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EVALUATION SERVICE OF FORENSIC DIVISION

S.C. SUPREME COURT

DATES OF EVALUATIONS August 16, 28, 30, and November 29, 2006
(Competency to Stand Trial Evaluation)

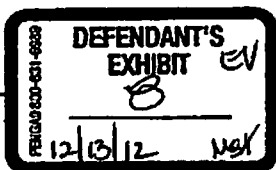
January 24, 29, and February 2, 2007
(Capacity to Appreciate Criminality of Conduct and to
Conform Conduct to Requirements of the Law Evaluation)

PRESIDING Richard L. Frerenson, M.D., Associate Professor
University of South Carolina School of Medicine

SECOND EXAMINER Marla Domino, Ph.D.
Forensic Psychologist, SCDMH

OTHERS PRESENT. Michael Ferlauto, M.D. (August 16, 28, 30, and November 29, 2006)
Fellow in Forensic Psychiatry
University of South Carolina School of Medicine
Charles Grose, Esq., Attorney for the Defendant (all interviews)
Donna Schwartz-Watts, M.D. (August 28, 30, and November 29, 2006)
Forensic Psychiatrist for the Defense
Sudhaker Morthala, M.D. (August 16, 2006)
Fellow in Forensic Psychiatry (for the Defense)
University of South Carolina School of Medicine
Mack Madden, M.D. (August 16, 2006)
Third Year General Psychiatry Resident
University of South Carolina School of Medicine
Robert Cotes (November 29, 2006)
Fourth Year Medical Student
West Virginia University School of Medicine
Jason Buckland, D.O. (January 24, 2007)
Third Year General Psychiatry Resident
University of South Carolina School of Medicine
Kelly Farns, M.A., Psychology Intern (February 2, 2007)

DIAGNOSES. **AXIS I:** Alcohol Abuse, by history
AXIS II: Narcissistic Personality Disorder with Schizotypal and Paranoid
Traits
AXIS III: History of Frostbite Injury with Chronic Peripheral Neuropathy
Chronic Lower Back Pain
Hypoglycemic Episodes, by history



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DISPOSITION Mr Bixby was returned to the Lexington County Detention Center to await further disposition of his charges

IDENTIFYING INFORMATION Mr Bixby is a 39-year-old Caucasian male seen at the Forensic Evaluation Center pursuant to two court orders from the Abbeville County Court of General Sessions. The first order requested an evaluation of his Competency to Stand Trial pursuant to State v Blair, 275 S C 529, 273 S E 2d 536 (1982) and S C Code Ann § Section 44-23-410 (1976). According to the court order, he is currently charged with two counts of Murder, Conspiracy, multiple counts of Assault with Intent to Kill, and Possession of a Firearm During the Commission of a Violent Crime.

Subsequent to the competency evaluation, a hearing was held in Abbeville on December 19, 2006. Dr. Michael Ferlauto (my co-examiner) testified that Mr. Bixby was competent to stand trial. Subsequent to that hearing, an order was received from the Abbeville County Court of General Sessions dated December 29, 2006, ordering that this examiner address "the issues of the Defendant's mental health, mental condition, or any mental illness as might affect his capacity to appreciate the criminality of his conduct or conform his conduct to the requirements of the law, and whether such capacity was substantially impaired at the time of the alleged offense." Finally, an Abbeville County Court of General Sessions court order dated January 16, 2007 was issued amending the December 29, 2006 court order. This third order requires that this examiner "(in addition to the defense) shall make note of any and all objections by the defense based on constitutional grounds. However, the examination shall proceed as far as is practicable notwithstanding any objections." Furthermore, the Court is to be notified when the evaluation is completed and a written report shall be made, but such written report shall be kept under seal until the court orders otherwise, with exception of release to the defense.

STATEMENT OF NONCONFIDENTIALITY: Mr Bixby was able to read a consent form prior to each competency to stand trial evaluation (August 16, 28, 30, and November 29 2006) explaining the purpose of the evaluation and the limitations of confidentiality. He understood that this was a court ordered evaluation for competency to stand trial only (not criminal responsibility or for mitigation/mitigation rebuttal) and that a copy of our report will be sent to his attorney, the solicitor, and the judge. He was told that the results of the competency evaluation could not be used to prove guilt. He was also informed that we could be called to court to testify at a competency hearing. He understood that he was not required to answer questions. He elected to proceed voluntarily with the evaluation.

During the second set of evaluations (January 24, 29, and February 2, 2007), Mr Bixby was aware that he was being seen for a court ordered mental evaluation but stated, "I do object to this strongly." The objections of Mr Bixby individually and through counsel were recorded on audiotape. In summary their objections are as follows:

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“First, this evaluation is being ordered over Mr Bixby’s objections and without his consent. We object to the evaluation going forward based on his rights not to incriminate himself that are contained in the United States and South Carolina Constitutions. Mr Bixby’s cooperation in the evaluation will be to avoid possible sanctions by the court which might include but not necessarily be limited to contempt of court and suppression of some or all of his mitigation evidence. We believe that the order unconstitutionally conditions his right to present mitigation on his waving his right to remain silent.

