facebook posting 7/22/18

Pertinent Statements:

Developmental History

He reported he was born in the Bronx and lived there until age 19. He stated his parents were married. He reported a poor relationship with his father. He reported a belief that his father killed his Pekingese dog. He reported his parents divorced ten years ago.

He reported being exposed to "yelling and stuff" by his mother's Colombian boyfriend from childhood.

He reported he was molested by his friend's uncle. He stated while at summer camp in Pennsylvania, "Gary would watch us take baths together. I told him I wanted to go home. While I was taking a bath, another kid was there...a ten year old. He wiped us with a towel and fondled me." He stated it happened to his friend Nina "and worse."

He reported a number of friends were killed "in front" of him. He stated he was exposed to heroin addicts in Fort Apache. He stated his friend, Nina's uncles smoked crack. He stated when they went swimming one day when a female with them "got shot and died. I blamed myself." He stated he was robbed of a bike by knifepoint. "I was 11 or 12. A guy pulled me off with a Rambo knife."

He stated he was robbed of a sheepskin coat in high school and had a gun placed on him. "I was on the bus in front of everyone."

He stated he was robbed for a necklace near Radio Station.

School History

He reported he graduated from Byrnes High School.

Vocational History

He reported at the time of the offense, he was working for Pro Trans manufacturing. He reported he worked there for two years.

Family History

His mother is Sandra Arvello. He stated his 91-year-old grandmother died a few months before this evaluation. He stated his mother is 61 years old and has heart disease.

Medical History

Mr. Burnside is treated for Hypertension with Lisinopril 10mg daily. He reports his blood pressure is well controlled.

He reported a closed head injury as an infant. "I fell when I was 6 months old. They dropped me."

He reported another head injury after a motor vehicle accident in 1991. "I went through the windshield. He stated they hit a car "head on" that had tried to beat the light. He stated he was treated at Spartanburg Regional.

He reported residual headaches. he stated the left side of his head hurts when they come. He stated he sees "sparkles" (scintillating scotomata).

Psychiatric History

Mr. Burnside is presently prescribed the antidepressant, Effexor® 75mg . He reported improvement in his sleep and anxiety. In addition to depressed mood, insomnia and anxiety, he has reported suicidal ideation in the past. The Incident Details report indicated the victim's brother reported Mr. Burnside was at Fresh Threads talking about killing himself. He has a number of factors contributing to his depression including his present situation, long term alcohol use and preexisting depression. At 5pm on 7/22 he posted on Facebook: " This man ruined my life...Forgive me Lord, I tried." He stated he had shut down the store but had reopened it six weeks before his charges.

Mr. Burnside stated he saw a vision while asleep "before this happened. I saw a witch in my face." This can be consistent with depression or a sleep induced hallucination.

He reported a prior inpatient hospitalization at Charter of Greer "many years ago."

Substance Use History

Mr. Burnside was found so intoxicated after the offense, that he was using the volume button to unlock the door. He almost fell over when he exited the vehicle and smelled of alcohol. He reported that he drank two bottles of Hennessy.

He has numerous convictions for alcohol related offenses from 1998-2018.

He meets the criteria for Alcohol Use Disorder which is presently in a Controlled Environment.

Social History

He stated his former wife "was lying to keep me for financial gain." He stated his son told him: "Daddy, Mommy is coming home and messing around."

Legal History:

He was convicted of CDV in 1993 and 2012.

He was charged with Grand Larceny and Burglary in 1998.

He had a DUI 1st in 1998 and a DUI 3rd in 1999.

He was charged with harassment in 2001.

He was charged with CDVHAN in 2013 and sentenced to 1 yr suspended to 140 days and 2 years probation.

He was charged with Open Container in 2014.

Mental Status Examination

He reported an improvement in his mood. He stated he has forgiven himself, attends mental health and AA.

He was alert and oriented. He was able to reproduce a visual design without error. He performed average on a test of verbal fluency but exhibited perseveration. He was able to register three objects and recall two of three after five minutes. He required prompting to recall the third.

Screening Neurological Examination:

He had nystagmus. He perseverated on a Luria test. His Romberg sign was negative. He did not have frontal release signs. His Hoffman sign was negative.

Diagnoses

Major Depressive Disorder, recurrent, in partial remission

Alcohol Use Disorder, In a Controlled Environment

Post Traumatic Stress Disorder

Unspecified Neurocognitive Disorder

Discussion of Diagnoses:

Mr. Burnside reported a prior history of depression. He is presently being treated for depression. He had suicidal ideation after his charges and attempted to poison himself with alcohol.

He reports a history of being molested and witnessing many violent acts in New York.

He has some perseveration of a test of verbal fluency and on a Luria test which indicates some impairment in frontal lobe function.

Opinions

1. He has a rational and factual understanding of the proceedings and the capacity to assist in his defense.

2. Although he has depression and PTSD, he knew moral and legal right from wrong and was able to recognize the wrongfulness of his behavior.
3. Mr. Burnside stated on the day of the offense, he had visitation with his son who wanted to go home early. He stated he went to the victim's home, and the blinds were open. He stated he saw her paramour's truck there. He stated she wouldn't open the door. He stated she came to the shop to get their son. A fight ensued after she spit on him. He stated she was leaving, scratching him on the back of the head and right hand. He stated he released the trigger and ran to the passenger side. He stated he took his son to his mother's and then posted on Facebook. He stated he went to the store to kill himself. He stated he planned to overdose on alcohol. Even though he is mentally ill, he had the capacity to conform his conduct to the requirements of the law.

Recommendations:

1. His records from Charter of Greer need to be reviewed but are most likely not available since the institution is closed.
2. A more specific neurocognitive disorder can be diagnosed if he receives neuropsychological testing.

Donna S. Maddox, MD
Consulting Forensic Psychiatrist