Second, we object to any questions about Mr Bixby’s social history because the state intends to use those answers against him to impose the death penalty. The court order compelling him to answer these questions violates his rights not to incriminate himself found in the United States and South Carolina Constitutions and unconstitutionally conditions his right to present mitigation on his waving his right to remain silent.

Third, we object to any questions about Mr Bixby’s medical or mental health history because the state intends to use those answers against him to impose the death penalty. The court order compelling him to answer these questions violates his rights not to incriminate himself found in the United States and South Carolina Constitutions and unconstitutionally conditions his right to present mitigation on his waving his right to remain silent.

Fourth, we object to any questions about Mr Bixby’s state of mind or mental condition on the incident date because the state intends to use those answers against him to impose the death penalty. The court order compelling him to answer these questions violates his rights not to incriminate himself found in the United States and South Carolina Constitutions and unconstitutionally conditions his right to present mitigation on his waving his right to remain silent.

Fifth, we object to any questions about the facts of the incident because the state intends to use those answers against him to impose the death penalty. The court order compelling him to answer these questions violates his rights not to incriminate himself found in the United States and South Carolina Constitutions and unconstitutionally conditions his right to present mitigation on his waving his right to remain silent.”

As noted, Mr Bixby did not give informed consent to this evaluation, but stated he would answer my questions to avoid possible sanctions from the Court. Moreover, he did not agree to allow me to consider the 12 hours of prior interview that I had witnessed during the Competency to Stand Trial evaluation, an evaluation which was preceded by assurances, including some in the actual court order, that statements he made during the competency to stand trial evaluation could be used for no other purpose than to establish competency. After consultation with several colleagues about the ethical conflict posed by my position in this case, this examiner contacted the Honorable Alexander S. Macaulay, Presiding Judge, on January 24, 2007, with counsel for the defense and the Department of Mental Health present, during this conversation I asked to be allowed to recuse myself from the current court ordered evaluation as it presented serious ethical conflicts for this examiner because without Mr Bixby’s consent, I was being court ordered to conduct an evaluation which exceeded the

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scope of the earlier competency to stand trial evaluation in circumstances in which I could not help but consider information obtained from Mr Bixby during that competency evaluation I was informed by the Court that I would not be excused from conducting the evaluation per its December 29, 2006 Order and I was given to understand that I would face potential sanctions if I did not to proceed with the evaluation

SOURCES OF INFORMATION

- 1 Abbeville County Court of General Sessions court order for an evaluation of competency to stand trial
- 2 Lexington County Detention Center medical records for the defendant
- 3 Letter from Rita and Arthur Bixby with attachments dated December 5, 2003
- 4 South Carolina Law Enforcement Division (SLED) Forensic Laboratory Report
- 5 Document titled SWAT Call Abbeville County (timeline)
- 6 SLED memo regarding call from Mark Horton, D M D dated December 9, 2003
- 7 SLED memo regarding Rita Bixby's voicemail message to Attorney General's Office
- 8 Search warrant for Verizon Telephone Company records
- 9 Letters dated December 1991 to January 2000 between the South Carolina Attorney General's Office and the New Hampshire Attorney General's Office regarding extradition of Steven Bixby
- 10 Correspondence dated January to March 2000 between Rita Bixby and the Abbeville County Magistrate Court regarding a bond refund
- 11 Arrest Warrant G-156795 for Fugitive from Justice dated November 1, 1999
- 12 Abbeville Police Department Incident Report dated April 30, 1998 for Criminal Domestic Violence
- 13 Court order dated December 10, 2003 authorizing emergency interception of communications
- 14 Record of phone calls intercepted by SLED on December 8, 2003 from 4 44 p m to 10 55 p m
- 15 SLED Investigative Report dated January 13, 2004
- 16 Voluntary statements by Craig Gagnon, Darren Lewis, Charles Wilson, Ruth Alane Taylor, Dana Newton, Barry New, Steve Sluder, Ed Strckland, Steven McDade, Deborah Graham, Leslie Norman, John Smith, Miranda Erwin, Michael Kellum, Dale Williams, Glen McCaffrey, Michael Hannah, Joseph McCurry, and Douglas Hixon
17. SLED addendum dated January 5, 2004
- 18 SLED Memos of Interview for Rita Bixby, Dennis Smith and Lieutenant John Smith
- 19 Autopsy reports on Donald Ouzts and Daniel Wilson
- 20 Voluntary statement by Steven Bixby dated December 9, 2003
- 21 Letter from Steven Bixby to his daughters
- 22 Arrest Warrant #H-550006 for Conspiracy/Criminal Conspiracy
- 23 Arrest Warrants #H-550007 and H-550008 for Murder
- 24 Search warrants and inventories of return for Bixby properties
- 25 Abbeville County Sheriff's Office Incident Report dated December 8, 2003

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- 26 SLED agent statements by Kelly Ward, Fred Powell, John Bishop, Terry Casey, Cambo Streater, Alex Underwood, F Conrad, R Owens, Ed Carroll, Lewis McAlhany, Knstopher Feldner, Ken McRae, and Gregg Shockley
- 27 Voluntary statements by Mark Hormon, Bruce Smith, Michelle Cox, Steven Beauford, Mike Holbert, Kitty Hawkins, Elise Wilson, Emily Smith, Noel Thompson, Angela Mobley, Daniel Bixby, Ronnie Corley, and George Foley
- 28 SLED Memos of Interview for Michael Lezott, Jeanne Watt, Shirley Surrett, and Rita Bixby
- 29 Weapons Inventory by Greenville Alcohol, Tobacco and Firearms Office dated December 15, 2003
- 30 National Tracing Center Firearms Trace Request
- 31 Abbeville Call Record Report (911 transcript)
- 32 Abbeville Sheriffs Office Incident Report dated September 5, 2003 for Unlawful use of Telephone
- 33 Document titled National Comprehensive Report Plus Associates dated December 10, 2003
- 34 National Crime Information Center (NCIC) Report for the defendant
- 35 Voluntary statement by Special Agent Major Banks of the Internal Revenue Service (IRS) dated December 11, 2003
- 36 Greenwood County Detention Center incident reports for the defendant dated March 2004 to October 2004
- 37 SLED Forensic Services Lab Report
- 38 New Hampsnire State Police Investigative Reports dated January 13, 2004 to February 20, 2004 (includes interview of Daniel Bixby)
- 39 Abbeville County Memorial Hospital records for the defendant dated December 8, 2003
- 40 Letters from Steven Bixby to Alane Taylor written daily from December 16, 2003 to September 2004
- 41 Dartmouth-Hitchcock Medical Center medical records dated August 1990 to May 1994
- 42 Greenwood County Detention Center medical records dated December 2003 to October 2004
- 43 Anderson County Detention Center records
- 44 CD-ROM of SLED crime scene photos
- 45 Examination of SLED robotic devices on September 6, 2006 at SLED headquarters
- 46 Abbeville County Memorial Hospital medical records for Arthur Bixby
- 47 Letters from Rita Bixby to Steven Bixby since December 2003
- 48 Forensic Psychiatric Report of Arthur Bixby by Mayank H Dalal, M D dated July 5, 2006
- 49 Review of a social history on Arthur Bixby obtained by Jimmie Spires, LMSW from Daniel Bixby
- 50 SLED photograph (dglital copy) of the Bixby kitchen window provided electronically by Charles Grose, Esq
- 51 Thirty minute telephone interview of Alane (Ruth) Taylor on December 7, 2006
- 52 One hour interview with Rita Bixby on December 8, 2006 with Jeffrey P Bloom, Esq (attorney for Mrs Bixby) present
- 53 Abbeville County Court of General Sessions court order permitting the presence of defense counsel and defense expert Dr Schwartz-Watts during the competency evaluation The order

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further stipulates that in the event of Dr Schwartz-Watts' absence, Dr Sudhakar Morthala shall be permitted to attend any evaluations along with a court designated video recording device

- 54 IQ testing results provided electronically by Charles Grose, Esq
- 55 Abbeville County Court of General Sessions court order dated December 29, 2006 ordering that this examiner address "the issues of the Defendant's mental health, mental condition, or any mental illness as might affect his capacity to appreciate the criminality of his conduct or conform his conduct to the requirements of the law, and whether such capacity was substantially impaired at the time of the alleged offense "
- 56 Abbeville County Court of General Sessions court order dated January 16, 2007 amending the December 29, 2006 order in #55 above
- 57 Review of a videotape of the August 16, 2006 evaluation
- 58 Telephone interview with Daniel Bixby, brother of the defendant, on January 27, 2007
- 59 Telephone interview with Deb Kerth, defendant's sister, on February 1, 2007
- 60 Birth records for the defendant from Brightlook hospital in St Johnsbury, Vermont
- 61 Forensic psychiatric interviews with the defendant on August 16, 28, 30 and November 29, 2006 and January 24, 29, and February 2, 2007 totaling approximately 17 hours in duration

Due to time constraints placed on the Capacity to Appreciate Criminality of Conduct and to Conform Conduct to Requirements of the Law evaluation, we requested that the defense provide the following MRI scan or CT scan results, EEG results, and results of neuropsychological evaluation However, this request was denied by the defense as not being a requirement of the court order The defense did agree to provide a copy of Mr Bixby's birth record

PERSONAL HISTORY Mr Bixby was born in St Johnsbury, Vermont, on August 17, 1967 at 37 weeks gestation and weighed 5 lbs and 7 oz There are no abnormalities reported in his birth record (Mr Bixby reported that he was told that he was born premature and only weighed 4 lbs at birth) He was raised by his biological parents along with one full brother and nine half siblings In describing his childhood he said, "There was never a dull moment We were like the Brady Bunch We got along well with our parents and were really close " He denied major disciplinary problems at home This was confirmed by his mother According to his mother, Mr Bixby was a normal child and his developmental milestones were reached at appropriate ages In fact, she reported that he was slightly advanced when compared to her other children There is no history of truancy, running away, fire setting, or cruelty to animals (symptoms consistent with Conduct Disorder) Rita Bixby was a strict disciplinarian who spanked her children with a paddle and belt, frequently, according to Daniel Bixby (defendant's brother), leaving marks According to Daniel she had a paddle with all of the children's names written on it According to his sister, if one child got in trouble all the children would sometimes get spanked -- the others for not telling on their sibling

Mr Bixby reported one incident of sexual molestation as a child which occurred when he was eight or nine years of age and involved oral/genital sexual stimulation He reported there were several incidents of reattempts The perpetrator was estimated to be around 17 years of age, but Mr Bixby

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declined to name him Mr Bixby denies long term sequelae from this incident and specifically did not report symptoms of Posttraumatic Stress Disorder (PTSD)

Mr Bixby said that he attended regular classes in public school but "flunked" the 7th grade because of "trouble with the teachers " His sister reports that he required extra help at home with his school work during his early school years but he denies this He admitted to getting into several fights with other students Mrs Bixby reported that she sued to have Steven and his older brother, Daniel, home-schooled after Daniel was assaulted by a math teacher Although Steven described his home schooling as Christian-based, Mrs Bixby reported that it was a standard curriculum that also taught religious and patriotic values When asked, she added that she definitely taught the U S Constitution more than it is taught in public schools She was also opposed to sex education in the public school system because she felt that it encouraged experimentation She also stated that in the public school system Steven was picked on by other kids and teased for being "cross-eyed " She said that he took up for other kids who were being bullied Both Steven and his mother confirmed that he earned a high school diploma He had no further education According to his mother, Mr Bixby did not need further education because his father taught him carpentry and in college "all they do is raise the devil there " Mr Bixby denied a history of arrests as a minor but he admitted that the last school he attended "threatened to send Daniel and me to a youth detention center after a fight with another student "

After high school, Mr Bixby worked for his father in a contracting business Most of his work experience has involved carpentry In his lifetime, he has also worked as a cook, convenience store clerk, machine operator and, more recently, on a chicken farm For a period of time he received Social Security Income after sustaining frost bite injuries in 1988 In recent years he has supplemented his income with a concession stand that he operated at outdoor festivals and fairs

Mr Bixby married when he was approximately 19 years old He met his wife when she was auditioning as a singer for a music group that included his brother He and his wife had three daughters, Heather, Michelle, and Nichole, but their marriage ended after 7-8 years According to Rita Bixby, his wife engaged in "parental kidnapping" and took the kids to Vermont She reported that Steven did not fight for custody because he thought such a fight would be harmful to his children

Both Mr Bixby and his mother denied a history of mental illness in either side of the family Mrs Bixby also reported that she has never thought that Steven suffered from a mental illness Mr Bixby has never been hospitalized for psychiatric reasons, but he was evaluated in the Abbeville County Memorial Hospital Emergency Department in 1997 after expressing suicidal ideation to several friends Medical records indicate that he was distraught over the breakup with a girlfriend and was intoxicated at the time of his suicidal statements He was diagnosed with Adjustment Disorder with Depressed Mood and followed as an outpatient for several weeks to ensure resolution of his symptoms During our evaluation Mr. Bixby denied signs or symptoms of depressed mood since his incarceration. Available detention center records also give no indication of mental health issues since his arrest

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In relating his medical history, Mr Bixby reported that he suffered a frostbite injury in December of 1988. Apparently he was hanging siding on a house in subzero temperatures when this occurred. He stated that as a result of his injury, he only feels pressure in his hands now. Mr Bixby reported that he had three bouts of "viral meningitis," but medical records obtained from the hospital where he said he was treated do not indicate such a diagnosis. His mother confirmed that he had been diagnosed with meningitis in the past. Medical records from Dartmouth-Hitchcock Medical Center in Hanover, New Hampshire, confirm his reports of herniated discs in his spine and peripheral nerve damage from frostbite. Finally, Mr Bixby reported that he has episodes of hypoglycemia (low blood sugar). He denied a history of head injuries resulting in loss of consciousness. However, during the February 2, 2007 interview he reported that he was kicked in the head and knocked unconscious for an unknown period of time at the time of his arrest. He also reports a history of several seizures but these can not be confirmed by the available medical records. He is very vague in describing his seizure history but states that he does not remember them and has only had a couple of seizures in his lifetime. He reports at least one episode of incontinence associated with a seizure. At the time of our interviews, he was only taking anti-inflammatory medication for chronic back pain.

There is no evidence of a history of childhood Conduct Disorder. Mr Bixby reported that as an adult he has been convicted of Driving While Intoxicated, Driving with License Suspended and Simple Assault (dropped from Criminal Domestic Violence). He also acknowledged that he has a pending "phone harassment" charge from 1998. National Crime Information Center (NCIC) records confirm his account.

DIAGNOSTIC IMPRESSIONS: Mr Bixby has displayed a pervasive pattern of grandiosity, need for admiration, and lack of empathy beginning by early adulthood and present in a variety of contexts. This pattern is consistent with Narcissistic Personality Disorder as outlined in the Diagnostic and Statistical Manual of Mental Disorders (DSM -IV TR).¹

One criterion for this diagnosis is a grandiose sense of self importance. Many of the police statements provided by Mr Bixby's friends and neighbors suggest that he was known in his community for strong opinions and an inflated ego. Lieutenant John Smith stated, "Steven had a mouth always bragged about computers and how smart he was with computers." His brother, Daniel Bixby, commented that they never got along because "He is always right and everyone else is wrong." His brother also reported that Steven's ideas were heavily influenced by his mother. Mr Bixby's exaggerated sense of self importance is also evident in the way he discusses the significance of his trial. He describes his family's involvement as a mission from God, vital to the preservation of freedom that he believes all Americans take for granted. He perceives himself as a political prisoner standing up for the principles established by our founding fathers.

¹ Diagnostic and Statistical Manual of Mental Disorders, 4th Edition, Text Revision. American Psychiatric Association. Washington D.C., 2000, p. 717.

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Another diagnostic criterion for Narcissistic Personality Disorder is a preoccupation with fantasies of unlimited success, power, brilliance, beauty, or ideal love. For example, he believes that South Carolina will pay him millions of dollars in restitution for illegally incarcerating him for the last three years. His letters to Alane Taylor (a female acquaintance) describe in great detail how he will use the money to build and operate two extravagant resorts in Vermont and Myrtle Beach. He suggested to Alane on more than one occasion that their success in this venture would transform local economies and provide a shining example of successful business management for other Americans. In his letters to Alane Taylor, he also fantasized about a perfect marital relationship with her. However, in a telephone interview with Ms. Taylor, she informed us that it had been many years since they had been romantically involved.

Individuals with Narcissistic Personality Disorder also commonly believe that they are "special" and unique and can only be understood by, or should associate with, other special or high status people or institutions. Mr. Bixby tries to elevate his own stature by associating himself with well known institutions and individuals. For example, available medical records indicate that when he was living in New Hampshire he refused to receive medical care anywhere other than the hospital affiliated with Dartmouth Medical School. After his arrest he has also complained to Alane that his legal team was inadequate and that he needed the "Dream Team" to represent him. He asked her to contact Alan Dershowitz, F. Lee Bailey and Johnny Cochran because he thought that they would take his case for "the attention and prestige" even if he could not afford to pay them. In one of his earliest letters he also suggested that an interview with Barbara Walters or Hard Copy might "crack this case and free us all."

Persons with Narcissistic Personality Disorder also require excessive admiration. In August 2004 Mr. Bixby excitedly wrote to Alane about a man who sent him "fan mail." He told her that he was sure that the detention center was illegally withholding additional fan mail as well. During the November 29th interview he informed us that he sent his political platform for the gubernatorial election to the local newspaper. He did not understand why they did not publish it. He also told us that he was considering running for Sheriff of Abbeville County after his anticipated release.

Persons with Narcissistic Personality Disorder frequently lack empathy and are unwilling to recognize or identify with the feelings and needs of others. His letters emphasize that he and his parents were the only victims that day. Mr. Bixby's self absorption and lack of empathy extended to Alane as well. Despite many promises about how he would make her life better if he were free, he frequently placed his own needs above hers. In a later interview with Alane, she acknowledged that the emotional and financial burden of supporting him finally became too much to handle so she broke off the relationship.

During our interviews, Mr. Bixby appeared to enjoy the extra attention created by his "high profile" case. He had a confident answer for almost every question posed to him and he did not hesitate to elaborate or expand upon his social and political philosophies. He was reluctant to acknowledge that anyone else might have greater experience or aptitude. However, despite a significant inflation of his

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perceived abilities, Mr Bixby's sense of self worth did not approach delusional quality or intensity. When pressed, he conceded some personal shortcomings as well as the possible skills of others. For example, he admitted that his attorneys probably have more familiarity with criminal case law and procedures.

Mr Bixby also displays many characteristics of Paranoid Personality Disorder, but does not meet full diagnostic criteria.² This disorder is characterized by a pervasive distrust and suspiciousness of others such that their motives are interpreted as malevolent.

Mr Bixby denied paranoid thoughts in recent years but he admitted that "you always have to be on guard." Although he bristled at the suggestion that he might be "anti-government," he openly discussed his distrust of government employees and politicians. His pervasive distrust of others is also evident in the fact that he claimed to have had his home computer rigged so that it would be wiped clean if anyone tampered with it. In addition, he admitted that he purchased police scanners many years ago specifically to monitor law enforcement activities. Finally, when he did not receive a letter from Alane that he was expecting, he immediately suspected that the guards in the detention center were purposefully withholding his mail. Available information also suggests that Mr Bixby persistently bears grudges against people he believes have harmed or insulted him or his family. Even minor slights appear to trigger significant anger. When he found out that someone made a less than optimal offer on his catering trailer in 2004, he took it as a personal insult. Now, two years later, he still appeared irritated when discussing this incident. Mr Bixby's paranoia has also extended to this examiner. He initially believed that I was being used by the State to find him incompetent to stand trial so that the "truth" about the government's mistreatment of his family would never be revealed. Even after I opined that he was competent to stand trial and attempted to recuse myself from further involvement in his case, his suspicions about me continued. He now suspects I am being used by the State to testify that he is mentally ill in an effort to damage his credibility as a witness.

Despite a long history of generalized distrust and hypersensitivity to perceived character attacks, Mr Bixby's beliefs have not crossed into delusional territory. Although extreme, his belief system is clear, rationally expressed, and shared by many of his friends and other people throughout the country. More importantly, it is apparent that he was raised by parents, especially a mother, who nurtured a strong distrust of government. After interviewing his mother, it is apparent that Mr Bixby's beliefs are not significantly different from hers. While growing up in New Hampshire, his parents belonged to a group of persons who would meet to discuss Constitutional issues. According to Daniel Bixby's statements to New Hampshire police, his mother was the most "fanatical" member. He said that she would often get involved in other people's court cases as their "constitutional advisor." She confirmed that she did this legal work *pro bono* because she was interested in protecting people's Constitutional rights. According to Daniel, wherever they lived, his parents always became involved in boundary

² Diagnostic and Statistical Manual of Mental Disorders, 4th Edition, Text Revision. American Psychiatric Association, Washington D.C., 2000, p. 694.

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disputes with their neighbors. Daniel reported that his brother was "a magnification of his mother." Dana Newton (a witness) said, "He was always worse after he had spent time with his parents." Based on the available information, it is our conclusion that Mr. Bixby became indoctrinated in an extremist ideology during his childhood that has continued into his adult years.

Mr. Bixby also displays some features of a Schizotypal Personality Disorder, but does not meet full diagnostic criteria.³ This personality disorder, in part, is characterized by cognitive or perceptual distortions and eccentricities of behavior.

Mr. Bixby once told Alane that he has always been a "wiz" with numbers. During our evaluation he confirmed a long standing interest in numbers going back to his childhood years. He applies special meanings to numbers. His letters to Alane frequently reference historically significant dates or numbers that he links to upcoming events. For example, he pointed out that 0628 was the docket number on his grandfather's probate estate hearing and was also the last four digits of his apartment phone number. He explained that his parents' home in Abbeville was purchased with money from his grandfather's estate and therefore this number must be significant. For several weeks after making this connection he anticipated that something big was going to happen on June 28, 2004 (i.e. 06/28). In another letter he wrote that the Constitution was "made in 1787 - July 4th which was 207 years ago this July 4th! Dad has his birthday July 4th count the days between December 8th and July 3rd. Guess what? 207 days!" He concluded that this was some form of divine message. As another example, he counted 817 blocks in the wall of his cell and later realized there were 817 days between the events of September 11, 2001 and December 8, 2003.

His letters to Alane over the next few months suggest that he became increasingly preoccupied with finding evidence of God's involvement in the events of December 8, 2003. For example, he claimed that a crime scene photograph containing a reflection of light in the kitchen window represented a guardian angel. When this photograph was shown to his mother, she simply stated that "if he sees an angel then it must have been there."

Mr. Bixby's beliefs that numbers contain clues to his fate and that God protected him and his father on the date of the alleged offenses are clinically described as examples of magical thinking. It is also additional evidence of the exaggerated sense of self importance discussed in earlier sections. Rita Bixby's letters to her son demonstrate that she also has a tendency to assign special significance to seemingly benign dates, numbers and events. This suggests that Mr. Bixby's fascination is simply an eccentric habit adopted from an over-identification with his mother rather than a symptom of a psychotic illness. This is not unlike the magical thinking seen in many baseball players who develop bizarre rituals about "lucky socks" or "unlucky bats" after many years of playing alongside older players with such superstitions. Mr. Bixby also told us that he had a talent for anticipating future events, but he stopped short of saying that he could predict the future. He agreed that it was like he

³ Diagnostic and Statistical Manual of Mental Disorders, 4th Edition, Text Revision, American Psychiatric Association, Washington D.C., 2000, p. 701.

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had a "sixth sense " As mentioned earlier, many of his letters are also filled with detailed fantasies about his future wealth and fame In summary, Mr Bixby's tendency to ascribe excessive significance to benign or coincidental events, along with his eccentric beliefs in paranormal events, is commonly seen in individuals with Schizotypal Personality Disorder However, his symptoms do not satisfy enough diagnostic criteria for the full disorder

In terms of his substance use history, Mr Bixby admitted to occasional "binge drinking " He stated that his last episode of heavy drinking was in 1999 when he drank thirty-five beers in twelve hours He acknowledged that he was convicted of a DUI and disorderly conduct In addition, he stated that a previous assault charge occurred while he was intoxicated He also admitted that his alcohol use had caused problems with his ex-wife, but he denied symptoms of withdrawal with abstinence or repeated attempts to cut back his use He also denied that alcohol has impacted occupational or other social activities In light of the available information, Mr Bixby meets diagnostic criteria for Alcohol Abuse, by history

MENTAL STATUS EXAMINATIONS On August 16, 2006, Mr Bixby was dressed in detention center clothing He was reasonably groomed He wore thick eye glasses and had a reddish rash on his cheeks There were no unusual motor movements or mannerisms observed His eye contact was fair and his speech was normal in rate, volume and quality He was pleasant, cooperative and showed an appropriate sense of humor He said that his mood was "as well as can be expected under the circumstances " There were no visible signs of depression during our interview His thought process was logical and coherent He denied disturbances in sleep, appetite, energy or concentration He also denied suicidal or homicidal ideations or symptoms consistent with manic episodes He described vivid dreams which he called "visions of the future" and unusual experiences with dates and numbers However, he denied delusional paranoia or auditory or visual hallucinations Formal cognitive testing was not done on this date, but he was attentive during our interview and showed no evidence of memory or cognitive impairments His vocabulary and general communication skills were appropriate to his level of education

On August 28, 2006, Mr Bixby's appearance and behavior were unchanged except that his rash had improved He described his mood as "pretty good" which was consistent with our observations He denied changes in his mood or thinking from the previous interview and specifically denied suicidal or homicidal ideation Cognitive screening revealed that he was oriented to the year, month, date, state, city and general location He demonstrated good long term memory He also registered three words and was able to recall all three objects five minutes later without difficulty His fund of knowledge was average or slightly above average as indicated by a considerable awareness of current events and past presidents He was attentive to our interview and showed adequate concentration by correctly spelling *world* forward and backward He demonstrated an ability to think abstractly by appropriately interpreting several proverbs and explaining the similarities between paired objects

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On August 30, 2006 and November 29, 2006, Mr Bixby's appearance and behavior were essentially unchanged. He denied depressive, psychotic or anxiety related symptoms. He also denied suicidal or homicidal ideation.

A formal mental status evaluation was not conducted on January 24, 2007 but Mr Bixby's overall mood, affect, and demeanor were similar to prior interviews. His thinking remained logical and goal directed without loosening of associations or flight of ideas.

On January 29, 2007 Mr Bixby was neatly groomed and cooperative with the interview. He is now bearded. He made good eye contact. He was alert and oriented to person, place, day, date, and time. He was able to register three objects. He recalled two of them after five minutes and he was able to recall the third object with a prompt. There was no evidence of clinically significant long or short term memory impairment. He demonstrated a capacity for abstract reasoning and he was able to perform a calculation. His fund of knowledge was in the average range as evidenced by recall of past Presidents. He described his mood as "moody," but a 5 or 6 on a scale of 1 to 10 with 1 being severely depressed and 10 being euphoric. He denied suicidal or homicidal ideation. His affect was mostly full range and appropriate. He became tearful when discussing the events of December 8, 2003. He denied hallucinations or delusions and there was no evidence of disturbed thought processes or thought content. His thinking was logical and goal-directed without loosening of associations or flight of ideas.

A formal mental status examination was not conducted on February 2, 2007, but Mr Bixby's mental state appeared unchanged from January 29, 2007. He had shaved his beard but retained a moustache.

SUMMARY OF PSYCHOLOGICAL TESTING During the Competency to Stand Trial evaluation Mr Bixby was administered the Personality Assessment Inventory (PAI) by Marla Domino, Ph.D. This 344 item questionnaire can not be used independently to arrive at a diagnosis, but it is often used to assist the examiner in the identification of personality traits. Internal validity scales determined that his results were valid for interpretation. Specific personality pathology was not detected by the PAI. Dr. Domino concluded that Mr Bixby's symptoms and behavior met diagnostic criteria for Personality Disorder, Not Otherwise Specified with Narcissistic, Paranoid and Schizotypal traits.

Psychometric measurement of IQ by a defense-retained psychologist revealed a Full Scale IQ of 84 with a Verbal IQ of 88 and a Performance IQ of 80. This falls in the low average to borderline range of human intelligence.

On February 2, 2007 Mr Bixby was administered the Repeatable Battery for the Assessment of Neuropsychological Status (RBANS™). His overall total RBANS score was in the "Borderline" range. The RBANS is made up of 5 domains with results as follows:

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- 1) Immediate memory (immediate recall of verbally-presented information) - "Extremely Low" range
- 2) Visuospatial/Constructional (visual-spatial abilities) "Borderline" range
- 3) Language (ability to verbally name visual stimuli and identify learned information) "Borderline" range
- 4) Attention (ability to retain oral and visual material in short-term memory) "Low Average" range
- 5) Delayed Memory "Low Average" range

In comparison to what we know about his IQ, his subscale scores are about what would be expected, barring the Immediate Memory domain which is lower than expected. During one of those subtests, Mr Bixby admitted he went "blank" and was having a hard time concentrating (for unknown reasons), thus suggesting this to be a low estimate of his Immediate Memory capabilities.

CONCLUSION REGARDING CAPACITY TO APPRECIATE THE CRIMINALITY OF HIS CONDUCT OR CONFORM HIS CONDUCT TO THE REQUIREMENTS OF THE LAW

Mr Bixby and his parents possess a very unusual value system or ideology that idealizes the fierce protection of what they view as core principles contained in the U.S. Constitution. According to one New Hampshire resident, Mr Bixby's parents, Arthur and Rita, were members of a group known as Constitutional Revivalists (Mr Bixby denies the name of this group – he states the Constitution does not need reviving because it has never died). He admits that he and his parents would attend a group that discussed Constitutional issues. Rita Bixby has a history of an abundant interest in Constitutional issues as evidenced by her having represented people in courts in New Hampshire and carrying around a copy of the Constitution in her purse. She has a history of being involved in land disputes in New Hampshire. On interview, Mr Bixby's mother prides herself on how well she taught the U.S. Constitution to Steven. She is described by Daniel Bixby (defendant's brother) and Deb Keith (defendant's sister) as controlling and rigid. She does not tolerate persons with opinions different from hers and this has led to numerous estrangements of several of her children.

Rita Bixby's forcible indoctrination of Steven Bixby to the regimented ideas concerning the Constitution and government occurred at an impressionable age – he was around age 11 or 12 when his home schooling began. The development of his value system was influenced by many variables. First, his low intellectual functioning would have made him susceptible to such indoctrination. (We find insufficient evidence that his Full Scale IQ of 84 is an acquired deficit or that it was not present from birth. This IQ is consistent with his intellectual functioning as reflected through what is known of his school performance and his occupational performance.) Second, the intense nature of Mr Bixby's relationship to his mother contributed to her influence over him. Mr Bixby is the youngest child of Rita. He admits that he is closer to his mother than any of his siblings. Rita admits spending "so much time protecting Steven" from the ridicule of other kids. Rita Bixby's letters to Alane appear to show more mention of concern for Steven than for her husband. Prior to the alleged offenses Mr Bixby would spend the beginning of every day drinking coffee with his parents. Daniel Bixby reported that "Steve's ideas were influenced by his mother." Daniel reported that for him [Daniel] Rita's ideas were "in one ear and out the other," but this was not the case for the defendant. All of these facts

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point to an unusually enmeshed mother/son relationship As reported by one witness, Dana Newton, Mr Bixby was always more agitated about issues such as the land dispute after he spent time with his parents Finally, given his degree of narcissism, he would be unlikely to be swayed by the opinions or values of others such that his value system and ideology would be resistant to change or challenge by outside influences

Mr Bixby's has ideas about defending the Constitution that are not shared by many members of society These ideas are the result of an indoctrinated value system that stems from childhood and continues into adulthood They are so firmly held and strongly valued by Mr Bixby that he becomes tearful when discussing how much he feels victimized by the events of December 8, 2003 Mr Bixby does not appear to appreciate the criminality of his conduct as he genuinely believes that he has done nothing wrong and that he and his parents are the true victims in this case In over nine months of lengthy daily letters to Alane Taylor from December of 2003 until August or September 2004, he repeatedly asserts that state government authorities behaved in a manner outside of the rights of the State under Constitutional law and that he and his parents had a right and a duty to defend themselves This assertion is also reflected in his statements during the current evaluation as well as statements reported in the media immediately after his arrest

However, pursuant to the court order dated December 29, 2006, this examiner does not find evidence of mental illness "as might affect his capacity to appreciate the criminality of his conduct or conform his conduct to the requirements of the law " Mr Bixby has no evidence of a psychotic disorder, major mood disorder, or other severe and persistent mental illness In his only prior contact with a mental health provider, his diagnosis was Adjustment Disorder with Depressed Mood, a time-limited disorder that is characterized by depressive symptoms that develop in reaction to a stressor – in his case, the loss of a relationship with a girlfriend Mr Bixby's mother, brother, and sister report that they have never had reason to believe that Mr Bixby was mentally ill During 17 hours of clinical interview Mr Bixby has not displayed psychotic symptoms or symptoms of a mental illness which could have impaired his ability to appreciate the criminality of his conduct or conform his conduct to the requirements of the law

RECOMMENDATIONS In the short term, it would be beneficial for Mr Bixby's lawyers to avoid challenging Mr Bixby's global views since this is only likely to provoke distrust When practical and appropriate, giving him the opportunity to participate as much as possible in the preparation of his defense may actually increase his trust in his lawyers and reduce self destructive behavior



Richard L. Frazier, M D
Director, Forensic Psychiatry Fellowship
Associate Professor
University of South Carolina School of Medicine

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